

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
BRIAN L. SCHWALB



February 21, 2023

The Honorable Brooke Pinto
Chairwoman, Committee on the Judiciary & Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Re: OAG Responses for FY23 Performance Oversight Hearing – February 22, 2023

Dear Chairwoman Pinto:

I look forward to the Committee on the Judiciary & Public Safety’s performance oversight hearing on the Office of the Attorney General (OAG) scheduled for February 22, 2023. In preparation for that hearing, please see the below responses to the Committee’s written questions. Please let us know if you would like further information on any of these responses.

A. ORGANIZATION AND OPERATIONS¹

- 1. Please provide a complete, up-to-date organizational chart for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.**

RESPONSE: Please see Attachment 1 for a copy of the organizational chart, which is current as of January 19, 2023, consistent with Attachment 2, Schedule A, which lists OAG’s personnel.

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

- **Office of the Division Deputy** provides the central child-support program oversight and reporting functions that are typically housed in statewide child support offices established under Title IV-D; leads overall program planning, communication, enhancement, and similar efforts; provides or collaborates with other OAG entities on division-wide administrative, technology, human resources, and other support services; and directs

¹ For all responses, unless otherwise noted, “FY23 to date” means January 6, 2023.

managers in all program functions, including the establishment and enforcement of child support obligations, accounting, staff development, quality assurance, policy and procedure development, and legislative drafting and review.

- **Shared Services Section** attends to the Division's interaction with the public at the start of customer contact and, at a general level, throughout the life of a case; manages both local and intergovernmental application intake and the associated research, document gathering, and customer engagement related to case opening determinations; assists unwed parents with the voluntary acknowledgement of paternity; performs records management and mail services; offers general customer service and outreach; and supports noncustodial parents with employment readiness and securing other critical services to encourage responsible involvement in their children's lives.
- **Legal and Integrated Services Section** maintains responsibility for the litigation aspects of child support casework, which includes drafting and filing pleadings to establish paternity or to establish or enforce child support in D.C. Superior Court or through intergovernmental processes in other jurisdictions; undertaking activities to locate parents or their assets; engaging in service of process efforts to provide proper notice to noncustodial parents concerning matters before the D.C. Superior Court; and representing the District of Columbia and other jurisdictions in D.C. Superior Court and other tribunals through all stages of child support establishment and enforcement proceedings.
- **Fiscal Services Section** provides expertise to ensure that the terms of child support orders are enforced; that collections are properly received, attributed, and disbursed to the right case(s); and that coordination with noncustodial parents' employers and other asset holders is managed effectively so that sources of monetary and medical support are identified and utilized to help to meet the needs of each child for whom support has been ordered.

Civil Litigation Division (CLD) represents the District, its agencies, and its employees in civil actions brought in D.C. Superior Court and the U.S. District Court for the District of Columbia. The Division also represents District agencies in matters enforcing rules and regulations. CLD provides counsel to the District, its agencies, and its employees, including by devising strategies to minimize liability.

- **General Litigation Sections** provide litigation defense, representation, and advice to the District government, its agencies, and employees so that liability can be minimized and risk mitigated in the numerous civil actions filed against the District and its employees every year.
- **Civil Enforcement Section** represents District government agencies to enforce permits, licenses, certifications, and other requirements; defends agency actions; seeks recovery on behalf of the District for Medicaid reimbursements and damage to District property; brings affirmative cases to enforce licensing requirements from the Department of Health and Alcoholic Beverage Regulation Administration; and represents the Metropolitan Police Department in civil forfeiture proceedings.
- **Equity Section** defends the District government in complex actions seeking temporary, preliminary, and permanent injunctive relief.

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

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

- **Equitable Land Use Section (ELU)** advocates for the public interest in the District’s zoning, land use, planning, historic preservation, housing, and real estate processes. ELU provides training for ANCs, community groups, and District residents on zoning and land use planning literacy to ensure that all District residents have the tools to participate fully in the planning and zoning processes. In addition, ELU intervenes in individual cases filed with the Board of Zoning Adjustment and the Zoning Commission and proposes amendments to the Zoning Regulations to further the public interest, particularly to advance affordable housing, racial equity, environmental sustainability and justice, and procedural equity, ensuring that all District residents have the tools to participate fully in the planning and zoning processes.
- **Government Contracts Section** reviews for legal sufficiency proposed contracts the Council must approve. The Section also provides legal advice to the District’s Chief Procurement Officer and agency contracting officers regarding procurement laws and regulations as they apply to the award of District contracts and other related procurement issues. The Section represents the District before the Contract Appeals Board in challenges to the terms of solicitations or proposed contract awards by District agencies and in contract disputes. The Section represents the District before the Superior Court in petitions for review of protest decisions of the Contract Appeals Board.
- **Tax and Finance Section** advises the District on the issuance of bonds and notes used to finance various capital projects of the District government, nonprofit entities and for-profit entities located in areas specifically targeted by the District for economic and commercial development. The Section also defends real property and other tax assessment appeals, and represents the District in tax sale foreclosure actions filed in Superior Court.
- **Land Acquisition and Bankruptcy Section** provides land acquisition and bankruptcy legal services to District agencies acquiring property through condemnation proceedings and judicial foreclosure of District tax liens for public purposes such as the creation of affordable housing, the construction of government office buildings, and other economic development projects. The Section also represents District agencies in bankruptcy court in personal and commercial bankruptcies in which the District may have an interest.
- **Office of the Division Deputy** provides supervision of, and support to, division activities.

Family Services Division (FSD) protects the District’s most vulnerable residents—abused and neglected children—by representing their interests in proceedings before the Family Division of the Superior Court. FSD leads OAG’s human trafficking initiative, which is designed to educate

and train community members to identify, report, and stop human trafficking. FSD also handles cases involving unaccompanied refugee minors and cases before the Family Treatment Court and HOPE Court.

- **Child Protection Sections** protect the rights of children in Family Division proceedings to prevent abuse and neglect by their caretakers.
- **Office of the Division Deputy** provides supervision of, and support to, division activities.

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

- **Human Resources (OAG HR)** provides human resource management services that strengthen individual and organizational performance and enable the OAG to attract, develop, and retain a well-qualified, diverse workforce. OAG HR provides oversight of administrative and managerial employee performance evaluations; serves as a liaison between OAG employees and D.C. Human Resources (DCHR) to resolve personnel and benefits-related actions; processes all employee personnel actions such as hiring, terminations, promotions, and pay increases; provides training and professional development opportunities for all OAG employees to ensure the agency more effectively fulfills its mission; oversees payroll functions; manages FMLA/ADA/EEO requests; hires and maintains excellent and diverse staff through on-campus and virtual interviews, interviews at job fairs, and traditional acceptance of applications; and ensures fairness and diversity in the workplace.
- **Information Technology (IT)** provides a full spectrum of technology support service to all OAG divisions. Its services include support for all software and hardware used by OAG staff, IT security for all OAG applications, mobile device support, and system engineering to build and maintain a robust infrastructure including cloud-based computing and storage resources.
- **Cure the Streets (CTS)** is a public safety program aimed at reducing gun violence in the neighborhoods in which it operates. CTS uses a data-driven, public-health-based approach that treats gun violence as a disease that can be interrupted, treated, and stopped from spreading. CTS is based on the Cure Violence Global model, which employs local, credible messengers who have deep ties to the neighborhood in which they work. OAG staff manage grants to organizations that administer the program and monitor data regarding its efficacy.
- **Policy and Legislative Affairs** researches and develops policy positions on the range of legal issues affecting the District. It works with the Attorney General, Chief of Staff/Senior Counsel to the Attorney General, and Chief Deputy Attorney General to develop policy priorities, works with OAG's divisions to hone policy positions, develops and reviews legislation to advance and ensure consistency with these positions, advises the Council on potential legislation, and consults with District agencies and communities to understand their needs. As part of OAG's mission to advance the public interest, it

conducts extensive legal research and community outreach to ensure that OAG's policy positions and priorities address community concerns and advance racial and economic equity.

- **Communications** develops and implements OAG's communication strategy by managing OAG's social media, website, and other digital platforms; responding to press inquiries; and developing remarks for public events. It proactively seeks opportunities to inform the public of the work OAG is doing on behalf of District residents.
- **Community Engagement** connects OAG resources and services with community priorities and initiatives by cultivating and maintaining active links to advocates, community-based organizations, and residents. Its goal is to create more engaged communities; greater prosperity for residents, businesses, organizations; and improved quality of life for all who live and work in the District.

Legal Counsel Division (LCD) provides legal research and advice to the Executive Office of the Mayor (EOM), the Attorney General, agency officials and employees, and the Council of the District of Columbia. The Division also reviews and drafts legislation and regulations for EOM, the agencies, and the Attorney General.

- **Legal Advice Team** provides legal guidance, counseling, and legal sufficiency certification services to the District government and its employees; legislative and regulatory review, drafting, and monitoring; and training in the areas of administrative law and procedure, ethics, appropriations law, legislative and regulatory drafting, and other areas of importance to District government. Its work is designed to assist District government entities and employees in accomplishing the District government's mission while minimizing risk of adverse legal consequences.
- **Office of the Division Deputy** provides supervision of, and support to, division activities.

Public Advocacy Division (PAD) focuses on affirmative, public interest civil litigation on behalf of District residents, including by litigating cases in the areas of preservation of safe and affordable housing, consumer protection, freedom from discrimination and financial exploitation, and fair competition. The Division also litigates to combat nonprofit, environmental, and employment abuses, as well as fraud against the government and on federal matters.

- **Antitrust and Nonprofit Enforcement Section** enforces the District's Nonprofit Corporation Act, federal and District antitrust laws, and other laws that protect nonprofit organizations and the marketplace from abusive and anticompetitive practices.
- **Civil Rights and Elder Justice Section** engages with District residents, advocacy organizations, community groups, and relevant agencies to investigate and litigate civil rights claims, including discrimination matters related to housing, education, public accommodations, employment, and bias-motivated violence, and to investigate and take civil action to protect elders and vulnerable adults from financial exploitation.
- **Office of Consumer Protection** investigates and takes enforcement actions under the Consumer Protection Procedures Act and other District and federal consumer protection

laws, performs public outreach and education, provides legislative support on issues that affect consumers, and receives and mediates consumer complaints.

- **Office of the Division Deputy** provides supervision of, and support to, divisional activities and directly oversees OAG's federal initiatives work.
- **Social Justice Section** engages with District residents to address properties with housing conditions and other issues by investigating and litigating claims under the Tenant Receivership Act, to address nuisance properties using authority under the Drug, Firearm, or Prostitution-Related Nuisance Abatement Act, and to enforce the District's environmental laws.
- **Workers' Rights and Antifraud Section** investigates and litigates to protect the rights of District workers to fair wages, overtime pay, and sick and safe leave, and enforces the District's False Claims Act to protect the District government against fraud, including non-resident tuition fraud.

Public Safety Division (PSD) prosecutes juveniles charged with criminal offenses; prosecutes adult misdemeanor criminal offenses within OAG's jurisdiction; protects vulnerable populations, including victims of domestic violence; assists crime victims and seeks to make them whole by facilitating restorative justice conferences with victims and perpetrators; and initiates involuntary civil commitment proceedings for those who are a danger to themselves or others based on their mental capacity.

