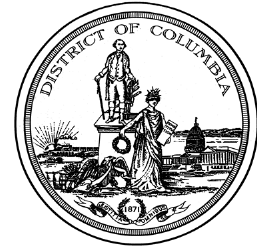


**COMMITTEE ON THE JUDICIARY &
PUBLIC SAFETY**



CHARLES ALLEN, CHAIRPERSON
FISCAL YEAR 2021
COMMITTEE BUDGET REPORT

TO: Members of the Council of the District of Columbia

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

DATE: June 25, 2020

SUBJECT: Report and Recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2021 Budget for the Agencies under its Purview

The Committee on the Judiciary and Public Safety (“Committee”), having conducted performance and budget oversight hearings and received public and government testimony on the Mayor’s proposed operating and capital budgets for Fiscal Year 2021 (“FY21”) for the agencies under its purview, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on several sections of the Fiscal Year 2021 Budget Support Act of 2020, as proposed by the Mayor, and proposes its own subtitles.

TABLE OF CONTENTS

I. COMMITTEE BUDGET RECOMMENDATIONS X

See Attachment A for Committee Budget Adjustments Table

A. Executive Summary X

B. Fiscal Year 2021 Agency Operating Budget Summary Table..... X

C. Fiscal Year 2021 Agency Full-Time Equivalent Summary Table X

D. Fiscal Years 2021-2026 Agency Capital Budget Summary Table X

E. Transfers in from Other Committees Table..... X

F. Transfers out to Other Committees Table X

G. Revenue Adjustments Table..... X

H. Budget Support Act Subtitle Funding Table X

I. Funding of Bills Previously Passed Subject to Appropriations Table X

II. FISCAL YEAR 2020 REVISED LOCAL BUDGET EMERGENCY ACT AND FISCAL YEAR 2021 LOCAL BUDGET ACT AND FEDERAL PORTION BUDGET REQUEST ACT RECOMMENDATIONS X

III. FISCAL YEAR 2021 BUDGET SUPPORT ACT RECOMMENDATIONS..... X

A. Recommendations on Budget Support Act Subtitles Proposed by the Mayor X

1. Title III, Subtitle A. Criminal Code Reform Commission Amendment. X
2. Title III, Subtitle B. Information-Sharing for At-Risk Youth..... X
3. Title III, Subtitle C. Emergency Medical Services Transport Contract Authority Amendment..... X
4. Title III, Subtitle D. Senior Police Officers Program X
5. Title III, Subtitle E. Office of Administrative Hearings Jurisdiction X
6. Title III, Subtitle F. Concealed Pistol Licensing Review Board X
7. Title III, Subtitle G. Rehiring of Retired Police Officers..... X

B. Recommendations for New Budget Support Act Subtitles X

1. Title -. Subtitle -. Restorative Justice Collaborative X
2. Title -. Subtitle -. Restore the Vote X
3. Title -. Subtitle -. DCPS Authority for School Security X
4. Title -. Subtitle -. Ethics Enforcement X
5. Title -. Subtitle -. Chief of Police Term of Office X
6. Title -. Subtitle -. Litigation Support Fund and Grant-Making Authority Amendment..... X
7. Title -. Subtitle -. Subject-to-Appropriations Amendments X

IV. COMMITTEE ACTION AND VOTE X

V. ATTACHMENTS..... X

A. *Committee Budget Adjustments Table*

I. COMMITTEE BUDGET RECOMMENDATIONS

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

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

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

The Committee is charged with oversight of the performance and annual operating and capital budgets of the agencies, boards, and commissions listed below. In total, *the Committee oversees 39 District government entities, which, in the Mayor’s proposed budget for FY21, comprise a total budget of more than \$1.6 billion in gross funds and approximately 10,234 full-time equivalents (“FTEs”).* The District agencies, boards, and commissions that come under the Committee’s purview are as follows:

<i>Agencies, Boards, and Commissions</i>	
• Advisory Committee on Street Harassment	• Fire and Emergency Medical Services Department
• Board of Elections	• Homeland Security and Emergency Management Agency/Homeland Security Commission
• Board of Ethics and Government Accountability	• Judicial Nomination Commission
• Child Support Guideline Commission	• Metropolitan Police Department/Police Officer Standards and Training Board
• Clemency Board	• Office of Campaign Finance

¹ See Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Rule 240, <http://ims.dccouncil.us/Download/41509/PR23-0001-Enrollment.pdf>.

• Commission on Judicial Disabilities and Tenure	• Office of Neighborhood Safety and Engagement/Comprehensive Homicide Strategy Elimination Task Force
• Corrections Information Council	• Office of Police Complaints/Police Complaints Board
• Criminal Code Reform Commission	• Office of the Attorney General
• Criminal Justice Coordinating Council	• Office of the Chief Medical Examiner/Child Fatality Review Committee/Developmental Disabilities Fatality Review Committee/Maternal Mortality Review Committee/Violence Fatality Review Committee
• Department of Corrections	• Office of the Deputy Mayor for Public Safety and Justice/Motor Vehicle Theft Prevention Commission
• Department of Forensic Sciences/Science Advisory Board	• Office of Unified Communications
• District of Columbia National Guard	• Office of Victim Services and Justice Grants/Access to Justice Initiative/Domestic Violence Fatality Review Board/Juvenile Justice Advisory Group
• District of Columbia Sentencing Commission	• Uniform Law Commission

In the spring of 2020, the Committee held the following performance and budget oversight hearings for the agencies under its purview:

<i>Performance Oversight Hearings</i>	
<i>January 9, 2020</i>	Deputy Mayor for Public Safety and Justice, Comprehensive Homicide Elimination Strategy Task Force, Office of Neighborhood Safety and Engagement
<i>January 16, 2020</i>	Office of Police Complaints, Metropolitan Police Department (<i>public witnesses only</i>)
<i>January 23, 2020</i>	Fire and Emergency Medical Services Department, Office of Unified Communications
<i>January 30, 2020</i>	Corrections Information Council, Department of Corrections
<i>February 6, 2020</i>	District of Columbia National Guard, Department of Forensic Sciences, Office of the Chief Medical Examiner/Fatality Review Committees, Homeland Security and Emergency Management Agency

<i>February 12, 2020</i>	Board of Elections, Office of Campaign Finance, Board of Ethics and Government Accountability
<i>February 13, 2020</i>	Judicial Nomination Commission, Commission on Judicial Disabilities and Tenure, District of Columbia Sentencing Commission, Criminal Code Reform Commission, Office of the Attorney General
<i>February 27, 2020</i>	Clemency Board, Criminal Justice Coordinating Council, Office of Victim Services and Justice Grants
<i>March 5, 2020</i>	Metropolitan Police Department (<i>government witnesses only</i>)

<i>Budget Oversight Hearings</i>	
<i>June 1, 2020</i>	Office of Victim Services and Justice Grants, Department of Corrections, Board of Elections, Office of Campaign Finance
<i>June 9, 2020</i>	Metropolitan Police Department (<i>government witnesses only</i>), Office of the Attorney General, Fire and Emergency Medical Services Department, Office of Unified Communications
<i>June 15, 2020</i>	Metropolitan Police Department (<i>public witnesses only</i>)
<i>June 16, 2020</i>	Deputy Mayor for Public Safety and Justice, Office of Neighborhood Safety and Engagement

A. EXECUTIVE SUMMARY**See Attachment A for Committee Budget Adjustments Table**

This *Report of Recommendations of the Committee on the Judiciary and Public Safety on the FY21 Budget for the Agencies under its Purview* was developed over several months of agency oversight and public and stakeholder engagement. The Committee's recommended FY21 budget identifies \$20 million of operating dollars and \$6.25 million of capital dollars to support the Committee priorities below, including a \$15.1 million reduction from the Metropolitan Police Department, as follows:

Re-Directs Funding to Violence Prevention and Intervention and Restorative Justice Programming

- Partners with the Deputy Mayor for Public Safety and Justice to fund a new position for a **Gun Violence Prevention Director** to spearhead the District's inter-agency strategy for preventing gun violence
- Restores all \$675,000 in cuts in the proposed budget for **violence prevention and intervention contracts** at the Office of Neighborhood Safety and Engagement (ONSE) and adds an additional \$575,000, for a total recurring enhancement of \$1.25 million for these contracts; reverses the effective elimination of the Cure the Streets program at the Office of the Attorney General (OAG) and expands its funding to up to \$7.2 million, for a total of up to \$11.8 million for violence interruption contracts across the District
- Creates a new program at ONSE – the **Restorative Justice Collaborative** – to coordinate and foster restorative justice programming and practices within the District government and by and in partnership with District community-based organizations, with a focus on the 18-to-35-year old population; adds a Director and 4 “Restorative Justice Fellows”, the latter of which the Committee intends the agency to fill with residents returning home pursuant to the Incarceration Reduction Amendment Act of 2016²
- Continues to **expand alternatives to prosecution** by funding a social worker for the restorative justice program at the OAG
- Identifies \$336,339 for stipends to support four cohorts in ONSE's **Pathways Program**, a transitional wrap-around employment and anti-violence program

² See, section 306(b) of the Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), as amended by the Omnibus Public Safety and Justice Amendment Act of 2018 (D.C. Act 22-614), and as proposed to be amended by B23-0127, the “Second Look Amendment Act of 2019”.

that aims to decrease participants' involvement in the criminal justice system and improve their employment, education, and training outcomes

- Transfers \$750,000 in capital dollars from MPD to ONSF to allow the latter to build out its lower floor to accommodate additional Pathways cohorts
- Funds a **public information campaign about the District's underutilized "red flag" law**, which allows concerned family members, mental health professionals, and law enforcement officers to remove guns and ammunition from someone who may be a danger to themselves or others

Leads on Criminal Justice Reform and Reentry Support

- Includes Councilmember Robert White's "Restore the Vote Amendment Act of 2020" as a Budget Support Act subtitle, which will enfranchise thousands of District residents currently incarcerated in the Bureau of Prisons' custody³
- Adds new staff and educational materials funding to the **Corrections Information Council**, which serves as the District's liaison to the Bureau of Prisons and inspects, monitors, and reports on the conditions of confinement at facilities where District residents are incarcerated
- Makes the **Criminal Code Reform Commission** – which had been funded to sunset halfway through FY21 – permanent, thereby ensuring an independent agency will pursue criminal code reform and best practices in criminal law
- Identifies nearly \$50 million for immediate **capital renovations to the D.C. Jail** to repair critical conditions like the HVAC system and water penetration
- Funds \$80,000 through the Office of Victim Services and Justice Grants to continue the work of the **Jails & Justice Task Force**
- Eliminates 10 new proposed correctional officers at the Department of Corrections and reinvests those savings into reentry grants
- Restores \$972,000 in cuts to the justice grants program at the Office of Victim Services & Justice Grants and adds an additional \$2.4 million enhancement, for a total of **\$10.3 million for justice grants**, including for⁴:

³ Note that in the Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020, the Committee already enfranchised individuals currently incarcerated for felony sentences who are in the legal custody of the Bureau of Prisons but the care of the Department of Corrections: <https://lms.dccouncil.us/downloads/LIMS/45107/Meeting1/Enrollment/B23-0774-Enrollment12.pdf>.

⁴ These grant enhancements are intended to supplement (1) any other grant funding the selected grantees may receive from OVSJG, and (2) the IRAA-specific recurring grants funded by the

- \$1 million (recurring) for a reentry housing program for adult men returning from incarceration;
 - \$300,000 (one-time) from the Committee on Facilities & Procurement for community-based reentry grants, intended to expand the number of organizations receiving assistance;
 - \$350,000 (recurring) for a grant for an organization that provides advocacy and legal assistance to individuals seeking sentence review, such as pursuant to the IRAA;
 - \$200,000 (recurring) for a grant for reentry supports for IRAA petitioners and recipients for an organization that supports District youth incarcerated as adults through creative writing and peer support; and
 - \$80,000 (one-time), as mentioned above, for a task force focused on jails and justice reforms
- Restores funding for the Office on Returning Citizen Affairs' successful Paralegal Training Program
 - Increases capacity through new case management staff for the OAG's ***ATTEND truancy mediation program*** to avoid prosecution for parents and students by addressing underlying issues causing chronic absenteeism

Supports LGBTQ District Residents

- Increases staff at the Office on Human Rights to support ***hate crimes education and coordination***
- Funds a ***survey of transgender District government employees' workplace experiences*** and District government hiring and recruitment practices through the D.C. Department of Human Resources
- Creates a new \$500,000 ***wrap-around workforce development program for transgender, non-binary, and gender-nonconforming District residents*** through the Office of Victim Services and Justice Grants

Supports Victims/Survivors of Crime

Committee in the FY20 approved budget. The Committee will work with OVSJG before first reading to draft a Budget Support Act subtitle to further underscore the Committee's intent.

- Restores \$1.9 million in net cuts to the victim services program at the Office of Victim Services & Justice Grants and adds an additional \$3.4 million enhancement, for a total of **\$27.5 million for victim services grants**, including:
 - \$3 million (one-time) for a new domestic violence shelter; and
 - \$500,000 (recurring), as mentioned above, for a new wrap-around workforce development program for transgender, non-binary, and gender-nonconforming District residents
- Maintains funding for a new **Place-Based Trauma-Informed Care Services Center** in a neighborhood with high rates of violent crime and trauma – this site will link to existing violence prevention programming and provide trauma supports for residents

Restores Cuts and Enhanced Legal Services for Vulnerable Residents

- Restores all cuts to the Access to Justice grants program, which funds **legal services** for domestic violence survivors, seniors, consumers, individuals with disabilities, individuals experiencing homelessness and housing instability, and residents with criminal records seeking expungement
- Continues the Committee’s partnership with the Committee on Labor & Workforce Development by accepting their enhancement of a **wage theft attorney** at the Office of the Attorney General

Supports Dignified and Affordable Housing

- Fully funds the Civil Legal Counsel Projects Project at \$4.5 million for **lawyers for low-income tenants facing eviction** who cannot afford an attorney
- Preserves affordable rental housing by enhancing the **Housing Preservation Fund** by \$250,000 through a transfer to the Committee on Housing & Neighborhood Revitalization
- Supports the **Emergency Rental Assistance Program** with a transfer of \$250,000 to the Committee on Human Services
- Funds Chairperson Allen’s “Housing Conversion and Eviction Clarification Amendment Act of 2020”, which (1) discourages consolidation of small, usually affordable rental housing units, into larger, typically less-affordable, units, and (2) provides tenants a means to enforce an existing prohibition against certain evictions made under false pretenses

Invests in Fire, EMS, and 911/311; Reducing Health Inequities

- Approves \$42.75 million to build a ***new Fleet Maintenance Facility*** and \$14.75 million to design and replace Engine 7, which is co-located with the apparatus maintenance facility
- Invests \$86 million over 6 years to support the Department's ***apparatus needs***, including \$13.5 million to purchase ***new ladder trucks*** and \$23 million to purchase ***new ambulances***
- Sustains funding for the fourth year of the ***"Right Care, Right Now" Nurse Triage Line***, which reduces 911 volume for non-emergency healthcare needs
- ***Supports a healthy FEMS workforce*** by investing an additional \$250,000 in the O2X nutrition and physical and mental wellness program
- ***Funds the design phase for a new Fireboat-1*** in FY21 to replace the aging John H. Glenn, Jr. Fireboat
- ***Restores the proposed reduction of Maternal Mortality Review Committee staff*** at the Office of the Chief Medical Examiner to improve maternal health outcomes
- Funds Chairperson Allen's "Transit Benefits Equity Amendment Act of 2020", which requires employers that offer employees subsidized parking (1) offer that employee a similarly-valued benefit if the employee chooses not to use the parking benefit, (2) pay a compliance fee to DDOT, or (3) develop a plan that will reduce single-occupancy vehicle trips

Promotes Fair Elections and Government Accountability

- Dedicates \$4.3 million to fully fund the District's ***Fair Elections Program*** for the 2022 election cycle
- Identifies funding for the Board of Elections and Office of Campaign Finance implementation costs of the Campaign Finance Reform Amendment Act of 2018 to ***prohibit pay-to-play government contracting***
- ***Strengthens the District's government ethics laws and enforcement***: (1) right-sizes the Board of Ethics and Government Accountability by adding 3 positions to reduce caseloads and enforce the Open Meetings Act; (2) funds the head of a ***new public corruption division at the Office of the Attorney***

General to enforce the District's government ethics laws, and (3) includes legislative language to give teeth to the Ethics Act's enforcement provisions

- Increases staffing in the Board of Elections to implement ***paid leave to vote*** legislation passed by the Committee

DRAFT

***Introductory Comments on the Committee's
Fiscal Year 2021 Budget for the Agencies under its Purview***

The Committee on the Judiciary and Public Safety is releasing these recommendations for the Fiscal Year 2021 budget of the agencies under its purview in the midst of two pandemics: COVID-19 and the manifestation of systemic racism in American society, including in our civil and criminal justice systems. The United States, and the District of Columbia, are yet again reckoning with the legacy and evolution of our original sin. In this light, the Committee recognizes its unique position within the Council in putting forward this proposal, as it is charged with oversight of the performance and budgets of the District's local justice and public safety agencies and legislation on those issues. The Committee also recognizes the urgency and passion of those calling for change, and it must lean introspectively into the difficult and often uncomfortable work of pursuing justice and equity. At its core, the Committee's budget recommendations – in keeping with its other past and present work on policing and justice reforms – call on the Council and Executive to consider what best keeps us safe and helps us thrive, and importantly, why so often our first answer to that question is law enforcement and criminal justice involvement.

On Monday, May 25, 2020, George Floyd was murdered by Minneapolis police officer Derek Chauvin, who responded to a call for service about a possible counterfeit \$20 bill. Video later released showed Mr. Chauvin murdering Mr. Floyd by pressing his knee into Mr. Floyd's neck for a full 8 minutes and 46 seconds. This heinous act of violence – along with others – has spurred massive protests across the United States and internationally, with millions of people joining together to proclaim that Black Lives Matter and calling for change.

In the days since Mr. Floyd's murder, thousands upon thousands of demonstrators have assembled in the District in solidarity with movements across the nation and to press for justice at home. Attendees have shared a wide range of perspectives, largely focused around how government should invest in, support, and protect residents and, in so doing, dismantle systems of oppression, ensure public safety, and act justly. They have – at times – been met with force, and contemptibly so on June 1 by their own Commander in Chief. In a stunning and unprecedented display, federal law enforcement officers attacked protestors using tear gas and rubber pellets. The purpose of the use of force was to allow President Trump to pose for a three-minute photo opportunity at the historic St. John's Episcopal Church near the White House. But the use of force was not from the federal government alone. Later that evening, Metropolitan Police Department officers blockaded protestors gathered near the 1400 block of Swann Street, NW, kettling them and employing riot gear and chemical irritants. MPD arrested 194 individuals near Swann Street that evening. These and subsequent responses – by federal and – importantly – District

law enforcement – to lawful First Amendment assemblies have raised serious concerns about the use of force, police brutality, and the militarization of police departments in the District and across the United States.

In addition to this seismic cultural moment, the world continues to be gripped by the spread of the novel coronavirus, and the disease it brings – COVID-19 – which has upended daily life in every way imaginable. COVID-19 has been especially deadly and widespread in the United States, where the federal government’s response has truly been abhorrent. In order to slow the spread of the virus, Mayor Bowser, with the full support of the Council, declared a “public health emergency” on March 11, bringing much of the District’s activities to a standstill. COVID-19 has also dramatically affected the District’s finances. In January 2020, the District was at its strongest financial position in decades. But COVID-19 has led to dramatic reductions in projected revenues and high unemployment for the remainder of FY20 and in FY21.

It is against the back drop of these two titanic and unprecedented global events that the Committee began the delayed process of considering the Executive’s proposal for the Fiscal Year 2021 budget for the more than thirty agencies, boards, and commissions that fall under its jurisdiction. Unlike the Committee’s traditional performance and budget oversight process, which consists of dozens of entirely public in-person hearings, this year’s process was severely curtailed by technological, time, and staffing limitations. The Council conducted all of its budget oversight hearings via remote technology, and the Committee expanded upon this format to also accept written testimony, to use a Google Voice phone line for automatic voicemail transcriptions, and accept video submissions. The response was incredible, overwhelming, and inspiring. All told, the Committee received nearly 18,000 submissions, almost all from District residents relating to the Mayor’s proposed budget for the Metropolitan Police Department. For context, the Committee’s largest traditional hearings generally average around one hundred public witnesses. The public feedback is evidence of a powerful surge of engagement in politics, policy, and budgeting – particularly on the local level. The Committee welcomes what will surely lead to a more invigorated public discourse and translate to even more responsive budgets, oversight, and legislation.

Although it is often the case that national issues take center stage in the District – at least in the mainstream media – protests in recent weeks have confronted not only the use of force and criminal justice issues in other parts of the country but also here at home. Residents – particularly residents of color – have testified many times before the Committee to their personal negative experiences with law enforcement, including with the Metropolitan Police Department. In this most recent budget process, they spoke to being victims of the use of force and racism at the hands of MPD officers. Many expressed hope that stronger accountability measures would follow and financial reinvestments in community-based services.

Some called for the abolition of police and policing, others for reform, and a small minority, preservation of the status quo. Without question, the vast majority of submissions called for some form of “defunding” the Metropolitan Police Department, which has a proposed FY21 budget of \$578,069,493, 86 times that of the Office of Neighborhood Safety and Engagement, the violence prevention and intervention agency created and funded by this Council.

Before the Committee discusses highlights of its proposed budget recommendations, it is important to provide background – especially for those newly engaging with local government – about the recent work of the Council in the areas of policing, civil rights, and justice reforms, and also provide transparency around the budgeting of the agencies under its jurisdiction. The Committee notes that it also maintains oversight over numerous other areas of policy, including fire and emergency medical services, elections, ethics, and campaign finance, homeland security, and juvenile justice, and it makes budget recommendations on those issues, as well.

~

The Committee believes it is the express duty of the Council to examine how its own decision-making – in large and small ways – has created and perpetuated injustice and inequities. Legislative actions ranging from extreme sentencing practices to haphazard and outdated criminal penalties schemes riddled with bias, from reliance on custodial arrests and criminal citations to “solve” all manner of social issues to the failure to treat public health issues with public health solutions, and most relevant to this report, from the overinvestment in traditional law enforcement to the active disinvestment in building stronger communities, there is much work to be done. This sort of cumulative decision-making has also resulted in an agency with a half-a-billion-dollar budget that grows with leaps and bounds while other services fight to be sustained.

The Metropolitan Police Department (“MPD”) maintains an actual sworn force of anywhere between 3,700 and 3,900 officers, depending upon available funding and attrition trends. Recent calculations translate to approximately 55 sworn officers per 10,000 residents – making the District one of the most highly-policed jurisdictions in the nation, even without considering the number of federal law enforcement agencies who also maintain a policing presence locally. And while it is true that during normal times, the District’s population nearly doubles during the work day, this is true of nearly every major U.S. city, and the majority of police interactions do not take place in the District’s core. Likewise, while the District plays host to many First Amendment rallies and demonstrations annually and regularly supports federal law enforcement, it does not do so significantly more than in New York City, for example, which has a comparatively lower policing rate per capita of approximately 43 officers per 10,000 residents.

In recent years, sworn force size has been a topic of significant conversation among District elected officials, particularly around a now-past retirement bubble and the Executive's stated goal to increase the size of the force to 4,000 sworn officers. The Committee has avoided the exercise of focusing on a particular number and has, instead, engaged in a more evidence-based analysis of policy objectives, at the core of which is the question of what the role of policing in responding to or being tasked with the resolution of social issues should be. It also often sidelines the lived experience of so many residents for whom *any* interaction with law enforcement is met with fear or distrust from either historical context or personal associations.

This budget proposal addresses that question head on, but through the reality of budgetary and legal restrictions on the Council's power of the purse. Context here is incredibly important. The Committee notes that MPD's budget is extremely opaque – and not only to the layperson. For example, most residents do not know the difference between a Full-Time Equivalent, or an "FTE", and an actual person working in a given position. This is an importance distinction in the context of calls to "defund" the police. For example, MPD's proposed budget chapter may show 10 FTEs working in a particular program; in reality, FTEs are budgeting "shells" which actual employees may or may not fill, and FTEs also may or may not be associated with actual funding. Therefore, a dramatic increase in a division's FTE count may have nothing to do with staffing in that division. Conversely, if the Committee eliminates an FTE, it may not be filled with an actual employee or even funding to realize. From a budgeting perspective, therefore, the Committee's FY21 budget proposal takes a straight personnel dollar value cut of \$6.1 million through "vacancy savings". *Importantly, the Mayor's FY 21 budget proposal had already reduced MPD's personnel budget through vacant savings by \$43.8 million, which – unless MPD vastly underspends in other categories or the Executive reprograms funding to the agency during the fiscal year – will almost entirely eliminate hiring.* The Committee is further enhancing these vacancy savings by another \$6.1 million, the maximum certifiable reduction allowed by the independent Chief Financial Officer to MPD's hiring dollars. The Committee is also eliminating the Mayor's proposed personnel enhancement to the Cadet Program of \$2 million, which will not affect the existing 100 slots. Additionally, the Committee has further reduced MPD's operating and capital budgets through a variety of cuts for a total agency reduction of \$15.1 million, including the elimination of a proposed enhancement for ballistic shields, and reductions to the uniform, travel, and public relations budgets. The Committee notes that it legally does not have the authority to renege on past contractual agreements around the CBA and pay raises, which have as of this year, been moved from the Workforce Investment Account into MPD's budget – thereby showing a net increase in MPD's budget.

