

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

January 28, 2020

Karl Racine
Attorney General
Office of the Attorney General for the District of Columbia
441 4th Street, N.W.
Washington, D.C. 20001

Dear Attorney General Racine:

The Committee on the Judiciary and Public Safety will hold performance oversight hearings on agencies under its purview in January, February, and March of 2020. In preparation for your hearing, the Committee is sending the following questions for your response. Please submit your responses no later than the close of business on **February 25, 2020**, in Word or Excel format, as applicable, and *minimize the use of attachments*. The Committee additionally requests three bound, paper copies of your responses. If you need to discuss any of the questions, please contact Kate Mitchell, Committee Director, at kmitchell@dccouncil.us or (202) 727-8275.

General Questions

1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel, and note the date that the information was collected on the chart.

RESPONSE: See Attachment 1. This is current as of January 15, 2020, to accord with the Schedule A provided in Attachment 2.

- a. Please provide an explanation of the roles and responsibilities of each division and subdivision.

RESPONSE:

Immediate Office of the Attorney General—provides overall supervision and guidance to all divisions within the office, pursues the public interest, and objectively and independently serves District residents through its communications and outreach programs.

- **Human Resources** – provides human resource management services that strengthen individual and organizational performance and enable OAG to attract, develop, and retain a well-qualified, diverse workforce. The Human Resources Section also provides oversight of administrative and managerial employee evaluations; serves as a liaison between OAG employees and D.C. Human Resources to resolve personnel and benefits-related actions; processes all employee personnel actions such as hiring,

terminations, promotions and pay increases; provides training and professional development for all OAG employees in order to more effectively fulfill its mission; hires and maintains excellent and diverse staff through on-campus interviews, interviews at job fairs, and traditional acceptance of applications; and ensures fairness and diversity in the workplace.

- **Information Technology** - provides a full spectrum of technology support service to all OAG divisions. Its services include support for all software and hardware used by OAG staff, IT security for all OAG applications, mobile device support, and system engineering to build and maintain a robust infrastructure including cloud-based computing and storage resources.

Commercial Division – provides legal services and advice for numerous core governmental functions, including the procurement of essential goods and services and acquisition of real estate, the support of economic development efforts and government property management, and the financing of government operations through bonds and collection of taxes.

- **Land Use** – provides legal assistance to District agencies with respect to land use planning, zoning, and historic preservation;
- **Government Contracts** – provides legal services, including legal review and advice to District agencies and their contracting officials, so that they can enter into legally sufficient contracts, and defends protests and claims regarding solicitations and contracts;
- **Tax and Finance** – provides tax litigation legal services in defending the District in challenges to its tax collection efforts and in affirmatively seeking to collect taxes, and provides legal services to assist District agencies in preparation and issuance of municipal financing so that the District can achieve more favorable terms and conditions for its financings and ensure that they are legally sufficient;
- **Land Acquisition and Bankruptcy** – provides land acquisition and bankruptcy legal services to District agencies for acquisition of property for vital District infrastructure projects and to recover funds owed to District agencies by individuals and entities in bankruptcy proceedings; and
- **Office of the Division Deputy** – provides supervision of, and support to, divisional activities.

Legal Counsel Division – provides legal research and advice to the Executive Office of the Mayor (EOM), the Attorney General, agency officials and employees, and occasionally, the Council of the District of Columbia; reviews and drafts legislation and regulations for the EOM, the agencies, and the Attorney General; and handles FOIA requests.

- **Legal Advice** – provides legal guidance, counseling, and legal sufficiency certification services to the District government and its employees; legislative and regulatory review, drafting, and monitoring; and training in the areas of administrative law and procedure, ethics, appropriations law, legislative and regulatory drafting, and other areas of importance to District government. Its work is designed to assist District government entities and employees to legally and efficiently accomplish the District government’s mission while minimizing risk of adverse legal consequences;

- **Office of the Division Deputy** - provides supervision of, and support to, divisional activities.

Child Support Services Division – authorized under Title IV-D of the Social Security Act, services families by locating absent parents, establishing paternity, establishing monetary orders, establishing medical support orders, collecting ongoing support, and enforcing delinquent support orders. This division is subject to federally mandated performance requirements.

- **Policy, Training and Administrative Affairs** – develops CSSD policy in compliance with Federal and District laws, develops training to promote staff development in compliance with relevant laws, and manages the Hospital Paternity Unit and the Aging Case and Review Unit in establishing administrative paternity and litigating cases where the child will soon emancipate. Represents the Division in all matters before the Office of Administrative Hearings;
- **Legal Services** – represents the District of Columbia and other states through all stages of child support litigation and contempt proceedings. Intake Units create all cases for establishment and refer cases to Litigation Unit for filing in DC Superior Court. The Locate Unit engages in service of process of non-custodial parent for matters before DC Superior Court; and
- **Fiscal Operations** – divided into several business units responsible for data reliability, wage withholding, enforcement, federal reporting, and disbursement of child support orders pursuant to federal law; and
- **Office of the Division Deputy** – directs managers in all program functions including the establishment and enforcement of child support obligations, accounting, automated systems, staff development, quality assurance, development of policy and procedure, reviewing and drafting legislation, and all Human Resource activities; and directly supervises several units including the First Response Unit and Procurement.

Civil Litigation Division – provides representation for the District of Columbia, its agencies, and employees in civil lawsuits, both jury and non-jury, filed in federal and local courts. Its cases range from simple slip-and-fall and auto accident claims to extremely serious lawsuits, such as medical malpractice resulting in quadriplegia and brain damage. This division handles constitutional challenges to government actions; civil rights actions under 42 U.S.C. § 1983 arising from alleged police misconduct, as well as related common law claims of false arrest and excessive force; and civil rights cases brought by employees and others under Title VII of the 1964 Civil Rights Act (as amended), the Americans with Disabilities Act, and other federal and local anti-discrimination laws.

- **General Litigation** – Civil litigation activities are carried out by four sections. These sections provide litigation, representation, and advice services to the District government, its agencies, and employees so that liability can be minimized and risk mitigated in the numerous civil actions filed against the District and its employees every year; and
- **Office of the Division Deputy** – provides supervision of, and support to, divisional activities.

Public Interest Division – provides affirmative, public interest civil litigation on behalf of District

residents and agencies; and defends the District, its agencies and employees in complex civil lawsuits, including constitutional claims and claims seeking injunctive relief.

- **Civil Enforcement** – represents District government agencies to enforce permits, licenses, certifications, and other requirements; seeks recovery on behalf of the District for fraudulent activity and overpayment of benefits, including non-resident tuition fraud, Medicaid reimbursements, and other false claims; and seeks recovery for damage to District property.
- **Civil Rights** – engages with District residents, advocacy organizations, and community groups to investigate and litigate civil rights claims, including discrimination in housing, education, public accommodations, and employment;
- **Elder Justice** – engages with District residents, community groups, and relevant agencies to investigate and take civil action to protect elders and vulnerable adults from financial exploitation;
- **Equity** – defends the District government in complex actions seeking temporary, preliminary and permanent injunctive relief, including constitutional and other claims; and
- **Office of the Division Deputy** – provides supervision of the division’s work and supports the Attorney General.

Public Advocacy Division – focuses on affirmative, public interest civil litigation on behalf of residents of the District, including litigating cases essential to preserving safe and affordable housing, consumer protection, and fair competition. The Division also litigates to combat nonprofit, environmental, and employment abuses, as well as fraud against the government and federal overreach.

- **Social Justice** – engages with District residents to address nuisance properties using authority under the Drug, Firearm, or Prostitution-Related Nuisance Abatement Act, litigates to address properties with housing conditions and other issues under the Tenant Receivership Act, enforces the District’s wage and environmental laws;
- **Public Integrity** – enforces the District’s False Claims Act and Nonprofit Corporation Act, federal and District antitrust laws, and other laws that protect the District government, nonprofit organizations, and the marketplace from fraudulent, abusive, and anticompetitive practices. This section also houses the Office’s Federal Initiatives work where we partner with our sister states to challenge federal overreach;
- **Consumer Protection** – investigates and takes enforcement actions under the Consumer Protection Procedures Act and other District and federal consumer laws, performs public outreach and education, provides legislative support on issues that affect consumers, and receives and mediates consumer complaints; and
- **Office of the Division Deputy** – provides supervision of, and support to, divisional activities.

Public Safety Division – protects vulnerable populations, assists crime victims, initiates legal action to rehabilitate, and when necessary, prosecutes juveniles charged with law violations; and prosecutes adult misdemeanor criminal offenses within the jurisdiction of the Office of the Attorney General.

- **Criminal** – provides prosecution services and other legal representation services to the District government to enhance the safety of the residents of the District of

- Columbia through the appropriate resolution of cases;
- **Juvenile** – provides prosecution services of juvenile matters and other legal representation services to the District government to enhance the safety of the residents of the District of Columbia through the appropriate resolution of cases. Also handles truancy, runaway, and juvenile behavioral diversion program cases in the Juvenile Specialty Courts Unit;
- **Domestic Violence and Special Victims** – provides services to domestic violence victims in the District of Columbia to reduce their risk of harm and protect their rights, thereby enhancing their quality of life. Also prosecutes offenses and helps seek justice for victims who fall into one or more of the following categories: (1) any victim of a sexual assault or attempted sexual assault; (2) a victim of any crime who is under 13 years of age; (3) a victim of any crime who is 65 years of age or older; (4) a victim or respondent believed to be involved in human trafficking; and (5) a victim who is vulnerable or disabled. The unit is also designed to provide victims with the special services they need to cope with trauma;
- **Mental Health** – provides representation to the Department of Behavioral Health (DBH) by litigating cases in Family Court. Attorneys in the Mental Health Section represent DBH in all phases of the civil commitment process at commission hearings and guardianship hearings;
- **Restorative Justice** – The Restorative Justice Facilitators in the Restorative Justice Program offer division prosecutors an alternative to prosecution option for eligible cases, which entails bringing together the victim and the offender in facilitated restorative justice conferences to resolve the conflict, repair the harm caused, and restore the victim. The section provides the same services to the United States Attorney’s Office prosecutors for select misdemeanor cases;
- **Special Projects and Litigation Support** – enhances the Division’s ability to research and support special initiatives, to coordinate the presentation of the office in many criminal justice and criminal justice-related areas, and to support the litigation of all sections in the Division. The Special Projects and Litigation Support Unit also creates initial drafts of proposed legislation involving juvenile and criminal justice reforms; and
- **Office of the Division Deputy** – provides supervision of, and support to, divisional activities.

Office of the Solicitor General – manages the District’s civil and criminal appellate litigation and practices most frequently before the District of Columbia Court of Appeals, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court of the United States. The docket includes appeals in a wide variety of civil, family, criminal, juvenile, tax, and administrative cases from trial courts and petitions for review from District agencies.

- **Civil and Administrative Appeals** – provides appellate representation in a wide variety of civil and administrative cases;
- **Criminal and Juvenile Appeals** – provides appellate representation in criminal and juvenile cases; and
- **Office of the Division Deputy** – provides supervision of, and support to, divisional activities.

Family Services – protects the District’s most vulnerable citizens – abused and neglected children – by representing their interests in Family Court proceedings.

- **Child Protection** – Child protection activities are carried out by four sections. To reduce the risk of harm to vulnerable and at-risk children, these sections protect the rights of children in Family Court proceedings to prevent abuse and neglect by their caretakers.
- **Office of the Division Deputy** – provides supervision of, and support to, divisional activities; and

Personnel, Labor, and Employment Division – defends agencies in personnel-related matters such as suspensions, terminations for employee misconduct, and reductions-in-force; processes all grievances related to discipline; and serves as OAG’s chief negotiator on collective bargaining issues for the attorney union.

- **Personnel and Labor Litigation** – provides litigation representation and advice services to District government agencies so that they can manage and reduce liability exposure with respect to personnel decisions and to minimize fiscal and programmatic impact; and
- **Office of the Division Deputy** – provides supervision of, and support to, divisional activities, and processes all grievances and unfair labor practice charges brought by the attorneys’ union.

Support Services Division – provides administrative and operational support to the agency.

- **Finance** – provides comprehensive and efficient financial management services to and on behalf of OAG to maintain the financial integrity of the District of Columbia;
- **Operations** – provides administrative and operational support to the entire office, not otherwise included in the Agency Management program, including procurement and customer service; and
- **Investigations** – provides investigative support to the litigating divisions of the office.

- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

RESPONSE: During the past year, OAG strengthened its infrastructure by transferring the Human Resources Section to the Immediate Office and creating an executive level position, Chief Human Resources Officer, to provide vision for its Human Resource Unit, Professional Development Program, and to guide OAG’s Immediate Office on workforce strategy and optimal organizational performance. OAG realigned its Government Contracts Section from the Public Interest Division to the Commercial Division to consolidate all aspects of procurement advice and litigation. In its Public Interest Division, OAG created a Civil Rights Section and an Elder Justice Section to better serve the interests of District residents. The Housing and Community Justice Section in the Public Advocacy Division was renamed the Social Justice Section to better reflect the breadth of the work that section performs. Finally, in the Public Safety Division, the responsibility for protecting victims’ rights transferred from the Restorative Justice Section to the Domestic Violence and Victim Services Section. An attorney experienced

in victims’ rights was hired to assist in leading the section. The Juvenile Specialty Court Unit and Special Victims Units were realigned to the Juvenile Section.

2. Please provide a current Schedule A for the agency which identifies each **position by program and activity, with the employee’s title/position, salary, fringe benefits, and length of time with the agency.** Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

RESPONSE: See Attachment 2.

3. Please list all employees detailed to or from your agency during FY19 and FY20, to date. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee’s projected date of return.

RESPONSE:

FY19: One OAG employee was detailed to the Department of Behavioral Health, Office of General Counsel, to assist with coverage caused by a military deployment. The detail began on August 6, 2018 and ended on February 5, 2019.

FY20: One OAG employee was detailed to the Department of Behavioral Health. The detail began on October 15, 2019 and was scheduled to end on January 15, 2020; however, this detail has been extended at the request of the General Counsel.

4. Please provide the Committee with:
 - a. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle collisions involving the agency’s vehicles in FY19 and FY20, to date; and

RESPONSE: See the description of vehicle collisions below and Attachment 3 for the agency vehicle inventory.

Vehicle Accidents (FY 19 and FY 20)

Description	Date of Incident	Vehicle Type
Vehicle struck private citizen’s vehicle while attempting to make a U-Turn	10/25/18	2017 Chevy Cruze

from center lane on Minnesota Ave. NE		
Vehicle struck by private citizen while parked and assisting stranded motorist on shoulder of Baltimore/Washington Parkway	1/24/19	2009 Honda Civic
Vehicle struck private citizen's vehicle, who ran red light, in the intersection of 4th & F Street NE.	1/31/19	2017 Chevy Cruze
Vehicle struck from behind by private citizen, while stopped at red light on 23 rd & Constitution Ave NW	3/21/19	2013 Dodge Avenger
Vehicle struck private citizen's vehicle, while changing lanes in 3 rd Street Tunnel	8/26/2019	2016 Toyota Corolla

- b. A list of travel expenses, arranged by employee for FY19 and FY20, to date, including the justification for travel.

RESPONSE: See Attachment 4.

5. Please list all memoranda of understanding (“MOU”) entered into by the agency during FY19 and FY20, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

RESPONSE:

FY19 OAG Seller	Start	End
Child and Family Services	10/01/18	09/30/19
Department of Housing & Community Dev	10/01/18	09/30/19
Department of Human Services - Adult Protective Services	10/01/18	09/30/19
Department of Human Services - Welfare Fraud	10/01/18	09/30/19
Department of Transportation	10/01/18	09/30/19
Department of Transportation - DWI/DUI	10/01/18	09/30/19
Department of Transportation - TSRP	10/01/18	09/30/19
Dept. of Consumer Regulatory Affairs-Nuisance	10/01/18	09/30/19
Dept. of Consumer Regulatory Affairs-OPLA	10/01/18	09/30/19

Department of Corrections	06/18/19	09/30/19
Dept. of Health Care Finance	10/01/18	09/30/19
Office of Tax and Revenue	10/01/18	09/30/19
Office of Zoning	10/01/18	09/30/19
Office of Risk Management	10/01/18	09/30/19
Real Property Tax Appeals Commission	10/01/18	09/30/19
Office of Victims Services and Justice Grants	10/01/18	09/30/19
Department of Energy and Environment	10/01/18	09/30/19
Executive Office of Mayor	10/01/18	09/30/19
Department of General Services	10/01/18	09/30/19

FY19 Buyer	Start	End
Department of Health	10/01/18	09/30/19
Office of Administrative Hearings	10/01/18	09/30/19
Office of Chief Technology Officer	10/01/18	09/30/19
Department of Parks and Recreation/Community Events	10/01/18	09/30/19
Department of Public Works	10/01/18	09/30/19
Department of General Services	10/01/18	09/30/19
Office Of Disability Rights	10/01/18	09/30/19
Office of Finance and Resource Management	10/01/18	09/30/19
Metropolitan Police Department	10/01/18	Until terminated by the parties
Department of Human Resources/Security Services	10/1/18	9/30/18 with option to extend for 1 year (or fraction of a year)
Department of Human Services/OCTO (Data Sharing)	6/21/17	9/30/2026 with option to extend for 2 five-year periods

FY20 OAG Seller	Start	End
Office of Victims Services and Justice Grants	10/01/19	09/30/20
Office of Tax and Revenue	10/01/19	09/30/20
Department of Human Services-WF-APS	10/01/19	09/30/20
Department of Transportation	10/01/19	09/30/20
Child and Family Services Agency	10/01/19	09/30/20

Department of General Services	10/01/19	09/30/20
Office of The State Superintendent of Education	10/01/19	09/30/20
Department of Health Care Finance	10/01/19	09/30/20
Office of Risk Management	10/01/19	09/30/20
Real Property Tax Appeals Commission	10/01/19	09/30/20

FY20 Buyer	10/01/19	09/30/20
Department of Health	10/01/19	09/30/20
Office of Administrative Hearings	10/01/19	09/30/20
Office of Chief Technology Officer	10/01/19	09/30/20
Metropolitan Police Department	10/01/19	Until terminated by the parties
Department of Human Resources/Security Services	10/1/19	9/30/19 with option to extend for 1 year (or fraction of a year)

6. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY19 and FY20, to date.

RESPONSE:

OAG collaborates with numerous partners—including analogous agencies in other jurisdictions, federal agencies, and non-governmental organizations—to meet agency performance objectives. These partnerships cover efforts across multiple divisions and range from local nonprofits to law enforcement agencies across the United States. Examples include:

Analogous agencies

- OAG’s Public Advocacy Division (PAD) regularly collaborates with the District’s sister states in a multi-state framework to investigate issues of national concern in the consumer, antitrust, government fraud, and nonprofit oversight spaces. OAG also leads and joins multi-state coalitions to submit comments and litigate challenges to federal overreach. These efforts are largely performed under the auspices of common interest agreements. PAD has collaborated under a common interest agreement with certain nonprofit organizations in the federal overreach space.
- OAG staff participate in subject matter working groups with other state attorneys general facilitated by the National Association of Attorneys’ General or more informally.

- The Civil Rights Section of the Public Interest Division (PID) collaborates regularly with civil rights offices of other states, national civil rights organizations, and local legal service providers. The Section participates in monthly civil rights teleconferences sponsored by NAAG. In these monthly briefings, participating offices discuss national civil rights issues, coordinate multi-state litigation and share best practices for civil rights enforcement.
- PID's Elder Justice Section has collaborated with other state attorneys general regarding reverse mortgages and efforts to address common homeowner concerns.

Federal agencies

- Beginning in February 2019, a prosecutor from OAG's domestic violence and special victims section was sworn in as a Special United States Attorney and in that capacity has been able to pursue criminal prosecutions for elder financial abuse under that office's authority. The prosecutor and investigator work closely with OAG colleagues to review referrals from OAG partner and client agencies and ensure they are reviewed by the appropriate legal teams.
- OAG has also engaged under common interest agreements with the Department of Justice or the Federal Trade Commission in antitrust, consumer, and charities matters.
- The Criminal and Juvenile Sections regularly work with federal law enforcement agencies (i.e., United States Park Police, United States Capitol Police, United States Secret Service, Bureau of Alcohol, Tobacco, Firearms and Explosives, etc.) to process arrests and litigate juvenile and adult misdemeanor cases.
- The Public Safety Division (PSD) works with the United States Attorney's Office for the District of Columbia (USAO) in various prosecutions of criminal and juvenile cases. Two examples are illustrative: First, some criminal cases involve both a juvenile and adult suspect and these cases often result in parallel investigations and prosecutions. In FY19, PSD's Juvenile Section prosecuted three serious cases that included an adult co-defendant. So far in FY20, the Juvenile Section has three cases with an adult co-defendant. Second, PSD and the USAO work collaboratively on cases where PSD investigates and prosecutes regulatory offenses against a defendant who is also subject to criminal prosecution by the USAO. For example, in January 2020, after a collaborative investigation, OAG and USAO both filed criminal charges against the owner of 708 Kennedy Street, NW where a fire in August 2019 killed two residents of that property. OAG and USAO filed a motion with the Court to join these two cases so that the agencies can prosecute the cases together.
- The Mental Health Section (MHS) met with the United States Secret Service (USSS) to discuss ways to collaborate in the processing of individuals USSS agents encounter who appear to be suffering from a mental illness. MHS subsequently conducted training for USSS on how to prepare applications of emergency psychiatric hospitalizations. MHS referred USSS agents to the Metropolitan Police Department's Crisis Intervention

Officer Training to learn how to engage and deescalate individuals who they encounter in the course of their work who appear to be suffering from mental illness, and MHS provides feedback to USSS on the quality of the documents they complete to initiate the hospitalization process. MHS is currently coordinating a training for the USSS on providing testimony in mental health cases.

- MHS files civil commitment cases for criminal defendants referred by the USAO to the Department of Behavioral Health (DBH), if DBH determines, after evaluating the defendant, that the defendant suffers from a mental illness and is likely to injure himself or others as a result of mental illness.

Non-governmental organizations

- In September 2019, OAG partnered with the Kalmanovitz Initiative for the Working Poor at Georgetown University to put together an expert roundtable and release OAG's economic report, "Illegal Worker Misclassification: Payroll Fraud in the District's Construction Industry," which demonstrates how illegal misclassification in the District's construction industry hurts workers, cheats taxpayers, and undercuts law-abiding competitors. <https://oag.dc.gov/sites/default/files/2019-09/OAG-Illegal-Worker-Misclassification-Report.pdf>
- OAG has partnered with Georgetown University Law Center's clinics to explore various policy issues and potential solutions, including with respect to juvenile confidentiality statutes and data privacy.
- In partnership with the National Campaign to Stop Violence, OAG serves as the District of Columbia host for the "Do the Write Thing Challenge."
- OAG has partnered with the DC Coalition Against Domestic Violence and Break the Cycle for the agency's inaugural Dating Violence Summit, which has been in planning since FY19 and will take place on February 21, 2020.
- The Public Safety Division's Mental Health Section facilitated a presentation for So Others May Eat (SOME), an interfaith, community-based service organization that exists to help and support residents of our nation's capital experiencing homelessness and poverty. The topic of the presentation was synthetic drugs and included information on the effects of the drugs and the role of the Emergency Medical Services (EMS) Response team. On February 12, 2020, MHS is facilitating another presentation for SOME that will be conducted by a DBH administrator on the services provided by the DBH Core Service Agencies for individuals with mental illness.
- The Restorative Justice Section worked with two community-based restorative justice nonprofit organizations, Restorative DC and Youth and Families in Crisis.
- The Civil Rights Section of the Public Interest Division partners with organizations such as the Equal Rights Center, Washington Lawyers' Committee for Civil Rights and

Urban Affairs, and the District's Tenant Barriers Workgroup to better understand and address the civil rights issues in the District.

Multiple Partners

- OAG is an active participant in the DC Human Trafficking Task Force which consists of a diverse group of stakeholders that collectively work to increase the prosecution of human trafficking cases, enhance the identification of trafficking victims, and provide comprehensive services to trafficking victims in the District of Columbia. Participants include the USAO, DC Child and Family Services Agency, DC Metropolitan Police Department, the National Center for Missing & Exploited Children, Amara Legal Center, Courtney's House, FAIR Girls, Polaris Project, Sasha Bruce Youthwork, and Tahirih Justice Center. OAG chairs the Training and Outreach subcommittee, which conducts local outreach and provides trainings to raise awareness and combat labor trafficking and sexual exploitation.
- OAG regularly provides anti-sex trafficking education programs to students at D.C. middle and high schools. During the past year, OAG also provided anti-sex trafficking trainings to George Washington University medical students, Howard University Hospital nurses and social workers, metro transit workers, and the School Safety Alliance hosted by Homeland Security and Emergency Management Agency (HSEMA).
- CSSD hosted a career fair for non-custodial parents in partnership with non-governmental partners that included A Wider Circle, MW Communications Health & Joy Services, So Others Might Eat (SOME), and government partners, CSOSA and the Maryland Department of Rehabilitation Services.
- The Elder Justice Section (EJS) of the Public Interest Division (PID) is an active partner in coordinated community response teams addressing elder abuse, including the District's Collaborative Training & Response for Older Victims (DC TROV) and the Office on Aging's Elder Abuse Prevention Committee. Through these regular meetings, EJS participates in trainings on relevant topics, discusses thorny cases, and shares information of interest. Attorney General Racine was the featured speaker at the November 2019 DC TROV meeting. EJS also participates in the Fiduciary Compensation Working Group, meeting monthly to draft recommendations for fair and reasonable compensation for fiduciaries in probate, guardianship and conservatorship cases. EJS attorneys have also presented at several professional trainings on the topics of elder abuse and financial exploitation, including at national conferences and D.C. Bar events.
- OAG is a member of the Public Health Emergency Law Manual Advisory Committee. The manual is written in collaboration with the Center for Public Health Practice at the University of Pittsburgh Graduate School of Public Health with funding from the United States Department of Health and Human Services (HHS), Centers for Disease Control and Prevention (CDC), and the Hospital Preparedness-Public Health

Emergency Preparedness Cooperative Agreement. Other members of the Committee include District of Columbia Courts, the Office of the Chief Medical Examiner, and DC Health.

7. For FY19 and FY20, to date, please list all intra-District transfers to or from the agency, and include a narrative description of the purpose of each transfer.