- **Criminal Section** prosecutes adult traffic related offenses, possessory gun offenses, and other regulatory offenses that carry criminal penalties to enhance the safety of the residents of the District of Columbia through the appropriate resolution of cases.
- **Juvenile Section** prosecutes and appropriately resolves juvenile matters to enhance the safety of the residents of the District of Columbia. This section also works with the Juvenile Specialty Courts Unit, which handles truancy, runaway, and juvenile behavioral diversion program cases, and administers the Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND) truancy prevention program in elementary and middle schools in Wards 7 and 8 that have the highest truancy rates in the District.
- **Domestic Violence and Special Victims Section** provides specialized, victim-centered, trauma-informed assistance in three areas: domestic violence, special victims, and elder abuse. The Domestic Violence Team helps victims obtain and enforce civil protection orders and anti-stalking orders, seeks Extreme Risk Protection Orders to remove firearms from the possession of individuals whom law enforcement, mental health providers, or family members fear is at risk of harming themselves or others, and partners with other public and private agencies to staff the District's two Domestic Violence Intake Centers. The Special Victims Team handles delinquency matters involving sexual offenses, domestic violence offenses, and offenses against vulnerable victims; participates in a specialized service court for juveniles who have committed offenses but are themselves at risk of commercial sexual exploitation; and provides victim specialists to help address the non-legal needs of victims and witnesses of violent crime. The Elder Abuse Team represents Adult Protective Services in obtaining guardians and conservators for incapacitated, vulnerable adults who are being abused, neglected, or exploited, or are

self-neglecting, and investigates and prosecutes financial exploitation of older or vulnerable adults.

- **Mental Health Section** represents the Department of Behavioral Health (DBH) in litigation in Family Court, Probate Court, and before the Commission on Mental Health. Attorneys in the Mental Health Section represent DBH in guardianship hearings and at all phases of the civil commitment process, including probable cause hearings, commission hearings, and trials. Attorneys in the Mental Health Section seek Extreme Risk Protection Orders (ERPO) to remove firearms from the possession of people whom mental health providers fear are at risk of harming themselves or others and provide extensive training on ERPO to external stakeholders.
- **Restorative Justice Section** offers Division prosecutors an additional tool to use in the disposition or treatment phase of a prosecution. In eligible cases—only when the victim is willing—the section brings together the victim and the offender in facilitated restorative justice conferences to resolve the conflict, repair the harm caused, and restore the victim. In addition to the conference, the Restorative Justice Section incorporates a cognitive behavioral therapy (CBT) component for the youth involved in these serious cases.
- **Public Corruption Section** prosecutes public corruption cases that have a nexus to the District of Columbia. The Public Corruption Section operates in partnership with the United States Attorney’s Office for the District of Columbia (USAO). The Section includes a Tax Fraud Prosecutor who prosecutes all criminal tax fraud offenses referred to OAG by the D.C. Office of Tax and Revenue (OTR), with an emphasis on local tax delinquency not appropriate for civil collection; manages cases where individuals fail to pay fines and comply with probationary terms, including court-ordered restitution; provides legal advice to members of the OTR Criminal Investigations Division (OTR/CID) in connection with pending investigations; consults with members of the OTR General Counsel’s Office on a range of legal issues related to collection of delinquent taxes; and coordinates with the OTR/CID for the arrest of suspects, and service of warrants and/or subpoenas in connection with tax fraud investigations.
- **Office of the Division Deputy** provides supervision of, and support to, division activities.

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

- **Appellate Services** represents the District on appeal in a wide variety of matters and advises trial and agency counsel on potential appellate issues.
- **Office of the Division Deputy** provides supervision of, and support to, division activities.

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

- **Personnel and Labor Litigation Section** represents and advises District government agencies so that they can manage and reduce liability exposure with respect to personnel decisions and to minimize fiscal and programmatic impact.
- **Office of the Division Deputy** provides supervision of, and support to, division activities and processes all grievances and unfair labor practice charges brought by the attorney union.

Support Services Division (SSD) provides administrative and operational support to the agency.

- **Finance** provides comprehensive and efficient financial management services to and on behalf of OAG to maintain the financial integrity of the District of Columbia.
- **Customer Service** provides agency procurement and purchase card services, first-line communication with the public and support for various agency programs, including risk management, emergency preparedness, and certified small business enterprise compliance.
- **Operations** provides critical centralized administrative and logistical support to the agency, including mail operations, records management, fleet management, office relocations, renovations, building access, physical security, facilities requests, supply requests, surplus property, and agency event support.
- **Investigations** provides investigative support to the litigating divisions of the office.
- **Office of Division Deputy** provides supervision of, and support to, division activities.
 - **Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions. For vacant positions, please indicate how long the position has been vacant.**

RESPONSE: Please see [Attachment 2](#).

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

RESPONSE:

Commercial Division: OAG restructured its Land Use Section (now the Equitable Land Use Section) to represent the public interest before the Board of Zoning Adjustment and the Zoning Commission and to provide resources and support for members of the public in zoning and land use matters. The section’s former responsibilities as legal counsel to the Zoning Commission and Board of Zoning Adjustment have been transferred to the Legal Division of the Office of Zoning

as a result of the FY22 budget enacted by the Council.

Immediate Office: The Immediate Office was restructured to reflect the priorities of a new Attorney General. One new critical component is the creation of a Community Engagement Team. This team’s goal is to connect OAG resources and services with community priorities and initiatives by cultivating and maintaining active links to advocates, community-based organizations, and residents in the District. Through targeted outreach efforts, it identifies pressing issues affecting our communities to inform OAG’s policy positions and ensure its work is resident- and community-centric. It also seeks to proactively address issues through community education and resource referrals, resulting in more engaged communities; greater prosperity for residents, businesses, organizations; and improved quality of life for all who live and work in the District.

Public Advocacy Division: To increase efficiencies and cross-collaboration, the Civil Rights and Elder Justice Sections, both of which were moved into PAD in August 2021, were consolidated into one Civil Rights and Elder Justice Section as of December 18, 2022. In addition, in November 2022, the Public Integrity Section was renamed the Antitrust and Nonprofit Enforcement Section to better align its name with its work.

Public Safety Division: OAG added the Public Corruption Section to PSD to prosecute local corruption cases, including tax fraud cases, in the District of Columbia. The Public Corruption Section also coordinates with the USAO to bring these cases. PSD’s Restorative Justice Section was significantly expanded. Additional staffing includes an assistant section chief, a social worker, and seven additional restorative justice facilitators.

2. Please list each new program implemented by the agency during FY 2022 and FY 2023, to date. For each initiative please provide:

- **A description of the initiative, including when begun and when completed (or expected to be completed);**
- **The funding required to implement the initiative;**
- **Any documented results of the initiative.**

RESPONSE: Please see Attachments 3 & 4 for OAG’s FY22 accountability report and FY23 performance plan, which discuss programming achieved or begun during the relevant time period. Please also see Division highlights provided in response to Question 45 for a list of programming achievements. In addition to the initiatives listed there, PSD implemented “*The Impaired? No Time to Drive Contest*” along with other members of the Impaired Driving Taskforce. This contest challenges high schoolers in D.C. public schools to create public service announcement videos aimed at informing their peers about the dangers and consequences of driving while impaired by alcohol or drugs. Students earn ten community service hours for participating. The contest started at the end of 2022, and the submission deadline is February 17, 2023. OAG did not require any additional funding to start or operate this program. OAG plans to share results of the contest with numerous audiences, including the Council, once winners are chosen.

3. Please provide a complete, up-to-date **position listing** for your agency, ordered by program and activity, and including the following information for each position:
- Title of position;
 - Name of employee or statement that the position is vacant, unfunded, or proposed;
 - Date employee began in position;
 - Salary and fringe benefits (separately), including the specific grade, series, and step of position;
 - Job status (continuing/term/temporary/contract);
 - Whether the position must be filled to comply with federal or local law.
- Please note the date that the information was collected*

RESPONSE: Please see Attachment 5. This information was collected as of January 27, 2023.

4. Does the agency conduct annual **performance evaluations** of all of its employees, and was this done in FY 2022? Who conducts such evaluations? What are they performance measures by which employees are evaluated? What steps are taken to ensure that all agency employees are meeting individual job requirements? What steps are taken when an employee does not meet individual job requirements?

RESPONSE: OAG conducts mid-year and year-end evaluations for attorneys and professional staff.

In FY22, OAG utilized two performance systems, one for attorneys and one for administrative professionals. The PeopleSoft system houses performance plans for administrative professionals and TalentSpace system for all attorney staff.

Non-attorney staff performance evaluations are completed by the employee's immediate supervisor with approvals from the supervisor's manager. Attorney staff performance evaluations are completed by the employee's immediate supervisor with approvals from the Division Heads (*i.e.*, Deputy Attorney Generals), the Chief Deputy Attorney General, and the Attorney General.

Each employee has a list of core competencies and a set of "specific, measurable, attainable, realistic, and time-related" (SMART) goals that have been established at the start of each fiscal year to measure performance. These competencies and SMART goals are tied to each employee's position of record.

Attorneys have the following standard evaluation criteria: (1) conduct of legal research and writing; (2) oral preparation and presentation; (3) efficiency, productivity, professional conduct, and effectiveness in working with others; (4) job knowledge and expertise; (5) work habits and office procedures; and (6) litigation skills, if applicable.

Professional staff have the following standard core competencies: (1) communication skills; (2) customer service; (3) goal attainment; (4) accountability; and (5) job knowledge. Supervisors are also evaluated on leadership, operational and strategic planning, and managerial skills.

OAG Human Resources works closely with employees and managers to complete performance evaluations. Employees who are not meeting performance standards are placed on performance improvement plans (PIPs). A PIP serves as a plan of action aimed at supporting the employee in improving performance. At the conclusion of a PIP, OAG may determine that the employee has satisfactorily passed the PIP, that the employee has failed the PIP, or grant additional time (not to exceed 90 days) for the employee to meet the PIP’s performance standards. Failed PIPs may result in termination of the employee.

5. Please list all employees detailed to or from your agency, if any. Please provide the reason for the detail, the detailed employee’s date of detail, and the detailed employee’s projected date of return.

RESPONSE: Please see the table below for detailed employees.

Name	Title	OAG Division	Detail Start Date	Detail Return Date	Agency	Reason
Thurston Haynes	Compliance Monitor	CSSD	04/30/2022	08/13/2022	To D.C. Human Resources	To assist in the city’s compliance with COVID-19 contract tracing requirements
Crystal Gaines	Trial Attorney	PSD	04/06/2022	11/04/2022	To USAO	To expand criminal prosecution experience for employee and OAG
Gabrielle Logaglio	Trial Attorney	PSD	04/06/2022	12/02/2022	To USAO	To expand criminal prosecution experience for employee and OAG
Matthew Goldstein	Trial Attorney	PSD	04/06/2022	N/A Employed by USAO	To USAO	To expand criminal prosecution experience for employee and OAG
John Davie	Trial Attorney	PSD	07/05/2022	02/13/2023	To USAO	To expand trial experience for employee and OAG

Bayly Leighton	Supervisory Trial Attorney	PSD	03/28/2022	03/27/2023	To USAO	To work and partner with USAO on public corruption cases
Candace Nelson	Special Projects Officer	N/A	11/7/2022	1/28/2023	To OAG from Department of Health Care Finance	To assist with AG transition

6. Please provide the position name, organization unit to which it is assigned, and hourly rate of any contract workers in your agency, and the company from which they are contracted.

RESPONSE: Please see Attachment 6 for a list of contract workers.