Overall, this exercise is responsible and responsive. It is consistent with the Committee's past budget strategies to redistribute funding within the Committee to

restore and enhance other critical needs, while also going farther this year, as the moment calls for.

The Committee has also included two Budget Support Act subtitles relating to MPD. The first severs the legal and oversight relationship between MPD's School Safety Division and the D.C. Public Schools. This issue jurisdictionally straddles this Committee and the Committee on Education, as the contract for *private* security officers sits within the Education Committee's budget. This move will allow the contract to revert back to DCPS where it belongs while creating space for a more in-depth conversation in the coming months with students, parents, teachers, school administrators, advocates, and agencies, about the role of police – MPD or private – in schools and how a step-down approach should best play out. The Committee on Education has taken the lead on this issue given its budgetary jurisdiction over the contract, and this Committee is supportive of Education's legal decoupling of the two agencies through the BSA.

The second subtitle relates to the term of office for the MPD Chief of Police. This is also described in the Committee's BSA chapter on the subtitle below, but in short, the Committee believes that this position comes with more power and authority than almost any other District government position. The current Chief of Police serves at the pleasure of the Mayor, unlike past Chiefs, although this subtitle relates to the *position* of Chief itself. It is clear to the Committee that while the power to nominate rightfully rests with the Executive, and it is not the Council's role to interfere with that power, advice and consent is integral to maintaining checks and balances between the branches. It is also clear to the Committee that it must play an active role in evaluating the qualifications, performance, and temperament of holders of this position, particularly the longer they serve. Recent statements and leadership decisions by the current Chief of Police support the Committee's policy decision to move this subtitle, which will allow the Council to vet nominees with the goals of ensuring healthy leadership and encouraging respectful collaboration and openness to reform. It is also apparent that "tough on crime" rhetoric by a Chief is counterproductive and is, in actuality, actively doing harm to communities of color, particularly when the District is continuing to experience a spike in homicides and is called to act with urgency. This approach also stands in direct opposition to the proven violence reduction strategies of *other Executive agencies*, such as the ONSE, DHS, and DBH. Most importantly, our current policing practices have resulted in the District having one of the highest – if not the highest – mass incarceration rates on Earth. The Chief of Police position requires strong, collaborative, and evidence-based leadership, responsive to the District's strengths, weaknesses, and need for criminal justice reform, and a defined term will allow the Council to prioritize these qualifications during the confirmation or reconfirmation process, as appropriate.

The Council has also been active in many of the legislative policing reforms other jurisdictions are considering. Those reforms include the creation of a body-worn

camera (“BWC”) program for officers on duty, an independent and civilian-led Office of Police Complaints to investigate allegations of police misconduct, a series of efforts to increase data transparency, and most recently, the Council’s *Comprehensive Policing and Justice Reform Emergency Act*, which will be moved as both a temporary and permanent bill soon after this report is finalized.

The Committee has also spent multiple budget and performance oversight cycles funding and trying to compel MPD to comply with many requirements of recent legislation. It has taken years of Committee oversight and critical strategic advocacy and litigation to deliver on the public release of raw data on police stops and searches, and the question is now before MPD on how it will use that data to inform its practices. The Committee’s oversight also included funding for requested upgrades of IT systems to meet that data transparency requirement, only to see that money reprogrammed away during the fiscal year. The Executive only released its first batch of data on stops in July 2019, and as of this writing, has released a total of two batches of data, each covering four months of daily policing. According to analysis by the ACLU and ACLU of the District of Columbia, during the most recent period, Black people were the subject of 72 percent of stops conducted by MPD, despite comprising only 47 percent of the District’s population. In less than one percent of those stops was an arrest made or an illegal weapon confiscated. The Council and the Committee have also mandated regular public reporting of use of force data, the first of which was released in 2018 by the Office of Police Complaints.

Most recently, the Council passed Bill 23-0774, the “Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020”. That bill:

- Statutorily bans the use of neck restraints, the technique that led to George Floyd’s death;
- Fosters transparency with respect to uses of force, and in response to limited access to body-worn camera footage, requires that the Mayor, “[w]ithin 72 hours after an officer-involved death or the serious use of force, publicly release the names and body-worn camera recordings of all officers who committed the officer-involved death or serious use of force.”;
- Ensures the Police Complaints Board’s membership is representative of the community it serves and independent from law enforcement, amended its composition to “include one member from each Ward and one at-large member, none of whom, after the expiration of the term of the currently serving member of the MPD, shall be affiliated with any law enforcement agency”;
- Creates critical new protections in “consent searches”, providing that, “in cases where a search is based solely on the subject’s consent to that search, and is not executed pursuant to a warrant or conducted pursuant to an applicable

exception to the warrant requirement,” that officers – among other things – inform the subject of their right to refuse the search before conducting it;

- In response to concerns that the disciplinary process for officers, which is usually negotiated through collective bargaining agreements, unfairly shields officers from consequences for misconduct, ensures that “[a]ll matters pertaining to the discipline of sworn law enforcement shall be retained by management and not be negotiable”; and
- In the effort to de-militarize the MPD, prohibits District law enforcement agencies from acquiring specific military equipment through the federal government and bans the use of chemical irritants, under certain circumstances, for dispersing First Amendment assemblies.

This legislation, as transformative as some of its provisions will be to the District’s policing practices, does not – and is not at all intended to – undo centuries of systemic racism and disinvestment in vulnerable communities. It is one bill, developed in a short period of time, and in response to a particular moment. The work of establishing a just District of Columbia for all – including racial, economic, environmental, transit, and housing justice – is an unending exercise. The Committee’s recommendations for the FY21 budget are part of this iterative process, and these recommendations reflect the Committee’s ongoing commitment to a less punitive justice system, informed by evidence and prioritizing rehabilitation – one that de-emphasizes policing and incarceration as the exclusive tools to keep residents safe. Instead, the Committee continues to deepen its investments in public health approaches to public safety.

The Committee has been engaged in this reinvestment strategy for the past several years, reallocating millions of dollars from traditional law enforcement strategies to other programs, often to restore deep cuts to other agencies, such as the violence prevention and intervention programs of the Office of Neighborhood Safety and Engagement and the Office of the Attorney General’s Cure the Streets initiative, as well as the Office of Victim Services and Justice Grants, which distributes tens of millions of dollars annually to community-based organizations doing this work. For example, in the FY20 budget, the Committee reallocated approximately \$2 million in vacancy savings from MPD to contribute to the tripling of funding to the District’s violence intervention programs. While this was a nominal change (less than 0.5% of the agency’s total budget), it was heavily criticized by MPD, including on MPD’s own social media channels, as anti-police and unsafe. The Committee is aware of similar rhetoric from MPD leadership around the recent unanimous emergency bill and stands ready to engage in open and respectful communication concerning the future of policing practices in the District and nationally. The Committee appreciates the incredibly difficult moment the entire profession of policing is presently experiencing. This is the case across law enforcement agencies at every level. Now is the moment

to approach this challenge with an open posture, recognizing that every jurisdiction, every government agency, must look within in order to rise to the moment.

~

In addition to policing issues, the Committee's oversight, budgetary, and legislative priorities are significantly informed by its strategic work to make the District safer through progressive civil and criminal justice reform. In the FY21 budget, this translates to restoring deep reductions to civil legal services, with the vision of building to a full civil *Gideon*; prioritizing grantmaking to community-based organizations serving crime survivors and returning citizens; investing in reentry housing; enfranchising and providing funding for outreach and education to incarcerated District residents in the Bureau of Prisons' custody; and importantly, preparing for the 2021 submission of the long-awaited comprehensive criminal code reform recommendations to the Council for its consideration.

These investments are all described in the Executive Summary of this report, but one of the most intentional of the Committee's budget priorities has been the creation and sustained growth of violence prevention and interruption programs through the Office of Neighborhood Safety and Engagement and the Attorney General's Cure the Streets program. Both are still relatively nascent, only having been created and funded in the past three fiscal years. This Committee has repeatedly identified funding to restore cuts and expand operations in priority communities (last year tripling such funding and enhancing it again significantly this year), while recognizing that community building through violence interruption work takes time to develop relationships and trust. It is more important than ever – particularly as the District remains in a homicide spike – that these programs not see reductions. This year, the proposed budget would have reduced more than \$1.1 million from the Office of Neighborhood Safety and Engagement's contracts and would have zero-ed out Cure the Streets. Both programs have been entirely restored and enhanced on top of the restoration, and the Committee is also enhancing funding for a new position proposed by the Deputy Mayor for Public Safety and Justice for a Gun Violence Prevention Director to spear-head the District's inter-agency and – importantly, inter-cluster – strategy for preventing gun violence.

The Committee is also pushing the Council forward on two key justice reforms – (1) reentry support and coordination and (2) restorative justice – by eliminating all proposed reductions to the District's reentry grants and by investing in innovative restorative justice practices. First, the Committee has again increased funding for the restorative justice program at the Office of the Attorney General, which it first stood up and funded in FY18, to add a social worker to support young people coming through the diversion program. Additionally, the Committee has used its budget reductions to create and fund the "Restorative Justice Collaborative", a new program at the Office of Neighborhood Safety and Engagement, to coordinate and foster restorative justice programming and practices within the District government and by

and in partnership with District community-based organizations, with a focus on the 18-to-35-year old population. The Committee funded four new “fellow” positions with the Collaborative, and intends for the agency to specifically seek to employ men returning home after serving long periods of incarceration for crimes committed as young people. Such individuals have overwhelmingly expressed interest in giving back to their communities by working in violence prevention work, and the Committee is creating jobs to enable their successful transition.

These legislative efforts align with Chairperson Allen’s creation of the District Task Force on Jails & Justice in the FY19 budget and the Task Force’s comprehensive vision for the future of incarceration and justice in the District. The mission of the Task Force is “redefining the District’s approach to incarceration by building city-wide engagement, centering the voices of those with lived experiences; understanding community priorities; and exploring the use and design of secure detention and community-based solutions” with the vision of “a humane, equitable approach to criminal justice in Washington, D.C. that prioritizes prevention and care, and reimagines accountability through a rehabilitative lens, to create safe and thriving communities”.⁵

The Task Force released a report of its Phase I Findings and Recommendations in November 2019. As part of its work, the Task Force hosted numerous focus groups and heard from community members via a survey, town halls, and workshops, including returning citizens, family members, currently incarcerated individuals, crime survivors and advocates, correctional staff, neighbors of the D.C. Jail, people experiencing homelessness, and other stakeholders. The Task Force also collected and analyzed data about the demographics of incarcerated residents, mental health and substance abuse treatment needs, status of incarcerated residents, and type of criminal charge. The overall conclusion of the Phase I report was that the current D.C. Jail does not serve District residents’ needs and the District must prioritize community investments in housing, mental wellness, youth programming, and jobs. An overwhelming majority of voices expressed a preference for addressing crime through prevention and interventions such as restorative justice rather than incarceration.

Another takeaway from the Phase I report was that the District must regain control of its criminal justice system in order to achieve more just and equitable outcomes for its incarcerated residents. Adopting a long-term roadmap for the District’s criminal justice system is not only crucial for addressing the many hardships borne by D.C. Code offenders who are incarcerated far from home, but also necessary in the fight for statehood. The consensus of the Task Force was that taking back control of parole from the federal U.S. Parole Commission (“USPC”) would be a

⁵ <http://www.courtexcellence.org/uploads/publications/FrameworkForChange.pdf>

tangible first step towards this goal because it is a concrete and relatively small entity, though an important one.

In fact, well before the Task Force convened, this Committee had been meeting with advocates to discuss the restoration of local control of parole and the steps that would need to be taken by the District to achieve this goal. Then, in FY19, the Office of Victim Services and Justice Grants commissioned a report by the Justice Policy Institute (“JPI”) to explore the reestablishment of local control over the parole system for District residents. On December 19, 2019, JPI released its report entitled, “*Restoring Local Control of Parole to the District of Columbia*”, outlining the task of taking back control and a path forward. The District must move forward with this report in hand and make this effort a priority – it is crucial and achievable. The USPC will be up for reauthorization in Congress in November 2020 – and this Committee supports an extension of another two years of the provision at a *maximum*. Two years would give the District ample time to create a new local parole entity and reintegrate the functions of the USPC into the District’s local justice system.

Overall, the Committee believes that now will be an absolutely critical time to pursue reforms to the District’s justice system. The Council, Executive, and the Department of Corrections must seize on the potential of the rapid drop in custodial population to consider facility consolidation, programming expansions, and further population evaluations. The Committee commends DOC for its pursuit of best practices in the field of corrections, particularly in smaller, more community-centric housing units, and will work collaboratively to continue to advance reforms in this area.

The Committee has also focused over this session and last and through the FY21 budget on building a more inclusive democracy. The Committee believes that a government that listens to the voices of all of its residents – not just the wealthy and powerful – is better able to make just and equitable policy decisions that are responsive to communities’ needs.

In the prior Council Period, the Committee passed the Fair Elections Amendment Act of 2017 and the Campaign Finance Reform Amendment Act of 2018, which focus on strengthening civic engagement; increasing transparency in government; amplifying the voices of District residents; creating opportunities for more diverse voices to be heard; and reigning in the influence of wealthy donors and corporate contributors in our elections. In addition, the Committee has worked tirelessly to expand the franchise in the District, again, to ensure the broadest and most diverse range of voices are heard at all levels of government. The Committee has particularly focused on traditionally underserved and underrepresented populations, including returning citizens, young voters, and voters in Ward 7 and 8,

and has made this one of its funding and legislative priorities over the last two Council Periods. In this year's budget, the Committee is taking two significant steps forward by: (1) funding legislation to allow District residents to take paid leave to vote, and (2) passing the Restore the Vote Amendment Act, thereby becoming one of the only jurisdictions in the country to allow all currently incarcerated residents to vote, including those in the Bureau of Prisons' custody serving felony sentences. The Committee is also funding most of the fiscal impact of the Campaign Finance Reform Amendment Act of 2018 and will look to identify the remaining funding at the Committee of the Whole.

~

Lastly, although the Committee's jurisdiction in the health arena is limited, by virtue of the Committee's oversight of the Fire and Emergency Medical Services Department and the Office of the Chief Medical Examiner, Chairperson Allen has specifically focused on Fire and EMS reform and maternal mortality as two key health care issues.

The Committee is making significant investments in emergency medical services in the FY21 budget. The District has the highest per capita emergency medical services call volume in the country. This is due, at least in part, to the culture surrounding the use of emergency medical services. District residents and visitors frequently call 911 for non-emergent situations, thereby straining the limited resources of FEMS and the Office of Unified Communications. FEMS has been working to shift the culture in the District related to the use of emergency medical services through its creation of the Nurse Triage Line ("NTL"). On April 19, 2018, the Department launched the Right Care, Right Nurse Triage Line, with the goal of improving patients' health outcomes and preserving critical FEMS resources for patients with life threatening injuries and illnesses. The aim of the program is to divert a caller who is not in need of acute care to a community care clinic or urgent care clinic in the caller's neighborhood, or to self-care. Medicaid and DC Healthcare Alliance enrollees are provided free transportation to and from the clinic.

Although the program did not meet its goals for the first two years of the roll out, FEMS has found the NTL to be especially beneficial during the COVID-19 public health emergency. During a time when hospitals have been preserving access to their facilities for the most critical patients, providing an alternative is paramount. Patients also benefit from avoiding emergency rooms as this will likely decrease their chance of exposure to COVID-19. FEMS reported that, "from March 1 through June 15, over 11% of EMS calls (5,301 of 46,915) were sent to the nurse for further screening to determine if transport to an emergency room was appropriate. The Department diverted 2,628 patients to neighborhood clinics or self-care, or 5.6% of all EMS calls, during the same period." As FEMS navigates the front line of this global pandemic, lightening the load of non-emergent calls is especially critical. The

Committee would like to see FEMS continue to replicate this level of diversion even after the pandemic has subsided.

The Committee has also chosen to invest in the wellbeing of FEMS members by approving \$500,000 – an allocation of an additional \$250,000 – in funding for the 02X Human Performance program. The 02X Human Performance program “offers a comprehensive approach to maximizing individual and department-wide performance by combining physical conditioning, injury prevention, nutrition, sleep, stress management, and resilience.” The Committee hopes that this program will contribute to a healthier workforce and help members manage the daily stresses of working on the front lines of the pandemic.

The Committee was frustrated to see the Executive eliminate all funding in the capital project to replace Fireboat 1. Fireboat 1 is FEMS’ largest vessel, but lacks the speed, command platform capabilities, and air draft clearance needed to perform effectively and efficiently. Given the significant economic development taking place, and planned, on the District’s waterfront, in addition to security and hazard risks, the Committee believes it is critical to invest in waterfront safety. The Committee has dedicated \$1.25 million to this project so FEMS can begin the design phase of the project. The Committee recommends FEMS pursue federal grant dollars for the procurement, due to the regional benefits of a working Fireboat 1.

Regarding maternal mortality, the Committee funded the creation of a “Maternal Mortality Review Committee” at the OCME to make recommendations about improving healthcare protocols and was disturbed to learn that the fatality review specialist responsible for staffing the MMRC was eliminated in the proposed FY21 budget. The work of the MMRC is urgent and critical as the District has one of the highest rates of maternal mortality in the country. Maternal health is an issue of racial justice – nationally, Black women are dying at a rate that is three to four times higher than that of white women. Without a dedicated FTE, the MMRC would not be able to have the same impact. Though the MMRC is just one step within the broader fight for health equity, its ability to study root causes will undoubtedly inform maternal health policy. The Committee has restored the funding for the Fatality Review Specialist and looks forward to the first report.

B. FISCAL YEAR 2021 AGENCY OPERATING BUDGET SUMMARY TABLE

OPERATING BUDGET SUMMARY						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
BOARD OF ELECTIONS						
LOCAL FUND	\$10,892,127	\$9,607,581	\$9,417,177	\$134,000	\$9,551,177	-0.6%
FEDERAL GRANT FUND	\$722,719	\$0	\$0		\$0	0.0%
TOTAL GROSS FUNDS	\$11,614,846	\$9,607,581	\$9,417,177	\$134,000	\$9,551,177	-0.6%
COMMISSION ON JUDICIAL DISABILITIES & TENURE						
LOCAL FUND	\$9,400	\$35,236	\$35,236	\$47,000	\$82,236	133.4%
FEDERAL PAYMENTS	\$288,854	\$325,000	\$278,000		\$278,000	-14.5%
TOTAL GROSS FUNDS	\$298,254	\$360,236	\$313,236	\$47,000	\$360,236	0.0%
CORRECTIONS INFORMATION COUNCIL						
LOCAL FUND	\$626,754	\$736,360	\$731,949	\$145,992	\$877,941	19.2%
PRIVATE DONATIONS	\$1	\$0			\$0	0.0%
TOTAL GROSS FUNDS	\$626,756	\$736,360	\$731,949	\$145,992	\$877,941	19.2%
CRIMINAL CODE REFORM COMMISSION						
LOCAL FUND	\$686,660	\$723,217	\$374,645	\$438,372	\$813,017	12.4%
TOTAL GROSS FUNDS	\$686,660	\$723,217	\$374,645	\$438,372	\$813,017	12.4%
CRIMINAL JUSTICE COORDINATING COUNCIL						
LOCAL FUND	\$1,572,841	\$1,473,627	\$1,376,476	\$289,938	\$1,666,414	13.1%
FEDERAL PAYMENTS	\$1,806,678	\$2,150,000	\$1,805,000		\$1,805,000	-16.0%
FEDERAL GRANT FUND	\$158,700	\$150,000	\$75,000		\$75,000	-50.0%
PRIVATE GRANT FUND	\$0	\$0			\$0	0.0%
PRIVATE DONATIONS	\$2,251	\$0			\$0	0.0%
OPERATING INTRA-DISTRICT FUNDS	\$171,003	\$117,000	\$140,000		\$140,000	19.7%
TOTAL GROSS FUNDS	\$3,711,473	\$3,890,627	\$3,396,476	\$289,938	\$3,686,414	-5.2%
D.C. NATIONAL GUARD						
LOCAL FUND	\$4,585,526	\$4,938,261	\$5,088,181		\$5,088,181	3.0%
FEDERAL PAYMENTS	\$617,262	\$413,250	\$413,000		\$413,000	-0.1%
FEDERAL GRANT FUND	\$8,423,246	\$9,211,272	\$9,592,613		\$9,592,613	4.1%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$0	\$0	\$147,514		\$147,514	

OPERATING BUDGET SUMMARY						
Fund Type	FY 2019 Actuals	FY 2020 Approved	Mayor's FY 2021 Proposed	Committee Variance	Committee's FY 2021 Recommendation	Percent Change
TOTAL GROSS FUNDS	\$13,626,034	\$14,562,783	\$15,241,308	\$0	\$15,241,308	4.7%
D.C. SENTENCING COMMISSION						
LOCAL FUND	\$1,177,726	\$1,267,332	\$1,248,110	\$10,000	\$1,258,110	-0.7%
TOTAL GROSS FUNDS	\$1,177,726	\$1,267,332	\$1,248,110	\$10,000	\$1,258,110	-0.7%
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY						
LOCAL FUND	\$2,254,788	\$2,624,621	\$2,613,853	\$339,039	\$2,952,892	12.5%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$52,611	\$153,487	\$181,384		\$181,384	18.2%
TOTAL GROSS FUNDS	\$2,307,398	\$2,778,108	\$2,795,237	\$339,039	\$3,134,276	12.8%
DEPARTMENT OF CORRECTIONS						
LOCAL FUND	\$142,986,195	\$152,936,412	\$149,819,614	(\$1,819,743)	\$147,999,871	-3.2%
FEDERAL GRANT FUND	\$222,997	\$283,022	\$0		\$0	-100.0%
PRIVATE GRANT FUND	\$0	\$0			\$0	
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$22,744,037	\$25,591,037	\$29,790,387		\$29,790,387	16.4%
OPERATING INTRA-DISTRICT FUNDS	\$1,096,697	\$255,812	\$770,152		\$770,152	201.1%
TOTAL GROSS FUNDS	\$167,049,926	\$179,066,283	\$180,380,153	(\$1,819,743)	\$178,560,410	-0.3%
DEPARTMENT OF FORENSIC SCIENCES						
LOCAL FUND	\$26,205,018	\$28,057,221	\$28,477,007	(\$50,000)	\$28,427,007	1.3%
FEDERAL GRANT FUND	\$468,178	\$460,100	\$188,458		\$188,458	-59.0%
PRIVATE GRANT FUND	\$0	\$0			\$0	
OPERATING INTRA-DISTRICT FUNDS	\$3,034,832	\$1,588,178	\$1,673,095		\$1,673,095	5.3%
TOTAL GROSS FUNDS	\$29,708,027	\$30,105,499	\$30,338,560	(\$50,000)	\$30,288,560	0.6%
DEPUTY MAYOR FOR PUBLIC SAFETY & JUSTICE						
LOCAL FUND	\$1,319,505	\$1,570,602	\$1,677,597	\$198,383	\$1,875,980	19.4%
TOTAL GROSS FUNDS	\$1,319,505	\$1,570,602	\$1,677,597	\$198,383	\$1,875,980	19.4%
EMERGENCY PLANNING AND SECURITY COST						
LOCAL FUND	\$5,400,024	\$0			\$0	
FEDERAL PAYMENTS	\$14,026,292	\$28,790,000	\$51,400,000		\$51,400,000	78.5%
TOTAL GROSS FUNDS	\$19,426,316	\$28,790,000	\$51,400,000	\$0	\$51,400,000	78.5%