RESPONSE:

FY19 OAG Seller (Services Provided to Another Agency)	Transfer from Other Agencies	Purpose
Office of Victims Services and Justice Grants	\$467,127.81	Personal Services
Department of Housing and Community Development	\$169,254.00	Personal Services
Office of Zoning	\$238,859.13	Personal Services
Department of Consumer Regulatory Affairs	\$308,277.23	Personal Services
Office of Tax and Revenue	\$314,020.00	Personal Services
Department of Human Services – WF - APS	\$211,852.33	Personal Services
Department of Transportation	\$810,314.53	Personal Services
Child and Family Services Agency	\$763,167.30	Personal Services
Department of Corrections	\$46,336.43	Personal Services
Department of Environment	\$591,714.48	Outside Legal Counsel
Department of General Services	\$190,590.00	Personal Services
Department of Health Care Finance	\$39,135.00	Personal Services
Office of Risk Management	\$26,149.05	Non-Personal Services
	\$10,000.00	Personal Services

Real Property Tax Appeals Commission		
Total	\$4,186,797.29	

FY19 OAG Buyer (Services Purchased from Another Agency)	Transfer to Other Agencies	Purpose
Office of Finance and Operating Services	\$82,347.00	Single Audit Collections
Department of General Services	\$697,134.56	Fixed costs
Office of Finance and Resource Management	\$24,719.96	D.C. NET
Department of Human Resources/Security Services	\$4,094.30	Background checks to comply with federal law
Department of Parks and Recreation	\$705.00	Community Service Events
Office of Disability Rights	\$750.00	Sign Language Interpretation
Department of Health	\$80,825.00	Vital Records
Department of Public Works	\$105,602.59	Fixed Costs
Office of Contracting and Procurement	\$485,487.77	Purchase Card Program
Office of the Chief Technology Officer	\$172,623.11	Fixed costs
Total	\$1,654,289.29	

FY20 OAG Seller (Services Provided to Another Agency)	Transfer/Projected Transfer from Other Agencies	Purpose
Office of Victims Services and Justice Grants	\$492,147.36	Personal services
Office of Tax and Revenue	\$333,204.60	Personal services
Department of Human Services - WF - APS	\$265,325.61	Personal services
Department of Transportation	\$998,419.19	Personal services

Child and Family Services Agency	\$1,062,031.90	Personal services
Department of General Services	\$199,665.00	Personal services
Office of the State Superintendent of Education	\$150,000.00	Third Party Consulting
Department of Health Care Finance	\$48,630.15	Personal services
Office of Risk Management	\$50,000.00	Non-Personal Services
Real Property Tax Appeals Commission	\$10,000.00	Personal services
Total	\$3,609,423.81	

FY20 OAG Buyer (Services Purchased from Another Agency)	Projected Transfer to Other Agencies	Purpose
Metropolitan Police Department	\$526,295.00	Paternity/Warrant services for child support matters
Office of Administrative of Health	\$96,600.00	Administrative hearings for child support matters
Department of Health	\$132,350.00	Vital records for child support matters
Metropolitan Police Department	\$24,500.00	Vehicle Services
Office of Chief of Technology	\$30,602.88	Child Support Data Center
Total	\$913,304.82	

8. For FY19 and FY20, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:
- a. The revenue source name and code;
 - b. The source of funding;
 - c. A description of the program that generates the funds;
 - d. The amount of funds generated by each source or program;
 - e. Expenditures of funds, including the purpose of each expenditure;
 - f. Whether expenditures from the fund are regulated by statute or policy; and
 - g. The current fund balance.

RESPONSE:

FY 2019

Revenue Source Name and Code: TANF - 0603

- Source of Funding: Child support collections on behalf of families in the Temporary Assistance to Needy Families (TANF) program. Under Section 457 of the Social Security Act, the District transfers 50 percent of its collections to the federal government and keeps the remaining 50 percent for the child support program.
- Description of Program Generating the Fund: Child support collections on behalf of families in the TANF program.
- Amount of Funds Generated: \$2,028,466.17
- Expenditures: \$3,226,625.53
- Purpose of Expenditures: Personal and non-personal services support (supplies, copier lease) on behalf of child support enforcement.
- FY19 Fund Balance (Certified): \$9,274,500.51

Revenue Source Name and Code: Child Support Interest Income - 0605

- Source of Funding: Interest on the District's child support bank account. The child support enforcement division collects child support payments from non-custodial parents and holds them in a bank account for distribution to custodial parents, which must take place within 48 hours of receiving the payment. The money in the account bears interest during the time between collection and distribution.
- Description of Program Generating the Fund: Interest income on child support bank account.
- Amount of Funds Generated: \$0
- Expenditures: \$0
- FY 19 Fund Balance (Certified): \$2,427.71

Revenue Source Name and Code: Nuisance Abatement - 0615

- Source of Funding: Revenue is generated by proceeds from drug, firearm, or prostitution related nuisance abatement actions. The fund is restricted to costs reasonably related to the enforcement of nuisance abatement and housing receivership matters carried out by the Attorney General. The Attorney General may also use the Fund to enforce Chapter 36A of Title 42, including all costs reasonably related to prosecuting and conducting investigations of housing receivership cases.
- Description of Program Generating the Fund: Nuisance abatement actions involving drugs, firearms, or prostitution.
- Amount of Funds Generated: \$8,900.00
- Expenditures: \$0
- FY 19 Fund Balance (Certified): \$10,900.00

Revenue Source Name and Code: Litigation Support Fund - 0616

- Source of Funding: Revenue is generated by recoveries from claims and litigation brought by OAG on behalf of the District. The fund supports general litigation expenses associated with prosecuting or defending litigation cases on behalf of the District.

- Description of Program Generating the Fund: Litigation actions on behalf of the District.
- Amount of Funds Generated: \$10,802,800.67
- Amount of Funds transferred to the General Fund: \$1,601,990.00
- Expenditures: \$2,828,672.00
- Purpose of Expenditures: To support OAG litigation with, for example, a program to allow for electronic discovery and payments to expert witnesses.
- FY19 Fund Balance (Certified): \$10,924,373.67

Revenue Source Name and Code: Attorney General Restitution Fund - 0617

- Source of Funding: Revenue is generated by recoveries from claims and litigation brought by OAG on behalf of the District and identified claimants. The fund pays to claimants recoveries from settlements and judgments. The fund also permits payment of administrative fees associated with administering recoveries.
- Description of Program Generating the Fund: Litigation actions on behalf of the District and identified claimants.
- Amount of Funds Generated: \$253,685.81
- Expenditures: \$187,913.08
- Purpose of Expenditures: To administer to claimants court-ordered payments or payments pursuant to settlement agreements.
- FY19 Fund Balance (Certified): \$201,185.07

FY 2020

Revenue Source Name and Code: TANF - 0603

- Source of Funding: Child support collections on behalf of families in the Temporary Assistance to Needy Families (TANF) program. Under Section 457 of the Social Security Act, the District transfers 50 percent of its collections to the federal government and keeps the remaining 50 percent for the child support program.
- Description of Program Generating the Fund: Child support collections on behalf of families in the TANF program.
- Amount of Funds Generated: \$529,797.23
- Expenditures: \$1,763,319.63
- Purpose of Expenditures: Personal and non-personal services support (supplies, copier lease) on behalf of child support enforcement.
- FY20 Fund Balance (Uncertified as of 2/24/20): \$8,040,978.11

Revenue Source Name and Code: Child Support Interest Income - 0605

- Source of Funding: Interest on the District's child support bank account. The child support enforcement division collects child support payments from non-custodial parents and holds them in a bank account for distribution to custodial parents, which must take place within 48 hours of receiving the payment. The money in the account bears interest during the time between collection and distribution.
- Description of Program Generating the Fund: Interest income on child support bank account.
- Amount of Funds Generated: \$0
- Expenditures: \$0

- FY 20 Fund Balance (Uncertified as of 2/24/20): \$2,427.71

Revenue Source Name and Code: Nuisance Abatement - 0615

- Source of Funding: Revenue is generated by proceeds from drug, firearm, or prostitution related nuisance abatement actions. The fund is restricted to costs reasonably related to the enforcement of nuisance abatement and housing receivership matters carried out by the Attorney General. The Attorney General may also use the Fund to enforce Chapter 36A of Title 42, including all costs reasonably related to prosecuting and conducting investigations of housing receivership cases.
- Description of Program Generating the Fund: Nuisance abatement actions involving drugs, firearms, or prostitution.
- Amount of Funds Generated: \$8,100.00
- Expenditures: \$0
- FY 20 Fund Balance (Uncertified as of 2/24/20): \$19,000.00

Revenue Source Name and Code: Litigation Support Fund - 0616

- Source of Funding: Revenue is generated by recoveries from claims and litigation brought by OAG on behalf of the District. The fund supports general litigation expenses associated with prosecuting or defending litigation cases on behalf of the District.
- Description of Program Generating the Fund: Litigation actions on behalf of the District.
- Amount of Funds Generated: \$2,306,575.01
- Expenditures: \$843,467.26
- Purpose of Expenditures: To support OAG litigation with, for example, a program to allow for electronic discovery and payments to expert witnesses.
- FY20 Fund Balance (Uncertified 2/24/20): \$12,387,481.42

Revenue Source Name and Code: Attorney General Restitution Fund - 0617

- Source of Funding: Revenue is generated by recoveries from claims and litigation brought by OAG on behalf of the District and identified claimants. The fund pays to claimants recoveries from settlements and judgments. The fund also permits payment of administrative fees associated with administering recoveries.
- Description of Program Generating the Fund: Litigation actions on behalf of the District and identified claimants.
- Amount of Funds Generated: \$928,201.47
- Expenditures: \$79,439.82
- Purpose of Expenditures: To administer to claimants court-ordered payments or payments pursuant to settlement agreements.
- FY20 Fund Balance (Uncertified 2/24/20): \$1,049,946.72

9. For FY19 and FY20, to date, please list all purchase card spending by the agency, the employee making each expenditure, and the general purpose of each expenditure.

RESPONSE: See Attachment 5.

10. Please list all capital projects in the financial plan for the agency or under the agency's purview in FY19 and FY20, to date, and provide an update on each project, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:
- a. An update on all capital projects begun, in progress, or concluded in FY18, FY19, and FY20, to date, including the amount budgeted, actual dollars spent, and any remaining balances;

RESPONSE:

CSSD DCCSES Upgrade: The Child Support Services Division has one open capital project, the District of Columbia Child Support Enforcement System (DCCSES) Enhancement Project.

To date, the DCCSES project has expended \$6,094,728.74 of the \$6,304,000 capital budget. This was used to move the system from outmoded, unsupported software and hardware to a Microsoft-based platform, and create several internal applications, including a data warehouse containing all transaction information. This has resulted in fewer payment processing errors and increased visibility into CSSD operations.

This leaves a balance of \$209,271.26 to continue planning and designing modernization of the following components: Electronic Court Orders/Family Court Data Exchange system and the Master Database and Data protection and Synchronization system

- b. An update on all capital projects planned for the four-year financial plan;

RESPONSE:

CSSD DCCSES Upgrade: For FY20, OAG plans to continue modernizing DCSSES by implementing DCSSES Court, a system used by Family Court Judges and DCSSES legal staff to issue or modify child support orders. All funds will be expended by March 30, 2020.

- c. A description of whether the capital projects begun, in progress, or concluded in FY18, FY19, and FY20, to date, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact; and

RESPONSE: In FY 19 and FY 20, the continuation and completion of the CSSD DCCSES Upgrade project will not have an impact on OAG's operating budget.

- d. A description and the fund balance for each existing allotment in each capital project under the agency's purview.

RESPONSE:

Project No: EN240C

Project Title: Information Systems – Child Support Enforcement
Fund Balance: \$56,248.21

Project No: EN601C
Project Title: OAG - IT Infrastructure Upgrades
Fund Balance: \$209,271.26

11. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY19 and FY20, to date. For each, include a description of the need and the amount of funding requested.

RESPONSE:

FY 19 Operational Budget Enhancement Requests

Request Title	Description	Cost	Approved
One Elder Abuse Prevention Attorney (LA 14/1)	One attorney to prosecute elder abuse crimes	\$138,883	Yes
One Elder Abuse Prevention Investigator (12/1)	One investigator to investigate allegations of elder abuse crimes	\$95,331	Yes
One Tax/Finance Attorney (LA 13/3)	One tax attorney to conduct discovery/trial and represent the District in the hundreds of pending and anticipated property tax assessment appeals. Discovery includes weekly mediation, site inspections, depositions, financial discovery. Also, would assist with 1,200 other real property tax assessment cases and 1,500 tax sale foreclosure cases pending. Estimated tax savings per FTE is \$6-10M.	\$125,698	Yes
One Tax/Finance Paralegal (LA 12/1)	One paralegal dedicated to processing settled-in-principle cases to coordinate with ORT to complete necessary paperwork. This would prompt petitioners to execute properly conforming stipulations expediting the settlement process ultimately reducing interest DC pays on tax refunds of approximately \$1.9M.	\$95,331	Yes

One Trial Attorney (15/1)	One trial attorney to work on a wide range of projects, including those of national import	\$162,746	Yes
One Trial Attorney (13/3)	One attorney to litigate residency fraud matters	\$131,784	Yes
Two Paralegals (FSD/Office of Division Deputy: 2 @ DS 11/1)	Two paralegals for FSD sections (DS 11/1)	\$159,896	Yes
One Paralegal (CLD: 1 @ DS 12/2)	One paralegal for Section IV (DS 12/2)	\$103,959	Yes
One Staff Assistant (CLD: 1 @ DS 11/1)	One staff assistant for Section IV (DS 11/1)	\$79,948	Yes
One Staff Assistant (PSD: 1 @ DS 11/1)	One staff assistant for Deputy and Assistant Deputy (DS 11/1)	\$79,948	Yes
Two Staff Assistants (PSD: 2 @ DS 9/4)	One staff assistant (DS 9/4) for Juvenile Special Courts Unit /Restorative Justice Victim Services	\$146,063	Yes
ATTEND Mediation Program Two Case Managers (DS 12/1)	Pilot truancy mediation diversion program to identify and address underlying issues causing truancy, connect families to available resources, and avoid filing court case. Two case managers schedule mediation date with parent, school official and mediator; monitor compliance for 90 days, and recommend matter closure or court case be filed at end of 90-day period.	\$190,662	Yes
Data Statistician	One data statistician to gather and analyze data to support and enhance OAG's mission and programs	\$141,852	Yes
One FOIA attorney	One attorney to manage OAG's FOIA program	\$118,062	Yes
Total		\$1,770,163	

FY 19 Capital Budget Enhancement Request

Request Title	Description	Cost	Approved
DCCSES Modernization	Capital funds to modernize the aging child support services electronic system	\$7,657,060	No
Total		\$7,657,060	

FY 20 Operational Budget Enhancement Request

Request Title	Description	Cost	Approved
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Community Engagement Manager (XS 7/0)	One Community Engagement Manager to direct the implementation of a strategic community engagement plan	\$157,855	Yes
Chief Human Resources Officer (MSS 16/0)	One Chief Human Resources Officer to provide oversight, vision and direction and implement OAG's independent personnel authority	\$184,550	Yes
Elder Abuse Civil Enforcement Attorney (DS 13/1)	One attorney to enforce elder justice	\$125,785	Yes
Elder Abuse Civil Investigator (DS 12/1)	One investigator to investigate elder abuse matters	\$102,870	Yes
Elder Abuse Section Chief (LX 1/0)	One attorney to oversee civil elder justice legal work	\$172,480	Yes
Civil Rights Section Chief (LX 1/0)	One attorney to oversee civil rights work	\$172,480	Yes
Civil Rights Attorney (LA 13/5)	One attorney to litigate civil rights matters	\$140,472	Yes
Civil Rights Investigator (LA 12/1)	One investigator to investigate civil rights matters	\$102,870	Yes
Criminal Investigator	One attorney to investigate criminal matters	\$101,309	Yes
Firearms Prosecutor	One attorney to litigate firearm offenses	\$147,872	Yes
Environmental Protection Attorney (LA 14/1)	One attorney to litigate environmental matters	\$150,595	Yes
Restorative Justice/Victims Services Facilitator (DS 12/1)	One staff assistant to facilitate restorative justice	\$102,870	Yes
Housing Attorney (LA 13/5)	One attorney to litigate housing matters	\$140,472	Yes
Administrative Professional Staff Classification & Compensation Increases	Funding to implement classification and compensation increases	\$929,352	Yes
Grants Officer (XS 7/0)	One Grants Officer to implement agency grants	\$160,410	No
Chief Operating Officer (XS 11/0)	One Chief Operating Officer to oversee agency operational functions	\$206,638	No
HR Compliance Manager (MSS 15/0)	One HR Manager to ensure compliance with local and federal employment laws	\$169,928	No
Community Engagement Services Specialist (XS 6/0)	One Community Engagement Specialist to provide services to the community	\$112,130	No

IT Specialist (DS 13/4)	One IT Specialist to provide enhanced services to OAG	\$131,409	No
Equal Employment Opportunity Investigator (DS 14/5)	One EEO Investigator to timely investigate EEO complaints	\$140,522	No
Contracting Officer (DS 15/0)	One Contracting Officer to effectuate OAG's independent procurement authority	\$173,515	No
Staff Assistant (DS 12/1)	One Staff Assistant to provide support services	\$102,787	No
Public Advocacy Manager (LX 1/0)	One manager to oversee public advocacy matters	\$172,480	No
Public Advocacy Senior Litigator (LA 15/5)	One senior attorney to litigate public advocacy matters	\$199,603	No
Consumer Protection Attorney (LA 13/5)	One attorney to litigate consumer protection matters	\$144,581	No
Consumer Protection Mediator (LA 12/1)	One mediator to mediate consumer protection matters	\$102,870	No
Juvenile Assistant Chief (LX 1/0)	One attorney manager to oversee juvenile matters	\$160,410	No
Criminal/Juvenile Attorney (LA 14/1)	One attorney to litigate criminal and juvenile matters	\$150,595	No
Tax Attorney (LA 13/5)	One attorney to litigate tax matters	\$132,676	No
Residency Fraud/General Investigator (DS 11/1)	One investigator to investigate residency fraud and other matters	\$83,815	No
General Civil Litigation Attorney (LA 13/1)	One attorney to litigate civil matters	\$125,785	No
Appellate Attorney (LA 14/5)	One attorney to handle appellate matters	\$160,599	No
Bond Attorney (LA 14/1)	One attorney to advise on bond matters	\$150,595	No
Two Personnel/Labor Attorneys (LA 14/1)	Two attorneys to handle administrative litigation on personnel matters	\$297,133	No
Personnel/Labor Paralegal (12/1)	One paralegal to provide litigation support on personnel matters	\$102,870	No
Administrative Professional Staff Classification & Compensation Increases	Funding to implement classification and compensation increases	\$929,352	Yes
Total		\$6,842,534	

12. Please list, in chronological order, each reprogramming in FY19 and FY20, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, or within the agency. Include known, anticipated reprogrammings, as well as the revised, final budget for your agency after the reprogrammings. For each reprogramming, list the date, amount, rationale, and reprogramming number.

RESPONSE: There were no reprogrammings in FY 19 and there have been no FY20 reprogramming requests to date.

13. Please list each grant or sub-grant **received by** your agency in FY19 and FY20, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

RESPONSE: See tables below.

The Child Support Enforcement grant is funded pursuant to Title IV-D of the Social Security Act. Child support establishment and enforcement is a federally required program. It is an ongoing reimbursable grant that renews each fiscal year. The grant supports approximately 126.48 FTEs.

GRANT TITLE: Child Support Enforcement

Grant Purpose: Child Support Establishment and Enforcement
 Source: Department of Health and Human Services

FY19 Child Support Grant

Award Date	Amount	Expenditure
12/27/2019	\$430,449.00	\$18,773,271.56
10/4/2019	\$568,144.00	
7/16/2019	\$82,084.00	
6/28/2019	\$4,035,200.00	
4/11/2019	\$143,955.00	
4/3/2019	\$3,608,200.00	
1/3/2019	\$3,300,372.00	
9/29/2018	\$3,536,680.00	
Total	\$15,705,084.00	\$18,773,271. 56

FY20 Child Support Grant

Award Date	Amount	Expenditure
12/27/2019	\$4,098,780.00	\$4,618,409.92
09/29/2019	\$4,909,000.00	
Total	\$9,007,780.00	\$4,618,409.92

GRANT TITLE: Access & Visitation

Grant Purpose: Support and facilitate child support non-custodial parents' access to and visitation with their children. This grant funds non-personal services costs.

Source: Department of Health and Human Services

FY19 Access & Visitation

Award Date	Amount	Expenditure
12/28/2018	\$100,000.00	\$96,556.03
Total	\$100,000.00	\$96,556.03

GRANT TITLE: D.C. Behavioral Intervention Project

Grant Purpose: Improve early intervention approaches to encourage non-custodial parents to become more consistent payers of child support. The grant funds personal and non-personal services costs.

Source: Department of Health and Human Services

FY19 D.C. Behavioral Intervention Project

Award Date	Amount	Expenditure
8/30/2018	\$30,000.00	\$52,507.14
1/16/2019	\$30,000.00	
1/16/2019	\$30,000.00	
Total	\$ 90,000.00	\$52,507.14

GRANT TITLE: Smart Prosecution Initiative Grant

Grant Purpose: Initially an 18-month grant to develop a body of knowledge about data-driven, innovative, best-practice, or evidence-based strategies, as they are implemented by prosecutors. The grant was extended to March 30, 2020, and supports research and one FTE.

Source: Department of Justice

FY19 Smart Prosecution Initiative Grant

Award Date	Amount	Expenditure
9/26/16	\$350,000.00	\$138,896.95
Total	\$350,000.00	\$138,896.95

FY20 Smart Prosecution Initiative Grant

Award Date	Amount	Expenditure
9/26/16	\$350,000.00	\$20,495.22

Total	\$350,000.00	\$20,495.22
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- a. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

RESPONSE: The Child Support Enforcement grant is funded pursuant to Title IV-D of the Social Security Act. It is an ongoing reimbursable grant that renews each fiscal year. The grant supports approximately 126.48 FTEs. The Access and Visitation Grant funds non-personal services. It is a renewable grant that expires on September 30 each year. The Smart Prosecution Initiative Grant funds one FTE. The grant funding expires on March 30, 2020. OAG is reviewing its need for continued funding beyond the grant period and will make any necessary funding request at the appropriate time.

14. Please list each grant or sub-grant **granted by** your agency in FY19 and FY20, to date. List the date, amount, source, and purpose of the grant or sub-grant granted.

RESPONSE:

Grant Purpose: Cure the Streets – Violence Reduction Program. The purpose of this grant is for qualified nonprofit community-based organizations to provide high quality structured training, community outreach, and related supportive services developed for a violence reduction program by Cure violence. Two non-profits have been approved to manage four expansion sites.

Source: OAG Local Fund Budget

FY20 Cure the Streets Grant

Award Date	Grantee	Amount
10/1/2019	Father Factor, Inc.	\$ 1,578,284.40
10/1/2019	Alliance of Concerned Men	\$ 1,578,445.00
Total		\$ 3,156,729.40

15. Please list each contract, procurement, and lease, entered into or extended and option years exercised by your agency during FY19 and FY20, to date. For each contract, procurement, or lease, please provide the following information, where applicable:
 - a. The name of the party;
 - b. The nature of the contract, procurement, or lease, including the end product or service;
 - c. The dollar amount of the contract, procurement, or lease, including amount budgeted and amount actually spent;
 - d. The term of the contract, procurement, or lease;
 - e. Whether it was competitively bid;

- f. The name of the agency’s contract monitor(s) and the results of any monitoring activity; and
- g. The funding source.

RESPONSE: See Attachment 6.

16. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices, and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.

RESPONSE: See table below.

Matter Name	Category	Issues/Case Status
<i>Mengesha v. Benidia Rice, et al.</i> , No. 1:19-cv-3304 (D.D.C.)	Tort claims	A <i>pro se</i> plaintiff filed claims against the District, Deputy Attorney General of OAG’s CSSD Benidia Rice, and other CSSD employees. Plaintiff alleges that CSSD maliciously prosecuted him to pay child support. No defendant has been served yet.
<i>Quinn v. Office of the Attorney General</i> , No. 2019 CA 008169 B	FOIA	The FOIA requestor alleges that OAG did not provide all documents responsive to his request. This case is in its early stages; an answer was filed on January 24, 2020.
<i>Mary Chambers v. District of Columbia</i> , D.C. Cir. No. 19-7098		An OAG employee brought suit against the District alleging sex discrimination arising out of several employment actions, including a recommended suspension and repeated denials of a request to transfer to a different section within OAG’s Child Support Services Division. The district court entered summary judgment for the District, holding that only one claim—the denial of transfer—had been filed within the applicable limitation period, and that this claim was not actionable because a denial of a lateral transfer is not an adverse action. This matter is currently in briefing.
<i>Nancy Johnson v. District of Columbia</i> , DCCA No. 17-CV-485		After Ms. Johnson was terminated from her position as a manager in OAG’s Child Support Services Division (“CSSD”), she filed suit against the District and former Attorney General Irvin Nathan; former Chief Deputy Attorney General Eugene Adams; and Deputy Attorney General Benidia Rice, Director of CSSD. Ms. Johnson alleged that her termination was based on her race

	<p>in violation of the D.C. Human Rights Act and in retaliation for disclosures protected by the D.C. Whistleblower Protection Act. The Superior Court granted summary judgment to the District defendants, and Ms. Johnson appealed. The case has briefed and argued and we are awaiting a decision by the D.C. Court of Appeals.</p>
<p><i>D.C. Office of Risk Management v. Shelia Jordan</i>, DCCA No. 19-432</p>	<p>This is a worker's compensation matter, but it is included in an abundance of caution. Ms. Jordan is an investigator for OAG. The Superior Court reversed the Office of Risk Management's decision and awarded Ms. Jordan an award of permanent partial disability benefits for an impairment to brain function (she was diagnosed with PTSD). The Office of Risk Management appealed because the public-sector worker's compensation act does not allow for permanent partial disability awards in such impairments. The appeal is fully briefed.</p>

17. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY19 or FY20, to date, and provide the parties' names, the date the settlement was entered into, the amount of the settlement, and if related to litigation, the case name, docket number, and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, excessive use of force, etc.).

RESPONSE: OAG did not enter into any settlements on behalf of the agency in FY19 or FY20, to date.