7. Please provide the Committee with:

- **A list of all employees who receive cellphones or similar communications devices at agency expense.**
 - ◆ **Please provide the total cost for mobile communications and devices at the agency for FY 2022 and FY 2023 to date, including equipment and service plans.**
- **A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.**
- **A list of employee bonuses or special award pay granted in FY 2022 and FY 2023, to date.**
- **A list of travel expenses, arranged by employee.**
- **A list of the total overtime and worker’s compensation payments paid in FY 2022 and FY 2023, to date.**

RESPONSE:

- The total cost for mobile communications devices and service plans in FY22 was \$558,431.22, and in FY23 (through December 2022), was \$113,317.87. Please see Attachment 7 for a list of employees who have a communications device.
- Please see Attachment 8 for the agency vehicle inventory list.
- Please see Attachment 9 for FY22 bonuses and special pay awards. No bonuses or special awards have been paid, to date, in FY23.
- Please see Attachment 10 for a list of travel expenses arranged by employee.
- Please see Attachment 11 for overtime payments.

The table below shows the total workers' compensation payments made in FY22 and FY23, to date.

Workers' Compensation	Financial Category - Medical	Grand Total
FY22	\$3,695.04	\$3,695.04
FY23	\$2,828.88	\$2,828.88
Grand Total	\$6,523.92	\$6,523.92

8. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.

- **Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.**
- **Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.**
- **Please note if the agency is currently in bargaining and its anticipated completion date.**

RESPONSE:

AFSCME, Local 2401

The following collective bargaining agreements (CBAs) govern OAG's bargaining unit administrative professionals (approximately 270) and administrative professionals in other District agencies (approximately 10,000).

- Master Working Conditions CBA. Although this CBA expired on September 30, 2010, it continues to govern the parties' relationship because the parties have not successfully negotiated a subsequent CBA.
- Compensation CBA covering FY22 – FY25

Union leader: Wayne Enoch, President, AFSCME, Local 2401, Senior Revenue Accounting Specialist, Child & Family Services Agency, wayne.enoch@dc.gov and (202) 724-7205

AFGE Local 1403

The following CBAs govern OAG's bargaining unit attorneys (approximately 150) and bargaining unit attorneys in subordinate mayoral agencies (approximately 113). The parties expect to begin bargaining for both successor agreements in February or March 2023.

- Working conditions CBA covering FY21 – FY23
- Compensation CBA covering FY21 – FY23

Union leader: Aaron Finkhousen, President, AFGE, Local 1403, Assistant Attorney General, OAG, afge1403president@gmail.com and (202) 579-9763

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

RESPONSE:

- Abacus Law: Abacus is the case management system used by the Family Services and Civil Litigation Divisions, as well as Juvenile, Restorative Justice, Domestic Violence and Criminal Section staff. Abacus contains all critical case information, party information, arrest data, mugshots (for adult criminal data), docket updates (for adult criminal data), attorney notes, or other electronic evidence. This database was first made available within OAG in 2018. No Abacus data is available to the public because it is privileged or work product.
- Box.Com: Cloud-based content management system allows designated customers to share sensitive information with the OAG staff securely. The public can access part of the system to upload and share documents with OAG staff.
- District of Columbia Child Support Enforcement System (DCCSES): This is CSSD's most important electronic database. It is used by most CSSD staff to enter customers' names, addresses, social security numbers, assets, and income. The system tracks whether an individual has been served a notice to appear in court and what occurred at any hearings. After a child support order is established, the order is entered into this system so that an individual's financial obligations over the course of the case can be tracked. Any payments made by the noncustodial parent are tracked in this system. The database was built more than 35 years ago but is currently being upgraded. The public cannot be granted access to all or part of the system due to the personal identifying information, case updates, and other private information it contains.
- EMPIR (Enterprise Management and Planning of Integrated Resources): This is an internal database that tracks assets and supplies across the agency. The database also includes a risk management system that allows staff to report unusual incidents. This database dates from 2006. It may be possible for the public to be granted access to part of the system, but OAG would first need to determine whether any legal restrictions apply.
- Infolinx: This database includes scanned versions of documents related to CSSD cases, including court orders. Staff can use this system to digitally view files, which helps protect the integrity of paper files. The database was off-the-shelf software the agency began using before 2004 and that was customized for CSSD purposes. Upgrades have occurred in 2011 and 2019. This system is now scheduled to be replaced by September 2023. This database contains confidential information, and the public may not be granted access.
- Interactive Voice Response System: This is a telephone-based system that combines pre-recorded messages or text-to-speech technology that allows CSSD customers to access

case information without a live agent 24 hours a day, seven days a week. This database was first made available in 2010 and is fully accessible to the public.

- Jobvite: OAG uses Jobvite, one of the leading social Recruiting and Applicant Tracking System (ATS). Jobvite is a web-based application that allows people to easily apply for an employment position using any IT device. The Jobvite ATS tracks all submitted applications (along any associated questionnaires, work experience, education, references, referrals, diversity questions, acknowledgement, certification, and release of information), communications to and from candidates, and approval workflows. This system also tracks onboarding activities. OAG HR implemented the use of Jobvite in 2018. All maintenance and upgrades are scheduled and performed on a routine basis by Jobvite. The Career platform for job opportunities is available to the public to visit at <https://jobs.jobvite.com/oagdc/job>, but internal facets of the system including confidential HR information cannot be made publicly accessible.
- Modern Workspace: This is a dynamic seating assignment system used to assign workspaces in OAG's headquarters. This system was implemented in FY22, and there are no plans to upgrade. The public may not be granted access.
- Office Space: This is a proprietary work-order management system that allows employees to submit requests to OAG's Operations Section for logistical support. The system is less than two years old and tracks the type of request submitted, by whom, and the timeframe for response. OAG pays a fee per employee license; therefore, the public may not be granted access.
- OneDrive and SharePoint: This is a cloud-based content management that allows D.C. government staff to collaborate and share information. OneDrive and SharePoint data is not available to the public because it is privileged to OAG and District government staff.
- Open Data Portal: OAG has published its first installment of its Prosecution Data Portal, which provides information on prosecutorial decisions and case outcomes for traffic and adult criminal misdemeanor cases for which OAG has prosecutorial authority. It includes interactive data visualizations of key metrics, such as cases reviewed and prosecuted, and the resolution of prosecuted cases. This system was launched in the first quarter of FY23 and is fully available to the public.
- Prolaw: OAG uses Prolaw as its case management system. Prolaw includes a database that assigns case numbers and contains data for each case. Specific data include: OAG staff associated with each case, list of filings and documents, dates of court appearances, emails related to cases, demographic data for criminal cases, court appearances, copies of letters and pleadings, tasks assigned to attorneys and paralegals, and schedules for relevant case deadlines. No Prolaw data is available to the public because it is privileged or work product.
- TalentSpace: TalentSpace is cloud-based performance management system, used for performance evaluation for all attorney positions. This tool includes workflow for electronic approvals and eliminates laborious paper evaluations. TalentSpace tracks attorneys' performance evaluations, approval activities, and employee skills, experience, and recognition across OAG's divisions. OAG implemented the use of TalentSpace in

2022. Scheduled maintenance and upgrades are performed regularly by Saba TalentSpace. Since its implementation, OAG HR and IT administrators have continued to develop and make the system user friendly. TalentSpace access is currently granted only to system administrators and OAG attorneys and, given the sensitive nature of the personnel data it includes, cannot be made available to the public.

- Training Information System: This database tracks trainings that have been offered and taken by CSSD Staff. The database was designed and customized in 2007. The Training Information System (TIS) is no longer used and is only available for retrieval of historical information. PeopleSoft is now utilized as the tracking mechanism for training. Public access is not possible.
- Unwed Births System: This database tracks paternity for children born out of wedlock and contains scanned court orders of paternity as well as acknowledgements of paternity. The database was built in 2010. The public cannot be granted access to the system due to the sensitive nature of the information.
- Work Request System: This database tracks what system enhancements and reports have been requested for CSSD. The database was designed and customized in 2007. OAG needs to determine whether there are legal restrictions, but it may be possible for the public to be granted access to part of the system. However, OAG expects to retire this system within the next 12 to 13 months and replace it with other project tracking tools.

10. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2022 and FY 2023, to date, and whether and how those allegations were resolved.

RESPONSE:

Investigation Procedures

Under OAG's Equal Employment Opportunity (EEO) policy, employees can file allegations of sexual harassment or misconduct with OAG's EEO Director. Managers who receive complaints of sexual harassment or otherwise become aware of potential sexual harassment claims must immediately report them to the EEO Director. Upon receiving a complaint, OAG investigates the complaint to gather information on the facts and circumstances. OAG encourages employees to report complaints to OAG's EEO Director so that OAG can investigate, stop any discrimination or retaliation, and discipline the harasser. In June 2022, OAG used its procurement process to select a vendor to work in cooperation with OAG to investigate discrimination and misconduct claims.

In addition, employees may first contact an EEO Counselor or file a claim directly with the Office of Human Rights. An EEO Counselor's primary goal is to mediate the complaint toward a successful resolution. An EEO Counselor does not investigate complaints on OAG's behalf and has no authority to discipline. If employees choose to first file a complaint with an OAG EEO Counselor, our EEO policy requires that the EEO Counselor notify OAG's EEO Director.

Allegations against Immediate Office staff may be filed with the EEO Director or the Office of Inspector General. An independent consultant conducts investigations in those instances.

Allegations Against Agency or Employee and Resolution

FY22

- Four individuals, two OAG employees and two non-employees, alleged that an OAG employee subjected them to discrimination on the basis of sex. OAG's investigation found no discrimination in one case, and OAG closed its internal investigation. OAG's investigation is ongoing in three cases. Written reports from OAG's outside EEO vendor are expected in those three cases in the near future.

FY23

- No new cases.

11. For any boards or commissions associated with your agency, please provide a chart listing the following for each member:

- **The member's name;**
- **Confirmation date;**
- **Term expiration date;**
- **Whether the member is a District resident or not;**
- **Attendance at each meeting in FY 2022 and FY 2023, to date.**
- **Please also identify any vacancies.**

RESPONSE: There are no boards or commissions administered by OAG. However, OAG serves on several boards and commissions; see response to Question 12.

12. Please list the task forces and organizations, including those inside the government such as interagency task forces, of which the agency is a member and any associated membership dues paid.