OPERATING BUDGET SUMMARY						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT						
LOCAL FUND	\$278,331,894	\$279,539,352	\$261,552,199	\$250,000	\$261,802,199	-6.3%
FEDERAL GRANT FUND	\$285,554	\$0	\$0		\$0	
FEDERAL MEDICAID PAYMENTS	\$0	\$0			\$0	
PRIVATE DONATIONS	\$0	\$0			\$0	
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$426,782	\$1,980,810	\$3,485,292		\$3,485,292	76.0%
OPERATING INTRA-DISTRICT FUNDS	\$4,995,528	\$217,135	\$575,000		\$575,000	164.8%
TOTAL GROSS FUNDS	\$284,039,758	\$281,737,296	\$265,612,490	\$250,000	\$265,862,490	-5.6%
HOMELAND SECURITY GRANTS						
OPERATING INTRA-DISTRICT FUNDS	\$3,825,948	\$1,323,169	\$1,414,857		\$1,414,857	6.9%
TOTAL GROSS FUNDS	\$3,825,948	\$1,323,169	\$1,414,857	\$0	\$1,414,857	6.9%
HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY						
LOCAL FUND	\$5,050,125	\$5,497,378	\$5,531,416		\$5,531,416	0.6%
FEDERAL GRANT FUND	\$58,405,584	\$131,986,293	\$164,104,139		\$164,104,139	24.3%
OPERATING INTRA-DISTRICT FUNDS	\$397,871	\$0			\$0	
TOTAL GROSS FUNDS	\$63,853,580	\$137,483,671	\$169,635,554	\$0	\$169,635,554	23.4%
JUDICIAL NOMINATION COMMISSION						
LOCAL FUND	\$0	\$7,569	\$7,569	\$28,000	\$35,569	369.9%
FEDERAL PAYMENTS	\$286,990	\$290,000	\$254,000		\$254,000	-12.4%
TOTAL GROSS FUNDS	\$286,990	\$297,569	\$261,569	\$28,000	\$289,569	-2.7%
METROPOLITAN POLICE DEPARTMENT						
LOCAL FUND	\$543,349,670	\$515,373,977	\$532,854,117	(\$9,636,981)	\$523,217,136	1.5%
FEDERAL GRANT FUND	\$2,778,366	\$3,662,316	\$3,975,137		\$3,975,137	8.5%
PRIVATE DONATIONS	\$143,782	\$0			\$0	
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$6,455,686	\$7,386,000	\$7,400,000		\$7,400,000	0.2%
OPERATING INTRA-DISTRICT FUNDS	\$38,586,221	\$33,104,626	\$33,840,238		\$33,840,238	2.2%
TOTAL GROSS FUNDS	\$591,313,726	\$559,526,918	\$578,069,493	(\$9,636,981)	\$568,432,512	1.6%

OPERATING BUDGET SUMMARY						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT						
LOCAL FUND	\$5,718,659	\$7,579,217	\$6,716,014	\$1,989,218	\$8,705,232	14.9%
OPERATING INTRA-DISTRICT FUNDS	\$17,719	\$0	\$0		\$0	
TOTAL GROSS FUNDS	\$5,736,378	\$7,579,217	\$6,716,014	\$1,989,218	\$8,705,232	14.9%
OFFICE OF CAMPAIGN FINANCE						
LOCAL FUND	\$3,535,594	\$7,532,615	\$8,184,805	\$392,535	\$8,577,340	13.9%
TOTAL GROSS FUNDS	\$3,535,594	\$7,532,615	\$8,184,805	\$392,535	\$8,577,340	13.9%
OFFICE OF POLICE COMPLAINTS						
LOCAL FUND	\$2,461,378	\$2,790,632	\$2,612,656		\$2,612,656	-6.4%
TOTAL GROSS FUNDS	\$2,461,378	\$2,790,632	\$2,612,656	\$0	\$2,612,656	-6.4%
OFFICE OF THE ATTORNEY GENERAL						
LOCAL FUND	\$66,740,121	\$74,576,067	\$81,000,000	\$791,848	\$81,791,848	9.7%
FEDERAL GRANT FUND	\$19,245,455	\$22,511,963	\$22,650,609		\$22,650,609	0.6%
PRIVATE DONATIONS	\$931,114	\$551,651	\$562,848		\$562,848	2.0%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$6,254,246	\$12,374,977	\$17,390,584		\$17,390,584	40.5%
OPERATING INTRA-DISTRICT FUNDS	\$4,186,797	\$4,031,542	\$3,568,286		\$3,568,286	-11.5%
TOTAL GROSS FUNDS	\$97,357,733	\$114,046,201	\$125,172,327	\$791,848	\$125,964,175	10.5%
OFFICE OF THE CHIEF MEDICAL EXAMINER						
LOCAL FUND	\$12,016,483	\$12,945,139	\$12,106,630	\$88,265	\$12,194,895	-5.8%
PRIVATE GRANT FUND	\$18,703	\$0	\$61,986		\$61,986	
PRIVATE DONATIONS	\$221	\$0			\$0	
OPERATING INTRA-DISTRICT FUNDS	\$2,043,311	\$597,790	\$1,756,263		\$1,756,263	193.8%
TOTAL GROSS FUNDS	\$14,078,717	\$13,542,929	\$13,924,878	\$88,265	\$14,013,143	3.5%
OFFICE OF UNIFIED COMMUNICATIONS						
LOCAL FUND	\$33,280,171	\$32,259,712	\$30,373,139		\$30,373,139	-5.8%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$13,433,318	\$19,991,418	\$22,871,137		\$22,871,137	14.4%
OPERATING INTRA-DISTRICT FUNDS	\$2,453,586	\$984,156	\$993,477		\$993,477	0.9%
TOTAL GROSS FUNDS	\$49,167,075	\$53,235,286	\$54,237,753	\$0	\$54,237,753	1.9%

OPERATING BUDGET SUMMARY						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS						
LOCAL FUND	\$33,032,326	\$38,051,766	\$35,436,218	\$9,130,000	\$44,566,218	17.1%
FEDERAL GRANT FUND	\$9,448,406	\$13,300,326	\$11,288,241		\$11,288,241	-15.1%
PRIVATE DONATIONS	\$0	\$0			\$0	
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$2,051,334	\$2,821,995	\$3,784,414		\$3,784,414	34.1%
OPERATING INTRA-DISTRICT FUNDS	\$75,000	\$0	\$0		\$0	
TOTAL GROSS FUNDS	\$44,607,066	\$54,174,087	\$50,508,873	\$9,130,000	\$59,638,873	10.1%
SECTION 103 JUDGMENTS-ECON DEV & REGUL						
LOCAL FUND	\$14,000	\$0			\$0	
TOTAL GROSS FUNDS	\$14,000	\$0	\$0	\$0	\$0	
SECTION 103 JUDGMENTS-GOV DIR & SUPPORT						
LOCAL FUND	\$12,914,148	\$0			\$0	
TOTAL GROSS FUNDS	\$12,914,148	\$0	\$0	\$0	\$0	
SECTION 103 JUDGMENTS-PUB EDUCATION SYS						
LOCAL FUND	\$1,034,510	\$0			\$0	
TOTAL GROSS FUNDS	\$1,034,510	\$0	\$0	\$0	\$0	
SECTION 103 JUDGMENTS-HUMAN SERVICES						
LOCAL FUND	\$0	\$0			\$0	
TOTAL GROSS FUNDS	\$0	\$0	\$0	\$0	\$0	
SETTLEMENTS AND JUDGMENTS FUND						
LOCAL FUND	\$21,824,759	\$28,024,759	\$28,024,759		\$28,024,759	0.0%
TOTAL GROSS FUNDS	\$21,824,759	\$28,024,759	\$28,024,759	\$0	\$28,024,759	0.0%
UNIFORM LAW COMMISSION						
LOCAL FUND	\$51,864	\$60,250	\$60,250		\$60,250	0.0%
TOTAL GROSS FUNDS	\$51,864	\$60,250	\$60,250	\$0	\$60,250	0.0%
GRAND TOTAL	\$1,447,656,147	\$1,534,813,225	\$1,601,750,725	\$2,765,866	\$1,604,516,591	4.5%

C. FISCAL YEAR 2021 AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE

AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
BOARD OF ELECTIONS						
LOCAL FUND	49.00	49.00	48.00	2.00	50.00	2.0%
FEDERAL GRANT FUND	0.00	0.00	0.00		0.00	
TOTAL FTE	49.00	49.00	48.00	2.00	50.00	2.0%
COMM ON JUDICIAL DISABILITIES & TENURE						
LOCAL FUND	0.00	0.00	0.00		0.00	
FEDERAL PAYMENTS	2.00	2.00	2.00		2.00	0.0%
TOTAL FTE	2.00	2.00	2.00	0.00	2.00	0.0%
CORRECTIONS INFORMATION COUNCIL						
LOCAL FUND	8.00	8.00	8.00	2.00	10.00	25.0%
PRIVATE DONATIONS	0.00	0.00			0.00	
TOTAL FTE	8.00	8.00	8.00	2.00	10.00	25.0%
CRIMINAL CODE REFORM COMMISSION						
LOCAL FUND	5.00	5.00	5.00	.00	5.00	0.0%
TOTAL FTE	5.00	5.00	5.00	0.00	5.00	0.0%
CRIMINAL JUSTICE COORDINATING COUNCIL						
LOCAL FUND	5.00	4.30	5.30		5.30	23.3%
FEDERAL PAYMENTS	14.20	15.00	14.00		14.00	-6.7%
FEDERAL GRANT FUND	0.00	0.00	0.00		0.00	
PRIVATE GRANT FUND	0.00	0.00			0.00	
PRIVATE DONATIONS	0.00	0.00			0.00	
OPERATING INTRA-DISTRICT FUNDS	0.80	0.70	0.70		0.70	0.0%
TOTAL FTE	20.00	20.00	20.00	0.00	20.00	0.0%
D.C. NATIONAL GUARD						
LOCAL FUND	33.30	36.50	45.20		45.20	23.8%
FEDERAL PAYMENTS	0.00	0.00	0.00		0.00	
FEDERAL GRANT FUND	95.80	102.50	98.80		98.80	-3.6%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	0.00	0.00	0.00		0.00	
TOTAL FTE	129.10	139.00	144.00	0.00	144.00	3.6%
D.C. SENTENCING COMMISSION						
LOCAL FUND	6.00	7.00	7.00		7.00	0.0%

AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
TOTAL FTE	6.00	7.00	7.00	0.00	7.00	0.0%
DC BD OF ETHICS AND GOVT ACCOUNTABILITY						
LOCAL FUND	15.30	16.50	16.50	3.00	19.50	18.2%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	0.00	1.00	1.00		1.00	0.0%
TOTAL FTE	15.30	17.50	17.50	3.00	20.50	17.1%
DEPARTMENT OF CORRECTIONS						
LOCAL FUND	1,106.20	1,106.00	1,122.00	(10.00)	1,112.00	0.5%
FEDERAL GRANT FUND	3.00	3.00	0.00		0.00	-100.0%
PRIVATE GRANT FUND	0.00	0.00			0.00	
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	240.00	240.00	240.00		240.00	0.0%
OPERATING INTRA-DISTRICT FUNDS	4.80	1.00	4.00		4.00	300.0%
TOTAL FTE	1,354.00	1,350.00	1,366.00	(10.00)	1,356.00	0.4%
DEPARTMENT OF FORENSIC SCIENCES						
LOCAL FUND	210.00	212.00	214.00		214.00	0.9%
FEDERAL GRANT FUND	5.00	5.00	2.00		2.00	-60.0%
PRIVATE GRANT FUND	0.00	0.00			0.00	
OPERATING INTRA-DISTRICT FUNDS	10.00	10.00	10.00		10.00	0.0%
TOTAL FTE	225.00	227.00	226.00	0.00	226.00	-0.4%
DEPUTY MAYOR FOR PUBLIC SAFETY & JUSTICE						
LOCAL FUND	9.00	10.00	11.00		11.00	10.0%
TOTAL FTE	9.00	10.00	11.00	0.00	11.00	10.0%
EMERGENCY PLANNING AND SECURITY COST						
LOCAL FUND	0.00	0.00			0.00	
FEDERAL PAYMENTS	0.00	0.00	0.00		0.00	
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT						
LOCAL FUND	2,058.00	2,196.00	2,185.00		2,185.00	-0.5%
FEDERAL GRANT FUND	0.00	0.00	0.00		0.00	
FEDERAL MEDICAID PAYMENTS	0.00	0.00			0.00	
PRIVATE DONATIONS	0.00	0.00			0.00	
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	1.00	1.00	1.00		1.00	0.0%
OPERATING INTRA-DISTRICT FUNDS	10.00	0.00	10.00		10.00	
TOTAL FTE	2,069.00	2,197.00	2,196.00	0.00	2,196.00	0.0%

AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
HOMELAND SECURITY GRANTS						
OPERATING INTRA-DISTRICT FUNDS	0.00	0.00	0.00		0.00	
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY						
LOCAL FUND	28.40	30.50	29.50		29.50	-3.3%
FEDERAL GRANT FUND	97.60	105.50	112.50		112.50	6.6%
OPERATING INTRA-DISTRICT FUNDS	0.00	0.00			0.00	
TOTAL FTE	126.00	136.00	142.00	0.00	142.00	4.4%
JUDICIAL NOMINATION COMMISSION						
LOCAL FUND	0.00	0.00	0.00		0.00	
FEDERAL PAYMENTS	2.00	2.00	2.00		2.00	0.0%
TOTAL FTE	2.00	2.00	2.00	0.00	2.00	0.0%
METROPOLITAN POLICE DEPARTMENT						
LOCAL FUND	4,506.30	4,747.00	4,787.60	(50.00)	4,737.60	-0.2%
FEDERAL GRANT FUND	9.60	2.00	2.40		2.40	20.0%
PRIVATE DONATIONS	0.00	0.00			0.00	
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	0.00	0.00	0.00		0.00	
OPERATING INTRA-DISTRICT FUNDS	3.20	5.00	6.00		6.00	20.0%
TOTAL FTE	4,519.10	4,754.00	4,796.00	(50.00)	4,746.00	-0.2%
OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT						
LOCAL FUND	25.00	30.00	30.00	5.00	35.00	16.7%
OPERATING INTRA-DISTRICT FUNDS	0.00	0.00	0.00		0.00	
TOTAL FTE	25.00	30.00	30.00	5.00	35.00	16.7%
OFFICE OF CAMPAIGN FINANCE						
(no fund selected)					0.00	
LOCAL FUND	34.40	35.00	35.00	3.00	38.00	8.6%
TOTAL FTE	34.40	35.00	35.00	3.00	38.00	8.6%
OFFICE OF POLICE COMPLAINTS						
LOCAL FUND	24.30	25.20	24.80		24.80	-1.6%
TOTAL FTE	24.30	25.20	24.80	0.00	24.80	-1.6%
OFFICE OF THE ATTORNEY GENERAL						

AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
LOCAL FUND	437.50	469.30	478.20	5.00	483.20	3.0%
FEDERAL GRANT FUND	106.60	126.50	127.40		127.40	0.7%
PRIVATE DONATIONS	8.00	8.00	8.00		8.00	0.0%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	16.40	13.20	43.00		43.00	225.8%
OPERATING INTRA-DISTRICT FUNDS	24.40	27.10	23.20		23.20	-14.4%
TOTAL FTE	592.90	644.10	679.80	5.00	684.80	6.3%
OFFICE OF THE CHIEF MEDICAL EXAMINER						
LOCAL FUND	91.10	96.00	93.00		93.00	-3.1%
PRIVATE GRANT FUND	1.00	0.00	1.00		1.00	
PRIVATE DONATIONS	0.00	0.00			0.00	
OPERATING INTRA-DISTRICT FUNDS	5.90	4.00	6.00		6.00	50.0%
TOTAL FTE	98.00	100.00	100.00	0.00	100.00	0.0%
OFFICE OF UNIFIED COMMUNICATIONS						
LOCAL FUND	334.00	325.50	305.00		305.00	-6.3%
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	27.00	58.00	80.00		80.00	37.9%
OPERATING INTRA-DISTRICT FUNDS	5.00	6.00	6.00		6.00	0.0%
TOTAL FTE	366.00	389.50	391.00	0.00	391.00	0.4%
OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS						
LOCAL FUND	12.60	17.80	19.00		19.00	6.7%
FEDERAL GRANT FUND	2.40	2.20	2.10		2.10	-4.5%
PRIVATE DONATIONS	0.00	0.00			0.00	
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	2.00	2.00	2.00		2.00	0.0%
OPERATING INTRA-DISTRICT FUNDS	0.00	0.00	0.00		0.00	
TOTAL FTE	17.00	22.00	23.10	0.00	23.10	5.0%
SECTION 103 JUDGMENTS-ECON DEV & REGUL						
LOCAL FUND	0.00	0.00			0.00	
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
SECTION 103 JUDGMENTS-GOV DIR & SUPPORT						
LOCAL FUND	0.00	0.00			0.00	
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
SECTION 103 JUDGMENTS-PUB EDUCATION SYS						
LOCAL FUND	0.00	0.00			0.00	

AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE						
<i>Fund Type</i>	<i>FY 2019 Actuals</i>	<i>FY 2020 Approved</i>	<i>Mayor's FY 2021 Proposed</i>	<i>Committee Variance</i>	<i>Committee's FY 2021 Recommendation</i>	<i>Percent Change</i>
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
SECTION 103 JUDGMENTS-HUMAN SERVICES						
LOCAL FUND	0.00	0.00			0.00	
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
SETTLEMENTS AND JUDGMENTS FUND						
LOCAL FUND	0.00	0.00	0.00		0.00	
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
UNIFORM LAW COMMISSION						
LOCAL FUND	0.00	0.00	0.00		0.00	
TOTAL FTE	0.00	0.00	0.00	0.00	0.00	
GRAND TOTAL	9,696.10	10,169.30	10,274.20	(40.00)	10,234.20	0.6%

D. FISCAL YEARS 2021-2026 AGENCY CAPITAL BUDGET SUMMARY TABLE

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (BN0)											
BRM26C	HSEMA EMERGENCY OPERATIONS CENTER RENOVATION	Mayor's Proposed FY21 CIP Change	0	0	4,000,000	0	0	0	0	0	4,000,000
		Available Balances	250,000	250,000	0	0	0	0	0	0	0
		Mayor's Proposed FY20 Supplemental	(250,000)	(250,000)	0	0	0	0	0	0	0
BRM26C Total			0	0	4,000,000	0	0	0	0	0	4,000,000
BN0 Total			0	0	4,000,000	0	0	0	0	0	4,000,000
OFFICE OF THE ATTORNEY GENERAL (CB0)											
EN240C	INFORMATION SYSTEMS - CHILD SUPPORT ENFO	Available Balances	(234,628)	56,248	0	0	0	0	0	0	0
EN240C Total			(234,628)	56,248	0	0	0	0	0	0	0
EN601C	OAG-IT INFRASTRUCTURE UPGRADES	Available Balances	248,283	209,271	0	0	0	0	0	0	0
EN601C Total			248,283	209,271	0	0	0	0	0	0	0
CB0 Total			13,655	265,519	0	0	0	0	0	0	0
BOARD OF ELECTIONS (DL0)											
VTS02C	BOARD OF ELECTIONS MANAGEMENT SYSTEM	Available Balances	2,320,849	1,994,721	0	0	0	0	0	0	0
VTS02C Total			2,320,849	1,994,721	0	0	0	0	0	0	0
DL0 Total			2,320,849	1,994,721	0	0	0	0	0	0	0
METROPOLITAN POLICE DEPARTMENT (FA0)											
ATE01C	2850 NY AVE BUILDING	Available Balances	1,718	0	0	0	0	0	0	0	0
ATE01C Total			1,718	0	0	0	0	0	0	0	0
BAR01C	BIDIRECTIONAL AMPLIFIERS FOR RADIO COVER	Mayor's Proposed FY21 CIP Change	0	0	1,255,786	1,054,656	938,553	0	0	0	3,248,995
BAR01C Total			0	0	1,255,786	1,054,656	938,553	0	0	0	3,248,995
BRM09C	EVIDENCE IMPOUND LOT RENOVATION	Mayor's Proposed FY21 CIP Change	0	0	0	3,000,000	0	0	0	0	3,000,000
		Available Balances	3,850,000	3,850,000	0	0	0	0	0	0	0
		Committee's FY21 Recommendation	(1,250,000)	(1,250,000)	0	0	0	0	0	0	0
BRM09C Total			2,600,000	2,600,000	0	3,000,000	0	0	0	0	3,000,000
BRM10C	ADA UPGRADES (1D SUB & 4D SUB) MPD STATI	Available Balances	1,580,145	800,539	0	0	0	0	0	0	0

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
BRM10C Total			1,580,145	800,539	0	0	0	0	0	0	0
BRM11C	POR & TEST FIT OF MPD PATROL DISTRICTS	Mayor's Proposed FY21 CIP Change	0	0	500,000	0	0	0	0	0	500,000
BRM11C Total			0	0	500,000	0	0	0	0	0	500,000
BRM20C	DETENTION AREA RENOVATIONS	Approved FY20 CIP for FY21-25	0	0	1,250,000	1,250,000	0	0	0	0	2,500,000
		Available Balances	1,250,000	1,250,000	0	0	0	0	0	0	0
BRM20C Total			1,250,000	1,250,000	1,250,000	1,250,000	0	0	0	0	2,500,000
EPI20C	MPD--DISASTER RECOVERY	Available Balances	1,850,000	1,850,000	0	0	0	0	0	0	0
EPI20C Total			1,850,000	1,850,000	0	0	0	0	0	0	0
FAV01C	MOTOR CYCLES, SCOOTERS & TRAILERS – MPD	Mayor's Proposed FY21 CIP Change	0	0	301,584	248,506	127,980	131,820	169,717	209,771	1,189,378
		Available Balances	44,890	44,890	0	0	0	0	0	0	0
FAV01C Total			44,890	44,890	301,584	248,506	127,980	131,820	169,717	209,771	1,189,378
FAV02C	WRECKERS & TRAILERS – MPD	Mayor's Proposed FY21 CIP Change	0	0	400,423	329,948	169,924	175,021	225,339	278,520	1,579,175
		Available Balances	41,726	0	0	0	0	0	0	0	0
FAV02C Total			41,726	0	400,423	329,948	169,924	175,021	225,339	278,520	1,579,175
FAV03C	UNMARKED VEHICLES – MPD	Mayor's Proposed FY21 CIP Change	0	0	1,418,285	1,168,666	601,863	904,538	1,164,592	986,509	6,244,453
		Available Balances	1,239	0	0	0	0	0	0	0	0
FAV03C Total			1,239	0	1,418,285	1,168,666	601,863	904,538	1,164,592	986,509	6,244,453
FAV04C	MARKED CRUISERS – MPD	Mayor's Proposed FY21 CIP Change	0	0	7,783,523	6,413,623	3,303,016	3,402,106	4,380,212	5,413,942	30,696,422
		Committee's FY21 Recommendation	0	0	(1,100,000)	0	0	0	0	0	(1,100,000)
FAV04C Total			0	0	6,683,523	6,413,623	3,303,016	3,402,106	4,380,212	5,413,942	29,596,422
FAV05C	OTHER MARKED VEHICLES – MPD	Mayor's Proposed FY21 CIP Change	0	0	1,235,113	1,017,710	524,133	539,857	695,065	859,101	4,870,979
FAV05C Total			0	0	1,235,113	1,017,710	524,133	539,857	695,065	859,101	4,870,979
FDA01C	FIRSTNET DISTRIBUTED ANTENNA SYSTEM DEPL	Mayor's Proposed FY21 CIP Change	0	0	735,000	0	0	0	0	0	735,000
FDA01C Total			0	0	735,000	0	0	0	0	0	735,000
FRI01C	BASE BUILDING RENOVATION	Available Balances	2,271,217	0	0	0	0	0	0	0	0
FRI01C Total			2,271,217	0	0	0	0	0	0	0	0
HRB30C	MPD/CCTV HARDWARE REPLACEMENT	Approved FY20 CIP for FY21-25	0	0	200,000	200,000	200,000	200,000	200,000	0	1,000,000
		Mayor's Proposed FY21 CIP Change	0	0	0	0	0	0	0	200,000	200,000
		Available Balances	650,000	650,000	0	0	0	0	0	0	0