18. Did the agency use outside counsel in FY19 and FY20, to date? If so, for what matter(s) and in what amount(s)?

RESPONSE: The agency used outside counsel in FY19 and FY20, to date for the following:

- OAG retained Schertler & Onorato, LLP in the matter of *M.B. Cottingham v. Lojaco* *et al.*, Civil Action No. 1:18-cv-1684. In FY19, OAG paid \$16,950 to Schertler & Onorato, which represented Officer Lojaco.
- In a case involving outside conflict counsel, OAG retained Schertler & Onorato, LLP in the matter of *Horse, et al. v. District of Columbia*, Civil Action No. 17-1216 (ABJ). Attorney's fees and costs paid in FY2019 were \$17,000.
- OAG used outside counsel on a contingency fee basis to assist with two matters: (1) an investigation of auto dealerships in Maryland and Virginia for potential violations of the

D.C. Human Rights Act by the National Fair Housing Alliance, and (2) an investigation of mortgage lenders for OAG's investigation and potential litigation against mortgage lenders and service providers for loan, loan servicing, and foreclosure practices that may violate the Fair Housing Act or District of Columbia anti-discrimination and consumer protection laws by Evangelista Worley, LLC and Millberg Phillips Grossman, LLP. OAG paid outside counsel \$70,962 in FY19. No amounts were paid to contingency counsel in the mortgage lending investigation in FY 2019. OAG continues to use outside counsel on a contingency fee basis in FY20 on both matters.

- OAG retained the law firm Carlton Fields to assist in OAG's legal sufficiency review of documents pertaining to a proposed new hospital to be built on the St. Elizabeths Campus by George Washington University Hospital in partnership with the District. The contract is in the amount of \$75,000, but no fees were incurred in FY 2019; the only work done under the contract to date was performed in FY 2020.
- OAG used outside counsel on a contingency fee basis to assist with three matters: (1) an investigation and potential litigation against ExxonMobil Corporation and other companies for potential violations of the Consumer Protection Procedures Act, (2) an investigation of Monsanto and other entities related to their manufacture and sale of polychlorinated biphenyls ("PCBs"), and (3) to assist with the investigation of and litigation against manufacturers and distributors of prescription opioid pharmaceuticals and any other potentially liable parties. No amounts were paid to contingency counsel on these matters in FY19. OAG continues to use outside counsel on a contingency fee basis in FY20 on the ExxonMobil Corporation and Monsanto matters.

19. Please list the administrative complaints or grievances that the agency received in FY19 and FY20, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY19 or FY20, to date, describe the resolution.

RESPONSE: None of these complaints or grievances has resulted in any change to agency policies and procedures.

Administrative Complaint

OAG received no administrative complaints in FY19.

OAG received one administrative complaint from the Office of Human Rights filed by one of the agency's employees in FY20. Under OHR's rules, OAG will participate in mandatory mediation on February 14, 2020 and file a position statement by February 17, 2020.

Grievances

AFSCME, Local 2401

OAG received three grievances from the agency's administrative professional union, the American Federation of State County and Municipal Employees, Local 2401 (AFSCME) in FY19.

OAG received one grievance in FY20.

AFGE Local 1403

AFGE filed two grievances in FY19.

Process to Respond

OAG first attempts to resolve grievances informally through meetings. If informal attempts at resolution are unsuccessful, OAG uses the process outlined in the applicable collective bargaining agreements for bargaining unit employees. Generally, a labor organization or employee files the grievance at the lowest managerial level where relief can be granted. Management has ten to fifteen working days to respond. If a grievance is not resolved at the lowest management level, the union or the employee may proceed to the next management level until the Attorney General issues a final decision. After the Attorney General's final decision, the union or employee may request arbitration and a third-party arbitrator is selected, following the process outlined in the collective bargaining agreement. Either party may seek review of an arbitrator's award by filing an appeal with the Public Employee Relations Board (PERB). Either party may seek review of PERB's decision by filing an appeal with the District of Columbia Superior Court. Lastly, either party may seek review of Superior Court's decision by filing an appeal with the District of Columbia Court of Appeals.

Under their collective bargaining agreement, attorneys may challenge the Attorney General's final decision on certain discipline by demanding non-binding arbitration.

For non-bargaining unit employees, OAG follows the process outlined in the District Personnel Manual (DPM). An employee may file a grievance with the manager who has authority to grant the relief sought, usually the Attorney General. Management's decision on the grievance is final.

Resolution

OAG resolved a FY19 AFSCME grievance which alleged OAG had not conducted career ladder promotions. As a result of funding OAG requested and received from the Council in FY19, OAG settled the grievance and promoted approximately 70 administrative professionals. OAG is conducting a compensation and classification study and will consider additional career ladder promotions at the end of the study.

OAG also resolved one AFCME FY19 grievance by granting it in part. OAG conducted a desk audit which resulted in the promotion of one employee.

20. Please describe the agency's procedures for investigating allegations of sexual harassment, sexual misconduct, or discrimination committed by or against agency employees. List and describe any allegations relating to the agency or its employees in FY19 and FY20, to date,

and whether and how those allegations were resolved (e.g. a specific disciplinary action, such as re-training, employee transfer, suspension, or termination).

- a. Please also identify whether the agency became aware of any similar matters in FY19 or FY20, to date, through means other than an allegation, and if so, how the matter was resolved (e.g. sexual harassment was reported to the agency, but not by the victim).

RESPONSE

Investigation Procedures

Under OAG's EEO policy, employees are directed to file allegations of sexual harassment or misconduct with OAG's EEO Director. Managers are trained that if they receive complaints of sexual harassment or otherwise become aware of potential sexual harassment claims, they should immediately report it to the agency's EEO Director. Upon receiving a complaint, OAG will investigate the complaint to gather information on the facts and circumstances. Employees may first contact one of OAG's EEO Counselors or file a claim directly with the Office of Human Rights. An EEO Counselor's primary goal is to mediate the complaint toward a successful resolution. An EEO Counselor does not investigate complaints on OAG's behalf and has no authority to discipline. For these reasons, employees are encouraged to report EEO complaints to OAG's EEO Director so that OAG can investigate, stop any discrimination or retaliation, and discipline the harasser. If employees choose to first file a complaint with an OAG EEO Counselor, the EEO policy requires that the EEO Counselor notify OAG's EEO Director of the complaint for purposes of beginning an investigation. Allegations against Immediate Office staff may be filed with the EEO Director or the Office of Inspector General; an independent consultant will conduct the investigation in those instances.

Allegations Against Agency or Employee and Resolution

FY19

- A District employee alleged an OAG employee subjected her to a hostile work environment. After investigation, OAG found no hostile environment but that the employee acted inappropriately for the workplace. OAG required the employee to attend refresher anti-harassment training and imposed appropriate discipline.
- A District employee alleged an OAG employee subjected her to a hostile work environment. After investigation, OAG found a hostile work environment was created. OAG ensured the employees had no further contact and imposed appropriate discipline.
- An OAG employee alleged another agency employee subjected him to a hostile work environment. After investigation, the agency determined the employee violated the agency's anti-harassment policy and took appropriate discipline.

FY20

There have been no reports or allegations of sexual harassment, sexual misconduct, or discrimination.

21. Please provide the Committee with a list of the total workers' compensation payments paid by the agency or on the agency's behalf in FY19 and FY20, to date, including the number

of employees who received workers' compensation payments, in what amounts, and for what reasons.

RESPONSE: In FY19 and FY20, respectively, OAG paid \$11,029 and \$245 in workers' compensation payments as detailed below.

Employee	FY 2019	FY 2020	Total	Reason
1	\$6,675	\$0	\$6,675	Medical Costs
2	\$2,627	\$0	\$2,627	Medical Costs
3	\$231	\$0	\$231	Medical Costs
4	\$457	\$0	\$457	Medical Costs
5	\$1,025	\$0	\$1,025	Medical Costs
6	\$14	\$245	\$259	Medical Costs

22. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY19 and FY20, to date.

RESPONSE:

FY19

- The Comprehensive Annual Financial Report (CAFR) is an annual District-wide audit conducted by an independent auditor, SB & Company, and managed by OCFO. The audit examines various components of the District including HR and Payroll.
- In June 2019, OAG successfully completed the FY18 District of Columbia's Government Single Audit.
- The D.C. Auditor initiated an audit of the Settlement and Judgment Fund including OAG, the Office of Risk Management and the Office of the Chief Financial Officer.
- District Single Auditors audited the Child Support Services Program for the year ended September 30, 2018. HR was required to provide hire date and salary information.
- OAG CSRS Employee Review: As part of the retirement project, DCHR reviewed all active CSRS Official Personnel Files.
- BDO worked with OCTO to conduct an audit of PeopleSoft. As part of their audit, they examined the new hire and termination process.
- FS Taylor and Associates conducted an audit of DC Pension 401(a) and 457(b) Plan. OAG was required to provide the following: (1) Documentation of hire date (from agencies); (2) Documentation of wage rate in effect (from agencies); and (3) Personnel file (from agencies).

FY20

- FS Taylor and Associates conducted an audit of DC Pension 401(a) and 457(b) Plan. OAG was required to provide the following: (1) Documentation of hire date (from agencies); (2) Documentation of wage rate in effect (from agencies); and (3) Personnel file (from agencies).

- In January 2020, the Office of the Inspector General (OIG) initiated an Audit of OIG's Prior Year Recommendations and Income and Expenditures of the Attorney General Restitution Fund.

23. Please describe any spending pressures the agency experienced in FY19 and any anticipated spending pressures for the remainder of FY20. Include a description of the pressure and the estimated amount. If the spending pressure was in FY19, describe how it was resolved, and if the spending pressure is in FY20, describe any proposed solutions.

RESPONSE: OAG did not experience any spending pressures in FY19 and does not anticipate any spending pressures in FY20.

24. Please provide a copy of the agency's FY19 performance plan. Please explain which performance plan objectives were completed in FY19, and whether they were completed on time and within budget. If they were not, please provide an explanation.

RESPONSE: See Attachment 7.

25. Please provide a copy of your agency's FY20 performance plan as submitted to the Office of the City Administrator.

RESPONSE: See Attachment 8.

26. Please describe any regulations promulgated by the agency in FY19 or FY20, to date, and the status of each.

RESPONSE:

- On December 7, 2018, OAG issued final rulemaking to implement an increase to the District's civil false claims penalties to match the inflation adjustments that the Attorney General of the United States has made to the federal civil false claims penalties authorized by 31 USC § 3729. The rules were codified at 27 DCMR § 5100 *et seq.*
- On February 1, 2019, the Attorney General published a Notice of Proposed Rulemaking to add a new Chapter 51 (Rulemaking Petition to the Office of the Attorney General) to Title 1 (Mayor and Executive Agencies) of the District of Columbia Municipal Regulations, to establish the form for a petition by an interested person requesting the Attorney General promulgate, amend, or repeal a rule for the implementation of a statute or program that the Attorney General is authorized to administer. The rules became final on April 12, 2019, at 66 DCR 4800, and are codified at 1 DCMR § 5100 *et seq.*

27. Please provide the number of FOIA requests for FY19 and FY20, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.

RESPONSE:

OAG received a total of 142 FOIA requests and 38 in FY20, to date. See below for the status of those requests.

Fiscal Year	Granted in Whole	Granted in Part	Withdrawn	Referred to other public bodies	Abandoned	Denied	Continued into next FY	Total # Requests
FY19	19	41	9	11	0	51	11	142
FY20, to Date	9	9	4	1	1	14	0	38

In FY19 and FY20, one FTE processes requests. See below for average response time, estimated number of hours spent responding to those requests, and the cost of compliance. OAG utilizes an online e-discovery platform called Relativity to assist with review and preparation of responses.

	FTEs	Avg. Response Time (days)	Est. # Hours	Labor Costs	Relativity Costs	Total Costs
FY19	1	15	209	12,718	16,000	\$28,718
FY20, to Date	1	19	86	5,375	3,000	\$8,375

28. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY19 and FY20, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.

RESPONSE: Each year, OAG prepares an annual report of all FOIA litigation handled by OAG. The report tracks all FOIA litigation handled by OAG, the outcome of the case and the amount of any fees that may have been awarded in a case. That report is made public by February 1.

- See Attachment 9: In April 2019, OAG produced and distributed the office’s “2018-2019 Annual Report and Resource Guide,” which contains important information about OAG’s work to protect and improve the lives of District residents. This third edition of OAG’s annual report contains tools and resources for residents to get help and connect with the office. The report is found at: <https://oag.dc.gov/sites/default/files/2019-04/OAG-2018-2019-Annual-Report-FINAL-Digital.pdf>.

- See Attachment 10: In September 2019, OAG commissioned and released an economic report, “Illegal Worker Misclassification: Payroll Fraud in the District’s Construction Industry,” that demonstrates how illegal misclassification in the District’s construction industry hurts workers, cheats taxpayers, and undercuts law-abiding competitors. The report is found at: <https://oag.dc.gov/sites/default/files/2019-09/OAG-Illegal-Worker-Misclassification-Report.pdf>.
- See Attachment 11: In November 2019, OAG’s Civil Rights Section issued “Community Voices: Perspectives on Civil Rights in the District of Columbia,” highlighting key civil rights concerns District residents shared with OAG, including concerns about housing discrimination, racism, and bias-motivated violence against the LGBTQ+ community. The report is found at: <https://oag.dc.gov/release/ag-racine-elevates-community-concerns-about>

29. Please list in descending order the top 25 overtime earners in your agency in FY19 and FY20, to date, if applicable. For each, state the employee’s name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned. Please describe the process the agency uses to determine which employees are granted overtime.

RESPONSE: OAG seeks to manage costs by limiting overtime to performance of duties required by law or duties which cannot reasonably be performed during regular duty hours. The process for approving overtime in OAG’s Public Safety Division where attorneys and staff must work Saturdays and holidays is to seek volunteers. In other OAG divisions where work cannot reasonably be performed during regular duty hours, the request for overtime is approved by the section chief, division deputy, and Chief Administrative Officer or Chief Operating Officer.

See Attachment 12.

30. For FY19 and FY20, to date, please provide a list of employee bonuses or special pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

RESPONSE: See Attachment 13.

31. For FY19 and FY20, to date, please list each employee separated from the agency with separation pay. State the amount and number of weeks of pay. Also, for each, state the reason for the separation.

RESPONSE: No OAG employee received separation pay in FY19 or FY20.

32. Please provide the name of each employee who was or is on administrative leave in FY19 and FY20, to date. In addition, for each employee identified, please provide: (1) their position; (2) a brief description of the reason they were placed on leave; (3) the dates they were/are on administrative leave; (4) whether the leave was/is paid or unpaid; and (5) their current status.

RESPONSE:

Position	Reason	Dates	Paid/Unpaid	Current Status
Support Enforcement Specialist	Discipline	3/26/19 to 5/3/19	Paid	Separated
Clerical Assistant	Discipline	6/28/19 to 11/1/19	Paid	Separated
Support Enforcement Specialist	Discipline	8/7/19 to 11/1/19	Paid	Separated
Clerical Assistant	Discipline	8/29/2019 to 10/11/2019	Paid	Separated
Trial Attorney	Separation Agreement	1/8/20 to 1/22/20	Paid	Separated

33. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and its anticipated completion.

RESPONSE:

- See Attachment 14 for the AFGE collective bargaining agreements governing the period October 1, 2017, through September 30, 2020. The District is currently negotiating the successor agreements which will govern the parties' relationship from October 1, 2020 through September 30, 2023.
- See Attachment 15 for the working conditions CBA which governs the relationship between AFSCME and the District. Although the face of the CBA indicates it expired on September 30, 2010, it still governs the parties' relationship.
- See Attachment 16 for the compensation agreement for compensation units 1 and 2 governing the period October 1, 2017 through September 30, 2021.

34. If there are any boards, commissions, or task forces associated with your agency, please provide a chart listing the names, number of years served, agency affiliation, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board, commission, or task force meeting in FY19 or FY20, to date, if minutes

were prepared. Please inform the Committee if the board, commission, or task force did not convene during any month.

RESPONSE: There are no boards or commissions administered by OAG. However, OAG serves on several boards and commissions as reflected in the response to question 43.

35. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with these requirements, and if not, why not (e.g. the purpose behind the requirement is moot, etc.).

RESPONSE:

Report Recipient	Code	Law Number	Type/Name of Report	Deadline
Council	41-312	20-278	Jointly w/ MPD District's civil asset forfeiture efforts	Annually, due January 1
Council	2-538	13-283	FOIA Report	Annually, due February 1
Council	1-301.88c(f)	18-160	Subpoenas requested and issued by Attorney General	quarterly
Council	1-301.89a(a)	19-287	Notification of challenge to validity of District statutes, rules, regulations, programs, policies, or enactments of any type	within 30 calendar days of receiving notice of the action
Council	1-301.89a(a)	19-287	Report on constitutional challenge or District of Columbia Home Rule Act validity challenge	as needed
Council	1-301.89a(b)	19-287	Notification of AG's decision to	within 30 calendar days

			refrain from enforcing or defending District statutes, rules, regulations, programs, policies, or enactments of any type	from the date the Attorney General implements the decision
Council	34-1512(b)(2)(B)	13-107	Monitoring anticompetitive conduct among utility providers	within 6 months of transmittal of evidence of wrongdoing
Mayor and the Secretary to the Council	38-209	20-17	Compulsory School Attendance	Annually, due July 15
Board of Ethics and Government Accountability	6B DCMR Section 1810		Notified public and confidential filers of their financial disclosure requirements, report whether there were successful or pending appeals of confidential filer designations, and whether there were any potential or actual ethical violations disclosed.	Annually, due June 1

36. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained.

RESPONSE:

Date	Training Subject	Number of Attendees	Trainers
9/12-14/17	Advanced Deposition Skills Program	21	National Institute for Trial Advocacy (NITA) Facilitators
10/11/2017	The Hatch Act for OAG (AM session)	77	Board of Ethics and Government Accountability (BEGA) Facilitator
10/11/2017	The Hatch Act for OAG (PM session)	45	BEGA Facilitator
10/30/2017	Hispanic Heritage Month-The Impact of DACA on Dreamers in the Current Immigration Environment	47	Claudia Flores, Immigration Campaign Mgr for the Center for American Progress and Jose Magana-Salgado, former Managing Policy Attorney at the Immigrant Legal Resource Center in San Francisco
11/29/2017	Drug Overdose Death Investigation & Prosecution	14	National Attorneys General Training and Research Institute (NAGTRI) Facilitators
12/1/2017	Professional Responsibility for Government Lawyers	105	Myles Lynk, Hope Todd & Erika Stillablower
1/10/2018	The Hatch Act for OAG (AM session)	53	BEGA Facilitator
1/10/2018	The Hatch Act for OAG (PM session)	24	BEGA Facilitator
1/23/2018	The History of DC, OAG and How It Came to Be	16	Wayne Witkowski, former Deputy, Legal Counsel
1/24/2018	Writing to Persuade and Get It Write	35	John Salatti, LAWriters
1/26/2018	Updates on the Federal Rules of Civil Procedure & Overview of Critical Federal Rules of Evidence	47	William Elward
2/23/2018	Thomson Reuters Government Contracts Year-in-Review Conf	1	Thomson Reuters Facilitators
3/5/2018	Black History Month-A talk with William (Bill) Lucy	64	William Lucy
3/29/2018	Witness Preparation for Defending Depositions	34	Daniel Rezneck, AAG
4/26/2018	Public Interest Division: Procurement Training	27	Public Interest
5/31/2018	Protecting Medicaid in Civil Litigation	39	Monique Gudger & Renae Stong, AAGs
6/13/2018	Juvenile Confidentiality	38	Dave Rosenthal, SAG

6/18/2018	Religion in the Government Workplace: Can You Wear It on Your Sleeve	57	Jack Grimaldi, formerly BEGA Facilitator
6/25/2018	Gay Pride Diversity Awareness-Ma'ayan Anafi, Policy Counsel of the Natl Ctr for Transgender Equality	25	Ma'yan Anafi
6/26/2018	District of Columbia V. Donald Trump	81	Stephanie Litos, Asst Deputy
7/17/2018	Due process in a Nutshell: I Don't Like What the Government Did	80	Andrew Saindon, AAG
7/18/2018	Sexual Harassment Prevention Training for Managers	25	Roger Locklear, EEO Director
7/19/2018	A 4th-5th-6th Amendment Overview and Summary of Recent Binding Court Decisions	50	Rosalyn Groce, John Donovan, John Martorana and Janice Sheppard
7/26/2018	Restorative Justice and the affects in Rwanda	36	Charles Thornton
7/31/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-Managers Only (AM)	20	Roger Locklear, EEO Director
7/31/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-Managers Only (PM)	18	Roger Locklear, EEO Director
8/8/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-(PM)	44	Roger Locklear, EEO Director
8/14/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-(AM)	42	Roger Locklear, EEO Director
8/14/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-(PM)	39	Roger Locklear, EEO Director

8/16/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-(AM)	48	Roger Locklear, EEO Director
8/21/2018	The U.S. Constitution and the Regulation of Firearms	77	Andrew Saindon, AAG
8/28/2018	Ethics and the Government Lawyer 2018	158	Jack Marshall, Proethics
8/29/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-(PM)	42	Roger Locklear, EEO Director
8/30/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-(AM)	39	Roger Locklear, EEO Director
8/30/2018	Building a Respectful and Inclusive Workplace: OAG's and the District's Anti-Sexual Harassment Policies and Interactive Training-(PM)	51	Roger Locklear, EEO Director
9/11-13/18	Principles of Appropriations Law	31	Government Accounting Office (GAO) Facilitators
9/18/2018	Understanding Today's Unwritten Rules of Professionalism and Workplace Etiquette	89	Graceland College Facilitator
9/18/2018	Mandatory Leave of Absence	29	Tameya Postell, FMLA
9/18-28/18	One on One Legal Writing Sessions	36	John Salatti, LAWriters
9/18 & 19/18	Mandatory Leave of Absence	75	Tameya Postell, FMLA
9/20-21/18	Leadership and Management Training	38	Anne Collier, ARUDIA
9/27/2018	What is the Attorney-Client Privilege?	69	George Valentine, Elaine Block, and Amanda Montee
10/11/2018	Hispanic Heritage Month-A talk with Zuraya Tapia-Hadley	31	Ms. Zuraya Tapia-Hadley, Manager of Public Policy, Facebook
10/17/2018	The Ins and Outs of the Work Product, Common Interest & Joint Defense Doctrines	70	Stephanie Litos and Gary Kohlman

10/25/2018	Elder Financial Abuse Training	18	Bridgette Stumpf, Merry O'Brien and Amy Mix,
11/5/2018	BERT Roles and Responsibilities Training	5	Bobby Gboyor and Lenora Robinson
11/14/2018	What are the Ten Most Common Legislative Drafting Mistakes and How Can They be Avoided?	33	Carol Epstein, AAG
11/28/2018	Native American and Alaska Native Heritage Month Celebration	55	Keith Colston, Administrative Director for the Maryland Commission on Indian Affairs and owner of Native American's Protectors, LLC
12/4/2018	Changes in Westlaw-Expanded Coverage of Westlaw	22	Westlaw Facilitator
12/12/2018	Paralegal and Legal Assistant Training	54	NAGTRI Facilitators
12/13/2018	Changes in Westlaw-Expanded Coverage of Westlaw	21	Westlaw Facilitator
1/17/2019	Legal Ethics-Focus:Civil	45	Elaine Block, Hope Todd & Erika Stillablower
1/24/2019	Write to Persuade & Get It Write(Ruff Fellows)	16	John Salatti, LAWriters
1/25/2019	Updates on the Federal Rules of Civil Procedure & Overview of Critical Federal Rules of Evidence	61	William Elward
1/30/2019	Preventing Emergency Injunctions Against the District	26	Andrew Saindon, AAG
1/31/2019	Contracting Authority in the District: Who Can Bind the District	38	Kimberly Johnson, Civil Enforcement, and Rob Schildkraut, Procurement - Section Chiefs
2/7/2019	NAGTRI's Legal Writing	64	NAGTRI Facilitators
2/21/2019	Awards of Attorney's Fees Under Fee Shifting Statutes	35	Chad Copeland, Deputy and Jimmy Rock, Asst Deputy
2/26/2019	Dealing with Stress: Out of the Shadows and Into the Light	37	Anne Collier, ARUDIA
2/27/2019	Westlaw's Drafting Assistant	28	Westlaw Facilitator
3/5/2019	Westlaw's Secondary Sources	20	Westlaw Facilitator
3/7/2019	Who We Are: A Chronicle of Racism in America	138	Jeff Robinson, ACLU
3/13/2019	Millennial Management: How to Shift the Focus from Being the Youngest to Being a Strong, Knowledgeable Leader in a Multi-Generational Workplace	23	Christina Jones, Special Counsel

3/14/2019	Ins and Outs of Attorney Client Privilege	13	Mary Rayment, Monica Brown and Robyn Bender
3/21/2019	Westlaw's Litigation Research	18	Westlaw Facilitator
3/27/2019	Case Analysis, Voir Dire and Opening Statements for Ruff Fellows	12	Gary Kohlman
4/11/2019	The Law of Evidence	74	Cynthia Jones, NAGTRI
4/18/2019	Taking and Defending a Deposition, Direct and Cross-Examination for Ruff Fellows	13	Gary Kohlman
5/21/2019	Leadership Coaching: From Distress to Success in Five Simple Steps	47	Anne Collier, ARUDIA
5/23/2019	A Primer on Data Privacy and Student Records	43	Sarah Jane Foreman and Starr Granby-Collins
5/30/2019	Expert Testimony and Closing Arguments for the Ruff Fellows	11	Gary Kohlman
6/25/2019	Forfeiture by Wrongdoing	16	John Wilkinson, Aequitas
7/17/2019	DC Bar's Ethics Crash Course	73	Elaine Block, Saul Singer & Erika Stillablower
7/23/2019	Ethical Considerations for Prosecutors in Intimate Partner Violence Cases	34	John Wilkinson, Aequitas
7/24 & 31/19	Effective Writing Sessions: Planning to Write & Writing	38	John Salatti, LAWriters
7/31-8/1/19	State Defensive Litigation Training Program	28	NAGTRI Facilitators
8/2/2019	Meetings that Matter	27	Anne Collier, ARUDIA
8/6/2019	The Legal Ethics Minefield	104	Jack Marshall, Proethics
8/9/2019	The Art of the Closing Argument	81	Superior Court Judge Stephanie Duncan-Peter, Dennis Sweet and Gary Kohlman
8/12-22/19	One on One Legal Writing Sessions	40	John Salatti, LAWriters
8/19/2019	Appropriations Law Workshop	19	Laurie Ensworth
8/20/2019	Expanding Our Reach: Prosecuting Intimate Partner Violence Against Victims Who Identify as LGBTQ+	15	John Wilkinson, Aequitas
8/21/2019	Leave of Absence Manager Training	5	Tameya Postell, FMLA
8/23/2019	Providing feedback: From Necessary Evil to Manager Favorite	19	John Salatti, LAWriters
8/26/2019	Leave of Absence Manager Training	7	Tameya Postell, FMLA

8/27/2019	Leave of Absence Manager Training	2	Tameya Postell, FMLA
8/28/2019	Leave of Absence Manager Training	6	Tameya Postell, FMLA
9/4/2019	Leave of Absence Manager Training	3	Tameya Postell, FMLA
9/10/2019	Lexis Advanced Research Training	14	Lexis Facilitator
9/17/2019	Local Tax Law in the District of Columbia	52	Richard Amato
9/19/2019	Building the Team	28	Anne Collier, ARUDIA
9/20/2019	The Supervisor's Role as Trainer and Coach	20	Skillpath Facilitator
9/24/2019	Performance Management		DCHR facilitator
9/26/2019	Domestic Violence & Intimidation Training	17	John Wilkinson, Aequitas
9/27/2019	Data Analysis at OAG		Rory Pulvino
11/12/2019	Investigations and Interview Techniques	103	Bill Corboy, MPD (Ret.)
11/15/2019	Public Sector Workers' Compensation	17	Soriya Chhe, ORM
11/25/2019	Overstepping the Scope of Employment-Use and Abuse of Information and Instrumentalities of the Job	51	Michael Addo, Chief, Civil Lit IV and Emily Simmons, DCHR
12/4/2019	How to Prepare for and Defend Rule 30(b)(6)	43	Alicia Cullen, Chief Civil Lit III, and Gary Kohlman
12/10/2019	The Prosecutor's Obligations Under Brady v MD: Disclosing Exculpatory Evidence	30	Peter Saba, Chief, and Jose Marrero, Asst Chief, Criminal
12/13/2019	Mediation	51	Natalie Ludaway, Chief Deputy Attorney General, Richard Levie, Superior Judge (Ret.), Melissa Rhea, Former President of the DC Bar, and Gary Kohlman
1/21/2020	Updates on the Federal Rules of Civil Procedure and Overview of Critical Federal Rules of Evidence	41	William Elward

37. Please describe any initiatives that the agency implemented in FY19 or FY20, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

RESPONSE: Please see response to question 1b. Please see also Attachments 7 and 8 for OAG's FY19 and FY20 performance plans.

38. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in FY20. How did the agency address its top priorities listed for this question last year?

RESPONSE: OAG's goal is to become the premier public interest law office in the country. To that end, for FY20, OAG's top five priorities focus on making our office more accessible to the public and elevating our practice.

Three priorities focus on making our office accessible to the public and ensuring that we are serving our residents well.

- OAG will launch an open data portal to make appropriate public safety data available to the public in a way that is appealing both to casual observers and sophisticated researchers.
- OAG's community engagement team will deepen its ties with parts of the office that serve vulnerable populations to ensure that our educational and empowerment materials reach the communities they target, and that we are hearing from those communities about what they need from us.
- OAG will continue to update its website based on data from user testing to make it more navigable and accessible to our residents.

Two of our priorities focus on elevating our practice to ensure effective and efficient practice of law.

- Throughout OAG, we will focus on creating or updating practice guides to ensure thoughtful and consistent practice of law, as well as moving toward paperless record keeping and document management to ensure organization of our legal files as well as continuity and institutional memory regardless of staff turnover.
- In many of our defensive litigating divisions, we will conduct reviews of old cases to determine what, if any, action should be taken now and, in the future, to limit liability and expedite resolution of litigation.

Details on our initiatives, including their outcome goals, can be found in OAG's FY20 performance plan, Attachment 8. The agency substantially achieved, or made significant progress with, the top FY19 priorities, as described in OAG's FY19 performance plan, Attachment 7.

39. Please list each new program implemented by the agency during FY19 and FY20, to date. For each initiative, please provide:

- a. A description of the initiative;
- b. The funding required to implement the initiative; and
- c. Any documented results of the initiative.

RESPONSE: Please see response to question 1b. Please see also Attachments 7 and 8 for OAG’s FY19 and FY20 performance plans.

40. How does the agency measure programmatic success? Please discuss any changes to outcomes measurement in FY19 and FY20, to date.

RESPONSE: Each year, the agency engages in a strategic planning process in which it develops performance initiatives to improve agency operations. The agency then measures its success against those initiatives. While the process stays the same, the initiatives change each year. See Attachments 7 and 8 for OAG’s 2019 Accountability Report and 2020 Performance Plan.

41. What are the top metrics and KPIs regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

RESPONSE: OAG currently does not use numerical metrics in its performance plan. OAG determined that in most cases, numeric goals do not accurately measure success and are not conducive to incentivizing performance for the District’s law office. However, agency management regularly checks in on various numeric indicators tailored to OAG’s diverse practice areas to gauge how a division is performing. Such numbers might include caseload per attorney or case worker, number of consumer complaints, or resolution times for certain types of matters. OAG does rigorously evaluate certain programs with numerical data, like its use of recidivism data to evaluate our ACE Diversion and Restorative Justice work. CSSD consistently measures its operations against the five major federal performance measures.

42. Please identify whether, and if so, in what way, the agency engaged The Lab @ DC in FY19 or FY20, to date.

RESPONSE: OAG’s Data Statistician, whose title is now Senior Data Analyst (SDA), has connected with researchers at the Lab @ DC regarding data collection, analysis and program evaluation pertaining to several issues, including juvenile justice, housing, and public safety. The SDA serves on the data science DC executive committee which was originally conceived of by Peter Casey at the Lab and is an organizing body for presentations and trainings for data scientists, data analysts, and others in DC government.

43. Please list the task forces and organizations of which the agency is a member.

RESPONSE:

- Attorney General’s Synthetic Drug Task Force
- Child Fatality Review Team
- Child Support Guidelines Commission
- Citywide Child Fatality Review Committee

- Citywide Human Trafficking Taskforce
- CJCC Interagency Research Advisory Committee (IRAC),
- CJCC Juvenile Justice Committee
- CJCC Juvenile Justice Data Subcommittee
- CJCC Restorative Justice Workgroup
- Commission on Boys Men and Fathers
- Commission on Selection and Tenure of the Office of the Administrative Hearing
- Concealed Pistol Licensing Review Board
- Conference of Western Attorneys General
- Counsel for Court Excellence’s Youth Justice Committee and Criminal Justice Committee
- Court Improvement Project, the Education Subcommittee
- Criminal Rules Advisory Committee
- CSES Committee
- DC Children’s Advocacy Center
- DC Criminal Code Reform Commission
- DC Human Trafficking Taskforce
- DC Sentencing Commission
- DC Superior Court DPA/DSA Committee
- DC Superior Court Education Subcommittee
- DC Superior Court JM-15 Working Group
- DC Superior Court Juvenile Rules Committee
- DC Superior Court Juvenile Subcommittee
- DC Superior Court Neglect Abuse Subcommittee
- DC Superior Court Probate Division Fiduciary Compensation Working Group
- DC Superior Court Training Subcommittee
- DC TROV (Training and Response for Older Victims)
- DC WMATA Board Member Advisory Group
- District Taskforce on Jails and Justice
- Department of Behavioral Health Officer Agent Steering Committee
- Domestic Violence Fatality Review Board
- Elder Abuse Prevention Committee
- Emergency Preparedness Council
- Every Day Counts! Taskforce
- Extreme Risk Protection Order (ERPO) Implementation Committee
- Fair and Just Prosecution
- Family Court Implementation Committee, Neglect and Abuse Subcommittee
- Family Treatment Court Committee
- Federal Advisory Commission on Juvenile Justice
- Gunstat
- Hope Court Committee
- International Municipal Lawyers Association
- Juvenile Behavioral Diversion Program Committee
- Juvenile Justice Advisory Group
- Law Enforcement Task Force
- LexisNexis’ Criminal Jury Instructions (Red Book) Committee

- Marijuana Private Club Task Force
- Mayor’s Advisory Committee on Child Abuse and Neglect
- Mental Health Community Court Advisory Committee
- Multi Agency Sign Regulation Working Group
- National Association of Attorneys General
- National Association of Child Support Enforcement
- National Council of Child Support Directors
- Police and Firefighters Retirement and Relief Board
- Public Health Emergency Law Manual Advisory Committee
- Safe Shores
- Tenant Barriers Workgroup
- United Medical Center Transition Working Group
- Working Group on Mental Illness in the Criminal Justice System

44. Please explain the impact on your agency of any legislation passed at the federal level during FY19 and FY20, to date, which significantly affected agency operations.

RESPONSE: There was no legislation passed at the federal level during FY19 and FY20, to date, that significantly affected agency operations.

45. Please describe any steps the agency took in FY19 and FY20, to date, to improve the transparency of agency operations, including any website upgrades or major revisions.

RESPONSE: OAG took the following steps to improve the transparency of agency operations in FY19 and FY20, to date:

- Open Data Portal: One of the motivating factors for creating a Senior Data Analyst position was to clean, standardize, make transparent, and make public OAG’s public safety data, which will provide residents with more information about crime and criminal justice in the District. To that end, OAG plans to launch an open data portal by the end of FY20 for public safety data on OAG’s website. Through the portal, members of the public will find graphs and other data visualizations that analyze juvenile and criminal data, and raw criminal data in an Excel-like format for more sophisticated users to explore.
- Website: OAG’s redesigned website launched in March 2018 and is an ongoing process. This data-driven redesign updated our website to highlight AG Racine’s priorities and issue areas important to the public. The structure of the website was improved to help visitors find the information they were seeking and the content on pages was rewritten to make it more accessible to the public. In the Fall of 2018, OAG launched a blog to provide the public with timely and action-oriented content about what OAG is doing and how they could access OAG services, which has continued through FY19 and FY20, to date. OAG continues to make data-driven improvements to

the website, recently updating the Newsroom with improved search features and will update the homepage structure in the coming months.

46. Please identify all electronic databases maintained by your agency, including the following:
- a. A detailed description of the information tracked within each system;
 - b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - c. Whether the public can be granted access to all or part of each system.

RESPONSE:

- Prolaw: OAG uses Prolaw as its case management system. Prolaw includes a database that assigns case numbers and contains data for each case. Specific data include: OAG staff associated with each case, list of filings and documents, dates of court appearances, emails related to cases it tracks, demographic data for criminal cases, references to court appearances, copies of letters and pleadings, tasks assigned to attorneys and paralegals, and schedules for relevant case deadlines. No prolaw data is available to the public, since it is privileged and/or work product.
- Abacus Law: Abacus law is the case management system used by Juvenile, Restorative Justice, and Criminal staff. Abacus contains arrest data, mugshots (for adult criminal data), docket updates (for adult criminal data), attorney notes, or other electronic evidence. No abacus data is available to the public, since it is privileged and/or work product.
- District of Columbia Child Support Enforcement System: This is the Child Support Service Division's most important electronic database. It is used by most of the staff to enter the names, addresses, social security numbers, assets, and income of its customers. Further, it is the system used to track whether an individual has been served to go to court and what occurred at the hearings. After a child support order is established, the order is entered into this system so that an individual's financial obligations over the course of the case can be tracked. Any payments made by the non-custodial parent are tracked in this system. The database was built over 20 years ago but is being upgraded under the capital project discussed above. The public cannot be granted access to all or part of the system.
- Unwed Births System: This database tracks paternity for children born out of wedlock and contains scanned court orders of paternity as well as acknowledgements of paternity. The database was built in 2010. The public cannot be granted access to all or part of the system.
- Infolinx: This database includes scanned versions of documents related to CSSD cases, including court orders. This system has obviated the need for staff to check out paper files and thus has reduced the number of lost files. The database was off-the-shelf

software the agency began using before 2004 and that was customized and upgraded by the agency in 2011. The public cannot be granted access to all or part of the system.

- Training Information System: This database tracks what trainings have been offered and taken by Child Support Services Division Staff. The database was designed at another agency and customized and brought to CSSD in 2007. OAG needs to determine whether there may be collective bargaining or legal restrictions, but it may be possible for the public to be granted access to part of the system.
- Work Request System: This database tracks what systems enhancements and reports have been requested. The database was designed at another agency and customized and brought to CSSD in 2007. OAG needs to determine whether there are legal restrictions, but it may be possible for the public to be granted access to part of the system.
- EMPIR: EMPIR (Enterprise Management and Planning of Integrated Resources) is an internal database that tracks assets and supplies across the agency. The database also includes a risk management system that allows staff to report unusual incidents. This database dates from 2006. OAG needs to determine whether there are legal restrictions, but it may be possible for the public to be granted access to part of the system.

47. Please describe the progress OAG has made regarding major class actions against the District involving judicial oversight.

RESPONSE:

- *D.L. v. District of Columbia*, Civil Action No. 05-1437 (RCL). *D.L.* is a 15-year-old class action where preschool children with disabilities obtained injunctive relief against the District based on purported systemic deficiencies in the District's preschool special education program. Plaintiffs contend the District violates the IDEA, the Rehabilitation Act, and local law. In 2011, the Court held a bench trial and later that year, found the District liable and instituted injunctive relief. Following an appeal by the District, in 2013, the D.C. Circuit vacated class certification, the liability finding against the District, and the injunction; it remanded the case for further proceedings. The District Court subsequently recertified four subclasses of children and permitted the parties to engage in discovery. A second trial followed in November 2015. On May 18, 2016, the Court issued a Memorandum Opinion and Order finding against the District on all triable issues and entering structural injunctive relief modeled on the relief ordered in 2011. The District continues to work toward compliance with the requirements of the injunction.
- *LaShawn v. Bowser*, Civil Action No. 89-01754 (TFH). *LaShawn* is a long-running consent decree case governing several aspects of the District's child welfare system, which includes child protection services and the foster care system. In December 2010, the Court entered the Implementation and Exit Plan (IEP) that set forth 88 Exit Standards in two categories: 60 were outcomes to be achieved and 28 were outcomes to be maintained. The Parties conducted settlement discussions in July 2019, and

ultimately agreed on an Exit and Sustainability Plan (ESP) to guide the termination of the lawsuit. The ESP, entered by the Court on October 31, 2019, removes from court monitoring 56 Exit Standards that have been achieved and maintained over several years. The plan also provides for an intensive focus on the remaining important outcomes to be achieved and incorporates specific new commitments by the District to improve foster care placement. The plan positions the agency for self-regulation and public accountability when the District fully exits from Court oversight, which the parties anticipate as early as December 2020.

- *Salazar v. District of Columbia*, Civil Action No. 93-452 (TSC). *Salazar* is a long-running consent decree case, originally filed in 1993, governing several aspects of the District’s administration of Medicaid, including: (1) service delivery of the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit; (2) notice of the availability of the EPSDT benefit; (3) timely processing of initial applications for Medicaid eligibility; (4) adequate advance notice of termination from Medicaid benefits during annual renewal; and (5) reimbursement of eligible out-of-pocket expenditures. Provisions relating to the third category were dismissed by consent in 2009 after the parties agreed that the District had satisfied the exit criteria, and the provisions relating to the fourth category were dismissed by Court order in 2013 because those requirements conflicted with the Affordable Care Act (ACA). The single remaining claim involves service delivery of the EPSDT benefit to children enrolled in Medicaid. The case is aggressively litigated, resulting in numerous additional court orders which broaden the scope of required compliance by the Department of Health Care Finance. On November 5, 2019, the District renewed its motion to terminate Court oversight, alleging that it has satisfied the conditions of the Settlement Order or, alternatively, that Court oversight is no longer appropriate given there is no ongoing legal violation. Briefing is stayed until further order of the Court.
- *Jerry M. v. District of Columbia*, Civil Action No. 85-1519 (HD). *Jerry M.* is a 35-year-old class action lawsuit on behalf of “children who are or will be confined in juvenile detention facilities operated by the District of Columbia” alleging statutory and constitutional violations. The operative document now is the Work Plan, which is the exit plan for the litigation, and was approved by the Court in December 2007. While the Work Plan is in effect, almost all other court orders are stayed and are unenforceable. When Defendants meet the criteria laid out in the Work Plan, those indicators are vacated, allowing Defendants to move progressively towards termination. A settlement agreement was approved by the Court on April 23, 2015, which narrowed the case to five of the original twelve Goals from the Work Plan: Goal I.A.1 (Critical Incidents); Goal I.A.7 (Staffing and Supervision); Goal V (Medical Health); Goal VII.B (Fire Safety); and Goal VIII (Behavioral Health). On April 10, 2019, the Court vacated Goal I.A.7 (Staffing and Supervision) after concluding that the District demonstrated sustained compliance with the Goal’s performance standards. Additionally, throughout 2019, the parties engaged in settlement negotiations to conclude court oversight. Those efforts have proven fruitful, and the parties have moved for preliminary approval of a settlement agreement ending court oversight of this case by summer 2020.

48. For FY19 and FY20, to date, please list all cases in which the District was ordered to pay or receive attorneys' fees. Please include the name of the case, the agency involved, the statute pursuant to which the court ordered attorneys' fees, and the amount of fees paid and/or received.

RESPONSE:

Cases where the District was ordered to pay fees:

- *LaShawn v. Bowser*: CFSA; 42 U.S.C. § 1988; \$87,680.58.
- *Salazar v. District of Columbia*: DHCF; 42 U.S.C. § 1988; \$225,448.72.
- *Jerry M. v. District of Columbia*: DYRS; 18 U.S.C. § 3006A, 42 U.S.C. 1997e(d)(3); \$101,253.84.
- *D.L. v. District of Columbia*: OSSE and DCPS; 20 U.S.C. § 1415(i)(3); \$3,550,000.
- *Sylvia Brown-Carson v. OUC*: ORM; D.C. Code § 1-623.27; \$10,092.96.
- *Freddie Jones v. DOC*: ORM; D.C. Code § 1-623.27; \$14,788.84.
- *Edith Aglebe v. OCFO & ORM*: ORM; D.C. Code § 1-623.27; \$8,702.00.
- *Carolyn Reynolds v. ORM & DCPS*: ORM; D.C. Code § 1-623.27; \$8,070.00.
- *Queen Glymph v. DBH & ORM*: ORM; D.C. Code § 1-623.27; \$43,244.23.
- *Kiona Battle v. ORM & CFSA*: ORM; D.C. Code § 1-623.27; \$23,506.86.
- *Burks v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$74,955.78.
- *Burns v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$50,125.75.
- *Davis v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$28,530.62.
- *Fluellyn v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$61,755.80.
- *Forrest v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$40,748.91.
- *Hill v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$75,838.10.
- *Hunter v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$66,082.85.
- *James v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$75,286.78.
- *K.P. v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$277,718.60.
- *McNeil v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$140,238.97.
- *Miser v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$84,528.80.
- *Muskelly v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$54,622.50.
- *Pryor v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$60,261.73.
- *Pryor v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$60,005.73.
- *Pugh v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$73,664.22.
- *Smalls v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$70,817.42.
- *Cassandra Smith v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$88,904.48.
- *Cassandra Smith v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$44,578.05.
- *LaTasha Smith v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$61,153.85.
- *Taylor v. District of Columbia*: DCPS; 20 U.S.C. § 1415; \$43,447.50.
- *Yoo v. District of Columbia, et al.*: DCPS; 20 U.S.C. § 1415; \$90,820.55.
- *Robinson v. District of Columbia*: DCPS; 42 USC § 2000e; \$377,308.22.
- *Wilson v. District of Columbia*: MPD; D.C. Code § 2-537(c); \$11,456.43.

Cases where fees were ordered paid to the District:

- *Greene v. District of Columbia*: CFSA; Super. Ct. Civ. R. 37; \$3,367.

- *Amare v. District of Columbia*: DCRA; Super. Ct. Civ. R. 37; \$5,207.50.

49. For FY19 and FY20, to date, please list all court cases appealed by OAG, the agency involved in the case, and the outcome of such appeals.

RESPONSE:

- *Allen v. District of Columbia*, D.C. Cir. No. 18-7177, DCPS, argued and awaiting decision
- *J.T. v. District of Columbia*, D.C. Cir. No. 19-7144 (cross-appeal), DCPS, in briefing
- *D.C. Metro. Police Dep't v. D.C. Pub. Emp. Relations Bd./Garcia*, DCCA No. 19-CV-228, MPD, in briefing
- *District of Columbia v. Contract Appeals Bd./Fort Myer Construction Corp.*, DCCA No. 19-AA-241, DDOT, in briefing
- *D.C. Office of Risk Mgmt. v. Jordan*, DCCA No. 19-CV-432, ORM, briefed and awaiting argument
- *District of Columbia v. Miss Dallas Trucking*, DCCA No. 19-CV-540, DOEE, briefed and awaiting argument
- *D.C. Metro. Police Dep't v. D.C. Pub. Emp. Relations Bd./Thomas*, DCCA No. 19-CV-1115, MPD, in briefing
- *D.C. MPD v. Pub. Emp. Relations Bd./Lopez*, DCCA No. 19-CV-1161, in briefing
- *D.C. Dep't of Transp. v. 1742 W Street LLC*, DCCA No. 19-AA-1224, DDOT, about to enter briefing
- *D.C. Metro. Police Dep't v. D.C. Office of Emp. Appeals/Edmiston*, DCCA No. 19-CV-177, case stayed pending settlement negotiations
- *Taylor v. Naccache*, DCCA No. 20-CV-136, awaiting a briefing schedule

50. For FY19 and FY20, to date, please list all amicus briefs joined by OAG on behalf of the District, along with a brief description of the case.

RESPONSE: In FY19 and FY20 to date, OAG joined the following amicus briefs on behalf of the District:

Supreme Court

- *Apple v. Pepper*, Supporting respondents, concerning whether consumers may sue anyone who delivers goods to them for antitrust damages, even when they seek damages based on prices set by third parties who would be the immediate victims of the alleged offense.
- *Tennessee Wine & Spirits Retailers Assn. v. Byrd*, Supporting petitioners, concerning whether the 21st Amendment empowers states, consistent with the dormant commerce clause, to regulate liquor sales by granting retail or wholesale licenses only to individuals or entities that have resided in-state for a specified time.
- *Merck Sharp & Dohme Corp. v. Albrecht*, Supporting respondents, concerning whether a state-law failure-to-warn claim is preempted when the Food and Drug Administration rejected the drug manufacturer's proposal to warn about the risk after being provided

with the relevant scientific data, or whether such a case must go to a jury for conjecture as to why the FDA rejected the proposed warning.

- *Rutledge v. Pharmaceutical Care Management Ass'n*, Supporting petitioner, concerning whether the U.S. Court of Appeals for the 8th Circuit erred in holding that Arkansas' statute regulating pharmacy benefit managers' drug-reimbursement rates, which is similar to laws enacted by a substantial majority of states, is pre-empted by the Employee Retirement Income Security Act of 1974, in contravention of the Supreme Court's precedent that ERISA does not pre-empt rate regulation.
- *N.C. Dep't of Revenue v. Kimberley Rice Kaestner 1992 Family Tr.*, Supporting petitioners, concerning whether the Due Process Clause prohibits states from imposing income taxes on trusts that are administered outside their borders if the trust's beneficiaries are domiciled in the taxing state.
- *Moda Health Plan v. United States*, Supporting petitioners, arguing (1) failing to honor the promise of risk-corridor payments will significantly and adversely affect the insurance markets in many states and (2) the court of appeals erred in concluding that Congress reneged on its promise of risk-corridor payments through appropriations riders.
- *Rucho v. Common Cause*, Supporting appellees, arguing: (1) extreme partisan gerrymandering harms the States and their citizens, and technological advances have made it easier to accomplish and (2) a purpose and effects test is manageable and adequately accounts for the States' legitimate interests
- *Taggart v. Lorenzen*, Supporting respondents, concerning when a creditor may be held in civil contempt for violating a bankruptcy discharge order, and arguing that where a state (as creditor) reasonably reaches a good faith determination that the discharge does not apply to its contemplated action, it should be free to proceed without fear of later court disagreement and contempt.
- *Ramos v. Louisiana*, Supporting petitioner, arguing that the 14th Amendment incorporates the Sixth Amendment right to a unanimous jury in a criminal case.
- *Bostock v. Clayton County et. al.*, Arguing that Title VII's ban on sex discrimination encompasses sexual orientation and gender identity discrimination
- *County of Maui v. Hawaii Wildlife Fund et al.*, Supporting respondents, supporting the broad reach of the Clean Water Act against EPA's Interpretive Statement on Application of the Clean Water Act NPDES Program to Releases of Pollutants from a Point Source to Groundwater, proposing to exclude all releases of pollutants from a point source to groundwater (which can and often do migrate to navigable waters) regardless of a hydrogeologic connection between groundwater and surface water.
- *Jackson National Life Insurance Company v. Lindenberg*, Supporting petitioners, advocates for greater use of the certification process to state courts for important state law questions arising in federal court.
- *N.Y. State Rifle & Pistol Ass'n v. City of New York*, Supporting respondents, defending New York City's law prohibiting the transport of guns except to shooting ranges.
- *Georgia v. Public.Resource.Org*, Supporting petitioners, arguing that annotations in official state legal codes should be copyrightable.
- *Maine Community Health Options v. United States*, Supporting petitioners, concerning whether appropriations riders extinguished the federal government's obligation to make "risk-corridor" payments to insurance companies under the Affordable Care Act.

- *Poole v. New York State Citizens' Coalition for Children*, Supporting petitioner, concerning the Adoption Assistance and Child Welfare Act of 1980 (CWA), which delegates to the federal Department of Health and Human Services the authority to approve partial federal reimbursements to States that make certain foster care maintenance payments to foster parents. The case concerns whether the CWA's criteria for partial federal reimbursement unambiguously confer on foster parents a private right of action to compel States to cover the costs of all of the eligible expenses for eligible children identified in the CWA.
- *June Medical Services LLC v. Gee*, Supporting petitioners, challenging a Louisiana law that requires abortion providers to maintain admitting privileges at a local hospital.
- *Liu v. Security Exchange Commission*, Supporting respondent, arguing that in a civil enforcement action brought by the Securities and Exchange Commission, a district court can order disgorgement of funds.
- *U.S. Forest Service v. Cowpasture River Preservation Association*, Supporting respondent, challenging the U.S. Forest Service's grant a special use permit to a developer for a 600-mile natural gas pipeline that would stretch from West Virginia to North Carolina across the Appalachian Trail.
- *DHS v. Thuraissigiam*, Supporting respondent, arguing that as applied to the respondent, 8 U.S.C. § 1252(e)(2) (limiting judicial review of expedited removal in habeas corpus proceedings to three determinations) is unconstitutional under the Suspension Clause.
- *Seila Law, LLC v. Consumer Financial Protection Bureau*, Supporting respondent, defending the constitutionality of the Consumer Financial Protection Bureau.
- *FTC v. Credit Bureau Center, LLC*, Supporting petitioners, arguing that Section 13(b) of the Federal Trade Commission Act authorizes a district court to enter an injunction ordering the return of unlawfully obtained funds.