RESPONSE:

- Attorney General Alliance/Conference of Western Attorneys General (\$6,500 annually)
- Attorneys General Multistate Education Civil Rights Working Group
- Attorneys General Multistate Civil Rights Group
- Attorneys General Multistate Hate Crimes Working Group
- Attorney General's Synthetic Drug Task Force
- Baltimore Human Trafficking Taskforce
- Blue Plains IMA Multi-Jurisdictional Working Group
- Child Support Directors Association
- Child Support Guidelines Commission
- Children's Justice Act Taskforce

- CJCC Combating Violent Crime Working Group
- CJCC GunStat
- CJCC Juvenile Justice Committee
- CJCC Juvenile Justice Data Subcommittee
- Concealed Pistol Licensing Review Board
- Consumer Federation of America
- Counsel for Court Excellence's Criminal Justice Committee
- Counsel for Court Excellence's Youth Justice Committee
- Crime Victims Compensation Advisory Commission
- Crime Victims Compensation Appeals Board
- Criminal Jury Instruction Committee
- Criminal Justice Committee
- CSX Rail Interagency Working Group
- D.C. Bar Legal Ethics Committee
- D.C. Child Abuse Multi-Disciplinary Team
- D.C. Clemency Board
- D.C. Financial Crimes Taskforce
- D.C. Housing Advocates Group
- D.C. Human Trafficking Taskforce
- D.C. Long-Term Care Multi-Disciplinary Team
- D.C. Sentencing Commission
- D.C. Superior Court C-10 Subcommittee Workgroup
- D.C. Superior Court Civil Jury Instructions Committee
- D.C. Superior Court Civil Rules Committee
- D.C. Superior Court Criminal Rules Committee
- D.C. Superior Court Drug Court Steering Committee
- D.C. Superior Court Education Working Group
- D.C. Superior Court HOPE Court Committee

- D.C. Superior Court JM-15 Working Group
- D.C. Superior Court Juvenile Rules Committee
- D.C. Superior Court Juvenile Subcommittee
- D.C. Superior Court Mental Health Community Court Steering Committee
- Department of Behavioral Health (DBH) Officer Agent Steering Committee
- Developmental Disabilities Fatality Review Committee
- District Taskforce on Jails and Justice
- District's Collaborative Response and Training for Older Victims (DC TROV)
- Domestic Violence Fatality Review Board
- Domestic Violence Strategic Planning Committee
- Eastern Regional Intergovernmental Child Support Association
- Every Day Counts! Taskforce and subcommittees
- Fair and Justice Prosecution
- Family Court Adoption Day Committee
- Family Court Committee on Abuse/Neglect Proceedings
- Family Court Education Committee and its Juvenile/Persons in Need of Supervision Subgroup
- Family Court Improvement Project Advisory Committee
- Family Court Training Committee
- Family Treatment Court Committee
- Guardianship Roundtable
- Healthy Housing Committee
- Housing Stakeholders
- Impaired Driving Task Force
- Infant Mortality Subcommittee
- International Association of Assessing Officers (\$240 annually)
- International Municipal Lawyers Association (\$3,665 annually)
- Joint Cannabis Task Force
- Juvenile Behavioral Diversion Program Committee

- Juvenile Justice Advisory Group and its Persons In Need of Supervision (PINS) and Racial/Ethnic Disparities (RED) Committees
- Law Enforcement Task Force
- LexisNexis' Criminal Jury Instructions (Red Book) Committee
- Marijuana Private Club Task Force
- Mayor's Advisory Committee on Child Abuse and Neglect
- Mental Health Community Court Steering Committee
- Metropolitan Washington Council of Governments Attorney Committee
- Multi-Jurisdictional Juvenile Task Force
- Multistate working groups on consumer protection, affordable housing, workers' rights, and environmental protection
- National Association of Attorneys General (NAAG) (\$21,969 annually)
- NAAG Consumer Protection and Charities Working Groups
- NAAG Multistate Antitrust Task Force
- National Child Support Enforcement Association
- National Compendium of State-Run Anti-Trafficking Initiatives
- National Council of Child Support Directors
- Not-for-Profit Hospital Corporation/United Medical Center Interagency Working Group
- Office of Administrative Hearings Advisory Committee
- Office of Administrative Hearings Commission on Tenure and Selection for Tenure for Judges
- Office of Chief Medical Examiner Citywide Child Fatality
- Open Government Advisory Group
- Police and Firefighters' Retirement Board
- Police Reform Commission
- Prince George's County Human Trafficking Taskforce
- *Roe* Rapid Response Taskforce
- Seasonal Crime Initiatives (SCI, FCI, WCI)
- Sexual Assault Response Team
- State of the Union Subcommittee

- Tenant Barriers Workgroup
- U.S. Bankruptcy Court for the District of Columbia Advisory Committee on Local Bankruptcy Rules
- Uniform Law Commission
- United States District Court Interagency Detention Working Group
- USAO biweekly violent crime working group
- USAO Familiar Faces Workgroup
- Victim Assistance Network
- Violence Fatality Review Commission
- Western Intergovernmental Child Support Engagement Council Conference
- WMATA (Washington Metropolitan Area Transit Authority) Board Member Advisory Group
- WMATA Dedicated Funding Grant Agreement Work Group
- WMATA Multi-Jurisdictional Capital Funding Agreement Work Group
- WMATA Multi-Jurisdictional Governance Issues

13. What has the agency done in the past year to make the activities of the agency more transparent to the public?

RESPONSE: OAG works to be transparent with the public about its operations, including by providing current, detailed, and accessible information about its work and information that may be helpful to District residents, especially the most vulnerable members of our community. Over the past year, OAG has continued communicating publicly about its work and accomplishments through multiple channels, including consumer alerts about key issues that residents should be aware of; a bi-weekly newsletter that includes important information for residents and tip lines for reporting scams, fraud, or abuse; and press releases that announce new enforcement actions and legal victories for the District. The agency has also made several key improvements to increase transparency, including launching a new public safety data portal and increasing the accessibility of our digital content.

OAG increased transparency around its work to improve public safety across the District by launching an interactive prosecution data portal. This data dashboard, which was launched in December 2022 after several years in development, is intended to enable broad access to information about OAG’s public safety work and to promote fairness and accountability in the justice system. This type of data has also been used by academics, researchers, social scientists, and others who evaluate and assess crime, criminal justice, and other social factors. This initial version of the dashboard provides information on prosecutorial decision-making and case outcomes for traffic and adult criminal misdemeanor cases for which OAG has prosecutorial

authority.² OAG plans to continue to build out this data dashboard in the future. For instance, OAG will soon update the dashboard to include mapping of offense locations, data on diversion decisions, and downloadable data files containing incident-level data. OAG is also exploring whether and to what extent the District’s strict juvenile confidentiality laws might permit OAG to present data on juvenile cases in the future.

OAG also regularly shares updated information related to the Cure the Streets (CTS) program. The CTS website includes a data dashboard with metrics updated monthly about the rates of violence District-wide as compared to in sites in which Cure is operating, as well as data on the activities of CTS workers. The data dashboard provides transparency into the work of CTS and is intended to be useful to all District residents, including policy makers and journalists, and to provide access to the most up-to-date information about the program’s efficacy. The webpages are written in plain language and include a glossary of terms and maps that show the areas in which the program operates.³

OAG has continued to ensure its website contains detailed, accessible information on programs that are of interest to the public. For example, OAG’s website includes plain language information on its unique Restorative Justice Program, including a description of the program, an explanation of how it works, and information on its effectiveness. The website also centralizes resources for residents and other jurisdictions that may seek to implement a similar program. OAG has also improved the accessibility of information on its social media platforms by posting videos with captions and images with alt-text, and by distributing Spanish-language versions of consumer-related social media posts in addition to English language versions. The agency has also begun working to improve accessibility of its website, and OAG’s web vendor is in the process of making improvements to the website to meet even higher accessibility standards.

To improve transparency related to contracts awarded, OAG posts all contracts over \$100,000.00 awarded since FY16, including a link to the contract documents which eliminates the need to submit a FOIA request to obtain a copy of an OAG contract.⁴

OAG has also summarized on its website—and improved the searchability of—formal opinions of the Attorney General and the Corporation Counsel that were issued between the 1980s and the present. In addition, OAG has posted on its website a selection of informal legal advice memos for which attorney-client privilege has been waived. OAG will continue to look for opportunities to make public legal advice that will be helpful across agencies, regulated parties, and the public. OAG also continues to make a significant amount of legal advice related to Advisory Neighborhood Commissions accessible to ANC commissioners and to the public on its website.⁵

14. How does the agency solicit feedback from customers? Please describe.

- **What is the nature of comments received? Please describe.**
- **How has the agency changed its practices as a result of such feedback?**

² This data dashboard can be accessed here: <https://oag.dc.gov/oag-prosecution-data-portal>.

³ This data dashboard can be accessed here: <https://oag.dc.gov/cure-streets-data-dashboard>.

⁴ This list can be accessed here: <https://oag.dc.gov/notice-contract-awards-over-100000>.

⁵ Many of these materials can be accessed here: <https://oag.dc.gov/about-oag/laws-legal-opinions>.

RESPONSE:

- OAG's Equitable Land Use Section (ELU) has engaged with ANCs, community groups, and individual residents since launching its public interest mission in October 2021. ELU has requested that residents, community groups, and ANCs identify questions or concerns about the District's planning, zoning, and real estate development processes that would inform ELU's work in fulfilling its public interest mission. This feedback has helped ELU frame its educational and training activities as well as identify public interest concerns that ELU may contribute to addressing. This includes the need for more transparency and public participation in the planning and zoning processes in furtherance of the District's additional affordable housing goals and to ensure an effective racial equity analysis process. Based on stakeholder feedback, ELU has drafted and introduced proposed amendments to the zoning regulations to ensure that tenants have a role in zoning applications affecting the property in which they reside; to require that an application to extend the expiration of an approved zoning order beyond the initial extension comply with updated regulations for affordable housing and environmental sustainability; and to remove the waiver from compliance with the Inclusionary Zoning requirements for certain downtown zones.
- CSSD implemented a customer contact survey in FY22 for all customers who contacted the CSSD call center. In total, 309 survey responses were collected. The purpose was to solicit feedback from customers on their preferred manner of interaction with CSSD. Following is a description of the survey, the results, and the improvements implemented in response to the survey.

Survey Questions

1. Please identify where the child(ren) lives(s) for the case listed above.
Results: In approximately 70 percent of cases, the child(ren) lived with the responder; in approximately 30 percent of cases, the child(ren) did not live with the responder.
2. Once CSSD resumes in-person services, how would you prefer to receive services?
Results: In approximately 85 percent of cases, the responder preferred to receive services virtually; in approximately 15 percent of cases, the responder preferred to receive services in the office.
3. Do you have access to the Internet?
Results: In approximately 95 percent of cases, the responder had access to the Internet; in approximately 5 percent of cases, the responder did not have access to the Internet.
4. Are you able to access the Internet from your cell phone or computer?
Results: In approximately 97 percent of cases, the responder accessed the Internet from a

cell phone; in approximately 5 percent of cases, the responder accessed the Internet from a computer. (For this question, responders were able to choose multiple responses.)

5. How would you like to receive information about your case?

Results: Approximately 57 percent of responders preferred text messages; approximately 83 percent preferred email; and approximately 48 percent preferred postal mail. (For this question, responders were able to choose multiple responses.)

6. All child support services are provided virtually. Are there any services you would prefer to come into the office to receive?

- Job Readiness Program: 13.3% Yes; 78.3% No; 8.4% don't know
- Driver's License Suspension: 13.6% Yes; 78% No; 8.4% don't know
- PIN Number Request: 13.6% Yes; 79% No; 7.4% don't know
- Case Closure: 19.7% Yes; 79% No; 5.8% don't know
- Direct Deposit & Child Support Debit Card: 14.6% Yes; 78% No; 7.4% don't know
- Passport Issue: 13.6% Yes; 77% No; 9.4% don't know
- Address Change: 14.6% Yes; 78% No; 7.4% don't know
- General Questions about Your Case: 20% Yes; 73.5% No; 6.1% don't know
- Wage Withholding & Garnishment of Payments: 13.6% Yes; 78.3% No; 8.1% don't know
- Establish Paternity: 14.9% Yes; 77% No; 8.1% don't know
- Missing Payments: 16.5 % Yes; 76.1% No; 7.4% don't know
- Child Support Case Review: 20.7% Yes; 73.5% No; 5.8% don't know
- Child Support Enforcement: 20.4% Yes; 73.5% No; 6.1% don't know
- Medical Support for the Child(ren): 16.2% Yes; 76.7% No; 7.1% don't know
- Tax Intercept: 14.2 % Yes; 77% No; 8.7% don't know
- Child Support Modification Request: 18.4% Yes; 74.1% No; 7.4% don't know
- Account Review: 18.8% Yes; 74.1% No; 7.1% don't know

Demographic Information of Responders

- Gender: 68% female; 28% male; 4% did not identify
- Age: 15% age 30 or younger; 37% between 31 and 40 years; 41% older than 41 years; 7% did not identify

Improved Practices

As a result of the customer contact survey, CSSD has begun the process of updating email addresses for its customers and assisting some customers with creating email addresses for more effective communication and to facilitate ease of information exchange. CSSD is also now offering the ability to reserve a kiosk to hold in-person appointments for those who do not have access to computers or the Internet. CSSD offers virtual and in-person customer service options to accommodate all the ways that customers wish to be served.