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
HRB30C Total			650,000	650,000	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
NW101C	NETWORK & WIFI UPGRADE FOR IMPROVED PUBL	Mayor's Proposed FY21 CIP Change	0	0	1,650,000	1,650,000	700,000	0	0	0	4,000,000
		Committee's FY21 Recommendation	0	0	(1,650,000)	(1,500,000)	0	0	0	0	(3,150,000)
NW101C Total			0	0	0	150,000	700,000	0	0	0	850,000
PDB23C	CCTV/SHOTSPOTTER INTEGRATION	Available Balances	950,287	950,287	0	0	0	0	0	0	0
PDB23C Total			950,287	950,287	0	0	0	0	0	0	0
PEQ20C	SPECIALIZED VEHICLES – MPD	Available Balances	17,519	6	0	0	0	0	0	0	0
PEQ20C Total			17,519	6	0	0	0	0	0	0	0
PEQ22C	SPECIALIZED VEHICLES – MPD	Approved FY20 CIP for FY21-25	0	0	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	0	30,000,000
		Mayor's Proposed FY21 CIP Change	0	0	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	(6,000,000)	0	(30,000,000)
		Available Balances	6,724,024	(10,084)	0	0	0	0	0	0	0
PEQ22C Total			6,724,024	(10,084)	0	0	0	0	0	0	0
PL110C	MPD BUILDING RENOVATIONS/CONSTRUCTION	Mayor's Proposed FY21 CIP Change	0	0	2,000,000	0	0	0	0	0	2,000,000
		Available Balances	4,632,611	4,025,065	0	0	0	0	0	0	0
PL110C Total			4,632,611	4,025,065	2,000,000	0	0	0	0	0	2,000,000
PLT10C	CRIME FIGHTING TECHNOLOGY	Available Balances	838,997	838,997	0	0	0	0	0	0	0
PLT10C Total			838,997	838,997	0	0	0	0	0	0	0
WAM40C	DATA WAREHOUSE & ANALYTICS MODERNIZATION	Available Balances	375,000	375,000	0	0	0	0	0	0	0
WAM40C Total			375,000	375,000	0	0	0	0	0	0	0
FA0 Total			23,829,373	13,374,702	15,979,714	14,833,109	6,565,469	5,353,342	6,834,925	7,947,843	57,514,402
FIRE AND EMERGENCY MEDICAL SERVICES (FB0)											
FB0 20600C	FIRE APPARATUS	Available Balances	490,619	49,988	0	0	0	0	0	0	0
20600C Total			490,619	49,988	0	0	0	0	0	0	0
20630C	FIRE APPARATUS	Available Balances	58,800	58,800	0	0	0	0	0	0	0
20630C Total			58,800	58,800	0	0	0	0	0	0	0
206AMC	AMBULANCE VEHICLES – FEMS	Approved FY20 CIP for FY21-25	0	0	4,502,240	3,354,024	2,615,995	0	0	0	10,472,259
		Mayor's Proposed FY21 CIP Change	0	0	967,360	1,284,197	(157,738)	2,605,753	3,452,622	4,391,735	12,543,929
		Available Balances	7,729,339	3,255,156	0	0	0	0	0	0	0
206AMC Total			7,729,339	3,255,156	5,469,600	4,638,221	2,458,258	2,605,753	3,452,622	4,391,735	23,016,188

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
206AVC	ADMINISTRATIVE VEHICLES - FEMS	Approved FY20 CIP for FY21-25	0	0	498,000	498,000	498,000	498,000	498,000	0	2,490,000
		Mayor's Proposed FY21 CIP Change	0	0	(222,400)	(264,291)	(374,134)	(366,702)	(324,031)	221,289	(1,330,269)
206AVC Total			0	0	275,600	233,709	123,866	131,298	173,970	221,289	1,159,732
206CVC	COMMAND VEHICLES - FEMS	Approved FY20 CIP for FY21-25	0	0	635,553	277,522	198,230	317,168	198,230	0	1,626,703
		Mayor's Proposed FY21 CIP Change	0	0	1,007,447	419,110	170,985	74,200	320,333	659,611	2,651,686
		Available Balances	598,467	0	0	0	0	0	0	0	0
206CVC Total			598,467	0	1,643,000	696,632	369,215	391,368	518,563	659,611	4,278,389
206LTC	LADDER TRUCKS - FEMS	Approved FY20 CIP for FY21-25	0	0	1,500,000	1,725,000	1,725,000	1,725,000	1,725,000	0	8,400,000
		Mayor's Proposed FY21 CIP Change	0	0	1,892,000	1,151,416	(200,500)	(917,015)	416,161	2,723,557	5,065,619
		Available Balances	11,636,167	7,531,384	0	0	0	0	0	0	0
206LTC Total			11,636,167	7,531,384	3,392,000	2,876,416	1,524,500	807,985	2,141,161	2,723,557	13,465,619
206PTC	PUMPERS - FEMS	Approved FY20 CIP for FY21-25	0	0	6,647,929	4,276,945	4,093,561	0	0	0	15,018,435
		Mayor's Proposed FY21 CIP Change	0	0	(1,810,937)	(175,175)	(1,919,623)	2,304,373	3,053,295	3,883,792	5,335,725
		Available Balances	11,509,234	6,414,241	0	0	0	0	0	0	0
206PTC Total			11,509,234	6,414,241	4,836,992	4,101,770	2,173,938	2,304,373	3,053,295	3,883,792	20,354,160
206RSC	RESCUE SQUAD VEHICLES - FEMS	Approved FY20 CIP for FY21-25	0	0	700,000	805,000	925,750	1,064,613	1,224,304	0	4,719,667
		Mayor's Proposed FY21 CIP Change	0	0	784,000	(805,000)	(258,781)	(357,626)	(287,546)	1,191,556	266,603
		Available Balances	7,579,926	3,065,345	0	0	0	0	0	0	0
206RSC Total			7,579,926	3,065,345	1,484,000	0	666,969	706,987	936,758	1,191,556	4,986,270
206RVC	OTHER RESPONSE VEHICLES - FEMS	Approved FY20 CIP for FY21-25	0	0	749,123	0	0	0	0	0	749,123
		Mayor's Proposed FY21 CIP Change	0	0	5,375,877	5,194,000	2,752,820	1,393,489	2,335,582	782,862	17,834,630
		Available Balances	868,031	403,805	0	0	0	0	0	0	0
206RVC Total			868,031	403,805	6,125,000	5,194,000	2,752,820	1,393,489	2,335,582	782,862	18,583,753
BRM22C	ENGINE COMPANY 7	Approved FY20 CIP for FY21-25	0	0	250,000	1,500,000	2,500,000	10,500,000	0	0	14,750,000
		Mayor's Proposed FY21 CIP Change	0	0	0	0	0	0	0	0	0
BRM22C Total			0	0	250,000	1,500,000	2,500,000	10,500,000	0	0	14,750,000
F3301C	AMBULANCE AND COMMUNICATION EQUIPMENT	Available Balances	527	0	0	0	0	0	0	0	0
F3301C Total			527	0	0	0	0	0	0	0	0
FEP00C	FEMS SAFETY EQUIPMENT PURCHASES	Available Balances	5,337,674	1,990,915	0	0	0	0	0	0	0

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
FEP00C Total			5,337,674	1,990,915	0	0	0	0	0	0	0
FMF01C	FLEET MAINTENANCE RESERVE FACILITY	Approved FY20 CIP for FY21-25	0	0	4,750,000	0	10,000,000	28,000,000	0	0	42,750,000
		Mayor's Proposed FY21 CIP Change	0	0	0	20,000,000	8,000,000	(28,000,000)	0	0	0
		Available Balances	1,000,000	2,500	0	0	0	0	0	0	0
FMF01C Total			1,000,000	2,500	4,750,000	20,000,000	18,000,000	0	0	0	42,750,000
LB737C	ENGINE COMPANY 16 RENOVATION	Available Balances	19,229	0	0	0	0	0	0	0	0
LB737C Total			19,229	0	0	0	0	0	0	0	0
LC437C	E-22 FIREHOUSE REPLACEMENT	Available Balances	13,616	0	0	0	0	0	0	0	0
LC437C Total			13,616	0	0	0	0	0	0	0	0
LC537C	ENGINE COMPANY 23 RENOVATION	Available Balances	6,972,023	6,853,573	0	0	0	0	0	0	0
LC537C Total			6,972,023	6,853,573	0	0	0	0	0	0	0
LC837C	RELOCATION OF ENGINE COMPANY 26	Mayor's Proposed FY21 CIP Change	0	0	4,000,000	9,500,000	0	0	0	0	13,500,000
		Available Balances	3,850,001	3,850,000	0	0	0	0	0	0	0
		Mayor's Proposed FY20 Supplemental	(3,850,000)	(3,850,000)	0	0	0	0	0	0	0
LC837C Total			1	0	4,000,000	9,500,000	0	0	0	0	13,500,000
LCE00C	LIFESAVING CARDIAC EQUIPMENT FUND	Mayor's Proposed FY21 CIP Change	0	0	4,224,000	0	0	0	0	0	4,224,000
LCE00C Total			0	0	4,224,000	0	0	0	0	0	4,224,000
LE537C	ENGINE 14 MAJOR RENOVATION	Available Balances	340,347	233,035	0	0	0	0	0	0	0
LE537C Total			340,347	233,035	0	0	0	0	0	0	0
LE737C	ENGINE 27 MAJOR RENOVATION	Available Balances	675,776	388,532	0	0	0	0	0	0	0
LE737C Total			675,776	388,532	0	0	0	0	0	0	0
LF239C	FEMS SCHEDULED CAPITAL IMPROVEMENTS	Approved FY20 CIP for FY21-25	0	0	950,000	0	0	0	0	0	950,000
		Mayor's Proposed FY21 CIP Change	0	0	1,050,000	0	0	0	0	0	1,050,000
		Available Balances	6,332,811	4,269,768	0	0	0	0	0	0	0
LF239C Total			6,332,811	4,269,768	2,000,000	0	0	0	0	0	2,000,000
NFB01C	NEW FIRE BOAT-1	Approved FY20 CIP for FY21-25	0	0	0	0	12,290,000	0	0	0	12,290,000
		Mayor's Proposed FY21 CIP Change	0	0	0	0	(12,290,000)	0	0	0	(12,290,000)
		Committee's FY21 Recommendation	0	0	1,250,000	0	0	0	0	0	1,250,000
NFB01C Total			0	0	1,250,000	0	0	0	0	0	1,250,000
FB0 Total			61,162,587	34,517,042	39,700,192	48,740,748	30,569,566	18,841,253	12,611,951	13,854,402	164,318,111

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
D.C. NATIONAL GUARD (FK0)											
NG715C	YOUTH CHALLENGE EDUCATIONAL CAMPUS	Available Balances	92,456	30,636	0	0	0	0	0	0	0
NG715C Total			92,456	30,636	0	0	0	0	0	0	0
FK0 Total			92,456	30,636	0	0	0	0	0	0	0
DEPARTMENT OF CORRECTIONS (FLO)											
CGN01C	GENERAL RENOVATIONS AT DOC FACILITIES	Approved FY20 CIP for FY21-25	0	0	2,700,000	2,700,000	1,000,000	1,500,000	0	0	7,900,000
		Mayor's Proposed FY21 CIP Change	0	0	300,000	(700,000)	1,000,000	(500,000)	1,000,000	0	1,100,000
		Available Balances	2,536,880	1,946,971	0	0	0	0	0	0	0
CGN01C Total			2,536,880	1,946,971	3,000,000	2,000,000	2,000,000	1,000,000	1,000,000	0	9,000,000
CGN02C	CTF GENERAL RENOVATION	Approved FY20 CIP for FY21-25	0	0	1,800,000	4,500,000	2,000,000	0	0	0	8,300,000
		Mayor's Proposed FY21 CIP Change	0	0	1,200,000	(500,000)	2,000,000	1,000,000	1,000,000	0	4,700,000
		Available Balances	6,200,000	6,200,000	0	0	0	0	0	0	0
CGN02C Total			6,200,000	6,200,000	3,000,000	4,000,000	4,000,000	1,000,000	1,000,000	0	13,000,000
CGN08C	HEATING SYSTEM REPLACEMENT	Approved FY20 CIP for FY21-25	0	0	8,967,500	8,967,500	0	0	0	0	17,935,000
		Mayor's Proposed FY21 CIP Change	0	0	0	(8,967,500)	0	0	0	0	(8,967,500)
		Available Balances	12,075,524	12,075,524	0	0	0	0	0	0	0
CGN08C Total			12,075,524	12,075,524	8,967,500	0	0	0	0	0	8,967,500
CR001C	MASTER EQUIPMENT LEASE - FL CORRECTION	Available Balances	350,000	350,000	0	0	0	0	0	0	0
CR001C Total			350,000	350,000	0	0	0	0	0	0	0
CR002C	RENOVATION OF CELL DOORS AND MOTORS	Available Balances	5	0	0	0	0	0	0	0	0
CR002C Total			5	0	0	0	0	0	0	0	0
CR003C	UPGRADE FIRE ALARM AND SPRINKLER SYSTEM	Available Balances	61,757	0	0	0	0	0	0	0	0
CR003C Total			61,757	0	0	0	0	0	0	0	0
CR004C	UPGRD CNTRL SECURITY COMD CT	Available Balances	150,969	69,998	0	0	0	0	0	0	0
CR004C Total			150,969	69,998	0	0	0	0	0	0	0
CR006C	RENOVATION OF DC JAIL SALLYPORT	Available Balances	2	0	0	0	0	0	0	0	0
CR006C Total			2	0	0	0	0	0	0	0	0
CR007C	INMATE PROCESSING CENTER	Available Balances	37,937	0	0	0	0	0	0	0	0
CR007C Total			37,937	0	0	0	0	0	0	0	0

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
CR104C	HVAC REPLACEMENT FOR CDF	Approved FY20 CIP for FY21-25	0	0	3,060,000	1,800,000	0	0	0	0	4,860,000
		Mayor's Proposed FY21 CIP Change	0	0	(60,000)	200,000	0	0	0	0	140,000
		Available Balances	5,629,627	5,149,305	0	0	0	0	0	0	0
CR104C Total			5,629,627	5,149,305	3,000,000	2,000,000	0	0	0	0	5,000,000
CRB01C	NEW CORRECTIONAL FACILITY FOR (CDT) AND	Approved FY20 CIP for FY21-25	0	0	0	0	0	0	5,000,000	0	5,000,000
		Mayor's Proposed FY21 CIP Change	0	0	0	0	0	0	(5,000,000)	0	(5,000,000)
		Available Balances	0	0	0	0	0	0	0	0	0
CRB01C Total			0	0	0	0	0	0	0	0	0
CRBNJC	NEW REHABILITATION FACILITY	Mayor's Proposed FY21 CIP Change	0	0	0	0	0	0	5,000,000	0	5,000,000
CRBNJC Total			0	0	0	0	0	0	5,000,000	0	5,000,000
FL4FLC	SUICIDE RISK MITIGATION	Available Balances	123,624	123,624	0	0	0	0	0	0	0
FL4FLC Total			123,624	123,624	0	0	0	0	0	0	0
MA203C	EXTERIOR STRUCTURAL FINISHING	Approved FY20 CIP for FY21-25	0	0	4,000,000	2,000,000	0	0	0	0	6,000,000
		Available Balances	3,965,800	3,965,800	0	0	0	0	0	0	0
MA203C Total			3,965,800	3,965,800	4,000,000	2,000,000	0	0	0	0	6,000,000
MA220C	EMERGENCY POWER SYSTEM UPGRADES	Approved FY20 CIP for FY21-25	0	0	3,000,000	2,000,000	2,000,000	0	0	0	7,000,000
		Mayor's Proposed FY21 CIP Change	0	0	0	0	(1,000,000)	0	0	0	(1,000,000)
		Available Balances	5,396,998	5,229,620	0	0	0	0	0	0	0
		Committee's FY21 Recommendation	(750,000)	(750,000)	0	0	0	0	0	0	0
MA220C Total			4,646,998	4,479,620	3,000,000	2,000,000	1,000,000	0	0	0	6,000,000
MA223C	STAFF AND VISITORS ENTRANCE RECONFIGURAT	Available Balances	6	0	0	0	0	0	0	0	0
MA223C Total			6	0	0	0	0	0	0	0	0
N7001C	INFRASTRUCTURE SYSTEM UPGRADE - DOC	Available Balances	8,396,918	3,517,021	0	0	0	0	0	0	0
N7001C Total			8,396,918	3,517,021	0	0	0	0	0	0	0
FL0 Total			44,176,046	37,877,864	24,967,500	12,000,000	7,000,000	2,000,000	7,000,000	0	52,967,500
DEPARTMENT OF FORENSIC SCIENCES (FR0)											
FR0 DCI16C	DFS CAPITAL IMPROVEMENT PROGRAM	Available Balances	419	419	0	0	0	0	0	0	0
DCI16C Total			419	419	0	0	0	0	0	0	0
DCI19C	CAPITAL AND I.T. EQUIPMENT - DFS	Mayor's Proposed FY21 CIP Change	0	0	597,000	0	0	0	0	0	597,000
		Available Balances	272,138	129,369	0	0	0	0	0	0	0

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
DCI19C Total			272,138	129,369	597,000	0	0	0	0	0	597,000
DIG19C	FORENSIC EVIDENCE DIGITAL STORAGE	Mayor's Proposed FY21 CIP Change	0	0	2,000,000	0	0	0	0	0	2,000,000
		Available Balances	2,002,986	1,587,596	0	0	0	0	0	0	0
DIG19C Total			2,002,986	1,587,596	2,000,000	0	0	0	0	0	2,000,000
FLE19C	CRIME SCENE SPECIALIZATION VEHICLES	Mayor's Proposed FY21 CIP Change	0	0	92,000	74,000	31,000	96,000	89,000	104,000	486,000
		Available Balances	265,171	265,171	0	0	0	0	0	0	0
FLE19C Total			265,171	265,171	92,000	74,000	31,000	96,000	89,000	104,000	486,000
FR019C	CAPITAL RENOVATIONS - DFS	Mayor's Proposed FY21 CIP Change	0	0	250,000	0	0	0	0	0	250,000
		Available Balances	97,172	97,172	0	0	0	0	0	0	0
FR019C Total			97,172	97,172	250,000	0	0	0	0	0	250,000
HDW02C	LABORATORY & HOSPITAL EQUIPMENT - DFS	Mayor's Proposed FY21 CIP Change	0	0	1,967,000	2,549,000	922,000	680,000	913,000	658,000	7,689,000
		Available Balances	82,341	35,404	0	0	0	0	0	0	0
HDW02C Total			82,341	35,404	1,967,000	2,549,000	922,000	680,000	913,000	658,000	7,689,000
LIM01C	DFS LABORATORY INFORMATION MANAGEMENT SY	Available Balances	21,882	0	0	0	0	0	0	0	0
LIM01C Total			21,882	0	0	0	0	0	0	0	0
LIM20C	DFS LABORATORY INFORMATION MANAGEMENT SY	Available Balances	3,637,238	3,360,359	0	0	0	0	0	0	0
LIM20C Total			3,637,238	3,360,359	0	0	0	0	0	0	0
VEM21C	VEHICLE ELEVATOR MODERNIZATION	Mayor's Proposed FY21 CIP Change	0	0	30,000	270,000	0	0	0	0	300,000
VEM21C Total			0	0	30,000	270,000	0	0	0	0	300,000
FR0 Total			6,379,346	5,475,490	4,936,000	2,893,000	953,000	776,000	1,002,000	762,000	11,322,000
OFFICE OF THE CHIEF MEDICAL EXAMINER (FX0)											
FX0 AA416C	RENOVATION OF HVAC SYSTEM	Available Balances	1	0	0	0	0	0	0	0	0
AA416C Total			1	0	0	0	0	0	0	0	0
AA517C	RENOVATION OF MORTUARY, PHOTOGRAPHIC AND	Available Balances	175	0	0	0	0	0	0	0	0
AA517C Total			175	0	0	0	0	0	0	0	0
FX0FRC	OCME FACILITY RENOVATION AT THE CFL	Mayor's Proposed FY21 CIP Change	0	0	500,000	0	0	0	0	0	500,000
		Available Balances	1,440,928	1,377,200	0	0	0	0	0	0	0
FX0FRC Total			1,440,928	1,377,200	500,000	0	0	0	0	0	500,000
FX0VRC	OCME VEHICLE REPLACEMENT PROGRAM	Available Balances	23,921	23,921	0	0	0	0	0	0	0

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
FX0VRC Total			23,921	23,921	0	0	0	0	0	0	0
FXEERC	EQUIPMENT REPLACEMENT AT THE CFL	Mayor's Proposed FY21 CIP Change	0	0	1,530,000	784,000	268,000	0	0	0	2,582,000
		Available Balances	1,902,983	1,391,979	0	0	0	0	0	0	0
FXEERC Total			1,902,983	1,391,979	1,530,000	784,000	268,000	0	0	0	2,582,000
VRPVRC	OCME VEHICLE REPLACEMENT PROGRAM	Available Balances	100,000	100,000	0	0	0	0	0	0	0
VRPVRC Total			100,000	100,000	0	0	0	0	0	0	0
FX0 Total			3,468,008	2,893,100	2,030,000	784,000	268,000	0	0	0	3,082,000
D.C. SENTENCING COMMISSION (FZ0)											
FZ038C	IT UPGRADE - DC LJIS INTEGRATION	Available Balances	472,566	97,771	0	0	0	0	0	0	0
FZ038C Total			472,566	97,771	0	0	0	0	0	0	0
FZ0 Total			472,566	97,771	0	0	0	0	0	0	0
OFFICE OF UNIFIED COMMUNICATIONS (UC0)											
AFC02C	IT HARDWARE 911/311 SYSTEMS	Approved FY20 CIP for FY21-25	0	0	600,000	2,621,000	0	0	0	0	3,221,000
		Mayor's Proposed FY21 CIP Change	0	0	0	(1,121,000)	0	2,245,000	167,000	0	1,291,000
		Available Balances	728,610	298,348	0	0	0	0	0	0	0
AFC02C Total			728,610	298,348	600,000	1,500,000	0	2,245,000	167,000	0	4,512,000
CERCEC	UCC ELECTRICAL RECONFIGURATION	Available Balances	7,703,645	7,241,477	0	0	0	0	0	0	0
CERCEC Total			7,703,645	7,241,477	0	0	0	0	0	0	0
DCCUCC	911/311 DISPATCH CONSOLES	Available Balances	662,985	246,879	0	0	0	0	0	0	0
DCCUCC Total			662,985	246,879	0	0	0	0	0	0	0
DWB02C	IT SOFTWARE (911/311 APPLICATIONS)	Approved FY20 CIP for FY21-25	0	0	0	0	250,000	750,000	0	0	1,000,000
		Mayor's Proposed FY21 CIP Change	0	0	0	0	(250,000)	1,200,000	0	0	950,000
		Available Balances	1,468,783	775,450	0	0	0	0	0	0	0
DWB02C Total			1,468,783	775,450	0	0	0	1,950,000	0	0	1,950,000
EQ2UCC	CITY-WIDE WIRELESS COMMUNICATION	Available Balances	381,503	0	0	0	0	0	0	0	0
EQ2UCC Total			381,503	0	0	0	0	0	0	0	0
PL403C	UNDERGROUND COMMERCIAL POWER FEED TO UCC	Available Balances	265,272	265,272	0	0	0	0	0	0	0
PL403C Total			265,272	265,272	0	0	0	0	0	0	0
UC2TDC	IT AND COMMUNICATIONS UPGRADES	Mayor's Proposed FY21 CIP Change	0	0	3,500,000	1,500,000	450,000	0	0	1,515,000	6,965,000

Project No.	Project Title	Allotment Scenario	Unspent Allotment (5-16-20)	Available Allotment (5-16-20)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-Year Total
		Available Balances	455,535	398,624	0	0	0	0	0	0	0
UC2TDC Total			455,535	398,624	3,500,000	1,500,000	450,000	0	0	1,515,000	6,965,000
UC302C	MDC REPLACEMENT FOR MPD & FEMS	Mayor's Proposed FY21 CIP Change	0	0	1,915,000	0	0	6,915,000	0	0	8,830,000
		Available Balances	7,969,413	7,920,238	0	0	0	0	0	0	0
UC302C Total			7,969,413	7,920,238	1,915,000	0	0	6,915,000	0	0	8,830,000
UC303C	MPD/ FEMS RADIO REPLACEMENT	Approved FY20 CIP for FY21-25	0	0	10,200,000	4,493,000	0	0	0	0	14,693,000
		Mayor's Proposed FY21 CIP Change	0	0	5,435,587	7,337,262	4,567,487	0	6,003,209	3,487,381	26,830,926
UC303C Total			0	0	15,635,587	11,830,262	4,567,487	0	6,003,209	3,487,381	41,523,926
UC304C	911/311 RADIO CRITICAL INFRASTRUCTURE	Approved FY20 CIP for FY21-25	0	0	3,600,000	500,000	0	0	0	0	4,100,000
		Available Balances	8,483,561	7,100,620	0	0	0	0	0	0	0
UC304C Total			8,483,561	7,100,620	3,600,000	500,000	0	0	0	0	4,100,000
UC0 Total			28,119,307	24,246,909	25,250,587	15,330,262	5,017,487	11,110,000	6,170,209	5,002,381	67,880,926
OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT (NS0)											
NEW09C	RENOVATION AND MODERNIZATION OF ONSE BLDG	Committee's FY21 Recommendation	0	0	750,000	0	0	0	0	0	750,000
NEW09C Total			0	0	750,000	0	0	0	0	0	750,000
NS0 Total			0	0	750,000	0	0	0	0	0	750,000
Grand Total			170,034,193	120,773,752	117,613,993	94,581,119	50,373,522	38,080,595	33,619,085	27,566,626	361,834,939

E. TRANSFERS IN FROM OTHER COMMITTEES TABLE

<i>Sending Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving Agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Program/Activity</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
<i>Committee on Education</i>	\$115,090	1	Board of Ethics & Government Accountability	\$115,090	1	1000/1100	Enhancement for Office of Open Government FTE to fund Education Cmte subtitle	Recurring
<i>Committee on Facilities & Procurement</i>	\$200,000	0	Office of the Attorney General	\$200,000	0	9300/9301	Enhancement for Cure the Streets violence intervention programming	Recurring
	\$300,000	0	Office of Victim Services & Justice Grants	\$300,000	0	2000/2010	Enhancement for community-based reentry grants, intended to expand the number of organizations receiving assistance	One-time
<i>Committee on Labor & Workforce Development</i>	\$127,986	1	Office of the Attorney General	\$127,986	1	5400/5406	Enhancement for 1 FTE (Wage Theft Attorney)	Recurring