State Supreme Court

- *In re Humphrey*, Supreme Court of California, Supporting respondent, concerning whether the California Court of Appeal erred in holding that due process and equal protection require consideration of a criminal defendant's ability to pay in setting or reviewing monetary bail.
- *Vermont v. Misch*, Vermont Supreme Court, Supporting plaintiff-appellant, defending against a state constitutional challenge to Vermont's regulation of large capacity ammunition magazines.

Federal Appellate Court

- *Fulton v. Philadelphia*, 3d Cir., Supporting defendants-appellees, concerning whether contractors supporting child welfare services, such as Catholic Social Services, should be allowed to discriminate against LGBTQ individuals and same-sex couples seeking to become foster parents.
- *Philadelphia v. Sessions*, 3d Cir., Supporting plaintiff-appellee, concerning whether the United States Attorney General has authority to condition distribution of funds, administered via a federal formula grant, on state/District involvement with enforcement of federal immigration policy.

- *Exxon Mobil Corp. v. Healey*, 2d Cir., Supporting defendants-appellees, concerning whether state attorneys general and regulatory agencies can investigate potential violations of state law where Exxon claimed investigations by New York and Massachusetts into Exxon's internal communications about climate change violated the First Amendment.
- *Fulton v. Philadelphia*, 3rd Cir., Supporting defendants-appellees, concerning whether contractors supporting child welfare services, such as Catholic Social Services, should be allowed to discriminate against LGBTQ individuals and same-sex couples seeking to become foster parents.
- *Jane Doe, et al. v. Trump*, D.C. Cir., Supporting plaintiffs-appellees' action challenging the constitutionality of President Trump's ban on transgender individuals serving openly in the military.
- *Ass'n of N.J. Rifle & Pistol Clubs v. Attorney Gen. of New Jersey*, 3d Cir., Supporting appellees, concerning whether the district court properly refused to preliminarily enjoin New Jersey's ban on large-capacity ammunition magazines because the law was consistent with the Second Amendment.
- *United States v. California*, 9th Cir., Supporting appellees, concerning whether the U.S. District Court for the Eastern District of California properly held that California's statutes limiting the participation of local and state law enforcement in federal immigration enforcement do not conflict with, and thus are not preempted by, the Immigration and Nationality Act.
- *Worman v. Healey*, 1st Cir., Supporting defendants-appellees, concerning whether Massachusetts laws limiting certain assault weapons and large capacity magazines further a state interest in promoting public safety and law enforcement safety.
- *New York City v. BP, et al.*, 2nd Cir., Supporting plaintiff-appellant's action against fossil fuel companies seeking damages for defendants' marketing and selling of environmentally harmful products.
- *City of Chicago v. Whitaker*, 7th Cir., Supporting plaintiff-appellee, concerning whether to uphold a nationwide permanent injunction preventing DOJ from imposing three new immigration-related requirements as conditions for receiving Byrne JAG program block grants for state and local law enforcement purposes.
- *City of New York v. Chevron Corp.*, 2d Cir., Supporting plaintiff-appellant, concerning whether federal law preempts state common-law claims concerning the marketing and sale of fossil fuel products and arguing that federal common-law standards apply only to suits by states seeking to limit out-of-state emissions crossing state boundaries.
- *Flanagan v. Becerra*, 9th Cir., Supporting defendants-appellees, concerning whether California's licensing requirement for public carrying of firearms violates the Second Amendment.
- *Otsego 2000 v. Federal Energy Regulatory Commission*, D.C. Cir., Supporting petitioners, concerning whether FERC erred in announcing a new policy under the National Environmental Procedure Act in an adjudication.
- *Inland Empire Immigrant Youth Collective v. Nielsen*, 9th Cir., Supporting plaintiffs-appellees, concerning whether the district court properly issued a preliminary injunction against DHS's automatic termination of DACA grants without giving recipients prior notice or an opportunity to contest the termination.

- *Williams v. Big Picture Loans*, 4th Cir., Supporting plaintiffs-appellees, concerning whether the district court correctly placed the burden of proof on the entity seeking arm-of-the-tribe immunity and whether the court properly employed a test that considered not only the tribe’s legal or organizational relationship with the entity, but also the practical operation of the entity in relation to the tribe.
- *Clean Wisconsin v. EPA*, D.C. Cir., Supporting petitioners, concerning whether the State of Illinois’ petition challenging EPA’s designation of attainment areas for the 2015 ozone national ambient air quality standards (NAAQs) complied with the Clean Air Act § 107.
- *Ramos v. Nielsen*, 9th Cir., Supporting the plaintiffs-appellees, concerning whether the potential deportation of hundreds of thousands of people who hold Temporary Protected Status (TPS) is unlawful and whether the Ninth Circuit should uphold a preliminary nationwide injunction blocking the U.S. Department of Homeland Security from terminating TPS designations for Haiti, El Salvador, Nicaragua, and Sudan.
- *Adams v. School Board of St. Johns County, Florida*, 11th Cir., Supporting plaintiffs, ensuring that federal law is properly applied to protect transgender people from discrimination.
- *Moda Health Plan v. United States*, Fed. Cir., Supporting plaintiff-appellee’s petition for rehearing en banc, concerning whether the federal government must make “risk corridor” payments to insurance companies that the Affordable Care Act mandates.
- *Planned Parenthood v. HHS*, 9th Cir., Supporting plaintiff-appellants, concerning one of the lawsuits brought by Teenage Pregnancy Prevention Program recipients to challenge two funding opportunity announcements by HHS that shifted the focus to abstinence-only education, rather than evidence-based programs shown to be effective.
- *City of Oakland et al. v. BP*, 9th Cir., Supporting plaintiff-appellants, concerning nuisance claims against fossil fuel producers for coastal damages due to climate change.
- *PA and NJ v. U.S.*, 3d Cir., Supporting plaintiff-appellees, concerning Pennsylvania and New Jersey’s challenge to final rules seeking to undercut the contraceptive mandate in the Affordable Care Act.
- *EMW Women’s Surgical Center v. Meir*, 6th Cir., Supporting appellees, arguing that Kentucky law regulating abortion services is unconstitutional under the 14th Amendment.
- *Jackson Women’s Health Organization v. Dobbs*, 1st Cir., Supporting plaintiffs-appellees, asking the 5th Circuit to affirm the district court’s order, which enjoined enforcement of Mississippi’s legislation that prohibits abortions after 15 weeks’ gestation except in narrow circumstances.
- *Portland Pipe Line Corporation v. City of South Portland*, 1st Cir., Supporting plaintiff-appellee, defending the City of South Portland’s local ordinance that bars crude oil terminals.
- *East Bay Sanctuary Covenant v. Trump*, 9th Cir., Supporting plaintiffs-appellees, challenging an interim final rule and a presidential proclamation that, together, effectively close the southern border with Mexico to asylum seekers unless they enter through a port of entry.
- *California v. Barr and San Francisco v. Barr*, 9th Cir., Supporting plaintiffs-appellees, defending a permanent injunction they obtained against certain immigration-related

conditions that DOJ is attempting to impose on law-enforcement grants provided to states and localities through grants.

- *Duncan v. Becerra*, 9th Cir., Supporting appellants, concerning whether the district court erred in preliminarily enjoining California's ban on large-capacity ammunition magazines on the ground that the law violated the Second Amendment.
- *Union of Concerned Scientists v. Wheeler*, 1st Cir., Supporting appellants, arguing that the EPA directive barring scientists who receive EPA grant funding from sitting on EPA advisory panels harms states and residents by keeping the best experts off of panels that shape important environmental regulations and guidance.
- *Grace v. Barr*, D.C. Cir., Supporting appellees, challenging the Trump Administration's proposed changes to asylum standards that would allow the Executive branch to arbitrarily deny asylum claims to immigrants seeking haven from domestic or gag violence.
- *New York, California, et. al v. National Highway Traffic Safety Administration*, 2d Cir., Petition challenging a final rule setting aside a required inflation adjustment to the penalty for violations of the Corporate Average Fuel Economy (CAFÉ) standards for vehicles as violating the Energy Policy and Conservation Act and Administrative Procedures Act.
- *Whole Woman's Health Alliance v. Hill*, 7th Cir., Supporting plaintiffs-appellees, challenging the denial of a license to an abortion clinic based on restrictive abortion regulations.
- *Physicians for Social Responsibility v. Wheeler*, D.C. Cir., Supporting plaintiffs-appellants, challenging an EPA directive that bars scientists who receive EPA grant funding from sitting on EPA advisory panels.
- *Pennsylvania v. Navient*, 3d Cir., Supporting plaintiff-appellee, arguing that (1) the Higher Education Act does not preempt Pennsylvania's loan-servicing claims under the State's Unfair Trade Practices and Consumer Protection Law and (2) States may bring a parallel enforcement action under the Consumer Financial Protection Act even after the Consumer Financial Protection Bureau has filed suit.
- *Padilla v. U.S. Immigration and Customs Enforcement*, 9th Cir., Supporting plaintiffs-appellees, concerning two aspects of the Administration's zero-tolerance policy for migrants seeking asylum in the United States: (1) delays in scheduling credible fear interviews and (2) failing to promptly conduct bond hearings for asylum-seekers who enter the United States without inspection, were initially placed in expedited removal proceedings, but then referred for regular removal proceedings after being found by an immigration officer to have a credible fear of persecution or torture.
- *In re National Prescription Opiate Litigation (Ohio)*, 6th Cir., Supporting Ohio's mandamus action, which seeks to stay or dismiss the Cuyahoga and Summit Counties' opioid actions against Purdue Pharma in the Northern District of Ohio.
- *In re National Prescription Opiate Litigation (Ohio)*, 6th Cir., Asking the Sixth Circuit to hear an interlocutory appeal of the decision certifying a class of political subdivisions in the opioids litigation.
- *Jackson Women's Health Organization v. Dobbs*, 5th Cir., Supporting plaintiffs-appellees, asking the 5th Circuit to affirm the district court's order, which enjoined enforcement of Mississippi's recent legislation that prohibits abortions after 15 weeks' gestation except in narrow circumstances.

- *East Bay Sanctuary Covenant v. Barr*, 9th Cir., Supporting plaintiffs-appellees, challenging the Trump Administration’s Interim Final Rule barring asylum to all applicants who traveled through a third country en route to the United States but did not first apply for and fail to obtain humanitarian protection in that third country.
- *Freedom Watch, Inc. v. Google*, D.C. Cir., In a case concerning alleged discrimination, arguing that the DCHRA prohibits discrimination by all businesses and institutions operating in the District, including those operating online or otherwise without physical locations.
- *National Women’s Law Center v. Office of Management and Budget*, D.C. Cir., Supporting appellees, challenging the suspension of collection of pay equity data is essential to identifying and remedying serious and longstanding pay disparities between men and woman and among ethnic groups.
- *City of Providence v. Barr*, 1st Cir., Supporting plaintiffs-appellees, arguing that the district court properly enjoined DOJ from conditioning receipt of Byrne Justice Assistance Grant funding on state and local cooperation with federal immigration policy.
- *Grimm v. Gloucester County School Board*, 4th Cir., Supporting plaintiff-appellee, challenging a school board for (1) enforcing a policy that barred a transgender male student from using the common male restrooms at his high school and (2) refusing to update his school records to correspond with the male gender marker on his updated birth certificate.
- *African Communities Together v. Trump*, 1st Cir., Supporting plaintiffs-appellants, challenging President Trump’s decision to terminate Deferred Enforced Departure for Liberians.
- *Transportation Division of International Association of Sheet Metal, Air, Rail, and Transportation Workers v. Federal Railroad Administration*, 9th Cir., Supporting petitioners, challenging the Federal Railroad Administration’s decision to withdraw a Notice of Proposed Rulemaking on minimum requirements for train crew staffing despite several years of research and analysis by the Railroad Safety Advisory Committee—an advisory body comprised of representatives from all stakeholder groups, including labor organizations and railroads—on the appropriate train crew size.
- *Brackeen v. Bernhardt*, 5th Cir., Supporting respondents, defending the constitutionality of the Indian Child Welfare Act.
- *In the Matter of Impax Laboratories, Inc.*, 5th Cir., Supporting respondent, arguing the FTC properly found that Impax’s pay-for-delay agreement to settle patent litigation violated antitrust laws.
- *DeOtte v. Azar*, 5th Cir., Supporting intervenor-defendant-appellant, arguing the district court should have granted Nevada’s motion to intervene to defend on the merits plaintiffs’ claim that enforcement of the Affordable Care Act’s contraceptive mandate violates the Religious Freedom Restoration Act.
- *Bernstein v. Virgin America, Inc.*, 9th Cir., Supporting plaintiffs-appellees, arguing that plaintiffs’ claims that defendants violated minimum wage, overtime, and other state worker protection laws are not barred by the dormant Commerce Clause.
- *Little Rock Family Planning Services v. Rutledge*, 8th Cir., Supporting plaintiffs-appellees, challenging three Arkansas abortion restrictions: (1) a ban on abortion starting at 18 weeks; (2) a ban on abortion where the doctor knows the woman’s reason

for seeking care is based solely on a diagnosis, test indicating or other reason to believe that the fetus has Down syndrome; and (3) a requirement that all abortion providers be board certified or eligible in obstetrics and gynecology (OBGYN Requirement).

- *Allegheny Defense Project v. FERC*, D.C. Cir., Supporting petitioners, challenging the Federal Energy Regulatory Commission’s use of tolling orders to respond to administrative challenges to pipeline approvals.
- *Make the Road New York v. Wolf*, D.C. Cir., Supporting plaintiffs-appellees, challenging a Department of Homeland Security rule instructing that, effective immediately, immigration officers could apply expedited removal to non-citizens encountered anywhere in the U.S. for up to two years after the non-citizen’s arrival.
- *Reproductive Health Services of Planned Parenthood v. Parson*, 8th Cir., Supporting plaintiffs-appellees, challenging a Missouri law that includes four abortion bans based on the gestational age of the fetus. The gestational bans outlaw abortion at 8 weeks, 14 weeks, 18 weeks, and 20 weeks. The law also includes a “reason ban,” which prohibits abortion at any stage of pregnancy if the physician “knows” that the patient’s decision to terminate her pregnancy is based on (1) a “prenatal diagnosis, test, or screening” indicating that the fetus may have Down Syndrome or (2) the sex or race of the embryo or fetus.
- *Flores v. Barr*, 9th Cir., Supporting plaintiffs-appellees, challenging a Department of Homeland Security rule meant to implement the *Flores* Agreement, a settlement from 1985 regarding the detention, treatment, and release of children, as conflicting with the terms of the *Flores* Agreement.
- *In re: National Prescription Opiate Litigation*, 6th Cir., In the consolidated multidistrict litigation concerning the opioid crisis, supporting appellants, urging the Sixth Circuit to decertify the negotiation class.
- *Doe v. Trump*, 9th Cir., Supporting plaintiffs-appellees, challenging President Trump's Presidential Proclamation No. 9945, which bars entry of immigrants who cannot establish, to the satisfaction of a consular officer, that they will be covered by an “approved” health insurance plan within 30 days of entering the United States, or who lack the “financial resources” to pay for “reasonably foreseeable medical costs.”
- *National Association of Regulatory Utility Commissioners v. Federal Energy Regulatory Commission*, D.C. Cir., Supporting respondent, defending Federal Energy Regulatory Commission’s orders 841 and 841-A1 finding that states may not issue blanket prohibitions on energy storage resource participation in wholesale markets against industry challenges
- *Kearns v. Cuomo*, 2d Cir., Supporting defendants-appellees, defending the New York State Driver’s License and Privacy Act, which provides that proof of lawful presence in the United States is not required to obtain a standard driver’s license and prohibits the New York State Department of Motor Vehicles from inquiring about an applicant’s citizenship or immigration status in connection with the issuance of a license.

Federal District Court

- *Grace v. Sessions*, D.D.C., Challenging as unlawful the former Attorney General Sessions’s precedential opinion in *Matter of A-B*, which calls for the denial of asylum claims related to domestic and gang-related violence.

- *Hopi Tribe v. Trump*, D.D.C., Challenging the President's authority to make a post-hoc determination reducing the size of a monument or abolish a monument's status entirely, specifically with respect to the Bear's Ears National Monument and the Grand Staircase-Escalante National Monument.
- *State of Maryland v. U.S. Dep't of Justice*, D. Md., In an action concerning the constitutionality of the Affordable Care Act, amicus brief seeking to declare that the lawful Acting Attorney General is Deputy Attorney General Rod Rosenstein rather than the President's designee, Matthew Whitaker.
- *East Bay Sanctuary Covenant v. Trump*, N.D. Cal., Challenging an interim final rule and a presidential proclamation that, together, effectively close the southern border with Mexico to asylum seekers unless they enter through a port of entry.
- *The Trustees of Princeton Univ., et al. v. United States*, D.D.C., Challenging the rescission of the Deferred Action for Childhood Arrivals program.
- *Pennsylvania v. Trump*, E.D. Pa., Challenging final rules issued by the federal government that would exempt most employers with moral or religious objections to contraception from the Affordable Care Act's contraceptive mandate.
- *Daves v. Dallas County*, N.D. Tex., Challenging the practice of using pre-determined bail schedules to detain those who cannot pay the required amount, without any inquiry findings concerning an individual's ability to pay.
- *Al Otro Lado v. U.S. Dep't Homeland Security*, S.D. Cal., Challenging Customs and Border Protection's "turnback policy" that refuses admission of asylum seekers at ports of entry as contrary to asylum law.
- *Defense Distributed v. New Jersey*, D.N.J., Defending a New Jersey law making 3D gun plans illegal.
- *New Hampshire Lotter Commission v. Barr*, D.N.H., Challenging the Department of Justice Office of Legal Counsel's new interpretation of the Wire Act to prohibit transmissions related to all bets and wagers, rather than being limited only to those related to sports gambling.
- *African Communities Together v. Trump*, D. Mass., Challenging the Trump Administration's termination of Deferred Enforced Departure for thousands of Liberians across the country who are long-term residents of the United States.
- *New Hampshire Lottery Commission v. Barr*, D.N.H., Second amicus in suit challenging the Department of Justice Office of Legal Counsel's new interpretation of the Wire Act to prohibit transmissions related to all bets and wagers, rather than being limited only to those related to sports gambling; this amicus brief responds to the judge's request for briefing on the question whether the Wire Act applies to states, state vendors, and state employees.
- *DeOtte v. Azar*, N.D. Tex., Defending the federal government's contraceptive mandate in the Affordable Care Act against nationwide classes of objecting employers and insurers.
- *City of Columbus v. Trump*, D. Md., Challenging the federal government's efforts to undermine the Affordable Care Act as violations of the Administrative Procedure Act and the Take Care Clause of the Constitution.
- *Flores v. Barr*, C.D. Cal., Challenging the Office of Refugee Resettlement's efforts to cut funding for educational and recreational activities and legal services funds for unaccompanied minors being held in federal migrant shelters.

- *United States v. Safehouse*, E.D. Pa., Defending the ability of Safehouse to allow opioid users a safe place to ingest and then receive life saving treatment.
- *African Communities Together v. Trump*, D. Mass., Second amicus in suit challenging the Trump Administration’s termination of Deferred Enforced Departure for thousands of Liberians across the country who are long-term residents of the United States; this amicus responds to a motion to dismiss.
- *East Bay Sanctuary Covenant v. Barr*, N.D. Cal., In a case challenging an interim final rule and a presidential proclamation that, together, effectively close the southern border with Mexico to asylum seekers unless they enter through a port of entry, supporting motion for reconsideration of the scope of preliminary injunctive relief against the rule.
- *Make the Road NY v. McAleenan*, D.D.C., Challenging the federal government’s effort to significantly expand the summary deportation process known as expedited removal with no advance notice or opportunity for comment.
- *Kearns v. Cuomo*, W.D.N.Y., Defending New York law that allows undocumented immigrants to receive driver’s licenses against a challenge from a county clerk arguing that it is preempted by federal immigration law.
- *California et al. v. Bernhardt*, N.D. Cal., Challenging three final rules issued by the Fish and Wildlife Service and the National Marine Fisheries Service’s rolling back key protections for threatened and endangered species under the Endangered Species Act.
- *United States v. Deutsche Telekom*, D.D.C., Amicus requesting D.D.C. to decide whether the DOJ’s settlement with T-Mobile/Sprint is in the public interest under the Tunney Act after completion of challenge to the merger in S.D.N.Y.
- *Natural Resources Defense Council v. Wheeler*, S.D.N.Y., Challenging an EPA directive barring certain scientists from sitting on EPA advisory panels.
- *Doe v. Trump*, D. Or., Challenging a presidential proclamation requiring those that seek migrant visas to prove that they have health insurance or can pay for any possible health expenses.
- *Weingarten et al. v. U.S. Dep’t of Ed.*, D.D.C., Challenging the Department of Education’s faulty administration of the Public Student Loan Forgiveness Program.
- *In re: CenturyLink Sales Practices and Securities Litigation*, D. Minn., In an MDL proceeding involving consumer claims against CenturyLink, Inc., arguing that it is improper for the district court to enjoin the Minnesota Attorney General from pursuing restitution in a parallel state-law enforcement suit in state court.
- *Merola v. Cuomo*, N.D.N.Y., Defending New York law that allows undocumented immigrants to receive driver’s licenses against a challenge from a county clerk arguing that it is preempted by federal immigration law.
- *New York et al. v. EPA*, S.D.N.Y., Challenging the “Recodification Rule,” which repeals the Clean Water Rule’s definition of Waters of the United States and replaces it with one that would curtail the protections of the Clean Water Act.
- *Washington v. DHS*, W.D. Wash., Challenging ICE’s growing practice of making civil immigration arrests in or near state courthouses.
- *Make the Road NY v. Pompeo*, S.D.N.Y., Challenging (1) the President’s recent healthcare proclamation requiring immigrant visa applicants to establish healthcare coverage and (2) two actions by the Department of State to alter the public charge analysis conducted by consular officers abroad.

51. Please provide the following information regarding OAG's Restorative Justice Program:

- a. A description of the program, including its structure, staffing, policies and procedures;

RESPONSE: OAG's Restorative Justice Program is an innovative approach to addressing crime and conflict among youth in the juvenile justice system. The program functions as an alternative to conviction or adjudication for youth charged with criminal offenses and victims who have been harmed. The goals of each conference are to provide victims with greater voice and agency in the process; to build empathy, accountability, consequential thinking, and problem-solving skills in youth; and to resolve the conflict to ensure that it never happens again. The Restorative Justice Program is relatively new and is the first and currently only program located in a prosecutor's office in the country. In addition to giving victims a voice and improving outcomes for youth, OAG seeks to engage prosecutors in the process, encouraging them to have different types of conversations with victims about what they need from the justice system.

The model of restorative justice used by OAG brings together the victim and respondent along with their respective family members and supporters to have a safe, facilitated conversation about the impact of the crime and what needs to be done to resolve it. A trained OAG restorative justice facilitator works independently with each party involved in a case before bringing them together for the conversation, called a restorative justice conference. As a threshold matter, restorative justice is available if and only if the victim agrees to it. Additionally, the restorative justice facilitator will only proceed with restorative justice if the young person accused of the crime is willing and able to take responsibility for his or her actions. Assuming all parties are amenable, the restorative justice conference is held and the group of impacted individuals at the conference develop a written agreement about what needs to happen to resolve the matter going forward. The OAG restorative justice facilitator will monitor the agreement for compliance over the subsequent weeks or months and, if the youth is fully compliant, the case is dismissed. If the group does not come to an agreement or if the youth fails to do everything agreed to, the case is handed back to the prosecutor for prosecution.

OAG's Restorative Justice Program has five full-time restorative justice facilitator staff and a section chief, Seema Gajwani. One additional facilitator position is vacant due to the promotion of facilitator Lashonia Thompson-el to co-lead OAG's Cure Violence work. Hiring for that position is underway and the position is expected to be filled by March.

- b. The number of cases referred in FY18, FY19, and FY20, to date;
- c. Of the cases identified in (b), the number of cases where the parties involved agreed to participate in a restorative justice conference;
- d. Of the cases identified in (c), the number of conferences that were considered successful. Please include a definition or metric for how OAG determines that a restorative justice conference was successful;
- e. Of the cases identified in (c), the number of conferences that were not considered successful;

- f. Of the cases identified in (e), the number of cases returned for prosecution. If any cases were not returned for prosecution, please explain why;
- g. Re-arrest rates for juveniles who participated in the Restorative Justice Program; and

RESPONSE: See table below for responses to question 51 b-g:

	FY 18 (10/1/17 – 9/30/18)	FY 19 (10/1/18-9/30/19)	FY 20 (10/1/19-1/28/20) to date ¹
Cases referred to RJ²	80 ³	157 ⁴	44
Total number victim declines⁵	18	45	19
Total number other reasons to refer back to prosecutor^{6 7}	18	48	3
Total number youth with RJ pending⁸	0	6	24
Total number of youth who participated in an RJ Conference⁹	45	53	15
Total number of RJ Conferences that ended successfully¹⁰	41	50	4 (8 in monitoring) ¹¹

¹ The total number of cases will not add up to (referral total) 44 for FY 20 because some cases referred in FY 19 had conferences in FY 20.

² Referrals made in the fiscal year.

³ The total number of referrals for FY 18 include 2 community cases and 2 adult cases.

⁴ The total number of referrals for FY 19 include 3 community cases, and 4 adult cases, and 7 pre-petition custody order cases for which there is no Abacus number.

⁵ Victim declines from referrals made in the fiscal year.

⁶ Other reasons for unsuitability for restorative justice: the respondent goes to trial, absconds, re-arrested before RJ, case is dismissed, or R is not suitable for RJ.

⁷ Total “other” from referrals made in the fiscal year.

⁸ Total pending cases from referrals made in the fiscal year.

⁹ Total number of Restorative Justice Conferences held in the fiscal year (some conferences arose from case referrals in the previous fiscal year).

¹⁰ A Restorative Justice Conference is deemed “successful” if the youth participated in preparation meetings, attended the restorative justice conference, with the group reached a written agreement about what he or she needs to do, and successfully completed all the tasks expected of him or her in the agreement.