15. Please complete the following chart about the residency of new hires:

Number of Employees Hired in FY 2022 and FY 2023, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing		
Term		
Temporary		
Contract		

RESPONSE:

Number of Employees Hired in FY22

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing (Reg. Appointments)	65	32
Term	40	16
Temporary	76	35
Contract	N/A	N/A

Number of Employees Hired in FY23, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing (Reg. Appointments)	21	8
Term	16	8
Temporary	17	15
Contract	N/A	N/A

16. Please provide the agency’s FY 2022 Performance Accountability Report.

RESPONSE: Please see Attachment 3 for a copy of OAG’s FY22 Performance Accountability Report.

B. BUDGET AND FINANCE

17. Please provide a chart showing the agency’s approved budget and actual spending, by division, for FY 2022 and FY 2023, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

RESPONSE: Please see Attachment 12 for FY22 and FY23 approved budget and actual spending.

18. Please list any reprogrammings, in, out, or within, related to FY 2022 or FY 2023 funds.

For each reprogramming, please list:

- **The reprogramming number;**
- **The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);**
- **The sending or receiving agency name, if applicable;**
- **The original purposes for which the funds were dedicated;**
- **The reprogrammed use of funds.**

RESPONSE: Please see the tables below.

FY22

Reprogramming

Reprogramming Number	Funding source	Total amount	Reprogramming purpose-within the agency
REPROG# 647	Local	\$814,000	To redirect funding from grants to professional services in order to provide wrap around services to Cure the Streets community-based organizations. (SOAR comp obj 506 to 408)
REPROG# 813	Local to Paygo	\$450,000	To support the continued District Child Support Enforcement System (DCCSES)
NA	Federal	\$21,309	To reallocate funds within the Child Support Grant for equipment purchases. (SOAR comp obj 409 to 704)

FY23

Reprogramming

Reprogramming Number	Funding source	Total amount	Reprogramming purpose-within the agency
REPROG# 850	Local	\$150,000	To reprogram funds to support Attorney General transition as authorized by law
REPROG# 869	SPR	\$475,000	To redirect funding from Professional Services to Grants to issue the Returning Citizens Grants (DIFS account 7131009 to 7141007)

19. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2022 and FY 2023, to date, including:

- Buyer agency and Seller agency;
- The program and activity codes and names in the sending and receiving agencies' budgets;
- Funding source (i.e. local, federal, SPR);
- Description of MOU services;
- Total MOU amount, including any modifications;
- The date funds were transferred to the receiving agency.

RESPONSE: Please see Attachment 13 for FY22 and FY23 intra-District transfers.

20. Please provide a list of all MOUs in place during FY 2022 and FY 2023, to date, that are not listed in response to the question above.

RESPONSE:

Non-Monetary MOUs

CSSD		
FY22 and FY23	Start	End
Washington Metropolitan Area Transit Authority- Receipt of Notice of Hearing and Order Directing Appearance for WMATA Employees	10/7/14	Continues each FY until terminated by one of the parties
Department of Human Services- IRS Mandated Background Checks	10/1/20	9/30/22
D.C. Superior Court- Operation of Access & Visitation Center	10/1/21	9/30/22

CSSD		
FY22 and FY23	Start	End
D.C. Superior Court- Operations Support	10/23/08	Continues each FY until terminated by one of the parties
Office of Administrative Hearings- Administrative Hearings	10/1/20	Continues each FY until terminated by one of the parties
Child and Family Services Agency- Data Sharing	10/1/21	Continues each FY until terminated by one of the parties
Department of Human Services/Department of Health Care Finance- Data Sharing/System Maintenance (DCAS)	6/21/16	9/30/2026 with option to extend for two five-year periods
Department of Human Services- Temporary Aid for Needy Families (TANF) Sanctions	11/29/21	9/30/22
Department of Health- Access to Vital Records	10/1/2015	Continues each FY until terminated by one of the parties
Metropolitan Police Dept.- Execution of Warrants/Service of NOHODAS	10/1/21	9/30/22
Washington Metropolitan Area Transit Authority- Receipt of NOHODAs for WMATA Employees	10/7/14	Continues until terminated by one of the parties
D.C. Superior Court- Operations Support	10/23/08	Continues each FY until terminated by one of the parties

CSSD		
FY22 and FY23	Start	End
Metropolitan Police Dept.- Execution of Warrants/Service of NOHODAS	10/1/21	9/30/22
Department of Health- Access to Vital Records	10/1/2015	Continues each FY until terminated by one of the parties
D.C. Superior Court- Operation of Access & Visitation Center	10/1/22	9/30/23
Department of Human Services/Department of Health Care Finance- Data Sharing/System Maintenance (DCAS)	6/21/16	9/30/2026 with option to extend for two five-year periods
Office of Administrative Hearings- Administrative Hearings	10/1/20	Continues each FY until terminated by one of the parties
Child and Family Services Agency- Data Sharing	10/1/21	Continues each FY until terminated by one of the parties

PAD		
FY22 and FY23	Start	End
MOU between OAG and Department of Aging and Community Living (DACL)- Sharing of Information	12/1/20	Continues each FY until terminated by one of the parties
MOU between OAG and Office of the State Superintendent of Education concerning nonresident tuition fraud enforcement	1/17/20	Continues each FY until terminated by one of the parties

PAD		
FY22 and FY23	Start	End
MOU between OAG and OSSE for compliance with the Family Educational Rights and Privacy Act	11/25/20	Continues each FY until terminated by one of the parties
MOU between OAG and D.C. State Athletic Association for compliance with the Family Educational Rights and Privacy Act	6/25/20	Continues each FY until terminated by one of the parties
MOU with Department of Energy and Environment (DOEE) for sharing of data to assist with lead paint hazard enforcement	12/31/21	Continues until terminated by one of the parties
MOU between OAG and DACL- Sharing of Information	10/1/21	Continues each FY until terminated by one of the parties
MOU between OAG, Network for Victim Recovery of DC, Legal Counsel for the Elderly, MPD, DACL and USAO regarding engagement in the District's Collaborative Training and Response for Older Victims team	10/1/21	Continues each FY until terminated by one of the parties
MOU between OAG and OSSE concerning nonresident tuition fraud enforcement	1/17/21	Continues each FY until terminated by one of the parties
MOU between OAG and OSSE for compliance with the Family Educational Rights and Privacy Act	11/25/21	Continues each FY until terminated by one of the parties
MOU between OAG and D.C. State Athletic Association for compliance with the Family Educational Rights and Privacy Act	6/25/21	Continues each FY until terminated by one of the parties
MOU between the U.S. Department of Labor and OAG	12/30/22	Continues each FY until 12/30/27

PSD		
FY22 and FY23	Start	End
MOU between OAG and USAO for a Special Assistant United States Attorney to prosecute financial crimes against vulnerable and elderly adults	6/1/21	6/1/22
MOU between OAG and USAO concerning prosecution of Title 16 cases	6/18/21	Continues each FY until terminated
MOU between OAG and Prince George's County State's Attorney's Office for organization and implementation of the multi-jurisdictional juvenile task force	12/13/21	Continues each FY until terminated
ATTEND Program–Operations MOU with DCPS and the Office of the Ombudsman for Public Education to operate at Turner and Malcolm X Elementary Schools in Ward 8	1/19/22	9/30/22
I Belong HERE! – Operations MOU with DCPS and the Office of the Ombudsman for Public Education to operate a community-based truancy reduction initiative at Sousa Middle School in Ward 7	2/9/22	9/30/22
MOU between OAG and USAO for a Special Assistant United States Attorney to prosecute financial crimes against vulnerable and elderly adults	6/1/22	6/1/23
ATTEND Program–Operations MOU with District of Columbia Public Schools to operate in Ward 8 Elementary Schools	12/6/22	9/30/23
I Belong HERE!–Operations MOU with District of Columbia Public Schools and the Office of the Ombudsman for Public Education to operate a community based truancy reduction initiative at Sousa Middle School in Ward 7	12/6/22	9/30/23
MOU between OAG and USAO for a Special Assistant United States Attorney to prosecute public corruption cases that have a nexus to D.C. agencies	12/22/22	Continues each FY until terminated

MOU between OAG and USAO for a Special Assistant United States Attorney to prosecute public corruption cases that have a nexus to D.C. Agencies	1/5/23	Continues each FY until terminated
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HR		
FY22 and FY23	Start	End
Memorandum of Agreement with the Department of Health Care Finance for staffing support (one full-time equivalent) to assist with the transfer of duties and responsibilities associated with the transition of Attorneys General	11/7/22	1/28/23

FSD and PSD		
FY22 and FY23	Start	End
District of Columbia Memorandum of Agreement (MOA) on the Multidisciplinary Response to Child Sex Abuse	1/27/95	6/19 The parties continue to adhere to the terms of this MOA while actively engaging in efforts to revise the MOA
District of Columbia Memorandum of Agreement on the Multidisciplinary Response to Child Physical Abuse, Investigation, Prosecution, and Prevention	1/27/95	6/19 The parties continue to adhere to the terms of this MOA and anticipate starting efforts to revise it

Monetary MOUs

PSD		
FY22 and FY23	Start	End
ATTEND Program Vendors: - D.C. Superior Court - Office of the Ombudsman for Public Education - Community Mediation DC	12/6/22 12/6/22 12/6/22	9/30/23 9/30/23 9/30/23
ATTEND Program Vendors: - D.C. Superior Court - Office of the Ombudsman for Public Education	5/20/22 2/16/22	9/30/22 9/30/22

21. Please identify any **special purpose revenue accounts** maintained by, used by, or available for use by your agency during FY 2022 and FY 2023, to date. For each account, please list the following:

- The revenue source name and code;
- The source of funding;
- A description of the program that generates the funds;
- The amount of funds generated by each source or program in FY 2022 and FY 2023, to date;
- Expenditures of funds, including the purpose of each expenditure, for FY 2022 and FY 2023, to date.