F. TRANSFERS OUT TO OTHER COMMITTEES TABLE

Receiving Committee	Amount	FTEs	Receiving Agency	Amount	FTEs	Program / Activity / Project	Purpose	Operating (Recurring/ One-Time) or Capital
Committee of the Whole	\$10,300	0	Department of Consumer & Regulatory Affairs	\$10,300	0	1000/1040	Fund the IT fiscal impact of B23-48, the "Housing Conversion and Eviction Clarification Amendment Act of 2020"	One-time operating
Committee on Business & Economic Development	\$130,869	0	Department of Small & Local Business Development	\$130,869	0	4000/4040	Enhancement for new Eastern Market Main Street Clean Team	Recurring operating
Committee on Government Operations	\$106,363	1	Office on Human Rights	\$106,363	1	2000/2070	Enhancement for 1 FTE to facilitate hate crimes education and response efforts	Recurring operating
Committee on Facilities & Procurement	\$150,000	0	Office on Returning Citizen Affairs	\$150,000	0	5000/5008	Restore funding for the paralegal training program for returning citizens	Recurring operating
Committee on Housing & Neighborhood Revitalization	\$250,000	0	Department of Housing & Community Development	\$250,000	0	2000/2025	Enhancement for Housing Preservation Fund	One-time operating
	\$10,000	0		\$10,000	0	8100/8110	Fund the contractual services fiscal impact of B23-48, the "Housing Conversion and Eviction Clarification Amendment Act of 2020"	Recurring operating
Committee on Human Services	\$250,000	0	Department of Human Services	\$250,000	0	5000/5014	Enhancement for Emergency Rental Assistance Fund	One-time operating
Committee on Labor & Workforce Development	\$150,000	0	Department of Human Resources	\$150,000	0	4500/4520	Enhancement for survey of transgender government employees' workplace experiences and District government hiring and recruitment practices	One-time operating
Committee on Recreation & Youth Affairs	\$1,000,000	N/A	Department of Parks & Recreation	\$1,000,000	N/A	New Project No. NEW03C (King-Greenleaf Rec Improvements)	Fund maintenance and modernization of the King-Greenleaf Recreation Center	Capital in FY21
	\$1,000,000			\$1,000,000		New Project No. NEW04C (Kennedy Rec Improvements)	Fund maintenance and modernization of the Kennedy Recreation Center	Capital in FY21
	\$1,500,000			\$1,500,000		New Project No. NEW05C (Watkins ES Playground)	Fund maintenance and modernization of the playground at Watkins Elementary School	Capital in FY22
	\$500,000			\$500,000		Project No. QN702C (Athletic Field and Park Improvements)	Fund improvements to Garfield Park	Capital in FY21
	\$250,000			\$250,000		Project No. QE834C (Small Park Improvements)	Fund improvements to the 8th & Mass. Ave NE/Constitution Pocket Park	Capital in FY21

<i>Receiving Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving Agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Program / Activity / Project</i>	<i>Purpose</i>	<i>Operating (Recurring/ One-Time) or Capital</i>
<i>Committee on Transportation & the Environment</i>	\$93,000	1	Department of Energy & Environment	\$93,000	1	2000/2080	Fund the FTE costs for 1 Investigator for the fiscal impact of B23-34, the "Ivory and Horn Trafficking Prohibition Act of 2020"	Recurring operating
	\$97,246	1	Department of Transportation	\$97,246	1	PSYS/1300	Fund the FTE costs for the fiscal impact of B23-148, the "Transportation Benefits Equity Amendment Act of 2020"	Recurring operating

DRAFT

G. REVENUE ADJUSTMENTS TABLE

<i>Agency</i>	<i>Fund Type</i>	<i>Amount</i>	<i>Use</i>	<i>BSA Subtitle</i>
N/A	N/A	N/A	N/A	N/A

DRAFT

H. BUDGET SUPPORT ACT SUBTITLE FUNDING TABLE

Subtitle	Agency	Attributes	Amount	FTEs
“Criminal Code Reform Commission Amendment Act of 2020”	Criminal Code Reform Commission	<ul style="list-style-type: none"> • CSG 11/Program 1000/Activity 1001: \$557,802 (salary for 5 FTEs) • CSG 14/Program 1000/Activity 1001: \$108,214 (associated fringe for 5 FTEs) • CSG 31/Program 1000/Activity 1001: \$6,000 (associated NPS) • CSG 40/Program 1000/Activity 1001: \$41,000 (associated NPS) 	\$713,016 (recurring)	5
“Litigation Support Fund and Grant-Making Authority Amendment Act of 2020”	Office of Victim Services & Justice Grants	<ul style="list-style-type: none"> • CSG 50/Program 4000/Activity 4010: \$500,000 (first \$500,000 deposited into the Litigation Support Fund in FY21) 	\$500,000 (one-time)	0
“Restorative Justice Collaborative Amendment Act of 2020”	Office of Neighborhood Safety & Engagement	<ul style="list-style-type: none"> • CSG 11/Program NEW/Activity NEW: \$204,236 (salary for 4 FTEs) • CSG 14/Program NEW/Activity NEW: \$45,136 (associated fringe for 4 FTEs) • CSG 11/Program NEW/Activity NEW: \$126,000 (salary for 1 FTE) • CSG 14/Program NEW/Activity NEW: \$27,846 (associated fringe for 1 FTE) 	\$403,218 (recurring)	5
“Subject-to-Appropriations Amendment Act of 2020”	N/A	See table in subtitle chapter	See table in subtitle chapter	See table in subtitle chapter

I. FUNDING OF BILLS PREVIOUSLY PASSED SUBJECT TO APPROPRIATIONS TABLE

<i>Bill/Law Number</i>	<i>Section</i>	<i>Agency</i>	<i>Program/Activity</i>	<i>Amount</i>	<i>FTEs</i>	<i>Notes</i>
B23-31/A23-301 (Leave to Vote Amendment Act of 2020)	3	Board of Elections	1000/1060	\$60,000	1	This funding has been identified by the Committee.
B23-34/A23-302 (Ivory and Horn Trafficking Prohibition Act of 2020)	6	Department of Energy & Environment	2000/2080	\$93,000	1	This funding has been identified by the Committee, and the DOEE costs have been transferred to the Committee on Transportation & the Environment.
		Department of Forensic Sciences	2020/2020	\$50,000	0	
B23-48/L23-72 (Housing Conversion and Eviction Clarification Amendment Act of 2020)	5	Department of Consumer & Regulatory Affairs	1000/1040	\$10,300	0	This funding has been identified by the Committee; the DCRA costs have been transferred to the Committee of the Whole, and the DHCD costs to the Committee on Housing & Neighborhood Revitalization.
		Department of Housing & Community Development	8100/8110	\$10,000	0	
B23-148 /A23-305 (Transportation Benefits Equity Amendment Act of 2020)	3	Department of Transportation	PSYS/1300	\$97,246	1	This funding has been identified by the Committee and transferred to the Committee on Transportation & the Environment.

II. FISCAL YEAR 2020 REVISED LOCAL BUDGET EMERGENCY ACT AND FISCAL YEAR 2021 LOCAL BUDGET ACT AND FEDERAL PORTION BUDGET REQUEST ACT RECOMMENDATIONS

On May 18, 2020, Chairman Phil Mendelson introduced, on behalf of Mayor Muriel Bowser, [B23-0763](#), the “Fiscal Year 2021 Revised Local Budget Emergency Act of 2020”; [B23-0761](#), the “Fiscal Year 2021 Local Budget Act of 2020”; and [B23-0762](#), the “Fiscal Year 2021 Federal Portion Budget Request Act of 2020”. The Committee makes the following recommendations on these measures, in addition to the budget recommendations found in the Committee’s charts:

“Fiscal Year 2020 Revised Local Budget Emergency Act of 2020”

1. The Committee recommends that the Committee of the Whole carry forward – from FY20 to FY21 – the following amounts:
 - a. In Program 4000 (Child Support Services Division), Activity 4105 (Policy, Training, & Administrative Affairs), of the operating budget of the Office of the Attorney General for the completion of the contract economist’s analysis of the District’s child support guidelines: \$19,348 in CSG 40. This amount should be loaded in the same program and activity in FY21;
 - b. In Program 1000 (Settlement and Judgments), Activity 1100 (Settlement and Judgments), of the operating budget of the Settlements & Judgments Fund, \$871,993 in CSG 40. The Committee relied upon this reduction in balancing its budget; and
 - c. In Program 3000 (Fair Elections Fund), Activity 3010 (Fair Elections Fund), of the operating budget of the Office of Campaign Finance from the Fair Elections Fund: \$400,000 in CSG 50. The Committee relied upon this reduction in balancing its budget.

“Fiscal Year 2021 Local Budget Act of 2020”

The Committee recommends that the Committee of the Whole:

1. Identify funds to support the increased Department of Youth Rehabilitation Services Credible Messenger costs associated with expanding the Office of Neighborhood Safety and Engagement’s Pathways Program from two to four cohorts in FY21;

2. Further enhance the Committee's increase to the Office of Neighborhood Safety and Engagement's violence interruption contracts to expand neighborhoods served and deepen staffing in existing neighborhoods;
3. Identify up to \$1M for the Deputy Mayor for Public Safety and Justice to partner with the Department of Youth Rehabilitation Services to create a pilot program at New Beginnings for District youth in need of respite and support; and
4. Enhance funding and add 6 FTEs in the Equal Justice Program at the Office of Human Rights to right-size staffing, expand the agency's capacity, and reduce case backlogs.

DRAFT

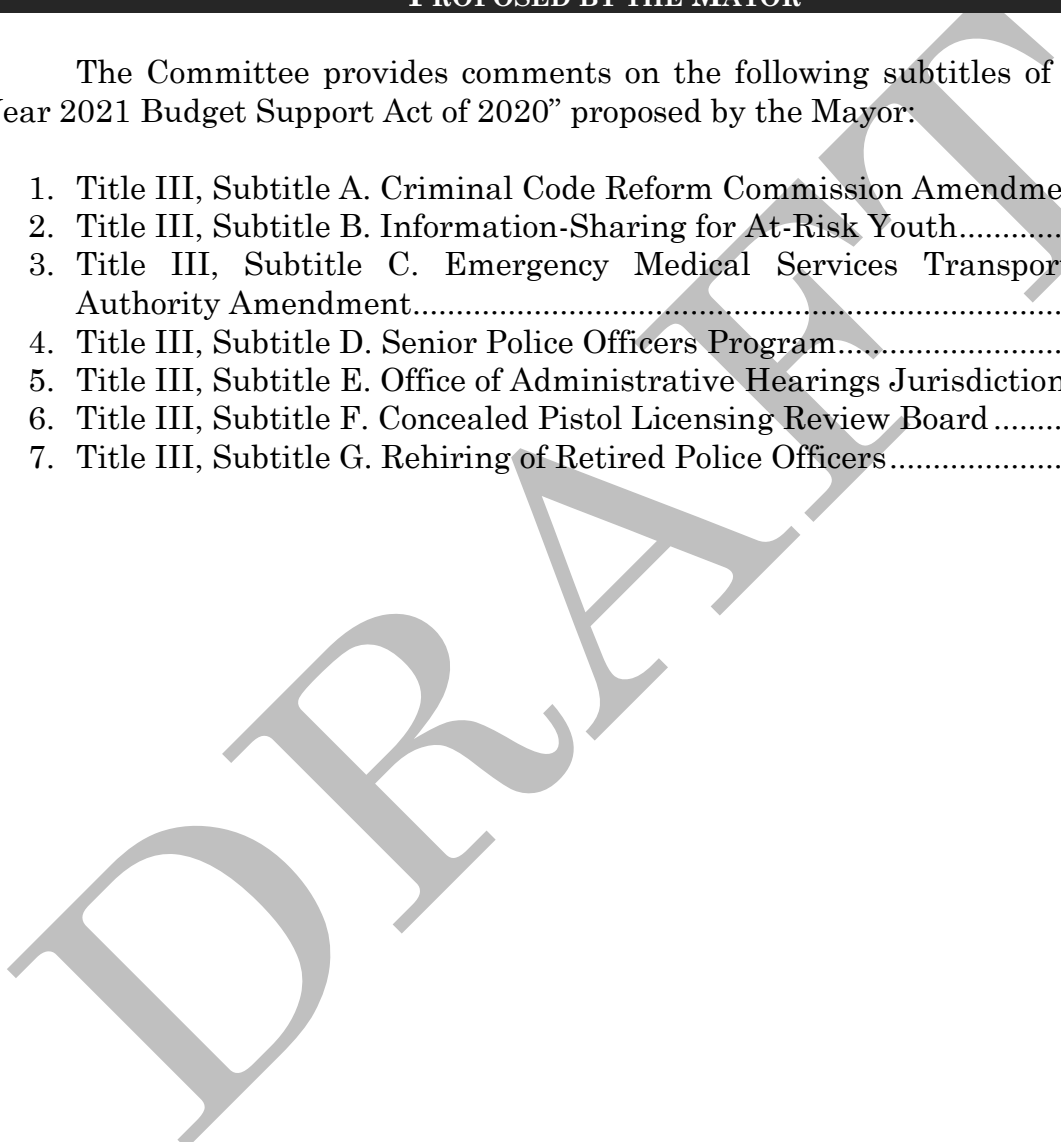
III. FISCAL YEAR 2021 BUDGET SUPPORT ACT RECOMMENDATIONS

On May 18, 2020, Chairman Mendelson introduced, on behalf of the Mayor, [B23-0760](#), the “Fiscal Year 2021 Budget Support Act of 2020”. The bill contains seven subtitles on which the Committee has provided comments.

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

The Committee provides comments on the following subtitles of the “Fiscal Year 2021 Budget Support Act of 2020” proposed by the Mayor:

- 1. Title III, Subtitle A. Criminal Code Reform Commission Amendment..... X
- 2. Title III, Subtitle B. Information-Sharing for At-Risk Youth..... X
- 3. Title III, Subtitle C. Emergency Medical Services Transport Contract Authority Amendment..... X
- 4. Title III, Subtitle D. Senior Police Officers Program..... X
- 5. Title III, Subtitle E. Office of Administrative Hearings Jurisdiction X
- 6. Title III, Subtitle F. Concealed Pistol Licensing Review Board X
- 7. Title III, Subtitle G. Rehiring of Retired Police Officers X



1. TITLE III, SUBTITLE A. CRIMINAL CODE REFORM COMMISSION AMENDMENT

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

As introduced, this subtitle amends the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), to extend the date by which the Criminal Code Reform Commission (“CCRC”) must submit its comprehensive criminal code reform recommendations to the Mayor and Council from September 30, 2020 to March 31, 2021. The subtitle also extends the CCRC’s sunset date from October 1, 2020 to April 1, 2021 in accordance with the one-half year funding proposed by the Mayor for the CCRC in the FY21 budget.

b. **Committee Reasoning**

The CCRC’s mission is to prepare comprehensive recommendations for the Council and Mayor on how to revise the District’s criminal laws to be clear, consistent, and proportionate. CCRC is an independent agency that began operation on October 1, 2016. Prior to that date, its work was performed by the Criminal Code Revision Project within the District of Columbia Sentencing Commission. Under current District law, the Commission must submit its comprehensive criminal code reform recommendations to the Council and Mayor by September 30, 2020.⁶ The CCRC’s enabling statute and, therefore, the CCRC itself, is set to expire on October 1, 2020.⁷ Both the submission date for its criminal code reform recommendations and the CCRC’s sunset date have been extended in subtitles within prior budget support acts. Most recently, the Fiscal Year 2020 Budget Support Act of 2019, effective October 30, 2019 (D.C. Law 23-16), extended the submission date for the CCRC’s recommendations from September 30, 2019 to September 30, 2020 and extended the CCRC’s sunset date from October 1, 2019 to October 1, 2020.

Extending the CCRC’s Report Submission Date and Sunset Date

The CCRC submitted its first report to the Council and Mayor on May 5, 2017.⁸ A complete list of the reports issued by the CCRC since its inception is available on

⁶ D.C. Official Code § 3-152(a).

⁷ D.C. Official Code § 3-156.

⁸ District of Columbia Criminal Code Reform Commission, *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes* (May 5, 2017), <https://lms.dccouncil.us/downloads/LIMS/38043/Introduction/RC22-0053-Introduction.pdf>.

its website.⁹ The most recent compilation of draft criminal code recommendations was published on May 18, 2020.¹⁰

During the agency's FY21 performance oversight hearing, Executive Director Richard Schmechel identified what the agency would be able to accomplish were its sunset date extended through FY21:

“By this September, the CCRC expects to issue draft recommendations to crimes that, cumulatively, have accounted for over 85% of all adult convictions in recent years. If the agency's mandate is extended half-way through FY21 and work proceeded on schedule, that number would go to over 96%. This is in addition to the many new criminal provisions and codification of certain general defenses that the CCRC will be recommending. Details of the particular crimes the agency would target for revision are provided in the Agency Work Plan and Schedule, provided to the Committee as part of its responses to pre-hearing questions. With extension through FY21, reform recommendations for nearly all crimes in current use could be prepared.”¹¹

Based on Director Schmechel's testimony, the Committee supports the Mayor's decision to again extend the CCRC's statutory authorization. The Committee looks forward to receiving the reform recommendations by March 2021 and beginning the process of enacting those recommendations into law.

The Committee, however, also finds persuasive reasons to maintain the CCRC in perpetuity. First, as the Council considers legislation to translate the CCRC's final criminal code reform recommendations into law, the Committee would benefit from the continued availability of CCRC staff to answer questions and respond to feedback related to those recommendations – whether those questions come from members of the public, councilmembers and their staff, or the Executive. The most recent compilation of revised criminal code statutes numbers 187 pages, not including the CCRC's commentary and the advisory group members' written comments.¹² The Committee lacks the capacity to respond to all anticipated questions and feedback

⁹ Criminal Code Reform Commission, *CCRC Documents* (last visited April 21, 2019), <https://ccrc.dc.gov/page/ccrc-documents> (last visited June 11, 2020).

¹⁰ District of Columbia Criminal Code Reform Commission, *Compilation of Draft Revised Criminal Code Statutes To Date* (May 18, 2020), https://ccrc.dc.gov/sites/default/files/dc/sites/ccrc/publication/attachments/Compilation%20of%20Draft%20RCC%20Statutes%20to%20Date%20%28May%2018%202020%29_0.pdf.

¹¹ *Criminal Code Reform Commission: Performance Oversight Hearing before the Committee on the Judiciary & Public Safety* (February 13, 2020) (written testimony of Richard Schmechel, Executive Director, Criminal Code Reform Commission), <https://ccrc.dc.gov/sites/default/files/dc/sites/ccrc/publication/attachments/2020%20CCRC%20Performance%20Oversight%20Hearing%20Testimony.pdf>.

¹² See *Compilation of Draft Revised Criminal Code Statutes To Date*, *supra* note 10.

related to the final criminal code reform recommendations. In contrast, the CCRC – as the entity that drafted initial reform recommendations and explanatory comments, responded to feedback received from the advisory group, and integrated that feedback into its final recommendations – possesses invaluable institutional knowledge regarding its final criminal code reform recommendations and their development. As introduced, this subtitle would only extend the CCRC’s statutory authorization to April 1, 2021, meaning the CCRC would cease operations the day after it submitted its criminal code reform recommendations to the Mayor and Council.

Second, looking beyond the enactment of its final criminal code reform recommendations, the Committee will continue to consider both new substantive criminal laws and amendments to existing laws. The Committee has benefitted greatly from CCRC’s experience through the agency’s testimony on bills related to criminal law¹³, including:

- Bill 23-0409, the “Sexual Orientation and Gender Identity Panic Defense Prohibition Act of 2019”;
- Bill 23-0435, the “Tony Hunter and Bella Evangelista Panic Defense Prohibition Act of 2019”;
- Bill 23-0318, the “Community Safety and Health Amendment Act of 2019”;
- Bill 23-134, the “Community Harassment Prevention Amendment Act of 2019”;
- Bill 22-0877, the “Protecting Immigrants from Extortion Amendment Act of 2018”;
- B22-0472, the “Protection from Sexual Extortion Amendment Act of 2017”; and
- B22-0408, the “Fare Evasion Decriminalization Act of 2017”; and
- B22-0222, the “Sexual Assault Victims’ Rights Amendment Act of 2017”.

The Committee finds that, moving forward, it would continue to benefit from CCRC’s independent review and recommendations on legislation related to the criminal law. Therefore, the Committee has amended this subtitle to remove CCRC’s sunset provision altogether.

Furthermore, the CCRC’s statutory mandate regarding reform recommendations has been limited to substantive criminal law, and did not encompass criminal procedure. Once the work of implementing CCRC’s criminal code reform recommendations is completed, the Committee anticipates that modernizing the criminal procedure of the District will become a greater priority. CCRC has demonstrated its ability to formulate independent recommendations, informed by the perspectives of diverse criminal justice stakeholders, related to the criminal law. The Committee finds that the CCRC would be a helpful resource as it considers reforms to the District’s criminal procedure. Therefore, this subtitle empowers the

¹³ See *CCRC Documents*, *supra* note __, for testimony the CCRC has provided to the Committee on bills related to substantive criminal law.

Commission provide a legal or policy analysis of proposed legislation or best practices concerning criminal offenses, procedures, or reforms – upon request by the Council or on its own initiative.

c. Section-by-Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*) to:

(a) Eliminate the arrival of the Commission’s sunset date as grounds for ending the Executive Director’s term of service.

(b) Amend the section heading, extend the deadline for submission of the Commission’s comprehensive criminal code reform recommendations from September 30, 2020 to March 31, 2021, require that the Commission provide a legal or policy analysis of proposed legislation or best practices concerning criminal offenses, procedures, or reforms upon request by the Council or on its own initiative, and permit the Commission to consult with other District of Columbia, federal, and state agencies, conduct community outreach, perform trainings, and engage in other activities regarding concerning criminal offenses, procedures, or reforms to advance the Commission’s statutory duties.

(c) Specifically limit the Code Revision Advisory Group’s (“Advisory Group”) duties to proposals prepared by the Commission related to the comprehensive criminal code reform recommendations required by § 3-152(a).

(d) Require that the Commission file quarterly reports with the Council that provide a summary of activities during the prior quarter until March 31, 2021, require that the Commission file an annual report with the Council before March 31, 2021, and require that the Commission file an annual report with the Council before March 31, 2022, and annually thereafter.

(e) Repeals the Commission’s sunset date

d. Legislative Recommendations for the Committee of the Whole

Sec. XXX1. Short title.

This subtitle may be cited as the “Criminal Code Reform Commission Amendment Act of 2020”.

Sec. XXX2. The Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), is amended as follows:

(a) Section 3122(c)(1) (D.C. Official Code § 3-151(c)(1)) is amended by striking the phrase “, or until the Commission is dissolved pursuant to section 3127, and” and inserting the phrase “, and” in its place.

(b) Section 3123 (D.C. Official Code § 3-152) is amended as follows:

(1) The section heading is amended to read as follows:

“Sec. 3123. Duties of the Criminal Code Reform Commission.”.

(2) The lead-in language of subsection (a) is amended by striking the phrase “By September 30, 2020” and inserting the phrase “By March 31, 2021” in its place.

(3) Subsection (d) is amended by striking the phrase “provide, upon request by the Council, a legal analysis of proposed legislation concerning criminal offenses, including” and inserting the phrase “provide, upon request by the Council or on its own initiative, a legal or policy analysis of proposed legislation or best practices concerning criminal offenses, procedures, or reforms, including” in its place.

(4) Subsection (e) is amended by striking the phrase “regarding criminal code reform to advance” and inserting the phrase “to advance” in its place.

(c) The lead-in language of section 3124(a) (D.C. Official Code § 3-153(a)) is amended by striking the phrase “section 3123” and inserting the phrase “section 3123(a)” in its place.

(d) Section 3125 (D.C. Official Code § 3-154) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The Commission” and inserting the phrase “Until March 31, 2021, the Commission” in its place.

(2) Subsection (b) is amended by striking the phrase “The Commission shall file an annual report with the Council before March 31 of each year” and inserting the phrase “Before March 31, 2021, the Commission shall file a report with the Council” in its place.

(3) A new subsection (c) is added to read as follows:

“(c) Before March 31, 2022, and annually thereafter, the Commission shall file an annual report with the Council of its activities during the previous calendar year.”.

(e) Section 3127 (D.C. Official Code § 3-156) is repealed.

e. Fiscal Impact

The Mayor's proposed FY21 budget funded the CCRC at approximately one-half its FY20 budget, with the intent that the CCRC work at full capacity – that is, 5 FTEs – until April 1, 2021. Given the Committee's intent to re-establish the Criminal Code Reform Commission as a permanent, independent agency, the Committee is restoring funding to the CCRC for the entirety of FY21 in the amounts specified in Table H.