¹¹ Of the total youth who participated in Restorative Justice Conferences in FY 20, 8 successfully completed the Conference and currently are being monitored for compliance with terms of the agreement.

Total number of RJ Conferences that ended unsuccessfully¹²	4 ¹³	3 ¹⁴	2 ¹⁵
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h. Any additional evaluation of outcomes or information about recidivism outcomes.

The Center for Court Innovation (CCI) did a process evaluation of the OAG Restorative Justice Program funded through a U.S. Department of Justice grant. CCI reviewed data and policies and procedures of the OAG Restorative Justice Program and conducted focus groups of victims, offenders, community members, prosecutors, defense attorneys, and judges. CCI found positive experiences from those they spoke to in focus groups, highlighting themes of empowerment and therapeutic healing for victims, and accountability, validation and compassion for youth charged with crimes. The CCI report recommended establishing clearer program eligibility criteria ensuring equity in who is eligible, pointing to potential discrepancies when referrals are dependent on prosecutor discretion. The Restorative Justice Program is working to address this concern by changing its referral process. The CCI report also highlighted concerns voiced by victims who said they were uncomfortable when asked to wait in the same room with the respondents and their families before the Restorative Justice Conference started. The Restorative Justice Program has since changed this practice and now seats people in separate rooms before the conference starts.

OAG hired a term legal assistant to conduct a Victim Satisfaction Survey over the course of the last year. This assistant administered to all prior victims who participated in restorative justice an existing peer-reviewed, validated survey called the Victim Satisfaction with Offender Dialogue Scale (VSODS), an instrument that was created for the purpose of evaluating victim satisfaction with victim-offender dialogue programs. From November 1, 2019 to January 15, 2020, the legal assistant reached out to every victim who had participated in a restorative justice conference, following up 10 times if there was no response with each to ensure high compliance. Forty-four percent of victims completed the survey. Permission was granted from a guardian for all minor interviews.

Findings included:

- Overall, 92 percent of victims scores indicated that they were satisfied with the Restorative Justice program.
- Ninety-seven percent of victims felt the conference allowed them to express their feelings about being victimized.
- Twenty-seven percent of victims were indifferent to or did not feel that meeting the offender helped reduce any fear that he or she would commit another crime against them.

¹² A Restorative Justice case ends unsuccessfully if the youth did not show up for the Restorative Justice Conference, the youth and other parties failed to come to a consensus agreement on tasks the youth had to complete, or the youth did not complete the tasks he or she promised to do in the agreement.

¹³ Of the four unsuccessful conferences, three youth were referred for prosecution; one youth did not reach agreement in the RJ Conference and two youth did not comply with the terms of their agreement.

¹⁴ Of the three unsuccessful conferences, one youth did not attend the conference, one youth did not come to agreement with the other participants, and one youth failed to complete the terms of the agreement.

¹⁵ Two youth have not successfully complied with the terms of their agreements.

Individual conversations illuminated positive feedback as well as suggestions from victims of crime. For instance, some victims sought more follow up contact about respondents with facilitators after the conference, a practice that OAG is starting this month. Some victims expressed concern for respondents who participated in restorative justice conferences and, during conference, discussed needs or historical trauma in their lives. Those victims asked about OAG's ability to provide services for those respondents and their families. To increase access to high quality services for respondents, OAG is currently experimenting with a partnership between the Restorative Justice Program and the Department of Human Services ACE Diversion program in a subset of cases.

Finally, OAG's Senior Data Analyst conducted the first recidivism check for youth who had participated in the restorative justice process. The data showed an improvement in recidivism rates for youth who went through restorative justice compared to a sample of youth prosecuted for similar offenses at approximately the same time. Tracking recidivism for youth who participated in a restorative justice conference, the Senior Data Analyst found that 57 percent did not have a subsequent prosecuted case, compared to youth with similar charges during the same time period who did not participate in a restorative justice conference, who had a 42 percent rate of not being subsequently prosecuted—a 15 percentage point improvement. We are eager to use these outcomes to continue to improve the program to better address the enormous needs of youth in the system and to better develop metrics to demonstrate the value of building empathy, taking responsibility, and building conflict resolution skills through restorative justice for youth. To improve the accuracy of our evaluation tools, OAG plans to embark upon a randomized control trial to track outcomes and survey data in cases that use restorative justice compared to regularly papered cases. This trial would target more serious offenses, including armed offenses. OAG hopes to include in the randomized control trial a survey that gauges not only satisfaction with the process but also survey questions about procedural justice (perceptions of the fairness of the justice system) and accountability and remorse.

52. How does OAG measure juvenile recidivism? What recidivism data did it collect for juveniles in FY19 and FY20, to date, by charge?

RESPONSE: In general, when measuring recidivism, OAG only considers juveniles who had a case on which OAG took some action—papered the case for prosecution, diverted the case to ACE, or referred the case to Restorative Justice. A juvenile is considered to have recidivated if the juvenile has another, subsequent case on which OAG also took some action. OAG does not count mere arrests or declined prepetition custody orders in measuring recidivism.¹⁶ In determining recidivism for FY19 and FY20, OAG limited the sample to cases opened at OAG between Oct. 1, 2018 and Jul. 17, 2019. OAG limited to this window to allow for at least a six-month window after a case was opened with OAG to monitor whether the juvenile recidivated by

¹⁶ Note that this method means that juveniles with more than two cases on which OAG took action may then be counted more than once as having recidivated.

Jan. 17, 2020. OAG finds that as many as 70 percent of youth who recidivate do so in the first six months.¹⁷

Over the sample period, the overall recidivism rate was 44 percent. Cases where the top charge involved a property crime had the highest recidivism rate over the sample period at 55 percent overall.

*Recidivism by top charge*¹⁸

Top Charge	New Action	No New Action	% New Action	Total Cases
Crimes Against Person ¹⁹	207	264	43.9%	471
Crimes Against Property ²⁰	76	63	54.7%	139
Public Order Offenses ²¹	10	22	31.3%	32
Weapons Offenses	20	55	26.7%	75
Total Cases	313	404	43.7%	717

For the same sample period, youth who were diverted to ACE Diversion or referred to Restorative Justice, rather than papered, had a significantly lower recidivism rate across categories of top charge, except in the category of weapons offenses.

Table 2: Recidivism by top charge and case status

Top Charge	Diverted Cases % New Action	Papered Cases % New Action
Crime Against Person	29.1%	48.5%
Crime Against Property	37.3%	64.8%
Public Order Offenses	14.3%	36.0%
Weapons Offenses	42.9%	25.0%
Total	31.4%	47.6% ²²

¹⁷ In addition to the definitions mentioned above, cases also removed from our analysis for the following in order to ensure data integrity:

1. If the juvenile was listed as younger than 8 or did not have a DOB;
2. If the case was a fugitive case; and
3. If the case did not list a top charge.

Juveniles who turned 18 after Oct. 1, 2018 were included in the sample, but it should be noted that OAG only receives full criminal incident information for juveniles. Thus recidivism for juveniles who turn 18 during the sample period (Oct. 1, 2018 – Jan. 17, 2020) is incomplete. There were 146 juveniles who were 18 or turned 18 during the sample period.

Juveniles who are committed are still included in the sample. The majority of these youth are not incapacitated, thus this does not overly affect these numbers. In total, there were 82 cases where commitment was ordered.

¹⁸ Top charges are aggregated because of a concern for juvenile confidentiality.

¹⁹ Includes Homicide, Assault, Threats, Robbery, Kidnapping, Carjacking, and Sex Offenses.

²⁰ Includes Arson, Burglary, Fraud and Criminal Writing, Theft and Receiving Stolen Property, and Other Property Offenses (e.g. unlawful entry).

²¹ Includes Contempt, Obstruction of Justice, Bribery, Controlled Substances, Other Public Order, and Traffic offenses for youth 15 years old and younger.

²² In 7% of the papered cases, the youth was referred to Restorative Justice.

53. Please describe how OAG has used the Data Statistician funded by the Committee in the FY19 budget to improve the agency's work.

RESPONSE: OAG's Data Statistician, whose title is now Senior Data Analyst (SDA), has been a key asset to the agency in increasing our public safety data integrity and transparency, supporting a public safety research agenda, initiating data sharing projects with other agencies, and providing sophisticated litigation support to high impact lawsuits.

First, the SDA has worked closely with our Juvenile and Criminal Sections to examine data practices, identify issues, and look for solutions to ensure the accuracy of data. In the immediate term, this has increased our ability to report numbers to the press, community members, and the Criminal Justice Coordinating Council. In the long term, OAG plans to build an open data website to publicly display a range of public safety and other agency data, which we can do because of our increased confidence in our data and the skills and abilities of our SDA needed to build the portal.

Second, the SDA brings expertise in program evaluation that allows us to build out a research agenda. As our data collection processes and analysis improves, we are looking to thoughtfully evaluate programs like restorative justice; indeed, we have started the preliminary steps for a randomized control trial of restorative justice as an intervention for certain subsets of juvenile offenders.

Third, the SDA has increased data sharing between agencies in ways that help boost program effectiveness and has direct impacts on serving our residents. For instance, he has connected with researchers at the Lab @ DC with our housing and lead enforcement attorneys for us to review data on possible lead in housing to target for outreach and enforcement.

Finally, the SDA has provided litigation support to some of OAG's affirmative public interest cases. For example, OAG recently took the lead in filing suit against the Trump Administration for curtailing the crucially important Supplemental Nutrition Assistance Program, formerly known as food stamps. The research for that lawsuit was technically challenging as it involved review of thousands of comments submitted in a federal rulemaking. The SDA created a program to review those comments and identify and download all attachments for review. All of these functions—data integrity and transparency, research, interagency collaboration, and litigation support—have significantly boosted OAG's work.

54. How does OAG use data to inform its juvenile prosecutions?

RESPONSE: OAG uses data to analyze the effectiveness of our interventions with juveniles in order to best ensure positive outcomes for both public safety and young people. The office is becoming increasingly sophisticated at comparing recidivism rates across programs to understand which interventions are effective.

OAG also uses data to understand crime trends. We look at what crimes are occurring and where. This helps coordinate out-of-court prevention efforts as well as specific services for youth whose cases are papered. On an individual level, OAG analyzes a youth's prior contacts and adjudication history to determine how to proceed on a case involving a young person. A youth's background is a factor in determining what rehabilitative needs a youth may have as well as what level of detention to request in court (secure detention, shelter care, release home) if the youth's case is petitioned. Finally, OAG is beginning to use data internally to better manage its prosecution and programs by understanding caseloads and outcomes by prosecutor.

55. Please provide the status of any memoranda of understanding with the Deputy Mayor for Public Safety and Justice, the Office of Neighborhood Safety and Engagement, and/or the Metropolitan Police Department regarding data sharing.

RESPONSE: Though not technically memoranda, the following Superior Court Administrative Orders permit OAG data to be shared, through CJCC, with Deputy Mayor for Public Safety and Justice and MPD:

- Superior Court of the District of Columbia Administrative Order 20-01: Access to Juvenile Justice Data for the Justice Statistical Analysis Tool;
- Superior Court of the District of Columbia Administrative Order 20-02: Access to Juvenile Justice Data for CJCC Principals' Meetings; and
- Superior Court of the District of Columbia Administrative Order 17-13: Cross-Agency Sharing of Missing Children Information.

Similarly, the following are two Memorandum of Agreements that OAG has with CJCC that permit OAG data to go through CJCC to recipient agencies, which may include agencies that report to the Mayor:

- MOA between OAG and CJCC to use JUSTIS as a centralized tool for exchanging criminal justice-related information among authorized parties to maintain and improve public safety; JUSTIS receives criminal justice information from multiple sources simultaneously and subsequently makes this information available to authorized agencies; and
- Justice Interconnection Security Agreement with established organizations that own and operate connected information technology systems.

Finally, OAG is in the process of working on additional MOAs with MPD:

- We currently have a draft MOA with MPD regarding data sharing of adult felony arrests;
- An MOA to share data that may be helpful to an eventual evaluation of the Cure the Streets program; and
- An MOA to allow OAG to make some MPD data fields public as a part of OAG's open data portal project.

56. Please describe any policy and/or legal initiatives or projects undertaken or in development by OAG relating to delinquency in FY19 and FY20, to date. Please include information for each policy, legal initiative, program or project regarding referral rates, utilization rates, and outcomes.

RESPONSE: In FY19 and FY20 to date, OAG has focused on interagency collaboration to ensure that we are serving young people in a holistic and integrated way, with an eye toward increasing public safety and working with youth to ensure they stay on a productive path.

Since April 2019, PSD has worked collaboratively with MPD to develop new policies and procedures for MPD officers’ interactions with youth of the District of Columbia. This effort resulted in a newly published MPD General Order that sets forth new requirements for how MPD officers will treat youth during field encounters. MPD has also agreed to provide comprehensive training to all MPD officers in the areas of adolescent brain development, trauma informed policing, and de-escalation techniques.

The Juvenile Section has worked with officials from the Court Social Services Division (CSSD) and the Department of Behavioral Health (DBH) to better address the mental health needs of youth who touch the justice system. Through this partnership, OAG is referring youth with mental health needs to DBH’s Hi-Fidelity Wrap Around Program. This comprehensive mental health model brings together a youth and their family with a DBH worker who connects the youth and family with mental health and other service providers. When necessary, these DBH workers make appointments, check in with school officials, address food and clothing needs of youth, and provide transportation. CSSD is also referring youth to the Hi-Fidelity Wrap Around Program. OAG made its first referral to the Hi Fidelity Wrap Around Program on October 10, 2019. After the Juvenile Section met with the program administrators on October 24, 2019, the referral process was firmly established. Since then, the Juvenile Section has referred three post-petition cases and 11 pre-petition cases to the program.

57. Please provide the number of cases, by top charge, that were petitioned for delinquency by OAG in FY19 and FY20, to date.

RESPONSE:

*Juvenile delinquency petitioned matters by top charge, FY 2019 and FYTD 2020*²³

	FY 2019	FYTD 2020 ²⁴
Crimes Against Persons ²⁵	571	205

²³ Top charges are aggregated because of a concern for juvenile confidentiality. Margin of error is +/- 2% on the number of cases total due to possible duplicate cases.

²⁴ FY20 to date is 10/1/2019 – 1/17/2020.

²⁵ Includes Homicide, Assault, Threats, Robbery, Kidnapping, Carjacking, and Sex Offenses.

Crimes Against Property ²⁶	138	79
Public Order Offenses ²⁷	34	14
Weapons Offenses	112	42
Total Cases	855	340

58. Please provide the number of delinquency diversions by OAG in FY19 and FY20, to date. Additionally, please describe the diversion program or programs used by OAG during FY19 and FY20, to date, including the rate of successful completion of the diversion program(s).

RESPONSE: OAG uses two diversion methods. Cases are diverted to the Alternative to Court Experience (ACE) Diversion Program at the Department of Human Services and to OAG’s Restorative Justice Program. Please see the response to question 51 for statistics related to restorative justice and see the response to question 59 for statistics related to ACE.

59. Please provide the following information regarding the Alternative to Court Experience Diversion program:

- a. A description of the program, including its structure, staffing, policies and procedures;

RESPONSE: Alternatives to the Court Experience (ACE) Diversion Program is a collaboration among DHS, Court Social Services, the Metropolitan Police Department, the Office of the Attorney General, the Department of Behavioral Health, and community-based service providers. Under appropriate circumstances, the government elects not to prosecute youth who commit status offenses (e.g. truancy, curfew violations, extreme disobedience, and running away) or low-level delinquency offenses. Instead, the government offers youth the opportunity to participate in the ACE Diversion Program, a program that connects youth and families to a range of individually tailored support and behavioral health services. ACE is a voluntary program but declining to participate results in potential arrest/prosecution. Since its inception in June 2014, ACE received 3,146 diversions and provided services to 2,694 of those youth.

- b. The number of cases referred in FY18, FY19, and FY20, to date, broken down by underlying reason for referral (*e.g. type of offense, reported runaway, etc.*);

RESPONSE:

Fiscal Year 18

²⁶ Includes Arson, Burglary, Fraud and Criminal Writing, Theft and Receiving Stolen Property, and Other Property Offenses (e.g. unlawful entry).

²⁷ Includes Contempt, Obstruction of Justice, Bribery, Controlled Substances, Other Public Order, and Traffic offenses for youth 15 years old and younger.

OAG Juvenile Specialty Courts Unit:²⁸ 56 diversions

- Delinquency: 0
- Truancy: 53
- Running Away: 3

OAG Juvenile Section:²⁹ 8 diversions

- Delinquency: 8
- Truancy: 0
- Running Away: 0

Court Social Services/OAG:³⁰ 228 diversions

- Delinquency: 228
- Truancy: 0
- Running Away: 0

Metropolitan Police Department: 226 diversions

- Delinquency: 226
- Truancy: 0
- Running Away: 0

ACE Additional Legal Involvement during diversion for FY18 Completions

- 88 percent of the 338 completions did not have additional legal involvement during diversion

Fiscal Year 19

OAG Juvenile Specialty Courts Unit: 211

- Delinquency: 0
- Truancy: 204
- Running Away: 7

OAG Juvenile Section: 25

- Delinquency: 25
- Truancy: 0
- Running Away: 0

Court Social Services/OAG: 252

- Delinquency: 251
- Truancy: 0
- Running Away: 1

²⁸ This unit handles cases involving PINS youth, HOPE Court referrals, and the Juvenile Behavioral Diversion Program Court.

²⁹ These cases are diverted when the Juvenile Section is presented with a pre-petition custody order and makes the determination that diversion is appropriate.

³⁰ These cases are diverted post-arrest by one of these two agencies.

Metropolitan Police Department: 220

- Delinquency: 220
- Truancy: 0
- Running Away: 0

ACE Additional Legal Involvement during diversion for FY19 Completions

- 85 percent of the 423 completions did not have additional legal involvement during diversion

Fiscal Year 20, Quarter 1 (October 1- December 31, 2019)

OAG Juvenile Specialty Courts Unit: 23

- Delinquency: 0
- Truancy: 23
- Running Away: 0

OAG Juvenile Section: 14

- Delinquency: 14
- Truancy: 0
- Running Away: 0

Court Social Services/OAG: 53

- Delinquency: 52
- Truancy: 0
- Running Away: 1

Metropolitan Police Department: 61

- Delinquency: 61
- Truancy: 0
- Running Away: 0

ACE Additional Legal Involvement during diversion for FY20Q1 Completions

- 87 percent of the 119 completions did not have additional legal involvement during diversion

c. Of the cases identified in (b), please provide OAG's recidivism analysis; and

RESPONSE: Using the same sample of cases as from question 52, OAG determined that 167 youth were referred to ACE with 31.1 percent recidivating—having OAG take some action on a subsequent case—within the sample window. Said another way, 68.9 percent have not had another case on which OAG has taken action.

Note that OAG's recidivism analysis differs from recidivism as reported by ACE in part because:

- ACE's sample is different. OAG tracks only youth diverted by OAG and includes all such youth diverted regardless of how they fare in the program. ACE, on the other hand,

tracks all youth regardless of the referring agency and reports recidivism only for youth that successfully complete the program.

- ACE tracks recidivism differently. OAG only considers youth who have a subsequent case on which OAG takes some action, whereas ACE considers youth with any future legal involvement (e.g., re-arrest) as reported by MPD.

Out of the 1,271 completions between the program's inception (June 2014) through December 31, 2017, 1,147 (75 percent) of youth who have completed the ACE program have not had additional legal involvement within two years of completion.

- d. Copies of any evaluations of the program or any other additional metrics used to assess the effectiveness of the program.

RESPONSE: In FY19, more than 79 percent of youth participating in ACE showed improvement in their Child and Adolescent Functional Assessment Scale (CAFAS) score. CAFAS is a tool that looks at youth functioning across life domains such as home, school, community, and mental health. In addition, more than 85 percent of youth in ACE did not have further legal involvement while in ACE.

60. Please provide an update on OAG's initiative to process civil commitment cases for juveniles found incompetent to stand trial in their juvenile cases if the incompetence is a result of a mental health diagnosis. Include the following information:

- a. A description of the initiative, including relevant policies and procedures;

RESPONSE: In July 2018, OAG began to initiate civil commitment proceedings for youth in the delinquency system who are in need of comprehensive mental health services. OAG prepared and filed four forensic civil commitment petitions involving juveniles. These cases were referred to the Mental Health Section from OAG's Juvenile Section so that the D.C. Department of Behavioral Health (DBH) could determine whether the youth met the criteria for civil commitment after being found not competent to stand trial in their juvenile matters. OAG developed protocols for filing these petitions and ensuring that they comported with the juvenile confidentiality statutes.

DBH recently designated two psychologists and one psychiatrist to serve as experts in civil commitment matters involving juveniles. In January 2020, OAG conducted a training for these three experts on drafting certificates in support of civil commitment, taking into account several issues that are unique to juveniles (e.g., the variability of certain diagnoses in youth because of adolescent brain development).

- b. The number of youth for whom OAG processed civil commitment cases;

RESPONSE: OAG has processed civil commitment cases for four youth since July of 2018.

- c. Of the youth identified in (b), the number of cases where OAG was able to obtain court-ordered mental health treatment and supports; and

RESPONSE: Of the four cases identified in (b), the court ordered mental health treatment and support in one case pending trial. Prior to the case proceeding to trial, OAG voluntarily dismissed the case after the youth agreed to be placed in an inpatient mental health facility for a period of six months. OAG voluntarily dismissed the second case after DBH conducted a months-long review of the youth’s mental health and school records and determined there was insufficient evidence to support the case moving forward. The court dismissed the other two cases.

- d. Copies of any evaluations of the program or any other additional metrics used to assess the effectiveness of the program.

RESPONSE: There are currently no evaluations or other metrics demonstrating the effectiveness of this program

- 61. Please describe any policy and/or legal initiative or projects undertaken or in development by OAG relating to truancy and school attendance in FY19 and FY20, to date. Please include information for each policy, legal initiative, program or project regarding referral rates, utilization rates, and outcomes.

RESPONSE:

Policy

OAG strongly believes that children who are truant—and their parents—should receive services to not only address the truancy, but the underlying issues that resulted in the unexcused absences and hindered the child’s daily and timely school attendance. As set forth in the CDC’s 2016 report on preventing youth violence, protective factors for children not only include helping youth feel connected to their school and being academically successful, but also having parents demonstrate interest in their child’s education and giving parents access to services and social support.³¹

To that end, OAG created a diversion program called ATTEND (Abating Truancy Through Engagement and Negotiated Dialogue) for cases referred to OAG against parents facing criminal charges for failing to ensure their elementary school aged children’s school attendance (more below). OAG routinely refers youth ages 13 to 17 to the Alternatives to the Court Experience (ACE) Diversion Program.

Legislation

Currently, OAG supports legislation that requires a statutory exemption to some privacy rights aspects of the Family Education Rights and Privacy Act (FERPA) in order for OAG to obtain student records so that OAG can verify attendance and other information provided to us pursuant to the Attendance Accountability Amendment Act of 2013 (AAA) for the diversion and/or

³¹ See <https://www.cdc.gov/violenceprevention/pdf/yv-technicalpackage.pdf>.

prosecution of status offenders commonly referred to as PINS—person in need of supervision. PINS cases under AAA require educational institutions, like the District of Columbia Public Schools (DCPS) to refer chronically truant youth ages 14 to 17 to the Court Social Services Division (CSSD) of the Superior Court of the District of Columbia (DCSC). Although post-charging, OAG can use a subpoena to get the records, DCPS is reluctant to verify school records pre-charging. The current structure impedes OAG’s ability to make an informed decision about whether to divert these youth.

Special Projects

OAG’s Public Safety Division (PSD) continues to handle primary case responsibility for pre and post charging PINS matters against youth alleged to exhibit both truancy and runaway behaviors. Notably, PSD is working with the Juvenile Justice Advisory Group (JJAG) to review and propose full service, holistic alternatives to prosecution for PINS cases, including decriminalization of these matters. JJAG is working diligently to prepare a report of recommendations to the Mayor during the first quarter of 2020. In the interim, PSD will continue its policy to utilize all community based interventions available through non-profits and District agencies including the Department of Human Services (DHS) such as Parent Adolescent Support Services (PASS) for youth not ripe for court intervention, Supporting Teens, Empowering Parents (STEP) for truants who are also missing youth, and ACE Diversion Program for court referred youth eligible for this six month intervention.

Initiatives

Completion of ATTEND’s Prosecution Phase

In January 2018, OAG created the ATTEND Program as a diversion mechanism for court referrals it received against parents facing criminal prosecution for failing to ensure their elementary school age children’s daily attendance. ATTEND conducted mediations during fiscal year 2019, and all mediations resulted in an agreement with the parents and the school.³²

ATTEND Mediation Referrals, 2018 and 2019

	CY 2018	CY 2019
Mediations Referred/Scheduled ³³	308	546

	CY 2018	CY 2019
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³² The ATTEND Program mediated referrals received for parents between SY2015-2016 to SY2017-2018. Each child for one parent is counted as a separate referral, e.g. two children equal two cases or referrals. First, OAG determines which cases meet legal sufficiency. Second, for each case that meets the threshold for prosecution, OAG then determines whether that case is eligible for ATTEND. Third, OAG obtains updated attendance for each child to determine whether truancy is still an issue. If truancy is resolved or the family relocated, the case is closed. If attendance issues still exist, then OAG matches all siblings and parents to determine the family unit to schedule and conduct one mediation for the family unit.

³³ OAG maintains ATTEND program data by calendar year. The data listed includes cases being referred or scheduled for the program on multiple occasions rather than the total number of cases received from the referring agency during the calendar year. OAG does not track the referral rates or utilization rates but monitors the outcomes.

Mediations Conducted	176	213
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ATTEND provides a neutral setting where parents can identify and address the barriers they face that impede their children’s attendance. Some of the most common barriers include poverty (inability to pay for transportation), homelessness, parental mental health needs, and parental substance abuse. Within two years, ATTEND resolved 389 cases with 100 percent mediation agreement reached rate.

Shift to ATTEND’s Prevention Model

Beginning fiscal year 2020, PSD resolved the backlog of referrals in the prosecution phase of this initiative and shifted to an in-school prevention model. Impressed with ATTEND’s results and the OAG team’s work ethic, DCPS reached out to OAG as a partner to utilize ATTEND as its primary response to meet the requirements of a FY2020 Office of the State Superintendent of Education (OSSE) \$300,000 grant to improve attendance, grades, and parent engagement. In the fall of 2019, OAG agreed to bring ATTEND to Ward 8, where the District’s most vulnerable children and families struggle with attendance. On December 3, 2019, OAG started its ATTEND prevention model at Turner Elementary School, expanding the original program to include monthly parent engagement workshops on topics relevant to parents’ needs, including opportunities for employment, education, and expungements. In the first month of the program, ATTEND has already seen a reduction in unexcused absences for those participants. For example, more than 50 percent of the current participants decreased to zero unexcused absences. Those with the highest number of unexcused absences at the time of referral have dropped to five and under. While it is still early in the prevention model stages, OAG is encouraged by the promising results ATTEND offers.