RESPONSE:

FY22

Revenue Source Name and Code: TANF – 0603

- Source of Funding: Child support collections on behalf of families in the Temporary Assistance to Needy Families (TANF) program. Under Section 457 of the Social Security Act, the District transfers 56.2 percent of its collections to the federal government and keeps the remaining 43.8 percent for the child support program.
- Description of Program Generating the Fund: Child support collections on behalf of families in the TANF program.
- Amount of Funds Generated: \$2,223,486.14
- Expenditures: \$4,144,716.68

- Purpose of Expenditures: Personal and non-personal services support (supplies, copier lease, contractual services) on behalf of child support enforcement.
- Expenditure Regulation: Per Mayor’s Order, expenditures limited to those that support CSSD functions.
- FY22 Fund Balance (uncertified): \$5,638,783

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

- Source of Funding: Interest on the District’s child support bank account. CSSD collects child support payments from non-custodial parents and holds them in a bank account for distribution to custodial parents, which must take place within 48 hours of receiving the payment. The money in the account bears interest during the time between collection and distribution.
- Description of Program Generating the Fund: Interest income on child support bank account.
- Amount of Funds Generated: \$0.00
- Expenditures: \$0.00
- Expenditure Regulation: Expenditures limited to those that support CSSD functions.
- FY22 Fund Balance (uncertified): \$2,428.00

Revenue Source Name and Code: Nuisance Abatement – 0615

- Source of Funding: Revenue is generated by proceeds from drug-, firearm-, or prostitution-related nuisance abatement actions.
- Description of Program Generating the Fund: Nuisance abatement actions involving drugs, firearms, or prostitution.
- Amount of Funds Generated: \$12,600.00
- Expenditures: \$22,584.60
- Expenditure Regulation: Expenditures are restricted to costs reasonably related to the enforcement of nuisance abatement and housing receivership matters carried out by the Attorney General and to enforce Chapter 36A of Title 42, including all costs reasonably related to prosecuting and conducting investigations of housing receivership cases.
- FY22 Fund Balance (uncertified): \$26,315.00

Revenue Source Name and Code: Litigation Support Fund – 0616

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

- Amount of Funds Generated: \$8,619,393.85
- Amount of Funds transferred to the General Fund (uncertified): \$660,311.00
- Expenditures: \$15,344,723.23
- Expenditure Regulation: Expenditures are restricted to costs in support of litigation, personal services to support OAG’s mission, violence interruption, and grants to support OAG’s public safety initiatives.
- FY22 Fund Balance (uncertified): \$12,650,873.00

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

- Source of Funding: Revenue is generated by recoveries from claims and litigation brought by OAG on behalf of the District and identified claimants.
- Description of Program Generating the Fund: Litigation actions on behalf of the District and identified claimants.
- Amount of Funds Generated: \$2,977,808.59
- Expenditures: \$773,552.15
- Expenditure Regulation: Payments to claimants pursuant to court order or settlement agreements and payment of administrative fees associated with administering recoveries.
- FY22 Fund Balance (uncertified): \$3,408,600.00

FY23

Revenue Source Name and Code: TANF – 1060035

- Source of Funding: Child support collections on behalf of families in the TANF program. Under Section 457 of the Social Security Act, the District transfers 56.2 percent of its collections to the federal government and keeps the remaining 43.8 percent for the child support program.
- Description of Program Generating the Fund: Child support collections on behalf of families in the TANF program.
- Amount of Funds Generated: \$366,563.74
- Expenditures: \$546,555.65
- Purpose of Expenditures: Personal and non-personal services support (supplies, copier lease, contractual services) on behalf of child support enforcement.
- Expenditure Regulation: Per Mayor’s Order, expenditure limited to those that support CSSD functions.
- FY23 Fund Balance (uncertified as of December 31, 2022): \$5,638,782.95

Revenue Source Name and Code: Child Support Interest Income – 1060051

- Source of Funding: Interest on the District’s child support bank account. CSSD collects child support payments from non-custodial parents and holds them in a bank account for distribution to custodial parents, which must take place within 48 hours of receiving the payment. The money in the account bears interest during the time between collection and distribution.
- Description of Program Generating the Fund: Interest income on child support bank account.
- Amount of Funds Generated: \$0.00
- Expenditures: \$0.00
- Expenditure Regulation: Expenditures limited to those that support CSSD functions.
- FY23 Fund Balance (uncertified as of December 31, 2022): \$2,427.71

Revenue Source Name and Code: Nuisance Abatement – 1060092

- Source of Funding: Revenue is generated by proceeds from drug-, firearm-, or prostitution-related nuisance abatement actions.
- Description of Program Generating the Fund: Nuisance abatement actions involving drugs, firearms, or prostitution.
- Amount of Funds Generated: \$700.00
- Expenditures: \$0.00
- Expenditure Regulation: Expenditures are restricted to costs reasonably related to the enforcement of nuisance abatement and housing receivership matters carried out by the Attorney General and to enforce Chapter 36A of Title 42, including all costs reasonably related to prosecuting and conducting investigations of housing receivership cases.
- FY23 Fund Balance (uncertified as of December 31, 2022): \$26,315.40

Revenue Source Name and Code: Litigation Support Fund – 1060094

- Source of Funding: Revenue is generated by recoveries from claims and litigation brought by OAG on behalf of the District. The fund supports general litigation expenses associated with prosecuting or defending litigation cases on behalf of the District.
- Description of Program Generating the Fund: Litigation actions on behalf of the District.
- Amount of Funds Generated: \$12,931,670.72
- Expenditures: \$3,230,782.18
- Expenditure Regulation: Expenditures are restricted to costs in support of litigation, personal services to support OAG’s mission, violence interruption, and grants to support OAG’s public safety initiatives.

- FY23 Fund Balance (uncertified as of December 31, 2022): \$12,650,872.55

Revenue Source Name and Code: Attorney General Restitution Fund – 1060098

- Source of Funding: Revenue is generated by recoveries from claims and litigation brought by OAG on behalf of the District and identified claimants. The fund pays to claimants’ recoveries from settlements and judgments. The fund also permits payment of administrative fees associated with administering recoveries.
- Description of Program Generating the Fund: Litigation actions on behalf of the District and identified claimants.
- Amount of Funds Generated: \$5,555.55
- Expenditures: (\$196.95)
- Expenditure Regulation: Payments to claimants pursuant to court order or settlement agreements and payment of administrative fees associated with administering recoveries.
- FY23 Fund Balance (uncertified as of December 31, 2022): \$3,408,599.91

Revenue Source Name and Code: Vulnerable Adult and Elderly Person Exploitation Restitution Fund – 1060414

- Source of Funding: Awards of restitution and cost to individuals imposed under court order, judgment, or settlement in any action or investigation brought to enforce to D.C. Code § 22-933.01 and funds collected pursuant to D.C. Code § 1-350.02 (a-4)(3).
- Description of Program Generating the Fund: Litigation actions on behalf of the District and identified claimants alleging the financial exploitation of a vulnerable adult or elderly person.
- Amount of Funds Generated: \$0.00
- Expenditures: \$0.00
- Expenditure Regulation: Payments of restitution to individuals harmed by the conduct of persons or entities that are the subject of court orders, judgments or settlement in action or investigations brought to enforce 22-933,01; and cost and expenses related to maintaining the Restitution Fund or making payments to harmed individuals.
- FY23 Fund Balance (uncertified as of December 31, 2022): \$1,188.42

Revenue Source Name and Code: Tenant Receivership Abatement Restitution Fund – 1060415 (To be established)

- Source of Funding: Revenue is generated by all funds recovered from owners under D.C. Code § 42-3651.06(j)(2); except, that when deposits of such funds into the Fund would cause the Fund balance to exceed \$2 million, the excess of such funds instead shall be deposited into the Litigation Support Fund.

- Description of Program Generating the Fund: Litigation actions on behalf of the District and identified claimants to appoint a receiver to operate and manage the rental housing accommodation of subject properties.
- Amount of Funds Generated: \$0.00
- Expenditures: \$0.00
- Expenditure Regulation: Money in the fund shall be used to comply with orders issued by the Superior Court under D.C. Code § 42-3651.06(j).
- FY23 Fund Balance (uncertified as of December 31, 2022): \$751,708.72

22. Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:

- **A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes);**

RESPONSE: In FY03, the D.C. Council approved \$6.3 million in capital budget dollars to fund a feasibility study (Project Phase I), and ultimately, the design and development of a replacement system for the antiquated D.C. Child Support Enforcement System (DCCSES) (Project Phase II). In July 2005, OAG and the Office of the Chief Technology Officer (OCTO) executed an MOU to begin the DCCSES Replacement Project, with OCTO managing the project.

The feasibility study was completed in December 2008 and estimated the cost for the design and installation of a replacement system to be \$84.3 million dollars. The cost of the proposed system was prohibitive; therefore, OAG and OCTO explored a different course of action for Project Phase II.

OAG requested to use the remaining funds from the capital budget to enhance DCCSES by designing and developing a web-enabled and web-based system as an alternative. The request was approved, and to date, the DCCSES Enhancement Project has expended the original \$6.3 million capital budget. These funds were used to move the system from outmoded, unsupported software and hardware to a Microsoft-based platform and to create several internal applications, including a data warehouse containing all transaction information. This approach has resulted in fewer payment processing errors and increased visibility into CSSD operations.

The funding permitted planning for and modernization of the following significant components: Electronic Court Orders/Family Court Data Exchange system and the Master Database and Data protection and Synchronization system. In FY22-FY23, the Council approved \$4.57 million in additional funding to continue work on the project. OAG was able to use that funding to leverage federal funds and achieved the following functionality milestones: processing TANF Referrals in DCCSES 2.0, the ability to automatically generate petitions, ability to schedule hearings, ability to refer cases to other jurisdictions, creating non-monetary obligations, review and approval of income withholding orders and referring a TANF recipient for non-cooperation. Additionally,

the ability for customers to apply for child support online has been expanded to include Spanish language applications.

- **The amount of capital funds available for each project;**

RESPONSE:

Project No: EN240C

Project Title: Information Systems – Child Support Enforcement

Fund Balance: FY23 Allotment \$2,799,515.17; current available balance \$1,571,787.89

Project No: EN601C

Project Title: OAG – IT Infrastructure Upgrades

Fund Balance: FY23 Allotment \$283,401.76; current available balance \$149,055.52

- **A status report on each project, including a timeframe for completion;**

RESPONSE: OAG plans to continue building DCCSES in FY23 and will implement automated notice generation, Medicaid referral, foster care, automated enforcement actions, IVR integration and enhanced customer service functionality, as well as integration with federal and local systems. Additionally, the project will include a complete financial management system consisting of payment processing, distribution, and disbursement. At the conclusion of this project, the entire life cycle of a child support case will be paperless.

- **Planned remaining spending on the project.**

RESPONSE: As noted above, the final stage of this project will add critical integrations and federally-mandated security compliance functionality to the DCCSES. These integrations include: D.C. foster care system, DMV driver’s license system, D.C. Medicaid and TANF Eligibility System, D.C. tax systems, and the D.C. lottery system. The current available funds are insufficient to complete all integrations. Some of the affected systems of other District agencies were modified or upgraded since OAG planned and funded the DCCSES modernization project. Those changes to other agency’s systems with which DCCSES interfaces has necessitated changes to the DCCSES modernization project. Therefore, OAG submitted an FY24 capital budget request for \$2,054,400. Those funds are needed to complete the aforementioned integrations, to achieve moderate to high compliance with the Federal Information Systems Management Act, and to ensure federal tax information and controlled unclassified information compliance. OAG plans to sunset its legacy system in early FY24.

23. Please provide a complete accounting of all federal grants received for FY 2022 and FY 2023, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2022, the amount of any unspent funds that did not carry over.

RESPONSE: The tables below list federal grants for FY22 and FY23, to date, and provide the information requested for each such grant.