DRAFT

2. TITLE III, SUBTITLE B. INFORMATION SHARING FOR AT-RISK YOUTH

a. Purpose, Effect, and Impact on Existing Law

As introduced, this subtitle authorizes the Office of the City Administrator to obtain records, data, and information, including personally identifiable information, for the stated purposes of “conducting studies, performing evaluations and quality assessments, conducting improvement and oversight activities, identifying service needs, improving instruction, and evaluating and improving the juvenile justice system’s ability to effectively serve students” of two programs: (1) the Department of Youth Rehabilitation Services’ Violence Prevention and Intervention Program; and (2) the Department of Human Services’ Parent and Adolescent Support Services Program.

To accomplish this, the subtitle seeks to disregard privacy requirements set forth in the following statutes:

- The Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06);
- The Prevention of Child Abuse and Neglect Act of 1977, effective October 18, 1979 (D.C. Law 3-29; D.C. Official Code § 4-1303.06);
- The District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7- 1201.01 et seq.);
- The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4- 754.11(a)(7));
- The District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-209.04);
- The Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-241 et seq.);
- Sections 2331, 2332, and 2333 of Title 16 of the D.C. Official Code; and
- Records described in Chapter 10 of Title 1 of the District of Columbia Municipal Regulations.

The subtitle further requires the Office of the City Administrator to enter into a written agreement with the agency sharing the information describing the process of the information sharing, and also requires the City Administrator to protect the security of this information.

b. Committee Reasoning

The Committee strikes this subtitle. In short, the Mayor's proposed subtitle would permit the disclosure of juvenile personal records. These records contain sensitive personal information that should be the subject of a hearing on permanent legislation, as the Committee has stated in every budget report in which it has stricken this subtitle. Again, if the Executive sends down the bill as standalone legislation, the Committee will move it to a hearing, recognizing the underlying desire to make evidence-based decisions around youth-serving programs (which the Committee fully supports).

DRAFT

3. TITLE III, SUBTITLE C. EMERGENCY MEDICAL SERVICES TRANSPORT CONTRACT AUTHORITY AMENDMENT

a. Purpose, Effect, and Impact on Existing Law

This subtitle would extend the authority of the Fire and Emergency Medical Services Department (“FEMS” or “the Department”) to contract with a third-party provider for basic life support transport. FEMS’ authority to do so is currently set to expire on September 30, 2021, per section 3073 of the Emergency Medical Services Transport Contract Authority Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775). As proposed, the subtitle would have repealed the sunset, thereby allowing the Department to contract with American Medical Response in perpetuity.

This revised by the Committee, the subtitle will extend the Department’s authority to contract for only two years, through September 30, 2023. The District’s current contract requirements mandate that the third-party provider deliver basic life support (“BLS”) emergency ambulance service eighteen hours per day, between 7:00 a.m. to 1:00 a.m., 365 days per year. FEMS remains the designated first responder for all 9-1-1 emergency medical incidents within the District and performs the initial triage and assessment of all patients, and also provides ambulance transport for higher priority Advance Life Support (“ALS”) calls. FEMS additionally transports some categories of BLS patients, including when third-party resources run low. These basic tenets of the contracting authority will not change.

b. Committee Reasoning

When the Committee first granted FEMS the authority to contract with a third-party, the Department was experiencing critical shortfalls and fundamental challenges with responding to calls for service. The District faces a unique problem in that the population is the 27th highest in the country, while the 9-1-1 call volume is the seventh highest. This means that the District has the highest per capita emergency medical service (“EMS”) call volume in the country. As a result, the Department’s call volume far outpaced the Department’s resources and capability to respond, which put critical patients at risk. FEMS maintains its belief that if it had not acted immediately to obtain and deploy supplemental ambulances during FY16, the EMS system would have experienced sustained “capacity failure”, resulting in days or weeks of EMS service levels being unable to consistently meet call volume demand, especially during the summer months. The goal of the contract was to stabilize the Department and to improve unit availability, response times, vehicle maintenance and repair, training for providers, and patient care.

The Committee has seen the Department take serious steps to shift the culture in the District related to the use of emergency medical services. On April 19, 2018,

the Department launched the Right Care, Right Now Nurse Triage Line (“NTL”). The goal of the NTL is to improve patients’ health outcomes and to preserve critical FEMS resources for patients with life threatening injuries and illnesses. The program also aims to free up beds in the District’s crowded emergency rooms. Under the NTL, individuals who call 9-1-1 may be transferred to a nurse if they call in with non-emergent injuries or illnesses. The nurse then asks the caller questions and talks through the symptoms the caller is experiencing to determine what type of care is needed. The aim is to divert the caller to a community care clinic or urgent care clinic in the caller’s neighborhood, or to self-care. Medicaid and DC Healthcare Alliance enrollees are provided with free transportation to and from the clinic. The registered nurses hired through AMR are located at the Office of Unified Communications. The NTL has been especially beneficial during the COVID-19 Public Health Emergency. FEMS reported that, “from March 1 through June 15, over 11% of EMS calls (5,301 of 46,915) were sent to the nurse for further screening to determine if transport to an emergency room was appropriate. The Department diverted 2,628 patients to neighborhood clinics or self-care, or 5.6% of all EMS calls, during the same period.”

The Committee has also observed the Department taking steps to replace its aging apparatus, especially its fleet of ambulances. FEMS’ frontline fleet of ambulances consists of 43 vehicles, its Special Event fleet consists of 20 vehicles, and its reserve fleet includes 14 equipped “ready reserve” vehicles. The Department informed the Committee that this represents a full fleet of reserve ambulances. In FY20, the Department invested \$3.5 million in operating dollars to procure 4 new ambulance units and hire an additional 45 firefighter paramedics or emergency medical technicians. These new units provided service in Wards 7 and 8, recognizing the needs that exist in areas previously overwhelmed by a lack of adequate coverage. A table of the Department’s current fleet can be found below.

Table 1: FEMS Fleet Status Report as of 6/3/2020

<i>UNIT TYPE</i>	<i>TOTAL AVAILABLE</i>	<i>IN SERVICE</i>	<i>FRONTLINE</i>	<i>RESERVES</i>
Engines	45	38	33	7
Trucks	17	16	16	1
Squads/HMU	5	5	5	0
Transports	64	50	43	14

These are incredible improvements; however, the Committee does not believe the Department’s EMS capabilities are strong enough yet to operate without the third-party contract. With continued authority to contract with AMR, the Department can continue to focus on reforming its EMS system incrementally as well as changing the culture in the District surrounding use and misuse of EMS resources. At the same time, the Committee does not support the permanent privatization of the

service, as proposed by the Mayor, and certainly not without a hearing on permanent legislation.

c. Section-by-Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends Section 3073 of the Emergency Medical Services Transport Contract Authority Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21 -160; 63 DCR 10775), to extend the authority of the Department to contract with a third-party provider for two more years past the current sunset date.

d. Legislative Recommendations for the Committee of the Whole

Sec. XXX1. Short title.

This subtitle may be cited as the “Emergency Medical Services Transport Contract Authority Amendment Act of 2020”.

Sec. XXX2. Section 3073 of the Emergency Medical Services Transport Contract Authority Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; 63 DCR 10775), is amended by striking the phrase “September 30, 2021” and inserting the phrase “September 30, 2023” in its place.

e. Fiscal Impact

The fiscal impact of the subtitle was incorporated into the FY21 budget and financial plan.

4. TITLE III, SUBTITLE D. SENIOR POLICE OFFICERS PROGRAM

a. Purpose, Effect, and Impact on Existing Law

Under current law, the Chief of Police of the Metropolitan Police Department (“MPD”) may rehire retired officers as fully-sworn part-time or full-time temporary officers without jeopardizing the officers’ retirement benefits.¹⁴ Generally, an officer rehired by the Chief under this authority “shall be paid a salary of no more than that equal to the salary paid a Class 1, Step 5 Officer and shall not be eligible for longevity pay.”¹⁵

Between the years of 2015 and 2017, MPD experienced increased rates of sworn personnel attrition due to an unprecedented number of officers reaching retirement eligibility from 2015 to 2017. 21% of sworn personnel reached retirement eligibility in 2015, and another 30% were eligible for retirement in 2017. These officers had largely been hired in large numbers – more than 1,000 – in 1989 and 1990.¹⁶

The Senior Police Officer Program (“Program”) was created by the Committee in FY16 to allow retired detectives (Grade 1) and sergeants to be rehired and paid at higher rates than was originally authorized for retired officers.¹⁷ Specifically, the amendment to the Chief’s rehiring authority allowed rehired detectives and sergeants to be paid at the following pay grades:

- a. Class 3 (Detective Grade 1): Step 4; and
- b. Class 4 (Sergeant): Step 3.

This authority to pay rehired detectives and sergeants an increased salary is referred to as “expanded pay authority” and was originally set to expire on October 12, 2019, after which time any rehired officer would be paid at the lower Class 1, Step 5, level.

In 2018, the Committee amended the Program to advance the sunset provision for the expanded pay authority from October 12, 2019 to October 1, 2019 to align with

¹⁴ D.C. Official Code § 5-761(a).

¹⁵ D.C. Official Code § 5-761(d).

¹⁶ Committee on the Judiciary, *Committee Report for B21-0724, the “Omnibus Public Safety and Justice Amendment Act of 2016”*, 7 (Nov. 9, 2016), https://lims.dccouncil.us/downloads/LIMS/35725/Committee_Report/B21-0724-CommitteeReport1.pdf.

¹⁷ See Section 3 of the Omnibus Public Safety and Justice Amendment Act of 2016, effective April 22, 2017 (D.C. Law 21-280), https://lims.dccouncil.us/downloads/LIMS/35725/Signed_Act/B21-0724-SignedAct.pdf. For the emergency version of this measure, see the “Senior Law Enforcement Officer Emergency Act of 2016”, effective October 12, 2016 (D.C. Law 21-501), https://lims.dccouncil.us/downloads/LIMS/36360/Signed_Act/B21-0852-SignedAct.pdf.

the beginning of the fiscal year.¹⁸ The Committee also expanded the Program to allow any retired detectives or sergeants rehired before October 1, 2019 to be paid at the higher salaries for up to three years from the date they were rehired.

Last year, the Committee further amended the program to extend the hiring window one year to October 1, 2020, and to provide an additional two years of expanded pay authority (five, instead of three) for those hired prior to October 1, 2020.¹⁹

As proposed, this subtitle would extend the hiring window by three years – from its current sunset date of October 1, 2020 to a new sunset date of October 1, 2023. The subtitle does not change the current five-year window for expanded pay authority. Thus, under the subtitle – as proposed, a retired detective or sergeant rehired before October 1, 2023 would remain eligible for the expanded pay authority until October 1, 2028.

b. Committee Reasoning

As of June 18, 2020, MPD was employing 236 rehired officers, organized by rank below in Table 1.

Table 1: Currently Redeployed Senior Police Officers

Rank	#
Senior Police Officers	162
<i>Senior Sergeants</i>	57
<i>Senior Detectives, Grade 1</i>	17
Total	236

A total of 338 retired police officers have been rehired by MPD through the Program. Table 2, below, shows the fiscal year in which retired officers were rehired – by rank – from FY16 to FY20. In FY20, to date, MPD has rehired 28 retired officers – 20 as senior police officers and 8 as sergeants. MPD did not rehire a retired officer at the detective rank in FY19, nor has it rehired a detective in FY20, to date.

¹⁸ See Title III, Subtitle B, of the Fiscal Year 2019 Budget Support Act of 2018, effective October 30, 2018 (D.C. Law 22-168), <https://lims.dccouncil.us/downloads/LIMS/39944/Meeting2/Enrollment/B22-0753-Enrollment.pdf>.

¹⁹ See Title III, Subtitle B, of Fiscal Year 2020 Budget Support Act of 2019, effective September 11, 2019 (D.C. Law 23-16), <https://lims.dccouncil.us/downloads/LIMS/42120/Meeting2/Enrollment/B23-0209-Enrollment.pdf>.

Table 2: Fiscal Year of Hire for Sworn Personnel Hired under the Senior Law Enforcement Officer Amendment Act of 2016 as of June 18, 2020

Rank	FY16 ²⁰	FY17	FY18	FY19	FY20
Senior Police Officer	31	108	45	29	20
Senior Sergeant	N/A	50	13	20	8
Senior Detective, Grade I	N/A	8	6	0	0
Total	31	166	64	49	28

Finally, Table 3, below, reflects when rehired detectives and sergeants will reach the end of the five-year window for the expanded pay authority and would be dropped down to the lower pay scale. Notably, MPD is not set to lose any rehired officers because they have exhausted their five-year eligibility for the expanded pay authority in FY21.

Table 3: Fiscal Year in Which Senior Detectives and Sergeants Reach Five-Year Dropoff Date for Expanded Pay Authority Under Current Law

Rank	FY22	FY23	FY24	FY25
Senior Sergeants	26	7	16	8
Senior Detectives (Grade 1)	11	6	0	0
Total	37	13	16	8

The Committee supports the subtitle as proposed by the Mayor. As seen in Table 2, use of the expanded pay authority has slowed over time; while MPD rehired 166 retired officers (including senior police officers, sergeants, and detectives) in FY17, it rehired only 49 retired officers in FY19. This downward trend alleviates the Committee’s concerns that MPD relies too much on the Program to maintain force levels, rather than implementing programs and policies that improve officer retention. The Committee will continue to consider the force size, monitor the rate of sworn separation from the Department, and evaluate whether the Senior Police Officer Program is an acceptable method for maintaining force size.

c. Section-by-Section Analysis

Sec. 3011. States the short title.

Sec. 3012. Amends section 2(h)(1) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163;

²⁰ The authority to hire under this program began in FY17.

D.C. Official Code § 5-761(h)(1)), to allow Metropolitan Police Department officers who retired at a rank other than officer to be rehired until October 1, 2023 – without jeopardizing their pension – at an expanded pay authority for detectives and sergeants.

d. Legislative Recommendations for the Committee of the Whole

Sec. XXX1. Short title.

This subtitle may be cited as the “Senior Police Officers Retention Amendment Act of 2020”.

Sec. XXX2. Section 2(h)(1) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)(1)), is amended by striking the phrase “October 1, 2020” and inserting the phrase “October 1, 2023” in its place.

e. Fiscal Impact

The fiscal impact of the subtitle was incorporated into the FY21 budget and financial plan.

5. TITLE III, SUBTITLE E. OFFICE OF ADMINISTRATIVE HEARINGS JURISDICTION

a. Purpose, Effect, and Impact on Existing Law

Under current law, the Office of Administrative Hearings (“OAH”) has jurisdiction over a wide variety of cases, including cases adjudicated by various District agencies²¹ or the denial or revocation of firearm registration certificates²². OAH also has jurisdiction over three types of cases related to child support or paternity disputes. Specifically, OAG has jurisdiction over cases: (1) “[i]nvolving the attachment and levy of personal injury and workers’ compensation settlement funds from insurers participating in the Child Support Lien Network when the assets are owned by a child support obligor who owes overdue child support”²³; (2) “occurring before any proposed denial, refusal to renew, or suspension of a driver's license and a car registration of a child support obligor by the Mayor, or the Mayor's designee, for the failure to comply with a subpoena or warrant relating to paternity or child support proceedings, or the failure to pay child support”²⁴; and (3) involving the attachment and seizure of “[a]ssets owned by a child support obligor held in a financial institution or held in a financial institution by another on behalf of the support obligor by the Child Support Services Division of the Office of the Attorney General, or its successor, in order to satisfy child support arrearages” or “any settlements judges or other funds.”²⁵

This subtitle, as proposed, would amend section 6(b-23) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-23)), to extend the jurisdiction of OAH to the three new categories of cases related to child support or paternity disputes: (1) cases involving “the interception of lottery prize winnings of an individual who owes delinquent support”; (2) cases “[o]ccurring before any proposed denial, refusal to renew, or suspension of a professional, business, recreational, or sporting license of a child support obligor by the Mayor, or the Mayor’s designee, for the failure to comply with a subpoena or warrant relating to paternity or child support proceedings, or the failure to pay child support pursuant; and (3) cases “[o]ccurring before a certification to the Secretary of Health and Human Services . . . that an individual owes arrearages in child support in an amount exceeding \$2,500.”

²¹ D.C. Official Code § 2-1831.03(a) and D.C. Official Code § 2-1831.03(b).

²² D.C. Official Code § 2-1831.03(b-2)(2).

²³ D.C. Official Code § 2-1831.03(b-23)(1).

²⁴ D.C. Official Code § 2-1831.03(b-23)(2).

²⁵ D.C. Official Code § 2-1831.03(b-23)(3).

b. Committee Reasoning

While the Committee acknowledges the need to modernize the process for resolving disputes regarding child support and paternity disputes, the Committee strikes this subtitle. The Committee believes it would benefit greatly from a public hearing on proposal, as it is not germane to the budget.

DRAFT

6. TITLE III, SUBTITLE F. CONCEALED PISTOL LICENSING REVIEW BOARD

a. Purpose, Effect, and Impact on Existing Law

The License to Carry a Pistol Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-279), amended the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279), to establish the Concealed Pistol Licensing Review Board (“Board”). The Board is responsible for hearing appeals from a “denial of an application or renewal application for a license to carry a concealed pistol in the District,” a “summary suspension or limitation of a license to carry a concealed pistol,” or a “limitation or revocation of a license to carry a concealed pistol.”²⁶ The Board is currently composed of the following seven members:

“(A) The United States Attorney (“USAO”) for the District of Columbia or his or her designee; provided, that if the USAO declines to provide a representative, the Mayor shall appoint a person who is a former employee of the USAO;

(B) The Attorney General for the District of Columbia or his or her designee;

(C) A mental health professional employed by the Department of Behavioral Health, appointed by the Mayor;

(D) A former sworn officer of a law enforcement agency other than the MPD, appointed by the Mayor;

(E) Three public members appointed by the Mayor, as follows:

(i) One mental health professional; and

(ii) Two District residents with experience in the operation, care, and handling of firearms.”²⁷

The subtitle, as proposed, amends section 908(b)(1) of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08(b)(1)), to add four members to the Concealed Pistol Licensing Review Board (“Board”). The four new members would be “District residents with knowledge or experience in the field of mental health, victim services or advocacy, violence prevention, law, or firearms.”

b. Committee Reasoning

The License to Carry a Pistol Amendment Act of 2014, effective June 16, 2015, was enacted in response to the U.S. District Court for the District of Columbia’s ruling in *Palmer v. District of Columbia*. Specifically, the Court held that the “District of Columbia’s total ban on the public carrying of ready-to-use handguns outside the

²⁶ D.C. Official Code § 7-2509.08(a)

²⁷ D.C. Official Code § 7-2509.08(b)(1).

home” was unconstitutional.²⁸ The Concealed Pistol Licensing Board was established as part of the District’s effort to create a concealed pistol licensing regime that comports with the Second Amendment in light of the ruling in *Palmer*. The Committee report provided brief commentary on the Board’s membership:

“The committee print expands the membership of the Review Board from five to seven members, and changes the makeup of the Review Board to (1) remove the Chief Judge of the superior court or his or her designee (at the request of the sitting Chief Judge); and (2) include three public members, one who is a mental health professional and two District residents with experience in the operation, care, and handling of firearms. The Committee believes the addition of these public members will provide other important perspectives to the Review Board.”²⁹

The Committee agrees with the Mayor’s proposal to include a resident with experience in victim services or advocacy. Someone with experience serving victims of crime can discuss the impact of firearm-related violence on its immediate and secondary victims. The Committee also agrees with the Mayor’s proposal to add someone with experience in violence prevention. While prosecutors and law enforcement officers are already represented on the Board, “violence prevention” more broadly encompasses efforts outside the traditional public safety cluster, including the work of violence interrupters at the Office of Neighborhood Safety and Engagement and the Office of Attorney General. Finally, while the Committee recognizes the intersection of mental health and firearm violence, the Committee notes that the Board already includes one “mental health professional.”³⁰ Instead, the Committee amends the subtitle to instead add an attorney with experience in criminal law to the Board. To ensure that each of these perspectives is represented, the Committee subtitle specifically requires the Board include two District residents with professional experience in the field of gun violence prevention, one District resident with professional experience in the field of victim services or advocacy, and one District resident attorney in good standing with the District of Columbia Bar with professional experience in criminal law.

c. Section-by-Section Analysis

²⁸ See *Palmer v. District of Columbia*, 49 F. Supp. 3d 173, 182–83 (D.D.C. 2014)

²⁹ Committee on the Judiciary and Public Safety, *Report on Bill 20-930, “License to Carry a Pistol Amendment Act of 2014”* at 15 (November 25, 2014), https://lims.dccouncil.us/downloads/LIMS/32576/Committee_Report/B20-0930-CommitteeReport1.pdf.

³⁰ D.C. Official Code § 7–2509.08(b)(1)(C).

Sec. XXX1. States the short title.

Sec. XXX2. (a) Amends section 908(b)(1) of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279) to expand the composition of the Concealed Pistol Licensing Review Board to include two District residents with professional experience in the field of gun violence prevention, one District resident with professional experience in the field of victim services or advocacy, and one District resident attorney in good standing with the District of Columbia Bar with professional experience in criminal law.

(b) Amends section 908(c) of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279) to eliminate the requirement that each hearing panel contain at least one member representing either the United States Attorney for the District of Columbia, the Attorney General for the District of Columbia, or a former sworn officer of a law enforcement agency other than MPD.

d. Legislative Recommendations for the Committee of the Whole

Sec. XXX1. Short title.

This subtitle may be cited as the “Concealed Pistol Licensing Review Board Membership Amendment Act of 2020”.

Sec. XXX2. Section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08), is amended as follows:

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

(1) The lead-in language is amended by striking the phrase “7 members” and inserting the phrase “11 members” in its place.

(2) Subparagraph (D) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(3) Subparagraph (E) is amended as follows:

(A) The lead-in language is amended by striking the phrase “Three public” and inserting the phrase “Seven public” in its place.

(B) Sub-subparagraph (i) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(C) Sub-subparagraph (ii) is amended by striking the period and inserting a semicolon in its place.

(D) New sub-subparagraphs (iii), (iv), and (v) are added to read as follows:

“(iii) Two District residents with professional experience in the field of gun violence prevention;

“(iv) One District resident with professional experience in the field of victim services or advocacy; and

“(v) One District resident attorney in good standing with the District of Columbia Bar with professional experience in criminal law.”

(b) Subsection (c) is amended by striking the phrase “section. Each hearing panel shall contain at least one member designated by subsection (b)(1)(A), (B), or (D) of this section.” and inserting the phrase “section.” in its place.

e. Fiscal Impact

This subtitle does not have a fiscal impact.

DRAFT

7. TITLE III, SUBTITLE G. REHIRING OF RETIRED POLICE OFFICERS

a. Purpose, Effect, and Impact on Existing Law

Under current District law, except for disability annuitants, retired Metropolitan Police Department (“MPD”) officers are eligible for rehire by either the Chief of Police³¹ or the Director of the Department of Forensic Sciences (“DFS”).³² A retired officer rehired by the Chief of Police may serve “as a fully sworn temporary full-time or temporary part-time police officer without jeopardy to the retirement benefits of the police officer,”³³ while an officer rehired by the DFS Director can serve “as a temporary full-time or temporary part-time employee without jeopardy to the retirement benefits of the employee.”³⁴ Officers rehired by either MPD or DFS cannot be detailed outside those two agencies.³⁵

This subtitle, as proposed, would amend section 2 of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761), to permit retired MPD officers to also be rehired “without jeopardy to his or her retirement benefits, as a full-time or part-time employee of” either (1) the Department of General Services’ (“DGS”) Protective Services Division or (2) Department of Parks and Recreation (“DPR”) “for a safety or security position.”

b. Committee Reasoning

The Committee strikes this subtitle, as there is not a compelling reason to further expand the scope of MPD presence in other District government agencies, and there is no budget nexus to this subtitle.

³¹ D.C. Official Code § 5-761(a). “A retired police officer who is rehired under subsection (a) of this section shall be paid a salary of no more than that equal to the salary paid a Class 1, Step 5 Officer and shall not be eligible for longevity pay.” D.C. Official Code § 5-761(d).

³² D.C. Official Code § 5-761(a-1). “A retired police officer who is rehired under subsection (a-1) of this section may be rehired in a supervisory or non-supervisory position and shall be paid a salary of no more than the highest grade available for the position assigned.” D.C. Official Code § 5-761(d-1).

³³ D.C. Official Code § 5-761(a).

³⁴ D.C. Official Code § 5-761(a-1).

³⁵ D.C. Official Code § 5-761(f).