ATTEND Mediation at Turner Elementary School, December 2019

Mediations Scheduled	Parents Referred	Children Referred	Families Referred
10	10	15	9
Mediations Conducted	Parents Mediated	Children Mediated	Families Mediated
5	5	6	5

“I Belong Here” Initiative

OAG believes that youth have a better chance at a successful future when they are in the classroom learning. OAG’s “I Belong Here” program, a yearlong attendance competition developed to combat truancy, is embedded for a third year in Sousa Middle School in Ward 7. OAG staff visit sixth, seventh, and eighth grade classrooms on a bi-weekly basis to implement an OAG-developed curriculum focused on the importance of showing up to school every day.

For the 2019-2020 school year, OAG has partnered with the Howard University School of Education to help develop lesson plans and to train ambassadors in classroom management. Sousa students compete for prizes given for best homeroom attendance, perfect attendance, and most improved attendance. OAG staff volunteers lead lesson plans on topics such as

responsibility and empathy. These lessons work to disrupt the negative behaviors associated with truancy rates and positively reinforce the idea that students belong in school.

For school year 2018-2019, Sousa Middle School had the highest percent of in-seat attendance—which is defined as the percentage of enrolled days that a student is present—of all middle schools with a comparable student population and was only one of three middle schools in the District to see gains in attendance. Sousa increased their in-seat attendance from 88.5 percent in school year 2017-2018 to 90.4 percent in school year 2018-2019.³⁴

62. Please provide the number of juveniles by school, grade, race, and gender that were petitioned for truancy by OAG in FY19 and FY20, to date. Additionally, please provide the number of juveniles by school, grade, race, and gender that were referred to Court Social Services (“CSS”) for truancy in FY19 and FY20, to date.

RESPONSE: The referrals consist of youth generally ages 13-17 who matriculated in education campuses, middle schools, or high schools. In FY 2019, OAG petitioned 21 truancy cases.³⁵ In FYTD 2020,³⁶ OAG petitioned one truancy case. The petitioned referrals were from the following schools: Ballou SHS, Cardozo SHS, Cesar Chavez PCS for Public Policy – Parkside HS, Chelsea School, Coolidge SHS, Eastern SHS, E.L. Haynes PCS - High School, Johnson MS, Roosevelt SHS, Paul PCS - International High School, Roosevelt STAY, Thurgood Marshall Academy PCS, and Washington Metropolitan. OAG does not currently collect data by grade. Additionally, OAG is not reporting on race and gender to ensure we do not run afoul of confidentiality.

In FY 2019, CSS referred 785 cases to OAG. In FYTD 2020³⁷, CSS referred 136 cases to OAG. OAG does not currently collect data by grade. See tables 1 and 2 for results by school system and school. In order to comply with confidentiality laws, OAG has consolidated results of less than 10 referrals. Additionally, OAG is not reporting on race and gender to ensure we do not run afoul of confidentiality.

Truancy referrals presented to OAG, by school system and school for FY 2019.

School System and School	FY 2019
DCPS	489
Ballou SHS	38
Cardozo SHS	29
Eastern SHS	93
Luke C. Moore Academy	50
Phelps SHS	29

³⁴ Source: Deputy Mayor for Education Everyday County Task Force Meeting Documents, September 17, 2019.

³⁵ Petitioned cases are regarding the initial papering decision only. This excludes cases that were no papered initially (for diversion or another reason) and that were papered after a subsequent papering decision.

³⁶ FYTD 2020 is through 1/23/20.

³⁷ FYTD 2020 is through 1/23/20.

Roosevelt SHS	111
Roosevelt STAY	41
Washington Metropolitan	15
Consolidated: Anacostia SHS, Ballou STAY, Benjamin Banneker SHS, Brightwood EC, Brookland MS, Cardozo SHS, Columbia Heights EC, Coolidge SHS, Dunbar SHS, Jefferson MS, Johnson MS, Kelly Miller MS, Kramer MS, LaSalle-Backus EC, McKinley Technology SHS, River Terrace EC, Ron Brown College Preparatory HS, Sousa MS, Whittier EC, Wilson SHS, Woodson SHS, and Youth Services Center	83
PCSB	275
E.L. Haynes PCS - High School	18
Goodwill Excel Center	12
KIPP DC – College Prep PCS	101
Maya Angelou PCS - Evans High School	17
National Collegiate Preparatory PCHS	12
Paul PCS - International High School	32
St. Coletta Special Education PCS	10
Thurgood Marshall Academy PCS	17
Consolidated: Achieve Prep Academy PCS – Middle, BASIS DC PCS, Cesar Chavez PCS for Public Policy (Capitol Hill, Chavez Prep, Parkside HS, and Parkside MS), District of Columbia International School, Excel Academy PCS, Friendship PCS (Collegiate Academy and Technology Preparatory High), IDEA PCS, Ideal Academy PCS, KIPP DC – AIM Academy PCS, Next Step/El Proximo Paso PCS, SEED PCS, Somerset Preparatory Academy PCS, and Washington Leadership Academy.	56
OTHER (OSSE/Private Placement) Consolidated: Accotink Academy, Capitol Guardianship Program, Chelsea School, High Road Academy, Lt. Joseph Kennedy School, Model Secondary School For the Deaf, New Beginnings Vocational Program, Pathway School Re-Entry, Phillips Program Fairfax, The Ridge School, The Children’s Guild Baltimore Campus, The Foundation School (Largo and Prince George’s County), The Pathways Schools (Edgewood and Horizons), and Village Academy.	21
Total	785

Truancy referrals presented to OAG, by school system and school for FYTD 2020.

School System and School	FYTD 2020
DCPS	95
Anacostia SHS	13
Ballou SHS	47
Consolidated: Ballou STAY, Brightwood EC, Cardozo SHS, Coolidge SHS, Johnson MS, McKinley Technology SHS, Ron	35

Brown College Preparatory HS, Roosevelt SHS, Sousa MS, and Woodson SHS	
PCSB	33
KIPP DC – College Prep PCS	12
Consolidated: Cesar Chavez PCS for Public Policy – Parkside HS, District of Columbia International School, Friendship PCS - Collegiate Academy, Ideal Academy PCS, Maya Angelou PCS - Evans High School, National Collegiate Preparatory PCHS, Paul PCS - International High School, Somerset Preparatory Academy PCS, and Thurgood Marshall Academy PCS.	21
OTHER (OSSE/Private Placement) Consolidated: Accotink Academy, Phillips Program Fairfax, The Foundation School (Largo and Prince George’s County), and The Pathways Schools Horizons.	8
Total	136

63. Please provide the number of juveniles by school, grade, race, and gender that were petitioned as runaways by OAG in FY19 and FY20, to date. Additionally, please provide the number of juveniles by school, grade, race, and gender that were referred to CSS as runaways in FY19 and FY20, to date.

RESPONSE: OAG receives runaway referrals from Court Social Services, the Metropolitan Police Department, and parents. The referrals consist of youth generally ages 11-17. OAG does not currently collect data by grade and does not consistently receive school information for runaway referrals. Additionally, OAG is not reporting on race and gender to ensure we do not run afoul of confidentiality. In FY 2019, OAG received referrals for 46 runaway cases and petitioned or requested pre-petition custody orders (PPCO) from the court in 14 cases. In FYTD 2020, OAG received referrals for 12 runaway cases and petitioned three cases.

64. Please describe any partnerships with federal or local agencies relating to criminal justice or juvenile justice that are in progress or in development.

RESPONSE: OAG has partnered with the following local and federal agencies:

- Superior Court of the District of Columbia: Drug Intervention Program (Drug Court), Redirect Project Diversion Program, Mental Health Community Court;
- Criminal Justice Coordinating Council: Gunstat, Combating Violent Crime, Disposition Modernization Project, Inter-Agency Working Group (IWG), and other committees led by CJCC; and
- DHS’ ACE Diversion Program to provide diversion services to youth who have been arrested for juvenile offenses.

65. Please update the Committee on OAG’s Cure the Streets program.

- a. Where are the program sites? How were they identified?

RESPONSE: The six Cure the Streets (CTS) program sites were selected based on MPD incident and shot spotter data as well community intelligence regarding shootings, homicides, and warring neighborhoods. CTS identified areas with persistent gun homicides and shootings and then reached out to community members in the area to understand the nature of the violence. This process identified six CTS sites in the following neighborhoods:

- **Ward 5** (Trinidad and Aboretum)
18th and M St NE
Simms Place NE
Mt. Olivet Rd. and Bladensburg Rd
West Virginia Ave and Florida Ave NE
- **Ward 5** (Eckington/Truxton)
Lincoln Road
North Capitol and Bates St. NW
Hanover Pl. NW
- **Ward 7** (Marshall Heights) Benning Park and Benning Terrace
51st and Fitch St SE
51st and H St. SE
G St. SE
- **Ward 8** (Washington Highlands and Congress Heights) Wahler Place and Trenton Park
9th and Wahler Place
800 Block of Condon Terrace SE
8th and Yuma
600 Block of Mississippi Ave SE
- **Ward 8** (Washington Highlands)
3rd Street
4th Street
6th Street
- **Ward 8** (Bellevue)
Galveston St SW
4600 Martin Luther King Jr. Ave. SW
Irvington St. SW

- b. How many FTEs are funded through the program, either at OAG or community-based organizations, and what are their positions (*e.g. violence interrupter/street worker, program manager, etc.*)?

RESPONSE: There are a total of 69 FTEs supporting the Cure the Streets Expanded Pilot Program as reflected below.

OAG

Co-Chief Violence Interrupter (2)

Grants Manager (1)

Staff Assistant (1)

Total Staff (4)

National Association of Returning Citizens

Ward 8: Washington Highlands/Congress Heights

Ward 5: Trinidad/Arboretum

Director of Operations (1)

Program Manager (1)

Site Supervisor (2)

Outreach Workers (5)

Violence Interrupters (10)

Total Staff (19)

Alliance of Concerned Men

Ward 7: Marshall Heights

Ward 8: Washington Highlands

Director of Operations (1)

Program Manager (2)

Site Supervisor (2)

Outreach Workers (8)

Violence Interrupters (8)

Administrative Assistant (2)

Total Staff (23)

Father Factor

Ward 5: Truxton Circle/Eckington

Ward 8: Bellevue

Director of Operations (1)

Program Manager (2)

Site Supervisor (2)

Outreach Workers (6)

Violence Interrupters (10)

Administrative Assistant (2)

Total Staff (23)

- c. How much funding has been expended in FY19 and FY20, to date, by OAG for the program's operation? To which community-based organizations?

RESPONSE: In FY19, OAG expended \$1,025,208.84 in connection with the two initial CTS sites. In FY20, as of January 28, 2020, OAG has expended \$1,610,773.28 to fund its Cure the Streets initiative. Of that amount, the Alliance for Concerned Men received \$600,000, Father Factor received \$600,000, and the National Association of Returning Citizens received

\$267,907.12. The payments to the CBOs reflect monies upon which the CBOs may draw down to meet current and future financial obligations for the remainder of FY 20.

- d. What is the total amount and origin of any private funding received for the program's operation?

RESPONSE: In FY19, OAG received a \$2 million donation from Alta Gas to fund its violence interruption initiative. This donation was made pursuant to the terms of the Alta Gas/Washington Gas merger agreement negotiated by OAG.

For the initial start-up of CTS, a consortium of funders led by the Greater Washington Community Foundation contributed \$108,000 to OAG's Cure Violence effort, which supplemented the \$360,000 provided by the Council. This consortium funded the technical assistance and training by the Cure Violence National organization in support of OAG's two pilot sites. All funds went directly from the Community Foundation to Cure Violence National.

- e. How does OAG measure the program's success?

RESPONSE: The ultimate goal of CTS is to measurably reduce the frequency of shooting incidents and homicides within its assigned target areas, on a year-to-year basis. OAG therefore tracks indicators of violence in CTS neighborhoods year over year. Given the short lifespan of such a complex program, available data is minimal. It will take several years to produce sufficient data, thereby providing reliable results. At this stage, OAG tracks program indicators to ensure that we are implementing the program in a robust fashion to capture the necessary data points. OAG also tracks community perceptions of violence to determine whether the program has an effect on how residents of CTS neighborhoods feel about the level of violence they live with. These three categories of metrics are described in greater detail below.

1. Violence Indicators

OAG tracks violent incidents in target areas using publicly provided MPD data. This data is tracked in regularly updated dashboards on both year-to-date and last 60-day intervals. The dashboards are organized to compare the current year or 60-day period with the same time period the previous year to account for seasonal changes in crime. The 60-day dashboard is intended to give CTS immediate insight into recent trends whereas the year-to-date offers a more stable view of program impact as more data later in the year becomes available. OAG target areas are also compared to percent changes elsewhere in the city.³⁸ Below is a sample of two of the key metrics tracked in the dashboards:

- All Homicides includes homicides regardless of weapon used;
- Gun ADWs & Gun Homicides includes all homicides and Assault with a Deadly Weapon charges (ADWs) where a gun was used. These are combined given that the difference in a gun homicide and a gun ADW may not reflect meaningful difference.

³⁸ Labeled "City-Wide" metrics, these also exclude areas where the ONSE office works.

60-day Numbers:³⁹

	Recent 60 Days	Previous 60 Days	60-Day % Change
All Homicides			
City-Wide	19	16	+18.75%
OAG Target Areas	2	3	-33.33% ⁴⁰
Gun Homicides & Gun ADWs			
City-Wide	93	100	-7.00%
OAG Target Areas	16	12	+33.33%

Year to Date Numbers:

	2020 YTD	2019 YTD	YTD % Change
All Homicides			
City-Wide	15	12	+25.00%
OAG Target Areas	1	3	-66.67%
Gun Homicides & Gun ADWs			
City-Wide	79	79	0.00%
OAG Target Areas	13	9	+44.44%

OAG also tracks other violent crimes and shot spotter activations, though shot spotter data is only made available on a four to six month delay by MPD. Through these dashboards and additional analysis, once there is a larger data set to work with OAG will measure changes in gun violence from date of implementation onward.

2. Program Indicators.

CTS employs violence interrupters (VIs) and outreach workers (OWs) working in target neighborhoods at both a community-wide level and at an individual level with high-risk individuals. OAG tracks CTS activities through a web-based portal developed and maintained by Cure Violence Global, a Chicago-based nonprofit that developed the Cure model. CTS workers are expected to enter daily activity logs. Key metrics tracked include the following:

³⁹ All numbers are as of 2/20/20.

⁴⁰ Note that these are very small numbers and may not reflect a significant trend.

Cure the Streets Program Data		
<i>Indicator</i>	<i>FY19⁴¹</i>	<i>FY20 YTD⁴²</i>
Community Responses to Shootings Organized by CTS	11	17
<i>After a shooting, CTS coordinates a public response for the community to join in within 48 hours.</i>		
De-escalations & Mediations by CTS Staff	10	27
<i>VIs are plugged into community dynamics to identify brewing conflicts and anticipate violence. When VIs identify such situations, they intervene to mediate disputes to avoid violence. A successful mediation means a confrontation and potential shooting avoided.</i>		
Program Participants Enrolled	9	84
<i>When VIs or OWs identify high-risk individuals during canvassing, they engage with them and cultivate them for program participation. The identities of these high risk persons are shared with OWs who look for opportunities to engage with them and, in time, invite them to participate in the program. Once high risk (or other) persons are enrolled in the program, they are referred to as Program Participants.</i>		
Contacts with Participants	-	373
<i>OWs keep logs of contacts with participants.</i>		
Hours of Contact with Participants	-	344
<i>OWs keep logs of hours of contact with participants.</i>		
Risk Level Reviews	-	61
<i>As OWs work with high-risk individuals, they regularly assess the individuals' risk level with the aim of moving from high-risk to low-risk.</i>		
Key Individuals (influential and/or high risk)	45⁴³	4,259
<i>VIs & OWs canvas neighborhoods, speaking with residents and identifying at-risk persons. While canvassing, CTS workers also look to identify persons in the community who have influence either with the community-at-large or high risk individuals and networks, termed "key individuals."</i>		
Community Residents Engaged by Staff	-	12,558
<i>CTS plans community activities with other CBOs to build greater community cohesion as well as community capacity to carry out such activities independent of CTS.</i>		

Note that, after bringing on our Co-Chiefs of Violence Interruption, CTS has become more rigorous about how they define these metrics and about tracking them. OAG looks forward to gathering more data as the program is in place for longer.

⁴¹ Through August 27, 2019. We do not have updated numbers through the end of September as the program went through a transition of both management and data practices and some figures were not logged.

⁴² Through February 18, 2020.

⁴³ In FY19, CTS tracked only high risk individuals, so this number does not include other key individuals.

3. Perceptions of Violence.

In addition to these regular metrics, because the program may take time to produce results in the form of actual violence reduction, OAG commissioned a survey of residents of the six CTS sites to determine community perceptions of violence. OAG will use this survey as a baseline against which to compare similar surveys at future points to understand whether CTS is having an impact on how residents feel in their neighborhoods. In aggregate, OAG found that residents in CTS neighborhoods perceive there to be violence in their communities:

Question	Affirmative Answer
I feel safe in my neighborhood.	46%
It is safe for kids and seniors to be out in my neighborhood.	32%
It's possible to have a sense of well-being in my neighborhood.	59%

OAG also found that violence in the CTS neighborhoods affects individual behavior significantly:

Question	Affirmative Answer
I avoid being alone on the streets in this neighborhood at night.	55%
I want to move from this neighborhood because of the gun violence here.	40%
Does gun violence affect how you send kids to school?	62%
Does gun violence affect how you choose businesses or services?	52%
Does gun violence affect how you interact with friends, neighbors, and family members?	54%
Does gun violence affect how you enjoy outdoor activities?	61%
Does gun violence affect how you get to work or other places?	56%

OAG will use these as baseline numbers against which to track community perceptions of violence in CTS neighborhoods to see whether the presence of the program appears to change those perceptions.

- f. Please describe the Cure the Streets program's safe passage work.

RESPONSE: OAG-sponsored research on community perceptions of safety indicates that the safety of children traveling to and from school is a high priority community concern. CTS is sensitive to this issue, and to the extent possible, participates or assists with the organization of Safe Passage efforts.

In FY19, the original CTS sites, managed by NAARC, regularly provided Safe Passage for schools in their targeted areas, including Somerset PCS, Hart Junior High School, and Ballou Senior High School in Ward 8 and KIPP PCS in Ward 5. While Safe Passage remains a need, it should be noted that the primary objective of CTS does not include daily Safe Passage activities.

It is more consistent with the CURE model for CTS programs to assist community residents in organizing themselves to establish safe passage corridors, as helping target neighborhoods to build social cohesion is part of the CURE strategy for reducing community violence. CURE programs are expected to lead in organizing community coalitions by building on existing groups such as parent associations, tenant organizations and advisory councils and helping them to develop and implement strategies for addressing community issues, such as ensuring the safety of students traveling to and from school. At the request of some local schools, CTS has organized meetings and discussions with students in order to deescalate conflict and otherwise persuade students against engaging in violence, including rivalries between schools, and they will continue to participate in some Safe Passage programs while helping neighborhood residents to organize and take over responsibility for student safety in transit.

66. Please describe OAG's work bringing extreme risk protection order cases in D.C. Superior Court in FY19 and FY20, to date, including a brief description of each case (whether successful or unsuccessful) (*e.g. self-harm, domestic violence, community violence*), how the case was brought to OAG (*e.g. household member, law enforcement, mental health professional*), and the number and type of firearms recovered.

RESPONSE: Of the three extreme risk protection order cases filed thus far, OAG represented the petitioner in two: one filed by a police officer and one filed by a mental health professional. Both cases were successful in obtaining both ex parte orders and final orders. In the first case, the police recovered an M1A, SOCOM 16, .308 Caliber rifle. In the second case, the respondent had no registered firearms and had none to remove. The third petition was filed by an intimate partner pro se. She ultimately withdrew her petition, and the case was referred to the Gun Recovery Unit of the Metropolitan Police Department.

67. Please describe OAG's elder abuse work in FY19 and FY20, to date.

RESPONSE: OAG's Public Safety Division (PSD) and Public Interest Division (PID) have worked closely together on elder abuse work; the divisions are involved in overlapping cases as the office implements the Criminal Abuse, Neglect and Financial Exploitation of a Vulnerable Adult or Elderly Person Act, D.C. Code §§ 22-937 and 22-938.

In 2019, PSD's Domestic Violence & Special Victims Section filed 61 petitions for guardians and conservators for vulnerable adults who are being abused, neglected, or exploited, or who are self-neglecting, matching the previous record number it had filed in 2018. The section's elder abuse specialist met elders in their homes, the hospital, and assisted living facilities to ensure they are being listened to and receiving the services they need. At the beginning of FY19 (October 2018), PSD hired the new elder abuse prosecutor and an elder abuse investigator provided for in the budget. Beginning in February 2019, the prosecutor was sworn in as a Special United States Attorney and in that capacity has been able to pursue criminal prosecutions for elder financial abuse under that office's authority. The prosecutor and investigator work closely with OAG colleagues to review referrals from OAG partner and client agencies and ensure they are reviewed by the appropriate legal teams.

OAG also established an Elder Justice Section in PID to better protect the District’s elders and vulnerable adults from financial exploitation. As of Fall 2019, the section is fully staffed with four attorneys, an investigator, and paralegal and administrative personnel. This new team can obtain civil fines and temporary or permanent injunctions against bad actors through civil enforcement of the Criminal Abuse, Neglect and Financial Exploitation of a Vulnerable Adult or Elderly Person Act. The section responds to calls to the newly established Elder Justice Hotline and provides meaningful referrals to other agencies or area partners in cases that do not include allegations of financial exploitation. All other referrals are investigated by section personnel and may result in litigation or non-litigation resolutions. For example, the section has litigation pending in *District of Columbia v. Alusine Sesay, et al*, 2018 CA 006727 B, involving allegations that a long-term care nurse and his co-defendants conspired to use forged checks to take funds from two nursing home residents. In another matter, the section resolved a complaint without litigation, freeing an 80-year old District resident from a \$51,000 car loan he entered into after undue influence and fraud by the resident’s family member and a Maryland car dealership.

OAG also serves as a community resource and participated in more than 20 events across the District to share information about financial exploitation and OAG elder justice initiatives. OAG also continues to be an active partner in coordinated community response teams addressing elder abuse—including the District’s Collaborative Training & Response for Older Victims (DC TROV) and the Office on Aging’s Elder Abuse Prevention Committee—to ensure it can access information concerning elder abuse issues shared among its public and private partners. The Attorney General was the featured speaker at the November DC TROV meeting, and OAG gave a presentation about the agency’s elder justice initiatives at the January meeting. OAG staff also presented at several professional trainings on the topics of elder abuse and financial exploitation, including at national conferences and DC Bar events.

In November 2019, AG Racine received the “Community Advocacy Award” from the Network for Victim Recovery of DC (NVRDC). The award recognized OAG as a community partner with a demonstrated commitment to District residents impacted by crime, especially through the creation of OAG’s new Elder Justice Section and Domestic Violence and Special Victims Unit.

68. Please describe OAG’s wage theft work in FY19 and FY20, to date.

RESPONSE: The Social Justice Section (SJS) of the Public Advocacy Division is tasked with enforcing the District’s wage theft laws. OAG is statutorily authorized to enforce District laws relating to back pay, minimum wage, overtime, paid sick and safe leave, and the District’s living wage (relating to minimum wage requirements that apply to certain employers contracting with the District of Columbia). D.C. Code § 32-1306(a)(2)(A). OAG is also statutorily authorized to enforce the Workplace Fraud Act, which applies specifically to the construction industry, prohibiting the practice of worker misclassification and setting out a statutory test for determining whether a worker is an employee or independent contractor. *Id.*; D.C. Code § 32-1301.01, *et seq.*

The two FTEs funded by the Council for the purpose of wage theft enforcement were hired and began working in SJS toward the beginning of FY18 in September and November 2017. In building its affirmative wage theft enforcement practice, SJS has sought to continuously incorporate strategic enforcement policies in its operations, targeting pattern-and-practice violations to deter would-be offenders and maximize recovery for workers.

To date, SJS has opened over 30 affirmative wage enforcement cases, which include both investigations and lawsuits. A summary of SJS's wage enforcement cases is provided below, which includes (A) summaries of each wage theft lawsuit filed by SJS, (B) publicly announced settlements of SJS wage theft investigations, (C) brief descriptions of open investigations, (D) other SJS wage theft enforcement actions, (E) SJS's policy and advocacy efforts, and (F) multi-state enforcement efforts.

A. Lawsuits

- *D.C. v. JD Nursing and Mgmt. Servs., Inc., et al.*, 2017 CA 008411 B (D.C. Superior Court). In December 2017, OAG filed a back pay complaint against a company (and its former CEO) that had provided home health aide services in the District of Columbia. OAG alleged that the company had failed to pay employees their owed wages from September 2015 through January 2016. In December 2019, the Court granted the District summary judgment on its claims, awarding \$194,856 in damages for back wages to more than 20 employees and \$22,050.00 in civil penalties.
- *D.C. v. Xquisite Basements & Kitchens, Inc., et al.*, 2018 CA 003930 B (D.C. Superior Court). In June 2018, OAG filed a back pay complaint against a home renovation company on behalf of four former employees. (This case also involved consumer protection claims involving misrepresentations about quality of work.) In April 2018, the Court entered a default judgment against Defendants in the amount of \$224,733.95, which included \$15,409.60 in damages for back wages and \$1,300 in civil penalties relating to back wages withheld.
- *D.C. v. Turning Natural, Inc., et al.*, 2018 CA 004704 B (D.C. Superior Court). In June 2018, OAG filed a minimum wage, overtime, and paid sick leave complaint against a local café chain operating in the District. In August 2018, the Court entered a Consent Order that settled the lawsuit for \$15,646.93, which included \$10,646.93 in restitution due to more than 20 employees and \$5,000 in civil penalties. The company also agreed to retroactively provide paid sick leave accrued to current employees and institute policies to ensure prospective compliance with District law.
- *D.C. v. Power Design, Inc., et al.*, 2018 CA 005598 B (D.C. Superior Court). In August 2018, OAG filed a complaint against Power Design, Inc., an electrical contractor, and several of its subcontractors. The lawsuit alleged that the defendants committed multiple wage theft violations, including worker misclassification, failure to pay minimum wage, and failure to pay overtime. In January 2020, the Court entered a Consent Order that settled the lawsuit for \$2,750,000, which requires Power Design to pay \$879,0560 in restitution relating to overtime and minimum wage claims for hundreds of workers and \$1,820,944.00 in civil penalties; this amount also included

Power Design’s commitment to pay \$50,000 to the Department of Employment Services for apprenticeship, job-training, and/or workforce development initiatives. The company also agreed to institute policies, as well as reporting requirements, to ensure prospective compliance with District law.