FY22 Child Support

Award Date	Amount	Expenditure	Purpose
9/30/2021	\$4,844,000	\$24,364,446	Reimbursable grant for child support program. OAG achieved the grant's purpose.
1/3/2022	\$4,941,861		
4/4/2022	\$5,976,586		
7/1/2022	\$5,558,607		
Total	\$21,321,054	*\$24,364,446	

*Each grant pursuant to this award is based on actual expenditures

FY23 Child Support

Award Date	Amount	Expenditure	Purpose
9/30/2022	\$1,396,000		Reimbursable grant for child support program. OAG achieved the grant's purpose.
Total	\$1,396,000	\$0	

FY22 Access & Visitation

Award Date	Amount	Expenditure	Purpose
11/23/2021	\$100,000	\$96,395	Support and facilitate non-custodial parents' access to and visitation with their children. OAG achieved the grant's purpose.
Total	\$100,000	\$96,395	

FY23 Access & Visitation

Award Date	Amount	Expenditure	Purpose
11/1/2022	\$100,000	\$0	Support and facilitate non-custodial parents' access to and visitation with their children. OAG achieved the grant's purpose.
Total	\$100,000	\$0	

FY22 Office of Juvenile Justice Delinquency Prevention

Award Date	Amount	Expenditure	Purpose
10/1/2020	\$500,000	\$179,036	Prevent violent juvenile offenders from reoffending after prosecution using innovation and evidence-based practices. OAG achieved the grant's purpose.
Total	\$500,000	\$179,036	

FY23 Office of Juvenile Justice Delinquency Prevention

Award Date	Amount	Expenditure	Purpose
10/1/2020	\$500,000	\$31,258	Prevent violent juvenile offenders from reoffending after prosecution using innovation and evidence-based practices. OAG achieved the grant's purpose.
Total	\$500,000	\$31,258	

24. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2022 and FY 2023, to date. For each contract, please provide the following information, where applicable:

- **The name of the contracting party;**
- **The nature of the contract, including the end product or service;**
- **The dollar amount of the contract, including budgeted amount and actually spent;**
- **The term of the contract;**
- **Whether the contract was competitively bid or not;**
- **The name of the agency’s contract monitor and the results of any monitoring activity;**
- **Funding source;**
- **Whether the contract is available to the public online.**

RESPONSE: Please see Attachment 14.

25. Please provide the details of any surplus in the agency’s budget for FY 2022, including:
- Total amount of the surplus;
 - All projects and/or initiatives that contributed to the surplus.

RESPONSE: The table below provides details for surpluses in OAG’s FY22 budget.

Appropriated Fund	Fund Title	Surplus	Comment
0100	Local	\$1,504,942	Surplus is related to savings in salaries and fringe benefits due to attrition and delayed hiring in the first quarter given uncertainty surrounding the District’s financial forecast and lower than projected expenditures for the Cure the Streets expansion sites given the timing of the sites’ onboarding
0200	Federal	\$6,072,472	Surplus is related to personal services savings and lower than projected expenditures on the modernization project for the D.C. Child Support Enforcement System
0450	Private Donations	\$104,402	The projected expenditure for salaries in OAG’s fellows program at time of estimation was higher than expected.
0600	Special Purpose Revenue	\$226,478	Surplus is related to Restitution Fund 0617. Any fund balance will be available the following year.
Total Surplus		\$7,908,294	

C. LAWS, AUDITS, AND STUDIES

26. Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.

RESPONSE: D.C. Code § 16–916.02 directs the Child Support Guideline Commission, in which OAG participates, to develop, update, and monitor child support guidelines and to ensure that the District of Columbia is in compliance with federal child support mandates. However, the Commission is statutorily limited to acting only when a quorum is present, and longstanding vacancies on the Commission have made it impossible to obtain a quorum. This has rendered the Commission unable to update or formally monitor child support guidelines since approximately 2016.

Commission members are appointed by the Chief Judge of the Superior Court of the District of Columbia, the D.C. Council, the Mayor, and OAG’s Child Support Services Division (CSSD). Although CSSD has put forward its necessary nominees for the Commission, other vacancies must be filled by other District stakeholders. OAG urges the Mayor and the Council to advance and confirm the necessary nominees so that the Commission can carry out its duties.

27. Please identify any statutory or regulatory impediments to your agency’s operations or mission.

RESPONSE: OAG has encountered a handful of statutory and regulatory impediments to enforcing the District’s anti-truancy, consumer-protection, environmental-justice, and false-claims laws. However, OAG has supported or will propose solutions to these challenges and looks forward to working with other District agencies and the Council to strengthen OAG’s ability to enforce these laws in the public interest.

- **Anti-truancy:** OAG would like to be able to access student records to verify attendance and other information provided to the agency under the Attendance Accountability Amendment Act of 2013 (AAA), D.C. Code § 38–236.08 *et seq.*, but is currently unable to do so in as thorough and informed a manner as it would like because of limitations on data sharing.

The AAA requires educational institutions like DCPS to refer chronically truant youth ages 14 to 17 to the Court Social Services Division of the D.C. Superior Court, and OAG is tasked with prosecuting or diverting (essentially, securing services for) truant youth, commonly referred to as “person in need of supervision” or PINS. OAG decides whether diversion or prosecution is most appropriate for PINS based on a holistic review of information, including the young person’s educational records. But limitations imposed by the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, currently impede OAG’s ability to make a fully informed decision before opening a PINS case. Although OAG can use a subpoena to get educational records *after* it has charged a young person, because of FERPA, DCPS is reluctant to verify school records *pre*-charging, when this information would be most helpful in evaluating the existence of probable cause or identifying whether prosecution or diversion and mandated services would be most appropriate.

FERPA allows exceptions to its privacy provisions if specified in local law. *See* 20 U.S.C. § 1232g (b)(1)(E). Accordingly, during FY22, OAG continued working with the Deputy Mayor of Education to reach an agreement to allow OAG access to certain records.

- **Consumer protection:** OAG’s Office of Consumer Protection (OCP) has encountered several impediments in its investigations and litigation enforcing the Consumer Protection Procedures Act, stemming from ambiguities and gaps in the statute. Accordingly, OAG has supported passage of the Consumer Protection Procedures Amendment Act of 2022, Bill 24-658, to help solve recurring problems in CPPA enforcement and to modernize the District’s consumer law by adding tools and clarifying authority commonly available to attorneys general in other states. The bill was heard in committee in Council Period 24, but has not yet moved to mark up. OAG is working with the Department of Licensing and Consumer Protection, as well as other stakeholders, to build consensus in support of these and other needed amendments.
- **Environmental justice:** OAG also lacks civil authority to enforce the District’s illegal dumping prohibition, D.C. Code § 8-901 *et seq.* This gap in the law has limited the ability of OAG’s Social Justice Section environmental team to respond to numerous complaints of dumping of tires, cars, and other refuse, primarily in Wards 7 and 8. OAG continues to support Council efforts to amend the illegal dumping statute to provide necessary enforcement authority to our office. OAG has also advocated for amendments to the Lead-Hazard Prevention and Elimination Act, D.C. Code § 8-231.01 *et seq.*, that would lower the thresholds for elevated blood lead levels and exposure to lead-contaminated materials, expand sanctions against owners of lead-contaminated dwelling units, and otherwise strengthen protections for tenants. OAG continues to bring lead-related cases under current law but could do more if the Lead-Hazard Prevention law were strengthened.
- **False claims:** The Workers’ Rights and Antifraud Section has encountered several statutory limitations in enforcing the False Claims Act, including a restriction on information it can share with qui tam relators (more commonly known as whistleblowers), *see* D.C. Code § 2-381.07. OAG is considering ways to clarify the statute and bring it in line with successful enforcement regimes in other states.

28. Please list all regulations for which the agency is responsible for oversight or implementation. Where available, please list by chapter and subject heading, including the date of the most recent revision.

RESPONSE:

District of Columbia Regulations Overseen or Implemented by OAG

Title 1 (Mayor and Executive Agencies)

Chapter 3: Rules of the Office of Documents and Administrative Issuances
1 DCMR §§ 301, 304, 307 (Last Amended Oct. 24, 2014)

Chapter 11: Guidelines of the Board of Review for Anti-Deficiency Violations
1 DCMR § 1109-1110 (Adopted May 11, 2007)

Chapter 24: District of Columbia Poverty Lawyer Loan Assistance Repayment Program
1 DCMR § 2401-2499 (Adopted Feb. 2, 2007)

Chapter 51: Rulemaking Petition to the Office of the Attorney General
1 DCMR § 5100-5101 (Adopted Apr. 12, 2019)

Title 4 (Human Rights and Relations)

Chapter 4: Procedure for Contested Cases
4 DCMR § 400-499 (Adopted Mar. 24, 1995)

Chapter 7: Private Complaints Alleging Unlawful Discriminatory Practices
4 DCMR § 717, 721 (Adopted Sept. 4, 2009)

Chapter 12: Language Access Act
4 DCMR § 1200-1299 (Last Amended Sept. 26, 2014)

Title 5 (Education)

Chapter A1: Child Development Facilities: Licensing
5-A DCMR § 116 (Adopted Dec. 2, 2016)

Chapter A2: Child Development Facilities: District-Subsidized Child Care Services
5-A DCMR § 202 (Last Amended Jan. 25, 2019)

Chapter A21: Compulsory Education and School Attendance
5-A DCMR § 2101, 2103 (Last Amended Aug. 24, 2022)

Chapter A38: Mental Health Community Residence Facilities
22-A DCMR § 3803 (Adopted May 17, 2018)

Chapter A50: Residency Verification for Public Schools and Public Charter Schools
5-A DCMR §§ 5008, 5012-5013 (Adopted March 31, 2017)

Title 6 (Personnel)

Chapter C-1: Authority and Scope
6 DCMR §§ 100 *et seq.* (Apr. 29, 2022)

Chapter C-2: Talent Acquisition
6 DCMR §§ 200 *et seq.* (Apr. 29, 2022)

Chapter C-7: Equal Opportunity Employment

6 DCMR §§ 700 *et seq.* (Apr. 29, 2022)

Chapter C-9: Excepted Service

6 DCMR §§ 900 *et seq.* (Apr. 29, 2022)

Chapter C-12: Hours of Work, Legal Holidays, and Leave

6 DCMR §§ 1200 *et seq.* (Apr. 29, 2022)

Chapter C-13: Employee Development

6 DCMR §§ 1300 *et seq.* (Apr. 29, 2022)

Chapter C-17: Labor Management Relations

6 DCMR §§ 1700 *et seq.* (Apr. 29, 2022)

Chapter C-38: Management Supervisory Service

6 DCMR §§ 3800 *et seq.* (Apr. 29, 2022)

Chapter C-41: Voluntary Leave Transfer Program

6 DCMR §§ 4100 *et seq.* (Apr. 29, 2022)

Title 7 (Employment Benefits)

Chapter 1: Public Sector Workers' Compensation Benefits

7 DCMR § 151 (Adopted July 7, 2017)

Chapter 25: Rules of Practice and Procedure for the Police and Firefighters Retirement and Relief Board

7 DCMR § 2500-2599 (Last Amended July 29, 2022)

Chapter 35: Paid Leave Benefits

7 DCMR § 3515 (Adopted April 10, 2020)

Title 11 (Zoning Regulations of 2016)

Chapter A3: Administration and Enforcement

11-A DCMR §§ 305-306 (Last Amended Feb. 4, 2022)

Title 12 (Construction Codes Supplement of 2017)

Chapter 1A: Administration and Enforcement (Refs & Annos)

12 DCMR §§ 101A-123A (Last Amended May 29, 2020)

Chapter 11A: Accessibility

12 DCMR § 1108A (Last Amended May 29, 2020)

Chapter 1G: Scope and Administration (Refs & Annos)