B. RECOMMENDATIONS FOR NEW BUDGET SUPPORT ACT SUBTITLES

The Committee recommends that the following eight new subtitles be included in the “Fiscal Year 2021 Budget Support Act of 2020”:

- 1. Title –. Subtitle –. Restorative Justice Collaborative X
- 2. Title –. Subtitle –. Restore the Vote X
- 3. Title –. Subtitle –. DCPS Authority for School Security..... X
- 4. Title –. Subtitle –. Ethics Enforcement X
- 5. Title –. Subtitle –. Chief of Police Term of Office X
- 6. Title –. Subtitle –. Litigation Support Fund and Grant-Making Authority Amendment..... X
- 7. Title –. Subtitle –. Subject-to-Appropriations Amendments..... X

DRAFT

1. TITLE –. SUBTITLE—. RESTORATIVE JUSTICE COLLABORATIVE

a. Purpose, Effect, and Impact on Existing Law

This proposed subtitle amends the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), to create a new program at the Office of Neighborhood Safety – the Restorative Justice Collaborative – to serve as a centralized hub to coordinate and foster restorative justice programming and practices within the District government and by and in partnership with District community-based organizations.

Restorative justice is “an approach to the administration of justice that focuses on repairing the harm to victims and to the community caused by criminal behavior.”³⁶ Its goal is “to bring together those most affected by the criminal act—the person who harmed, the harmed party, and oftentimes community members, depending on the program being utilized—in a process to encourage accountability and to meet the needs of the harmed parties to repair the harms resulting from the crime.”³⁷ Unlike the traditional criminal justice system, which is primarily focused on “punishing” “offenders”, the “first priority of [restorative] justice processes is to assist victims,” and “the second priority is to restore the community, to the degree possible.” Restorative justice practices are commonly implemented through the use of mediation, restorative circles, family group conferences, and victim-impact panels.³⁸ These gatherings are intended 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.”³⁹

³⁶ CRIMINAL JUSTICE COORDINATING COUNCIL, *Brief: Restorative Justice* at 1 (___), https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/Summer%202016%20RJ%20Brief%20%28final%29.pdf.

³⁷ *Id.*

³⁸ *Id.* at 2. “Victim Offender Mediation (VOM) programs use trained mediators to bring victims and offenders together in order to discuss the crime, its aftermath, and the steps needed to correct the harm caused by the crime. Restorative Circles are similar to VOM, but differ in that they involve not only the offenders and victims, but also their family members, community members, and government representatives such as judges and mediators. Family Group Conferences (FGC) are structured meetings between offenders, victims, representatives from the community, and both parties’ families and friends, in which they address consequences and restitution. FGCs are also similar to VOM, but the former are explicitly victim-sensitive. Victim Impact Panels (VIPs) bring together groups of unrelated victims and offenders, linked by a common kind of crime. Offenders have the opportunity to listen to the impact their crimes have on victims from those that experienced it at the hands of other offenders, and victims have the opportunity to discuss how their lives were affected without facing their actual perpetrators.” *Id.*

³⁹ OFFICE OF THE ATTORNEY GENERAL, *FY19 Performance Oversight Responses* at 64, <https://dccouncil.us/wp-content/uploads/2020/03/JPS-Performance-Oversight-Responses-2020-OAG.pdf>.

Restorative justice practices have been adopted across the globe. In the District, restorative justice *within government* dates back to at least 2006, when “the DC Superior Court authorized the Family Court Social Services Division (CSSD) to develop a progressive logic-model for probation supervision, specific to pre- and post-disposition court-involved youth under CSSD.”⁴⁰ The CSSD, in turn, created Balanced and Restorative Justice (“BARJ”) Drop-in Centers, which “serve as an alternative to detention for medium to high-risk male and female adolescents, aged 12 to 18, needing a higher level of supervision, and also as a graduated sanction for youth on probation who are at risk of having their probation revoked.”⁴¹ BARJ participants “attend [family group conferences] and BARJ circles to help youth and families understand how their behavior impacts victims and the community.”⁴² Later, in 2013, D.C. Superior Court “entered into an agreement with Youth and Families in Crisis to train all CSSD staff in the philosophy, theory, and principles of Restorative Justice.”

In August 2015, the Office of the Attorney General (“OAG”) partnered with Ballou High School “to respond to cases involving low-level in-school offenses with a Restorative Justice approach, instead of a traditional arrest.”⁴³ After implementation of the program, Ballou High School reported fewer conflicts between students, and OAG reported fewer arrests from youth attending Ballou High School.⁴⁴ OAG continues to operate a Restorative Justice Program in the District, authorized by legislation this Committee passed and funded:

“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

⁴⁰ *Id.* at 4.

⁴¹ *Id.*

⁴² *Id.* at 5.

⁴³ *Id.*

⁴⁴ *Id.*

agreement or if the youth fails to do everything agreed to, the case is handed back to the prosecutor for prosecution.”⁴⁵

In FY19, 157 cases were referred to the Restorative Justice Program; 53 youth participated in a restorative justice conference, 50 of which were successful.

Table 1: OAG Restorative Justice Program Outcomes

	FY18	FY19	FY20 ⁴⁶
Cases Referred to RJ	80	157	44
Victim Declinations	18	45	19
Re-referrals to Prosecutor	18	48	3
Pending Cases	0	6	24
Youth who Participated in RJ Conference	45	53	15
Successful RJ Conferences	41	50	4 ⁴⁷
Unsuccessful RJ Conferences	4	3	2

Several other District government agencies utilize restorative justice practices in their programming or fund grantees, although coordination between programs is unclear.

b. Committee Reasoning

The Committee is creating the new Restorative Justice Collaborative (1) in an effort to build partnerships between programs within the District and with community partners, (2) foster the acceptance of restorative practices throughout government, and (3) align with the Office’s other programs, like the Pathways Program and violence interruption contractors, who use similar practices in their work. The Collaborative will be led by a Director, and the Committee has also funded 4 new “Restorative Justice Fellows” to serve as program staff. Through its work with the successful petitioners under the Incarceration Reduction Amendment Act, the Committee has come to deeply value the experience and credibility of men returning home from lengthy periods of incarceration, many of whom have little formal work experience but do have skillsets and passions that pair well with violence interruption and restorative justice work. Most IRAA petitioners have, upon release, sought to repair harm they caused as children or prevent others from making similar decisions but need a “place to land” before they either feel ready to take on traditional employment or know where their skills would fit best in this work. The Committee

⁴⁵ OFFICE OF THE ATTORNEY GENERAL, *FY19 Performance Oversight Responses* at 64, *supra* note __.

⁴⁶ FY20 data is current through January 28, 2020. *Id.*

⁴⁷ An additional 8 youth “successfully completed the Conference and currently are being monitored for compliance with terms of the agreement.” See OFFICE OF THE ATTORNEY GENERAL, *FY19 Performance Oversight Responses* at 64, *supra* note 11.

requests that the Office specifically hire successful IRAA petitioners for the new fellowships.

c. Section-by-Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends section 101 of the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411), to:

(a) Establish within the Office of Neighborhood Safety and Engagement the Restorative Justice Collaborative, and to require that the Office of Neighborhood Safety and Engagement coordinate and foster restorative justice programming and practices within the District government and by and in partnership with District community-based organizations, with a focus on the 18-to-35-year old population; and

(b) Make a conforming change.

d. Legislative Recommendations for the Committee of the Whole

Sec. XXX1. Short title.

This subtitle may be cited as the “Restorative Justice Collaborative Amendment Act of 2020”.

Sec. XXX2. The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 7-2411 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2411) is amended as follows:

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

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

(B) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (4) is added to read as follows:

“(4) The Restorative Justice Collaborative, which shall serve as a centralized hub to coordinate and foster restorative justice programming and practices within the District government and by and in partnership with District community-based organizations.”.

(2) Subsection (b) is amended as follows:

(A) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (7) is added to read as follows:

“(7) Coordinating and fostering restorative justice programming and practices within the District government and by and in partnership with District community-based organizations, with a focus on the 18-to-35-year old population.”.

(b) Section 102(a)(3) (D.C. Official Code § 7-2412(a)(3)) is amended by striking the phrase “programming; and” and inserting the phrase “and restorative justice programming; and” in its place.

e. Fiscal Impact

This subtitle is funded as indicated in Table H.

DRAFT

2. TITLE –. SUBTITLE—. RESTORE THE VOTE

a. Purpose, Effect, and Impact on Existing Law

Over the last few years, the Council has taken great strides to promote voter registration and encourage participation in our elections by underserved and underrepresented populations, such as returning citizens and young people. This subtitle follows in the same vein and amends the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), to repeal the prohibition on voting while incarcerated for a felony conviction, to require the Board of Elections (“the Board”) to mail all eligible residents of the Department of Corrections voter registration forms, voter guides, and absentee ballots, and endeavor to mail all residents incarcerated in the Bureau of Prisons a voter guide, to require the Board to notify all residents incarcerated for a felony of their right to vote, and to require the Board to submit to the Council a report including implementation barriers and policy recommendations. The provisions take effect on January 1, 2021.

b. Committee Reasoning

State disenfranchisement laws across the United States prevent an estimated 6.1 million Americans from voting.⁴⁸ Of this total, nearly 4.7 million are no longer incarcerated and are living and working in our communities.⁴⁹ These disenfranchisement laws disproportionately affect people of color.⁵⁰ The District of Columbia has one of the highest, if not the highest, incarceration rates of any U.S. states⁵¹ – and, although Black and Brown people make up less than half the population, they make up 96 percent of District residents held on felony convictions in the Federal Bureau of Prisons.⁵²

After the Civil War, many states implemented expansive felony disenfranchisement laws covering all felony crimes.⁵³ Indeed, between 1865 and

⁴⁸ Erin Kelley, “Racism and Felony Disenfranchisement: An Intertwined History”, Brennan Center for Justice (May 9, 2017), available at: https://www.brennancenter.org/sites/default/files/2019-08/Report_Disfranchisement_History.pdf.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Prison Policy Initiative, *District of Columbia Profile*, available at: <https://www.prisonpolicy.org/profiles/DC.html#:~:text=Washington%2C%20D.C.%20has%20an%20in%20carceration,rate%20than%20any%20U.S.%20state.>

⁵² Duane, M., Reimal, E., & Lynch, M., *Criminal Background Checks and Access to Jobs: A Case Study of Washington, D.C.*, The Urban Institute (2017, July), available at: https://www.urban.org/sites/default/files/publication/91456/2001377_criminal_background_checks_and_access_to_jobs_dc_case_study_2.pdf.

⁵³ Erin Kelley, “Racism and Felony Disenfranchisement: An Intertwined History”, Brennan Center for Justice (May 9, 2017), available at: https://www.brennancenter.org/sites/default/files/2019-08/Report_Disfranchisement_History.pdf.

1880, at least 13 states – more than a third of the country’s 38 states at the time – enacted broad disenfranchisement laws.⁵⁴ Simultaneously, lawmakers, particularly in the South, put on the books new criminal laws that explicitly targeted Black citizens.⁵⁵ There is extensive evidence that states used these laws, along with other tactics, as creative ways to undermine the newly passed 15th Amendment, which granted Black men the right to vote, and to prevent political power of Black citizens.⁵⁶ It is clear from this history that felony disenfranchisement laws are inseparable from the entrenched racial disparities in our criminal justice system and broader society.

In addition, felony disenfranchisement laws do not serve any of the four goals of the criminal justice system: incapacitation, deterrence, retribution, or rehabilitation. Taking away someone’s right to vote does not incapacitate a person who may be a danger to society. Disenfranchisement occurs automatically and invisibly – prosecutors do not discuss the action, and the judge does not include the consequence in the sentence. In fact, many people convicted of felony crimes are not even aware that their voting rights have been taken away at the time of their sentencing. Therefore, this consequence cannot serve as a deterrent for people who are considering committing a crime. Furthermore, disenfranchisement is not a criminal penalty. These laws are in state election codes and state constitutions, not in criminal codes. Lastly, disenfranchisement, which further isolates and alienates individuals from their community, is counterproductive to the goal of rehabilitation of those returning to society from incarceration and results in so-called “civic death”.

Currently, in the District, incarcerated people lose their right to vote while incarcerated for a felony conviction, although not upon release or while incarcerated for a misdemeanor conviction. This subtitle would course-correct the District’s policy and disentangle completely the right to vote from criminal punishment by granting its residents incarcerated for felonies the right to vote while incarcerated. In doing so, the District would join Maine, Vermont, and Puerto Rico as a leader in fully enfranchising all residents regardless of their involvement in the criminal justice system, and would complete the partial enfranchisement included in the Comprehensive Policing and Justice Emergency Amendment Act of 2020, passed recently by the Council.

c. Section-by-Section Analysis

d. Legislative Recommendations for the Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Restore the Vote Amendment Act of 2020”.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

Sec. XXX2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 669; D.C. Official Code § 1–1001.01 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 1–1001.02(2)) is amended as follows:

(1) Subparagraph (C) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(2) Subparagraph (D) is repealed.

(b) Section 5 (D.C. Official Code § 1–1001.05) is amended as follows:

(1) Subsection (a) is amended by adding new paragraphs (9B) and (9C) to read as follows:

“(9B) In advance of any applicable voter registration or absentee ballot submission deadlines, provide, to every qualified elector in the Department of Corrections’ care or custody, and endeavor to provide, to every qualified elector in the Bureau of Prisons’ care or custody:

“(A) A voter registration form;

“(B) A voter guide;

“(C) Educational materials about the importance of voting and the right of an individual currently incarcerated or with a criminal record to vote in the District; and

“(D) Without first requiring an absentee ballot application to be submitted, an absentee ballot;

“(9C) Upon receiving information pursuant to section 7(k)(3), (4), or (4A) from the Superior Court of the District of Columbia, the District Court for the District of Columbia, or the Bureau of Prisons, notify a qualified elector incarcerated for a felony of the qualified elector’s right to vote;”

(2) A new subsection (m) is added to read as follows:

“(m) By April 1, 2023, the Board shall submit a report to the Council that includes:

“(1) An analysis of the implementation of the Restore the Vote Amendment Act of 2020, as approved by the Committee of the Whole on July 7, 2020 (Committee print of Bill 23-760), including any implementation challenges; and

“(2) Any policy recommendations of the Board to ensure that all incarcerated residents have a meaningful opportunity to vote.”

(c) Section 7(k) (D.C. Official Code § 1–1001.07(k)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “registrant, upon notification of a registrant’s incarceration for a conviction of a felony” and inserting the phrase “registrant,” in its place.

(2) A new paragraph (4A) is added to read as follows:

“(4A) At least monthly, the Board shall request from the Bureau of Prisons, the name, location of incarceration, and contact information for each qualified elector in the Bureau of Prisons’ care or custody.”

Sec. XXX3. Applicability.

This subtitle shall apply as of January 1, 2021.

e. Fiscal Impact

This subtitle does not have a fiscal impact.

DRAFT

3. TITLE -. SUBTITLE—. DCPS AUTHORITY FOR SCHOOL SECURITY

a. Purpose, Effect, and Impact on Existing Law

The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350), “established within the Metropolitan Police Department a School Safety Division that shall provide security for the District of Columbia Public Schools.”⁵⁷ Under the law, MPD’s School Safety Division is responsible for hiring all school security personnel for DCPS and deploying school resource officers to public charter schools.⁵⁸ The School Safety Division is also responsible for providing “oversight over school security personnel” and “administering all disciplinary actions related to school security personnel, including termination,”⁵⁹ as well as executing, approving, monitoring, and providing “oversight over any contract for school security personnel.”⁶⁰ Although the funds for the hiring of school security personnel are housed within the DCPS budget, “[r]esponsibility for the issuance of a Request for Proposals for any security guard or security related contract for DCPS for a contract term to begin June 30, 2005, or later” was transferred to MPD on August 2, 2004.⁶¹

There are two classes of school security personnel in the District: school resource officers and school security guards.⁶² School resource officers are defined as:

“[A] sworn MPD officer assigned to DCPS or public charter schools for the purpose of working in collaboration with DCPS, public charter schools, and community-based organizations to:

(A) Prevent crime through community-oriented policing strategies;

(B) Address crime and disorder, gang, and drug activity problems affecting or occurring in or around the schools to which the school resource officer is assigned; and

⁵⁷ D.C. Official Code § 5–132.02(a).

⁵⁸ D.C. Official Code § 5–132.02(c)(1) and D.C. Official Code § 5–132.02(c)(2).

⁵⁹ D.C. Official Code § 5–132.02(c)(3).

⁶⁰ D.C. Official Code § 5–132.02(c)(4).

⁶¹ D.C. Official Code § 5–132.05. Furthermore, “responsibility for awarding, executing, and funding a contract resulting from an RFP issued . . . shall be the subject of a Memorandum of Agreement between DCPS and MPD.” *Id.* “Now, MPD manages approximately 325 contractual security guards deployed to 116 DCPS facilities. With contractual security guards, MPD can modify deployment if necessary to address emerging issues. Additional guard hours are provided at certain sites for before- and after-care programs, sporting events, and other activities at school facilities which may or may not involve students (e.g., community groups meeting in school facilities). The school security contract, valued at more than \$22 million, is MPD’s largest contract.” METROPOLITAN POLICE DEPARTMENT, *School Safety and Security in the District of Columbia: SY 2019-2020*, *infra* note 68.

⁶² D.C. Official Code § 5–132.01(5).

(C) Ensure that DCPS schools and grounds and public charter schools and their grounds are safe environments for students, teachers, and staff.”⁶³

In contrast, school security guards are “un-armed personnel, trained and hired by the MPD School Safety Division.”⁶⁴ The chart below reflects the number of school security personnel deployed to DCPS schools in recent school years.

Table 1: Schools Security Personnel by School Year

School Year	DCPS SPO	Guard I (SO)	Guard II (SPO)	MPD SROs
SY16-17	28	277	36	111
SY17-18	28	285	54	111
SY18-19	26	272	51	122
SY19-20	19	277	51	98

*Source: District of Columbia Public Schools*⁶⁵

The School Safety and Security Contracting Procedures Act of 2004 also requires that the School Safety Division “develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from DCPS and public charter schools and for protecting children from gang and crew violence on, in, and around DCPS and public charter schools’ property.”⁶⁶ The plan must be submitted to the Mayor, the Council, and the Chancellor by August 15 of each year.⁶⁷ The most recent school safety plan was submitted to the Council on October 16, 2019⁶⁸, and lists the specific deployments of school security personnel across the District.⁶⁹

This subtitle –drafted by the Committee on Education – limits MPD’s role in school security in several ways. Notably, the subtitle redefines school security personnel as “individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.” So while current law uses the term

⁶³ D.C. Official Code § 5–132.01(3).

⁶⁴ D.C. Official Code § 5–132.01(4).

⁶⁵ DISTRICT OF COLUMBIA PUBLIC SCHOOLS, *FY19 Performance Oversight Responses Part 1* at 16, https://dccouncil.us/wp-content/uploads/2020/02/dcps_Part1.pdf. “Guard II officers have legal authority to restrain suspects engaged in crimes on school grounds. Guard I officers are also licensed, but they do not have the authority to restrain. Neither level of security officers (Guard I or Guard II) are permitted to carry firearms on school grounds.” *Id.*

⁶⁶ D.C. Official Code § 5–132.02(d)(1).

⁶⁷ *Id.*

⁶⁸ METROPOLITAN POLICE DEPARTMENT, *School Safety and Security in the District of Columbia: SY 2019-2020*, <https://lms.dccouncil.us/downloads/LIMS/43410/Introduction/RC23-0115-Introduction.pdf>.

⁶⁹ *Id.* at 8–13.

“school security personnel” to broadly encompass all school security-related personnel, under this subtitle, school resources officers would not be included in that definition.

The subtitle limits the duties of MPD’s School Safety Division to hiring and training *school resource officers* – excluding school security personnel – and deploying those school resource officers to DCPS schools and public charter schools. The subtitle also requires that MPD coordinate with DCPS and public charter schools “regarding the use and sharing of resources and communications between MPD and school-specific safety teams.” Additionally, the subtitle removes the requirement that the School Safety Division develop a curriculum for all school security personnel, and instead requires that the School Safety Division only develop a training curriculum for school resource officers. The subtitle permits DCPS to use the training curriculum adopted by MPD for SY2020-2021 school year, but requires DCPS to adopt a school security personnel training curriculum based on the “positive youth development philosophy” for SY2021-2022 and beyond.

The subtitle would also require that DCPS and MPD enter into a memorandum of agreement within 20 days of the subtitle’s effective date “for the purpose of coordinating the agencies’ respective security obligations at DCPS schools.” Finally, the subtitle makes DCPS responsible “for administering and funding any security-related contract effective during the 2020-2021 school year.”

b. Committee Reasoning

Nationally, the use of police officers in schools dates back to the 1950s, but “skyrocketed after the 1999 shooting at Columbine High School in Colorado that left 15 dead — at the time the deadliest massacre on school grounds.”⁷⁰ After the shooting at Columbine, the U.S. “Justice Department poured millions into funding police officers on campus, to guard against outside threats and respond to growing fears about rising crime among youths.”⁷¹ Now, [n]early 60 percent of schools and nearly 90 percent of high schools now have an officer at least part-time.”⁷² Recent school shootings prompted several states to expand the use of police officers or armed security guards at schools:

“Some states sought to increase their numbers again following the 2018 massacre at Marjory Stoneman Douglas High School in Parkland, Fla., which left 17 people dead. Florida began requiring all schools to have a police officer or armed security guard. South Carolina invested millions

⁷⁰ Moriah Balingit *et al.*, *Fueled by protests, school districts across the country cut ties with police*, WASHINGTON POST (June 12, 2020), <https://www.washingtonpost.com/education/2020/06/12/schools-police-george-floyd-protests/>.

⁷¹ *Id.*

⁷² *Id.*

into putting officers in schools, and Maryland, where an SRO helped stop a school shooter, invested millions into expanding them.”⁷³

Federal data, however, reveals stunning racial disparities in law enforcement referrals and school-related arrests:

“During the 2015–16 school year, black students represented 15 percent of the total student enrollment, and 31 percent of students who were referred to law enforcement or arrested – a 16 percentage point disparity. During the 2013–14 school year, black students had an 11 percentage point disparity (black students were 16 percent of the student enrollment and 27 percent of students referred to law enforcement or arrested). During the 2015–16 school year, white students represented 49 percent of the total student enrollment, and accounted for 36 percent of those referred to law enforcement or arrested. During the 2013–14 school year, white students were 50 percent of the student enrollment and 38 percent of students who were referred to law enforcement or arrested.”⁷⁴

Although “civil rights activists have worked to remove police officers from the nation’s public schools” for years, the recent killing of George Floyd has spurred multiple school systems across the country to take action:

Within eight days of Floyd’s death in Minneapolis, as the city convulsed with massive demonstrations, school board members there voted unanimously to end the district’s contract with the city police department. The superintendent in Portland, Ore., followed suit two days later.

This week, more dominoes fell. The Denver School Board voted unanimously Thursday night to phase police out of its schools. On Wednesday in Seattle, the school board voted to suspend its contract with police for a year. And in Oakland this week, after police there used tear gas to disperse teens demonstrating for police-free schools, the school board passed the “George Floyd Resolution to Eliminate the Oakland Schools Police Department.” Nearby, the West Contra Costa Unified School District voted unanimously to end its contract with police.

Several other districts are considering similar moves, and others are under pressure to take action: Students in Phoenix have started a

⁷³ *Id.*

⁷⁴ U.S. DEPARTMENT OF EDUCATION, *School Climate and Safety Issue Brief* at 3 (last updated May 17, 2019), <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-2015-16.html>.

petition to remove police from campuses, and young people in New York and Chicago have taken to the streets to demand police-free schools. The Chicago Teachers Union backs their effort.⁷⁵

The Committee agrees with the several jurisdictions' decision to begin decoupling school security from local law enforcement. As discussed above, the growing presence of police in schools has led to a disproportionate number of students of color being arrested or referred to law enforcement. These contacts with the criminal justice system can, in turn, expose students to collateral consequences for years to come, frustrating their ability to pursue further education, employment, or housing. The Committee understands that schools should be a safe environment conducive to learning, but believes such an environment can be achieved without a continued reliance on law enforcement. The effect of the subtitle is to send the oversight authority for the contract back to DCPS, and the Committee anticipates significant public and government dialogue on MPD's role in the relationship. Again, as the contract does not come within this Committee's jurisdiction, the Committee is moving this subtitle to align with the actions of the Committee on Education.

c. Section-by Section Analysis

XXX1. States the short title.

XXX2. (a) Amends section 101 of the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01) to provide definitions for the term "MOA" and "school-related contract," to modify the definitions of "school security personnel" and to eliminate definitions of "school security guards" and "superintendent."

(b) Amends section 102 of the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.02) to limit the Metropolitan Police Department's School Safety Division to providing school resource officers to DCPS and public charter schools, to limit the School Safety Division to the hiring, training, and deployment of school resource officers to DCPS schools and public charter schools, to require that the School Safety Division coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between school-specific safety teams and the Metropolitan Police Department.

(c) Amends section 103 of the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.03) to modify the section heading, to limit the

⁷⁵ *Id.*

application of the training curriculum developed by the School Safety Division to school resource officers, and to eliminate the requirement that the training curriculum include instruction on Board of Education regulations.