B. Settlements

- *MITRA QSR KNE, LLC*. In May 2018, OAG settled a minimum wage investigation of MITRA QSR KNE, LLC, an operator of two KFC fast-food franchises in the District, which returned approximately \$10,129.44 in restitution to 18 workers and recovered \$10,000 in payments to the District.
- *Briggs Chaney Wireless, Inc.* In October 2018, OAG settled a minimum wage investigation of Briggs Chaney Wireless, Inc., a company that operated two MetroPCS authorized dealerships in the District, which returned approximately \$15,609.38 in restitution to five workers and recovered \$5,000 in payments to the District.
- *Airway Sheet Metal Co., Inc.* In April 2019, OAG settled an overtime investigation of Airway Sheet Metal Co., Inc., a company that provides sheet metal construction services, which returned \$110,548.20 in restitution to 40 workers and recovered \$5,000 in payments to the District.
- *Rock Spring Contracting, LLC*. In December 2019, OAG settled a worker misclassification and overtime investigation of Rock Spring Contracting, LLC, a company that provides drywall construction services, which recovered \$56,851.20 in restitution for workers and \$225,000 in payments to the District.

C. Open Investigations. While OAG does not publicly comment on pending investigations, some general detail can be provided. OAG currently has over a dozen active investigations targeted at pattern-and-practice violations, such as worker misclassification, minimum wage, overtime, and paid sick leave. These investigations are also strategically targeted at industries that employ a significant number of low-income workers who are particularly vulnerable to wage theft due to issues such as language barriers or unfamiliarity with their rights under District law. Industries where OAG is currently focusing its investigations include construction, restaurant/hospitality, and retail.

D. Other Enforcement Actions. In addition to OAG’s affirmative actions described above, another component of OAG’s wage enforcement practice involves enforcing administrative orders issued by the District of Columbia Department of Employment Services (DOES) that are referred to OAG. In these cases, OAG will petition the Superior Court to enter DOES administrative orders as judgments. OAG has secured judgments in more than a dozen such enforcement actions totaling over \$200,000. In addition, OAG has also successfully settled several cases referred by DOES, recovering over \$50,000 in back wages due to workers and penalties to the District.

E. Policy and Advocacy. SJS has sought to partner with community stakeholders to amplify its wage enforcement presence and encourage prospective compliance. For example, in September 2019, OAG released a commissioned economic expert report relating to worker misclassification in the District’s construction industry. The Worker Misclassification Report provided quantitative and qualitative analysis regarding how worker misclassification harmed workers, the construction industry at large, as well as the public fisc. In connection with the Worker Misclassification Report’s release, OAG partnered with Georgetown University’s Kalmanovitz Initiative for Labor and the Working Poor to host a community event seeking to educate the public about worker misclassification. The community event involved remarks by Attorney General Racine, as well as a panel discussion involving the economic experts who authored the report and representatives from the business and labor community.

FY18 and FY19 – Multi-State Wage Enforcement

SJS has also sought to partner with the labor enforcement divisions of other states’ attorneys general in order to participate in labor/wage enforcement matters with national implications. These efforts have included:

- In July 2018, OAG joined a multi-state coalition led by the Massachusetts Attorney General investigating the use of “no-poach” employee agreements used by fast food franchises; these provisions have drawn scrutiny for their potential to limit the job mobility of low-wage workers.
- In November 2019, OAG led a 12-state coalition seeking information from two of the nation’s major arbitration organizations, the American Arbitration Association and Judicial Arbitration and Mediation Services. OAG seeks information relating to hurdles faced by workers seeking to arbitrate their claims, including delays arising from employer non-payment of arbitration filing fees.

69. Please describe OAG’s residency fraud work in FY19 and FY20, to date, including the number of cases OAG prosecuted and their outcomes.

RESPONSE: OAG filed 23 new residency fraud cases in FY19 and FY20, to date. During this time, OAG settled 20 residency fraud cases, resolved two cases as consent judgments, and won two cases as default judgments. The settlement agreements totaled \$1,432,365 for the District, the consent judgments \$412,810, and the default judgments \$229,798. The remaining cases are pending, along with several dozen additional cases currently under investigation. As of Fall 2019, residency fraud cases are handled by the Public Interest Division’s Civil Enforcement Section.

70. How many consumer complaints did OAG receive in FY19 and FY20, to date?

RESPONSE: FY19: 1,517; FY20 to Jan 31, 2020: 363.

71. Please list all cases brought by OAG for housing code violations in FY19 and FY20, to date, along with their statuses.

RESPONSE: The Social Justice Section (SJS) of the Public Advocacy Division is tasked with seeking Receiverships over properties with a pattern of unabated housing code violations or with pervasive health, safety or security issues pursuant to the Tenant Receivership Act (TRA). SJS has brought two new TRA cases during FY19 and FY20, as well as continued litigating seven previously filed cases. All TRA cases included claims under the Consumer Protection Procedures Act (CPPA) to recover back rent for tenants.

Previously-Filed Cases Litigated in FY19 and FY20

- *District of Columbia v. Alabama Avenue LLC, et al.* (Congress Heights), 2016 CA 1622 B (Superior Court). Congress Heights is a three-building apartment complex that Sanford Capital acquired in 2010 as part of a joint project with developer CityPartners LLP. The partners planned to raze and redevelop the area surrounding the Congress Heights metro station. OAG filed suit against Sanford Capital in 2016 seeking a Receiver to remedy the deplorable conditions caused by Sanford Capital's neglect. The Superior Court appointed a Receiver in September of 2017. Before the Receiver was able to submit his assessment of the repair needs at Congress Heights, Sanford Capital requested a 60-day grace period to find a buyer for the property, during which time the Superior Court ordered Sanford Capital to negotiate a sale "exclusively with the tenants." In violation of the Court's Order, Sanford Capital transferred the property to CityPartners through a sham transaction in December 2017. During the first six months of 2018, OAG conducted intensive discovery and litigated the propriety of this transfer and CityPartners' obligation to fund the continuing Receivership. The Court has since ruled in OAG's favor and ordered CityPartners to pay the Receivership approximately \$1 million to repair the property and the tenants have been relocated. Unfortunately, before the Receiver could fully implement his rehabilitation plan, a portion of the property was damaged in a fire. Currently, the case is stayed pending settlement negotiations between the tenants and Defendants. The District is scheduled to appear before the Court on March 6, 2020 to address the continuation of the receivership.
- *District of Columbia v. Jefferson-11th Street, et al.*, 2017 CA 2837 2 (Superior Court). This case concerns a 26-unit building in Columbia Heights with 13 remaining tenants located at 2724 11th Street NW. For the past several years, the owner and property manager have refused to repair failing systems and chronic issues at this building, exposing the low-income tenants to toxic mold, rat and bedbug infestation, and inconsistent utilities. In 2017, OAG filed a lawsuit seeking appointment of a Receiver over the property and restitution for the tenants under the CPPA. In November 2017, the Superior Court appointed a Receiver over the property after a lengthy set of hearings. The Receiver submitted an assessment of the property concluding that it needs to be completely gutted and rehabilitated to abate the mold, lead, and other hazards. In 2018, OAG successfully litigated the issue of the liability of an individual owner of the corporation that owns the property to personally pay the estimated rehabilitation costs

of \$1.8M. The tenants have been relocated while the Receiver fully rehabilitates the property. The renovations should be complete by mid-2020.

- *D.C. v. Sanford Capital, et al.*, 2018 CA 844 B and 2018 CA 953 B (Superior Court) – In February 2018, OAG filed two separate CPPA cases Sanford Capital and its related companies and individual owner. These actions concerned housing code and other issues at properties Sanford Capital had recently sold located at 315-325 Franklin Street NE and 4951-4957 G Street SE. These cases seek to recover back rent for tenants forced to endure apartments with housing code and other issues during the time Sanford Capital owned their apartments. Sanford Capital agreed to settle the case and the tenants, on average, will receive approximately \$7,500 per household.
- *D.C. v. Thomas K. Stephenson*, 2018 CA 4488 B (Superior Court) – In June 2018, OAG filed an action under the TRA and the CPPA against Thomas Stephenson related to an apartment complex he owns at 711 and 719 49th Street NW. In this case, OAG requested that the Defendant abate all housing code violations and mold contamination. During inspections, DCRA found 92 housing code violations at the property. The Court initially ordered Defendant to abate all violations. When Defendant failed to do so, the Court appointed a Receiver in December 2018 to bring the property into compliance with the housing code. After the Receiver was appointed, the owner of the property declared bankruptcy. On January 29, 2020, the bankruptcy court decided to permit the sale of the properties to a new owner. The new owner plans to completely renovate both properties and enter into OAG’s TRA case in Superior Court. OAG will litigate the CPPA portion of the case, which is scheduled for a jury trial on June 8, 2020.
- *D.C. v. EADS LLC, et al.*, 2018 CA 5830 B (Superior Court) – In August 2018, OAG brought an action against the owners and managers of an apartment complex at 5320 8th Street NW under the TRA and the CPPA. During 2018, DCRA inspected this property and cited it for dozens of housing code violations. The residents at the property are majority monolingual Spanish speakers. On December 28, 2018, the Superior Court appointed a Receiver over the property. After the appointment of the Receiver, four gas leaks and a faulty electrical system were discovered. The Receiver completed his initial assessment and plan. The court has ordered the property owner to pay \$400,000 to bring the property up to code.
- *D.C. v. Vista Ridge Limited, et al.*, 2018 CA 7285 B and 2018 CA 7279 B (Superior Court) – In October 2018, OAG filed two related cases against Defendants Joseph Kisha, Tina Shaw, Castle Management, and their various entities to address the ongoing gun violence and housing conditions problems at Forest Ridge and the Vistas, a 400-unit subsidized housing complex in Ward 8. These actions seek appointment of a Receiver and abatement of all housing code violations at the properties, as well as security enhancements to address drug and firearm issues at the apartments. The property owner has filed for bankruptcy. The bankruptcy court has since approved the sale of the property a new purchaser. The new purchaser, a California based company, plants to perform a complete renovation. The new purchaser is expected to close on the

property in March 2020.

- *D.C. v. The Bennington Corporation, et al.*, 2018 CA 7253 B (Superior Court) – In October 2018, OAG filed a TRA and CPPA case concerning a three-building apartment complex at 4480 C Street, SE, 4559 Benning Road SE, and 4569 Benning Road SE owned by Mehrdad Valibeigi. DCRA had been called to this property multiple times by tenants and their advocates because of the deplorable conditions. Valibeigi owns other properties in the District, and those properties are generally in a serious state of disrepair and suffer from repeated ceiling collapses, bed bug infestation, and other system-wide issues. The Superior Court ordered the landlord to pay \$75,000 to make repairs at the property. The Court appointed a temporary receiver. The Court will decide whether to make the receiver permanent on February 18, 2020.
- *D.C. v. 220 Hamilton Street LLC, et al.*, 2018 CA 8733 B (Superior Court) – 220 Hamilton Street, NW is an apartment complex located in Ward 4 that was previously owned by Rufus Stancil. OAG brought a suit for appointment of a Receiver in December 2018 against the new owner, Viviane Awasun. Awasun purchased the property in a bankruptcy sale in 2017. During a series of property-wide inspections in 2018, DCRA discovered at least 173 violations of the District’s housing code, 98 of which constituted a serious threat to life, health, and safety of the tenants. The landlord has since agreed to substantially rehabilitate the property. OAG continues to litigate its CPPA claims against the owner.

Newly-filed cases in FY19 and FY20

- *D.C. v. Astor Place Partnership et al.*, 2019 CA 001845 B, (Superior Court) – In March 2019, OAG filed its second case against Mehrdad Valibeigi. This case concerns the 12-unit apartment building in Ward 7 at 5058 Astor Place NE. The property suffers from inadequate heat, inadequate ventilation, mice, roaches, chronic sewage backups, plumbing leaks, and mold. DCRA had been called to this property multiple times by tenants and their advocates because of the deplorable conditions. After a two-day evidentiary hearing where several tenants testified, the Court, with consent of the Defendants, appointed Catalyst Property Solutions as the property manager. The Court also ordered the Defendants to pay \$75,000 for Catalyst to make emergency repairs. Catalyst has since repaired the boiler and is in the process of formulating a budget that will bring the entire property up to code. That budget will be submitted to the Court by the end of February 2020.
- *D.C. v. Tavana Corporation et al.*, 2019 CA 003718 B, (Superior Court) – In June 6, 2019, OAG filed its third against Mehrdad Valibeigi. This case centers around a 24-unit property located at 1850 Kendall St. NE and 1854 Kendall St. NE. Both buildings were in a serious state of disrepair, replete with water leaks, roaches, rodents, and mold. The District has asked the Superior Court to appoint a receiver. The Court will hold the show cause hearing to appoint the receiver on March 5, 2020. In the interim, there is a potential purchaser for the property that plans to completely rehabilitate the both buildings.

72. How many complaints were filed against the District or one of its agencies pursuant to the District of Columbia Whistleblower Protection Act in FY19 and FY20, to date? Please indicate which agency was involved in the litigation and the status of each complaint.

RESPONSE: In FY18, there were eight complaints filed alleging violations of the District of Columbia Whistleblower Protection Act. Of these cases, one (brought against DHFA) has been dismissed, two (brought against FEMS and DCPS) have been settled, and five (brought against CFSA, DCRA, MPD, OCP, and DCPS) are pending. Please note that in last year's report, OAG reported that seven cases had been brought alleging violations of the Whistleblower Protection Act in FY18. The case brought against DCPS was not reported because when the case was filed in FY18, it did not allege violations of the Whistleblower Protection Act. As the case proceeded, Plaintiff filed an amended complaint alleging violations of the Act, and it has therefore been added to this report.

In FY19, five cases were filed that alleged violations of the Whistleblower Protection Act. Of these cases, two (brought against OAG and DBH) have been dismissed. Three (brought against OCF, MPD, and DCPS) are pending. One case alleging violations of the Whistleblower Protection Act has been brought in FY20. That case, alleging violations by DGS, is pending.

73. Did OAG/CSSD make any changes to its policy regarding opposition to motions to disestablish paternity in FY19 or FY20, to date?

RESPONSE: No changes were made in the policy regarding oppositions to motions to disestablish paternity.

74. How many motions to disestablish paternity was OAG/CSSD served with in FY19? FY20, to date? How many of those motions did OAG/CSSD oppose or consent to?

RESPONSE: There were seven motions to disestablish paternity in FY19. OAG opposed four of the motions. OAG did not take a position on the remaining three motions based on the specific facts of the case. In FY20 to date there has been one motion to disestablish paternity; no opposition has yet been filed.

75. How does OAG/CSSD choose mothers and putative fathers to which the agency offers administrative DNA testing?

RESPONSE: OAG/CSSD offers administrative DNA testing to parties where paternity has not been previously established and where there is no case pending before D.C. Superior Court.

76. In FY19 and FY20, to date, how many putative fathers took part in administrative DNA testing offered by OAG/CSSD?

RESPONSE: In FY19, 76 administrative tests were administered and in FY20 to date, 24 tests have been administered.

77. Please provide an update regarding the operation of the Alternative Solutions Center, including:

a. The Center's budget for FY20;

RESPONSE: The Alternative Solution Center has a budget for two full-time Workforce Development Specialists salaried at \$87,444 to \$89,997 per year, for a total budget of \$177,441.00.

b. The number of staff who are allocated to the Center, including the number of full-time staff;

RESPONSE: Two full time Workforce Development Specialists are allocated to the Center.

c. The services offered by the Center;

- In-depth Assessment: An in-depth identification and evaluation of all factors that have an impact on a participant's employability, which may include educational attainment, vocational skills, aptitudes, interests, workplace experience, mental health and housing, behaviors and attitudes, and employment barriers.
- Individual Employability Plan (IEP): A Workforce Development Specialist, along with the participant, creates the plan for the non-custodial parents in the program. The plan is customized to address each individual's need; it includes the services and activities necessary to achieve employability, the sequence in which the services and activities will be assessed, and the duration of the services and activities. This document is signed by the customer and Workforce Development Specialist.
- In-house Job Readiness Workshops: If it is determined during the participants' assessment that the participant needs a minimum degree of assistance to achieve employability, they are encouraged to attend a weekly workshop series, which consists of four workshops a month, totaling 16 hours, and is facilitated by the Workforce Development Specialist. The ASC curriculum is designed to address and overcome barriers to opportunities, provide a clear understanding of employer expectations, and develop job search skills for today's marketplace. The workshops' content emphasizes the capabilities and attributes of competent job seekers that produce viable candidates and a talent pool for the region's high growth industry employers. Alternative Solutions workshops could include the following:
 - ASC Orientation: The purpose of this workshop is to introduce participants to the services provided by ASC and to help them incorporate a new way of thinking, envisioning, and behaving in preparation for a job search.

- **Identifying Skills Workshop:** This workshop introduces diverse ways participants can identify their skills set (soft, hard, and transferable skills).
 - **Resume Workshop:** A basic workshop created to help participants formulate a resume.
 - **Computer 101 Workshop:** This workshop is designed for the computer challenged users. It provides an overview of using the computer as a source and to connect to employment (i.e. basic computer uses, job search, completing online applications, and creating and utilizing professional emails).
 - **Ranking Factors Workshop:** Assists the participant with how to answer the knowledge, skills, and abilities questions necessary for the successful response to a government job vacancy announcement.
 - **Interviewing Techniques Workshop:** Covers the basics of preparing for and participating in the interview process.
 - **Job Retention Workshop:** The Workforce Development Specialist educates, reinforces, counsels, and provides support services to prevent the individual from quitting unnecessarily or from being terminated from the job for circumstances that could have been avoided.
- **Professional and Peer Mentoring:** CSSD staff volunteer to provide professional mentoring—engaging and encouraging ASC participants to develop and improve themselves and their employability. With peer mentoring, the participants bring awareness and solutions to issues that may arise with parenthood, unemployment, and overcoming barriers that hinder them from reaching their full potential.
 - **One-On-One Career Counseling:** Workforce Development Specialist help participants to visualize and understand themselves and the world of work to make career, educational, and life decisions. These referrals include additional services that are not traditionally linked to a lack of employment (i.e. housing, mental health care, mental health conditions, and parenting).
 - **Milestone Celebration:** Each year CSSD hosts a Milestone Celebration Ceremony where participants and stakeholders come together to acknowledge individuals who have excelled in the program. Last year, ASC celebrated eight participants for milestones accomplished such as a noncustodial parent who graduated from the Community of Hope High School Diploma program and is now working full-time at Iron Horse Tavern and a noncustodial parent who had never obtained employment and then enrolled in the Auto Technician Development Program and recently became a certified mechanic.
 - **Career Fair:** At the end of the FY19, CSSD hosted a Fatherhood Conference and Career Fair. The event is centered around connecting noncustodial parents to workforce development resources and additional services that they need to assist with removing barriers to employment. NCPs met with and received assistance from numerous employers and wrap-around service providers. Twenty-two vendors attended the Career Fair (see list below of vendors who attended the fair), providing both employment opportunities and wrap-around services such as health screenings and housing

assistance and mental health care services. One hundred and seven NCPs attended the Career Fair, directly connecting to workforce opportunities.

- **Employers included:** &Pizza, D.C. Department of Transportation, MLK Deli, Best Bus, Potomac Job Corps, University Club, Insta-work, 1 Power Communications, TMG Enterprises, DC Central Kitchen, Career Pathways, Manpower, Joint Apprenticeship and Training Committee (JATC) Local 26, and United Urology Group.
- **Resource Providers:** A Wider Circle (interview clothes and resume tips), MW Communications (free phone provider), Health & Joy Services (healthcare services), So Others Might Eat (housing and employment assistance), CSOSA (community contact for those on parole or probation), Mayor's Services Liaison Office, Mayor's Office on Returning Citizen Affairs, and Maryland Department of Rehabilitation Services.

- d. The number of people who received each of the services listed in (c) in FY19 and FY20, to date;

RESPONSE: 224 customers received services in FY19, and 59 received services in FY20 to date.

- e. How OAG/CSSD measures outcomes from participation in the Center's services, and any available outcome data for FY19 and FY20, to date.

RESPONSE: OAG/CSSD measures participation outcomes using the following measures:

- Whether the participant gained full-time stable employment: In FY19 and FY20 to date, 156 NCPs gained stable employment.
- Whether the NCP made a payment toward his or her Child Support Obligations: In FY19, a total of \$324,184.72 was paid in child support by NCPs involved in the ASC. To date, in FY20, a total of \$96,258 has been collected for a total collection of \$420,442.72.

78. Regarding child support judgements, how many motions to revive did OAG file in writing in FY19? In FY20 to date? How many oral motions to revive did OAG make in FY19? FY20 to date?

RESPONSE: The Litigation Unit filed 146 Motions to Revive in FY19 (143 written motions and 3 oral motions). To date, in FY20, the Litigation Unit has filed 45 Motions to Revive (34 written and 11 oral motions).

79. Regarding children support orders, how many motions for contempt did OAG litigate in FY19? FY20 to date? Of these, how many were filed in cases that were "arrear-only", with no current support obligation? How many were filed more than 12 years after the last current support obligation became due?

RESPONSE: OAG files motions for contempt in delinquent cases where other enforcement mechanisms have up to that point been unsuccessful. Even after filing a motion, OAG attempts to resolve payment issues by other means before having a hearing to find an individual in contempt. In those cases, the motions are held in abeyance to give time for the individual to come into compliance and may ultimately be withdrawn. In FY19, OAG filed 606 motions for contempt but only reached the hearing stage for 45 of them. OAG did not collect data on the number of motions for contempt filed in arrears-only cases or cases 12 years after the current obligation. In FY20 to date, OAG filed 247 motions for contempt, seven of which have gone to a hearing. Of those seven, six were not arrears-only, as there were current support obligations due at the time the motions were filed. The remaining one was a motion for contempt against an employer, filed in an arrears-only case. In general, OAG continues to review its decision making process for filing motions for contempt to ensure they are filed only in appropriate circumstances.

80. How many motions to suspend child support obligations due to incarceration did OAG receive in FY19? FY20 to date?

RESPONSE: In FY19, OAG filed 160 Motions to Suspend due to incarceration; in FY20, to date, 42 Motions to Suspend were filed.

a. How many of these were received from the Criminal Division?

RESPONSE: OAG did not receive any Motions to Suspend from D.C. Superior Court in FY19 or FY20. OAG filings came from manually reviewing federally generated reports that list incarcerated individuals. CSSD took the initiative and filed motions on the behalf of incarcerated obligors based on this list. Pursuant to District law, once we receive proper notice, we review cases to determine if an obligor might be eligible for suspension. If certain criteria are met, we may file a motion with D.C. Superior Court and the court will make the final suspension determination.

b. How does OAG handle motions filed or requests to suspend made in criminal cases?

RESPONSE: OAG follows the criteria set out in D.C. Code § 16-916.10(r)(5) and CSSD policy and:

- Reviews documentation that the NCP is incarcerated for more than 30 days in a specific facility;
- Reviews the circumstances of both parties to determine if a modification is appropriate under the guidelines;
- Verifies that the case is active and being enforced by OAG;
- Verifies that the NCP has a current local, D.C. support order for a positive amount;
- Verifies that the NCP is incarcerated for a reason other than failure to pay child support;
- Determines if the NCP has assets; and
- Considers any other factors that might be relevant to the case.

If certain criteria are met, OAG may file a motion with D.C. Superior Court, and the court will make the final suspension determination.

81. How many requests to suspend or contacts concerning support obligations did OAG receive from incarcerated obligors or people on their behalf?

RESPONSE: In FY19, OAG/CSSD received 16 letters from incarcerated obligors to suspend their orders due to incarceration, and four requests were made by people on their behalf. Based on these requests, the agency filed 20 motions to suspend. All 20 motions were granted by the Court. In FY20, OAG/CSSD received three letters from incarcerated obligors to suspend orders due to incarceration. OAG/CSSD filed three motions based on these requests, and all three motions were granted.

a. How does OAG handle requests to suspend from incarcerated obligors or people on their behalf?

RESPONSE: OAG reviews the request pursuant to the criteria set forth in response 80.b. If certain criteria are met, the agency may file a motion with D.C. Superior Court and the court will make the final suspension determination.

In FY19 and FY20, most referrals came from federally generated reports that list incarcerated individuals. Pursuant to District law, once OAG receives proper notice, the agency reviews the case to determine if an obligor might be eligible for suspension. If certain criteria are met, we may file a motion with D.C. Superior Court, and the Court will make the final suspension determination

While most referrals are from federally generated reports, OAG/CSSD makes efforts to reach out to incarcerated customers and agencies that advocate for incarcerated customers.

CSSD makes weekly visits to the jails for the purposes of paternity establishment. While there, staff often meet incarcerated non-custodial parties in need of general child support and/or modification information. Once notified, staff gathers this information and submits it to the CSSD specialist who will process the information and review for modification where applicable.

Additionally, in FY19, OAG/CSSD collaborated with non-traditional partners. OAG/CSSD held a meeting with our community partners and stakeholders where we discussed and exchanged information on the services that OAG/CSSD offers. Fifteen community partners attended, including the Public Defender Service (PDS). Specifically, with PDS, OAG discussed their non-custodial party clients and the different ways that CSSD is aiding their community, including modification/suspension of the child support case, delayed reinstatement of the order for the recently released, and the job readiness programs. Based on these discussions and a continued dialogue, PDS asked that OAG/CSSD author several sections of their comprehensive guide, "The D.C. Re-entry Navigator," with publication expected in FY20.

Further, in FY19, OAG/CSSD sent two representatives responsible for the Modification due to Incarceration Initiative to several jails in West Virginia. The goal was to collect and provide information to the inmates on suspension/modification of their child support cases.

In FY20 OAG provided trainings and information related to modifications and job readiness to staff at the Mayor's READY Center—the location where all returning citizens must check in upon release.