(d) Adds new section 103a to the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350) to specify that DCPS is responsible for school security personnel within DCPS schools, including overseeing the hiring or contracting of school security personnel for DCPS, deploying school security personnel to DCPS schools, providing oversight over school security personnel and administering all disciplinary actions related to schools security personnel, executing, approving, monitoring, and overseeing any security-related contract for school security personnel, and creating and implementing school building security and emergency operations plans, in consultation with MPD and the Homeland Security and Emergency Management Agency.

Adds new section 103b to the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350) to permit DCPS to use the training curriculum adopted by MPD pursuant to section 103 to train its school security personnel in school year 2020-2021, and to require DCPS adopt a school security personnel training curriculum based on the positive youth development philosophy for school year 2021-2022 and beyond that focuses on training supervisory and on-site personnel to provide security services responsive to the student, staff, and family populations at each school, and to specify the topics the training must include.

(e) Amends section 104 of the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.04) to require that DCPS and MPD enter a memorandum of agreement coordinating the agencies' security obligations at DCPS schools.

(f) Amends section 105 of the School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.05) to make DCPS responsible for administering and funding any security-related contract effective during the 2020-2021 school year, to transfer the responsibility for issuing a request for proposals for any security-related contract for a contract term to begin June 30, 2021 or later from MPD to DCPS upon the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Act of 2020, and to specify that DCPS shall be responsible for awarding, executing,

administering, and funding a contract resulting from a request for proposals.

d. Legislative Recommendations to the Committee of the Whole

Sec. XXX1. This subtitle may be cited as the “DCPS Authority for School Security Amendment Act of 2020”.

Sec. XXX2. The School Safety and Security Contracting Procedures Act of 2004, effective April 13, 2005 (D.C. Law 15-350; D.C. Official Code § 5-132.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 5-132.01) is amended as follows:

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

“(1B) “MOA” means the Memorandum of Agreement into which DCPS and MPD enter pursuant to section 104.”.

(2) Paragraph (4) is repealed.

(3) Paragraph (5) is amended to read as follows:

“(5) “School security personnel” means individuals, including unarmed security guards, that DCPS hires or contracts to support safety in DCPS schools.”.

(4) A new paragraph (5A) is added to read as follows:

“(5A) “Security-related contract” means any contract to provide physical or personal security services, including school security personnel, at DCPS schools.”.

(5) Paragraph (6) is repealed.

(b) Section 102 (D.C. Official Code § 5-132.02) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “security for the District of Columbia Public Schools” and inserting the phrase “school resource officers to the DCPS schools and public charter schools” in its place.

(2) Subsection (c) is amended to read as follows:

“(c) The School Safety Division shall:

“(1) Hire and train school resource officers;

“(2) Deploy school resource officers to:

“(A) DCPS schools, consistent with the terms of the MOA; and

“(B) Public charter schools;

“(3) Coordinate with DCPS and public charter schools regarding the use and sharing of resources and communications between MPD and school-specific safety teams; and

“(4) Provide recommendations to the Mayor, Council, and the DCPS Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang and crew violence on the safety and well-being of children.”.

(c) Section 103 (D.C. Official Code § 5-132.03) is amended as follows:

(1) The section heading is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(2) The lead-in language is amended by striking the phrase “security personnel providing security for DCPS” and inserting the phrase “resource officers” in its place.

(3) Paragraph (7) is amended by striking the phrase “, including Board of Education regulations”.

(4) Paragraph (8) is amended by striking the phrase “security personnel” and inserting the phrase “resource officers” in its place.

(d) New sections 103a and 103b are added to read as follows:

“Sec. 103a. DCPS responsibilities for school security.

“(a) DCPS shall be responsible for school security personnel within DCPS schools, and shall:

“(1) Oversee the hiring or contracting of school security personnel for DCPS;

“(2) Deploy school security personnel to DCPS schools;

“(3) Provide oversight over school security personnel and be responsible for administering all disciplinary actions related to school security personnel, including termination;

“(4) Execute, approve, administer, monitor, and provide oversight over any security-related contract for school security personnel; and

“(5) Create and implement school building security and emergency operations plans, in consultation with MPD and the Homeland Security and Emergency Management Agency.

“Sec. 103b. Training for school security personnel.

“(a) For the school year beginning in 2020, DCPS may use the training curriculum adopted by MPD pursuant to section 103 to train its school security personnel.

“(b) By the start of the school year beginning in 2021, DCPS shall adopt a school security personnel training curriculum based on the positive youth development philosophy. The curriculum shall focus on training supervisory and on-site personnel to provide security services responsive and appropriate to the student, staff, and family populations at each school building. At a minimum, the curriculum shall include training in the following areas, developed with advice from appropriate other District agencies:

“(1) Child and adolescent development;

“(2) Effective communication skills;

“(3) Behavior management;

“(4) Conflict resolution, including restorative justice practices;

“(5) De-escalation techniques;

“(6) Behavioral health issues for youth and families;

“(7) Child sexual abuse and gender-based violence prevention, identification, and response;

“(8) Availability of social services for youth;

“(9) District of Columbia laws and regulations;

“(10) Constitutional standards for searches and seizures conducted by school security personnel on school grounds; and

“(11) Violence prevention, including gang and crew dynamics.”.

(e) Section 104 (D.C. Official Code § 5-132.04) is amended to read as follows:

“Sec. 104. Coordination of school security efforts between DCPS and MPD.

“Within 20 days after the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Amendment Act of 2020, passed on emergency on July 21, 2020 (Bill 23-763), DCPS and MPD shall enter into a Memorandum of Agreement for the purpose of coordinating the agencies’ respective security obligations at DCPS schools. The MOA shall:

“(1) Reflect DCPS’s role as the administrator of any security-related contract;

“(2) Include provisions for effectuating the transfer of any personnel, property, funds, or records necessary to transfer responsibility for any existing security-related contract from MPD to DCPS;

“(3) Delineate lines of authority, supervision, and communication between MPD and DCPS, including how school resource officers deployed at each school will provide security in coordination with the school’s principal and school security personnel; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by section 2 of the District of Columbia Public Emergency Act of 1980 (D.C. Law 3-149; D.C. Official Code § 7-2301(1A));

“(4) Include a process for resolving disagreements between DCPS and MPD at all levels; and

“(5) Provide for MPD advice and consultation on DCPS school building security and emergency operations plans.”.

(f) Section 105 (D.C. Official Code § 5-132.05) is amended to read as follows:

“Sec. 105. Authority to issue RFP’s for school security-related contracts.

“(a)(1) Beginning on the effective date of the Security Assurance Management, Inc. Disapproval Resolution of 2020, as introduced on June 19, 2020 (P.R. 23-833), DCPS shall be responsible for administering and funding any security-related contract effective during the 2020-2021 school year.

(2) MPD shall transfer to DCPS all personnel, property, funds, or records necessary for DCPS to administer and fund any security-related contract effective during the 2020-2021 school year.

“(b) Responsibility for the issuance of a Request for Proposals for any security-related contract for DCPS for a contract term to begin June 30, 2021, or later shall transfer from the MPD to DCPS as of the effective date of the Fiscal Year 2020 Revised Local Budget Emergency Act of 2020, passed on emergency on July 21, 2020 (Bill 23-763). DCPS shall be responsible for awarding, executing, administering, and funding a contract resulting from an RFP issued under this subsection.

Sec. XXX2 Applicability.

This subtitle shall apply as of the effective date of this act.

4. TITLE –. SUBTITLE –. ETHICS ENFORCEMENT

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

This subtitle amends the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 (“the Ethics Act”), effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), to clarify that the Office of the Attorney General (“OAG”) has prosecutorial authority over violations of provisions of the Ethics Act. The subtitle also modifies the fine for certain violations of the Code of Conduct for legal interpretation purposes, defines violations of the Code of Conduct that substantially threaten the public trust, and makes other conforming changes.

b. **Committee Reasoning**

The Ethics Act establishes the Board of Ethics and Government Accountability (“BEGA” or “the Board”) and charges it with enforcing the Ethics Act and the Code of Conduct for all District employees.⁷⁶ It also establishes the Office of Government Ethics (“OGE”) within BEGA.⁷⁷ OGE is responsible for investigating Code of Conduct violations and adjudicating those complaints.⁷⁸ Under current law, after OGE has concluded its proceedings and has referred the matter to the Board, the Board may take one or more of the following actions: (1) levy a penalty in accordance with § 1-1162.21; (2) refer the matter to USAO for enforcement or prosecution; (3) refer the matter to OAG for enforcement or prosecution; or (4) dismiss the action.⁷⁹ Whereas the current statute is vague, this subtitle seeks to explicitly state OAG’s enforcement authority over violations of provisions of the Ethics Act and Code of Conduct.

In the District, the Office of the Attorney General (“OAG”) and the United States Attorney’s Office for the District of Columbia (“USAO”) share prosecutorial authority. OAG has prosecutorial authority in three areas: (1) “violations of all police or municipal ordinances or regulations”; (2) “violations of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year”; and (3) violations of certain statutory provisions related to disorderly conduct and lewd, indecent, or obscene acts.⁸⁰ All other criminal prosecutions are to be conducted by USAO, except as otherwise provided by law.⁸¹ If a dispute arises over who has prosecutorial authority, the D.C. Court of Appeals decides the question on an expedited basis.

⁷⁶ D.C. Code § 1-1162.02.

⁷⁷ D.C. Code § 1-1162.05a.

⁷⁸ D.C. Code § 1-1162.11(6); *id.* §§ 1-1162.12 to 1-1162.14.

⁷⁹ D.C. Code § 1-1162.15(a).

⁸⁰ D.C. Code § 23-101(a), (b).

⁸¹ *Id.* at (c).

When determining which entity has prosecutorial authority, the Court distinguishes between “police or municipal ordinances or regulations” and “penal statutes”.⁸² In this analysis, the Court reviews several factors, none of which are dispositive. First, the Court considers whether the provision at issue was designed to regulate based on the requirements of local conditions or was prohibitory of a subject matter more general in character.⁸³ Second, the Court considers whether the District of Columbia or the United States has historically regulated and prosecuted the conduct at issue.⁸⁴ Third, the Court reviews the placement of the provision in the D.C. Code.⁸⁵ Fourth, the Court does not favor divided prosecution authority over a single provision because of practical problems, and, therefore, will choose one rather than allowing both.⁸⁶ Fifth, the Court will look to the fine amount to determine whether a provision is a police or municipal ordinance or regulation or a penal statute.⁸⁷ Lastly, the Court considers a provision’s legislative history.⁸⁸

Weighing these factors, on balance, enforcement of the Ethics Act is within OAG’s prosecutorial authority as a police or municipal ordinance or regulation within the meaning of D.C. Code § 23-101(a). The Ethics Act is regulatory and narrow. The Code of Conduct enforced by the Ethics Act regulates conduct and is limited in its application to District employees. Furthermore, the Ethics Act appears in Title 1 of

⁸² The Court synthesizes prior precedent and sets forth an analytical framework it will likely follow in future cases in its most recent case, *In re Nicco Settles*, 218 A.3d 235 (D.C. 2019). In *Settles*, the Court observed that “determining the appropriate prosecutor for an offense often requires distinguishing between ‘police or municipal ordinances or regulations’ and ‘penal statutes.’” *In re Settles*, 218 A.3d at 239.

⁸³ *Settles*, 218 A.3d at 239-40. In concluding that the statute fit “comfortably in the category of provisions that ‘regulate . . . in accordance with the requirements of local conditions,’” the Court found that the statute was regulatory and “explicitly tied to local conditions” because it “prohibit[ed] solid-waste disposal at certain locations in the District of Columbia (those not authorized by the Mayor) and permit[ed] solid-waste disposal at other locations in the District of Columbia (those authorized by the Mayor).” *Id.* at 240.

⁸⁴ *Id.*

⁸⁵ *Id.* at 242.

⁸⁶ *Id.* at 243.

⁸⁷ The Court observed in *In re Hall*, 31 A.3d 453 (D.C. 2001), that “an offense traditionally enforced by the District as a police regulation may be converted into a penal statute . . . if the Council sufficiently increases the penalty for its violation.” *Settles*, at 456 n.2. In *Hall*, the Court held that a maximum penalty of a \$1,000 fine and a one-year term of imprisonment was “not so great as to render [certain firearm provisions] inappropriate for enforcement by the OAG.” *Id.* In *Settles*, the Court held that an initial penalty of a \$5,000 fine and a 90-day term of imprisonment was also appropriate for enforcement by OAG. *Id.* at 243. In contrast, in *In re Crawley*, 978 A.2d 608, 610 (D.C. 2009), the Court suggested that a statute imposing a maximum penalty or a \$100,000 fine and a one-year term of imprisonment was not “a punishment in the nature of one that would flow from a violation of something akin to a police or municipal ordinance.” *Id.* at 611 n.3.

⁸⁸ In *Settles*, the legislative history of the solid waste statute indicated “that the District of Columbia Department of Public Works advised the Council of the District of Columbia that criminal prosecutions under § 8-902 would be conducted by the District of Columbia” and the Committee report “reflect[ed] that understanding.” *Id.* at 242.

the D.C. Code, which addresses Government Organization, rather than in Title 22, which pertains to criminal offenses.

However, the subtitle makes several clarifying amendments to make clear that enforcement authority lies with OAG. The subtitle reduces the fine for violations of the Code of Conduct that substantially threaten the public trust from \$25,000 to \$5,000. This reduced fine is more likely to be found by the Court as “not so great as to render [Ethics Act provisions] inappropriate for enforcement by the OAG”,⁸⁹ as it is more in line with the typical range for violating a municipal or police regulation. The subtitle further defines what constitutes a violation that substantially violates the public trust and explicitly states that prosecutions of such violations shall be brought by OAG. The subtitle continues to allow the Board to refer matters to USAO to prosecute criminal violations that fall within that entity’s jurisdiction under D.C. Code § 23-101, for example, if the underlying conduct of an employee who violates the Code of Conduct should warrant criminal prosecution by USAO.

Taken together, these changes will ensure that the Ethics Act is enforced by the Office of the Attorney General as part of the OAG’s new Public Corruption Division.

c. Section-by-Section Analysis

d. Legislative Recommendations for the Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Ethics Enforcement Amendment Act of 2020”.

Sec. XXX2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended as follows:

(a) Section 215 (D.C. Official Code § 1-1162.15) is amended as follows:

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

(A) Paragraph (2) is amended by striking the phrase “the United States Attorney for the District of Columbia for enforcement or prosecution;” and inserting the phrase “the prosecutorial authority with jurisdiction for enforcement or prosecution; or” in its place.

(B) Paragraph (3) is repealed.

(2) Subsection (b) is amended to read as follows:

“(b) The Board may refer information concerning an alleged violation of the Code of Conduct or of this title to the prosecutorial authority with jurisdiction for enforcement or prosecution after the presentation of evidence by the Director of Government Ethics to the Board as provided in section 212(b), 213(e), or 214(a).”.

⁸⁹ *In re Hall*, 31 A.3d 453, 456 n.2 (D.C. 2001).

(b) Section 221 (D.C. Official Code § 1-1162.21) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “not more than \$25,000” and inserting the phrase “not more than \$5,000” in its place.

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

“(1A) The fine set forth in paragraph (1) of this subsection shall not be limited by section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).”.

(C) Paragraph (2) is amended to read as follows:

“(2) Prosecutions of violations of this subsection shall be brought by the Attorney General of the District of Columbia.”.

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

“(3) For the purposes of this subsection and section 222(a), violations of the following provisions of the Code of Conduct substantially threaten the public trust:

“(A) Section 223; and

“(B) Section 416 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-354.16).”.

(2) Subsection (d) is amended by striking the phrase “the Board, the Attorney General of the District of Columbia, or of the United States Attorney for the District of Columbia” and inserting the phrase “the Board or the Attorney General of the District of Columbia” in its place.

e. Fiscal Impact

This subtitle does not have a fiscal impact.

5. TITLE –. SUBTITLE –. CHIEF OF POLICE TERM OF OFFICE

a. Purpose, Effect, and Impact on Existing Law

This subtitle amends An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), by creating a term of office for the position of Chief of Police of 4 years, effective May 2, 2017.

b. Committee Reasoning

The Chief of the Metropolitan Police Department (“MPD”) wields significant influence in the District and commands an armed force of thousands. With the power that stems from holding this position comes a responsibility to provide strong leadership, which includes maintaining collaborative relationships with governmental partners. The Committee believes that because of the tremendous authority of the position, a mechanism must exist to evaluate performance and qualifications required for the position.

A term of office for the position of Chief of Police serves the purpose of establishing a system of checks and balances. The subtitle creates a 4-year term of office on the Chief and, after that time, allows the Mayor to decide to re-nominate the current Chief or change directions with an infusion of new leadership. A 4-year term is ample time for a Chief to gain expertise, develop a direction for the Department, and implement policies – and, at the end of that time, either continue for another term or move on to another opportunity. This measure would not be novel – in fact, the District has a history of implementing terms of office for Chiefs. Both Chief Charles Ramsey and Chief Cathy Lanier were also subject to terms of office. Additionally, other members of the public safety and justice cluster have terms of office, such as the Chief Medical Examiner and the Director of the Department of Forensic Sciences.

c. Section-by-Section Analysis

Sec. XXXX. Provides the short title.

Sec. XXX2. Amends section 1 of An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), to provide a 4-year term of office for the position of Chief of Police, beginning as of May 2, 2017.

d. Legislative Recommendations for the Committee of the Whole

Sec. XXXX. Short title.

This subtitle may be cited as the “Chief of Police Term of Office Amendment Act of 2020”.

Sec. XXX2. Section 1 of An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), is amended by adding a new subsection (e) to read as follows:

“(e) Effective May 2, 2017, the term of office for Chief of Police shall be 4 years, except that the Mayor may earlier terminate a Chief of Police with or without cause during that Chief of Police’s term of office.”.

e. Fiscal Impact

This subtitle does not have a fiscal impact.

DRAFT

6. TITLE --. SUBTITLE --. LITIGATION SUPPORT FUND AND GRANT-MAKING AUTHORITY AMENDMENT**a. Purpose, Effect, and Impact on Existing Law**

This subtitle amends the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), to increase the availability of funds in the Office of the Attorney General for the District of Columbia's ("OAG") Litigation Support Fund to support crime reduction, violence interruption, and other public safety initiatives. The subtitle also requires OAG to transfer the first \$500,000 deposited into the Litigation Support Fund in FY21 to the Office of Victim Services and Justices Grants for victim service grants.

b. Committee Reasoning

In 2018, OAG launched its violence interruption program, Cure the Streets. This model uses a data-driven, public-health approach to treat violence as a disease that can be interrupted, treated, and stopped from spreading. Through the program, OAG hires and trains neighborhood residents who are credible in their community to work to de-escalate violent situations and prevent crime before it occurs. Currently, Cure the Streets is working in six sites in areas of high incident of gun violence in Ward 5, 7, and 8. Along with the Office of Neighborhood Safety and Engagement's violence interruption program, Cure the Streets is working to prevent violent crime and help District residents feel safer. Such programs are critical to the ongoing work in the District to create a system less reliant on the police and incarceration and more focused on public health and human dignity.

This subtitle increases the ceiling of funds in the Litigation Support Fund available for OAG's use to support and expand Cure the Streets and other violence interruption, crime reduction, and public safety initiatives.

c. Section-by-Section Analysis

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

d. Legislative Recommendations for the Committee of the Whole

Sec. XXX1. Short title.

This subtitle may be cited as the "Litigation Support Fund and Grant-Making Authority Amendment Act of 2020".

Sec. XXX2. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b (D.C. Official Code § 1-301.86b) is amended as follows:

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

(A) Paragraph (1)(B) is amended by striking the phrase “Funding staff positions, up to a maximum amount of \$4 million” and inserting the phrase “Funding staff positions, personnel costs, and employee retirement and separation incentives, up to a maximum amount of \$6 million” in its place.

(B) Paragraph (2) is amended to read as follows:

“(2) Beginning in Fiscal Year 2020, up to \$7 million deposited into the Fund each fiscal year may be used for the purposes of crime reduction, violence interruption, and other public safety initiatives.”.

(C) A new paragraph (3) is amended to read as follows:

“(3) In Fiscal Year 2021, the first \$500,000 deposited into the Fund shall be transferred to the Office of Victim Services and Justice Grants for victim services grants.”.

(2) Subsection (d)(3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “\$10 million” both times it appears and inserting the phrase “\$17 million” in its place.

(B) Subparagraph (B) is amended by striking the phrase “\$11.6 million in the Fund until September 30, 2020” and inserting the phrase “\$19.1 million in the Fund until September 30, 2021” in its place.

(b) Section 108c (D.C. Official Code § 1-301.88f) is amended as follows:

(1) The section heading is amended by striking the phrase “reduction and violence interruption” and inserting the phrase “reduction, violence interruption, and assistance to victims of crime and other vulnerable residents” in its place.

(2) Subsection (a) is amended by striking the phrase “reduction and violence interruption” and inserting the phrase “reduction, violence interruption, and assistance to victims of crime and other categories of vulnerable residents served by the Office of the Attorney General, including seniors, children, individuals protected from discrimination under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), and individuals previously involved in the criminal justice system” in its place.

e. Fiscal Impact

This subtitle is funded as indicated in Table H.

7. TITLE --. SUBTITLE --. SUBJECT-TO-APPROPRIATIONS AMENDMENTS**a. Purpose, Effect, and Impact on Existing Law**

This subtitle repeals the applicability clauses of four measures:

- The Leave to Vote Amendment Act of 2020, enacted on April 27, 2020 (D.C. Act 23-301; 67 DCR 5057) (funded by this Committee);
- The Ivory and Horn Trafficking Prohibition Act of 2020, enacted on April 27, 2020 (D.C. Act 23-302; 67 DCR 5060) (funded by this Committee);
- The Transportation Benefits Equity Amendment Act of 2020, enacted on April 27, 2020 (D.C. Act 23-305; 67 DCR 5069) (funded by this Committee); and
- The Housing Conversion and Eviction Clarification Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-72; 67 DCR 2476) (funded by this Committee).

b. Committee Reasoning

See the table earlier in this report.

c. Section-by-Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Repeals the applicability clause of the Leave to Vote Amendment Act of 2020, enacted on April 27, 2020 (D.C. Act 23-301; 67 DCR 5057).

Sec. XXX3. Repeals the applicability clause of the Ivory and Horn Trafficking Prohibition Act of 2020, enacted on April 27, 2020 (D.C. Act 23-302; 67 DCR 5060).

Sec. XXX4. Repeals the applicability clause of the Transportation Benefits Equity Amendment Act of 2020, enacted on April 27, 2020 (D.C. Act 23-305; 67 DCR 5069).

Sec. XXX5. Repeals the applicability clause of the Housing Conversion and Eviction Clarification Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-72; 67 DCR 2476).

d. Legislative Recommendations for the Committee of the Whole

Sec. XXX1. Short title.

This subtitle may be cited as the “Subject-to-Appropriations Amendment Act of 2020”.

Sec. XXX2. Section 3 of the Leave to Vote Amendment Act of 2020, enacted on April 27, 2020 (D.C. Act 23-301; 67 DCR 5057), is repealed.

Sec. XXX3. Section 6 of the Ivory and Horn Trafficking Prohibition Act of 2020, enacted on April 27, 2020 (D.C. Act 23-302; 67 DCR 5060), is repealed.

Sec. XXX4. Section 3 of the Transportation Benefits Equity Amendment Act of 2020, enacted on April 27, 2020 (D.C. Act 23-305; 67 DCR 5069), is repealed.

Sec. XXX5. Section 5 of the Housing Conversion and Eviction Clarification Amendment Act of 2020, effective April 16, 2020 (D.C. Law 23-72; 67 DCR 2476), is repealed.

e. Fiscal Impact

This subtitle is funded as indicated in this report.

IV. COMMITTEE ACTION AND VOTE

On Thursday, June 25, 2020, at 1:00 p.m., the Committee met to consider and vote on the Mayor's proposed Fiscal Year 2021 budget for the agencies under its purview, the provisions of the Fiscal Year 2021 Budget Support Act of 2020 referred to the Committee for comment and the new subtitles proposed, and the Committee's Budget Report. Chairperson Charles Allen called the meeting to order and determined the existence of a quorum with Councilmembers XXXX present.

Councilmember Allen offered remarks on the major provisions of the Committee Report, and his Committee Members joined him in highlighting the following priorities in the Committee's proposed budget:

Council Period 23 Committee Staff:

<i>Legislative Counsel:</i>	<i>Jamie Gorosh</i>
<i>Committee Director:</i>	<i>Kate Mitchell</i>
<i>Senior Legislative Counsel:</i>	<i>Sonia Weil</i>
<i>Policy Advisor:</i>	<i>Kevin Whitfield</i>

Council Central Office Staff Assigned to the Committee:

<i>Budget Counsel and Senior Advisor:</i>	<i>Anne Phelps</i>
<i>Assistant General Counsel:</i>	<i>Zach Walter</i>

V. ATTACHMENTS

A. Committee Budget Adjustments Table

DRAFT