12 DCMR §§ PM-106G, PM-108G (Last Amended May 29, 2020)

Chapter 1H: Scope and Enforcement

Subchapter 2. Administrative Provisions

12 DCMR §§ F-109H, F-110H (Last Amended May 29, 2020)

Chapter K-3: Green Building Act

12 DCMR §§ 301K-302K (Last Amended May 29, 2020)

Title 14 (Housing)

Chapter 1: Administration and Enforcement

14 DCMR § 105 (Last Amended April 11, 2019)

Chapter 39: Rental Accommodations Division

14 DCMR §§ 3900, 3927 (Last Amended Oct. 13, 2022)

Chapter 48: Pre-Filing Review of Petition and Complaint for a Drug Related Eviction of a Tenant or Occupant from a Drug Haven or Nuisance

14 DCMR §§ 4800-4899 (Last Amended June 23, 2006)

Chapter 56: Debts and Repayment Agreements (Refs & Annos)

14 DCMR § 5601 (Adopted June 29, 2012)

Chapter 99: Short-Term Rentals

14 DCMR §§ 9901, 9905, 9907 (Adopted Dec. 3, 2021)

Title 15 (Public Utilities and Cable Television)

Chapter 28: Universal Service

15 DCMR § 2809 (Last Amended Oct. 7, 2011)

Title 17 (Business, Occupations, and Professionals)

Chapter 15: Professional Engineers and Land Surveyors

17 DCMR §§ 1520-1521 (Adopted Sept. 7, 2007)

Chapter 23: Real Estate Appraisers

17 DCMR § 2324 (Last Amended Sept. 26, 2008)

Title 19 (Amusements, Parks, and Recreation)

Chapter 10: Harbor and Boating Safety

19 DCMR § 1021 (Last Amended March 11, 2015)

Title 20 (Environment)

Chapter 1: Air Quality -- General Rules
20 DCMR § 105 (Last Amended June 5, 2020)

Chapter 26: Fire-Standard Compliant Cigarettes
20 DCMR §§ 2604-2605 (Adopted Sept. 26, 2008)

Chapter 35: Green Building Requirements
20 DCMR § 3521 (Adopted Nov. 5, 2021)

Chapter 66: Underground Storage Tanks – Enforcement
20 DCMR § 6600 (Last Amended Feb. 21, 2020)

Chapter 67: Underground Storage Tanks -- Financial Responsibility
20 DCMR § 6701 (Last Amended Feb. 21, 2020)

Title 21 (Water and Sanitation)

Chapter 5: Water Quality and Pollution
21 DCMR § 529 (Last Amended July 19, 2013)

Chapter 25: Critical Area - General Rules
21 DCMR §§ 2500-2599 (Last Amended May 14, 2021)

Title 22 (Health)

Chapter A54: Private Hospital Probable Cause Hearing -- Reimbursement
22-A DCMR § 5402 (Adopted Feb. 22, 2013)

Chapter B18: Prescription Drug Marketing Costs
22-B DCMR §§ 1804-1805 (Adopted May 25, 2007)
22-B DCMR § 1899 (Last Amended Jan. 27, 2012)

Chapter B40: Certificates of Need
22-B DCMR § 4010 (Last Amended Feb. 28, 2014)

Chapter C10: Enforcement Actions
22-C DCMR § 1000-1004 (Last Amended Mar. 3, 2021)

Chapter C54: Registration Applications
22-C DCMR § 5402 (Last Amended Mar. 3, 2021)

Chapter C62: Enforcement Proceedings and Hearings
22-C DCMR §§ 6202, 6204 (Last Amended Mar. 3, 2021)

Title 23 (Alcoholic Beverages)

Chapter 16: Contested Hearings, Non-Contested Hearings, Protest Hearings and Procedures
Subchapter II. Contested Hearings
23 DCMR § 1611 (Last Amended Mar. 16, 2016)

Title 24 (Public Space and Safety)

Chapter 39: Metropolitan Police Department Body-Worn Cameras
24 DCMR §§ 3900-3999 (Last Amended July 22, 2020)

Title 25 (Food Operations and Community Hygiene Facilities)

Chapter B32: Inspection and Correction of Violations
25-B DCMR § 3200 (Adopted July 3, 2009)

Chapter C7: Application & Licensing Requirements, and Definitions
25-C DCMR § 710 (Adopted June 9, 2017)

Chapter D13: Inspection and Correction of Violations
25-D DCMR § 1300 (Adopted Oct. 9, 2009)

Chapter 6: Application and Licensure Requirements
25-E DCMR § 609 (Adopted Dec. 10, 2021)

Chapter 7: Inspections, Reports, Violations, Corrections, and Prohibited Conduct and Activities
25-G DCMR § 700 (Adopted Dec. 29, 2017)

Chapter 9: Inspection and Correction of Violations
25-F DCMR § 900 (Adopted Mar. 15, 2013)

Title 26 (Insurance, Securities, and Banking)

Chapter B2: Registration of Securities Offerings
26-B DCMR § 255 (Adopted Oct. 24, 2014)

Chapter C20: Predatory Lending
26-C DCMR §§ 2000-2099 (Adopted Nov. 29, 2002)

Chapter C25: Consumer Retail Credit
26-C DCMR § 2521 (Adopted June 28, 1971)

Title 27 (Contracts and Procurement)

Chapter 1: General Rules of the Contract Appeals Board
27 DCMR § 106 (Last Amended April 6, 2020)

Chapter 2: Appeal Procedures of the Contract Appeals Board
27 DCMR §§ 202, 214 (Last Amended April 6, 2020)

Chapter 3: Protest Procedures of the Contract Appeals Board
27 DCMR §§ 303, 312 (Last Amended April 6, 2020)

Chapter 8: Local, Small and Disadvantaged Business Enterprises Contracting
27 DCMR §§ 820-823, 826 (Last Amended July 23, 2009)

Chapter 12: Contract Management and Administration
27 DCMR §§ 1212-1213 (Last Amended Dec. 23, 2011)

Chapter 19: Contracting for Services
27 DCMR § 1901 (Last Amended June 5, 2015)

Chapter 32: Contract Financing and Funding
27 DCMR § 3205 (Last Amended June 12, 2015)
27 DCMR § 3237 (Last Amended Feb. 26, 1988)

Chapter 47: Department of General Services Procurement Rules for Construction and Related Services
27 DCMR § 4737 (Adopted Feb. 10, 2012)

Chapter 48: Public-Private Partnerships
27 DCMR § 4807 (Last Amended June 1, 2018)

Chapter 50: Office of the Attorney General Procurement Rules
27 DCMR §§ 5001-5099 (Last Amended Nov. 5, 2021)

Chapter 51: Civil False Claims Penalty Inflation Adjustment
27 DCMR §§ 5100-5101 (Adopted Dec. 7, 2018)

Title 28 (Corrections, Courts, and Criminal Justice)

Chapter 37: Breath Alcohol Testing Program
28 DCMR § 3702 (Adopted Sept. 2, 2016)

Title 29 (Public Welfare)

Chapter 5: Emergency Medical Services
29 DCMR § 567 (Adopted Dec. 6, 2013)

Chapter 12: Community Placement of Juvenile Offenders
29 DCMR §§ 1204, 1206-1207, 1211 (Adopted Aug. 28, 2009)

Chapter 17: Child Support Enforcement

29 DCMR §§ 1700 *et seq.* (Last amended Nov. 9, 2001)

Chapter 28: Vital Records

29 DCMR § 2814 (Last Amended Feb. 23, 2007)

Chapter 81: Child Support Administrative Financial Institution Data Match

29 DCMR §§ 8101-8199 (Adopted Oct. 24, 2008)

Chapter 87: District of Columbia Health Information Exchange

29 DCMR § 8705-8706 (Adopted July 19, 2019)

Chapter 122: Child Support Lien Program

29 DCMR §§ 12201-12299 (Adopted Aug. 7, 2015)

Title 30 (Lottery and Charitable Games)

Chapter 22: Game of Skill (“Gos”)

30 DCMR § 2217 (Adopted Mar. 26, 2021)

Title 31 (Taxicabs and Public Vehicles for Hire)

Chapter 7: Enforcement

31 DCMR §§ 703, 705 (Last amended Mar. 18, 2016)

Federal Regulations Overseen or Implemented by OAG

Title 45 (Public Welfare)

Subtitle B: Regulations Relating to Public Welfare, Chapter III: Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services

45 C.F.R. § 301.0 *et seq.* (last amended Jan. 12, 2023)

29. Please explain the impact on your agency of any federal legislation or regulations adopted during FY 2022 that significantly affect agency operations or resources.

RESPONSE:

Workers’ rights: The federal American Rescue Plan Act (ARPA) and its implementing regulations and guidance made funds available for activities to combat COVID-19, including state and municipal enforcement of paid sick-leave laws. The availability of ARPA dollars for sick-leave enforcement, along with the Council’s allocation of certain of the District’s ARPA funds to OAG for that purpose, has allowed OAG to bring on additional workers’ rights attorneys to investigate and remedy violations of sick-leave laws and to conduct other related work.

Child support: An amended federal child support regulation in effect during FY22 has changed the paternity-establishment standard that OAG’s Child Support Services Division (CSSD) must meet. Federal regulation 45 C.F.R. 305.61(e) sets penalties for child support agencies that fail to establish paternity in a certain percentage of child support cases; an agency that does not meet these performance standards faces federal funding cuts of varying percentages or is disqualified from earning funding enhancements, depending on the agency’s deviation from the performance standard. This regulation was amended during the COVID-19 pandemic to reduce the required paternity-establishment performance standard from 90 percent of child support cases to 50 percent of cases for FY20, FY21, and FY22. For those same fiscal years, the amendment also temporarily suspended financial penalties for adverse findings of data reliability for paternity establishment. Consequently, CSSD has not been subject to federal evaluation of its paternity establishment rates for the past three years. CSSD is currently performing at close to the 90 percent threshold and well above the 50 percent threshold so expects to qualify for a substantial portion of available incentive funding if and when the federal government returns to pre-COVID-19 standards under this regulation.

30. Please provide a list of all studies, research papers, and analyses (“studies”) the agency requested, prepared, or contracted for during FY 2022. Please state the status and purpose of each study.

RESPONSE:

CSSD’s Business Process Reengineering (BPR)

OAG continues efforts on an important two-part program assessment and improvement process for CSSD. One part of this effort involves the modernization of the District of Columbia Child Support Enforcement System (DCCSES). The second part involves a study of current CSSD operations aimed at identifying areas in which the program functions effectively, as well as areas in which the program could be enhanced to better serve CSSD staff and customers, followed by the initiation of change projects to actualize the identified program improvements.

DCCSES Modernization:

While much behind-the-scenes work is in progress to build and test the new system architecture (including a complete switchover from a case-based to a person-based approach in how data is captured, tracked, and edited), to validate and sync data, and to prepare for release to users, the modernization team launched several aspects of the new DCCSES system in FY22. Examples of system modules and features that have been made available to staff thus far are the online application, the petition-preparation process, court-order creation, and the recording of non-monetary obligations after hearings.

BPR Progress to Date:

In September 2020, Deloitte Consulting LLP delivered a set of program-improvement recommendations to CSSD, which OAG approved for implementation. Deloitte support continued through the end of September 2022. A group of initiatives were selected for

advancement during FY22 and have continued into FY23. Four priority initiatives are described below:

Initiative 1: Conciliation Conference Process

In April 2022, CSSD began a pilot program with the D.C. Superior Court and local advocacy groups to test out a process to encourage expeditious and non-adversarial order entry through conciliation conferences. Phase One of the project focused on offering conciliation to establish parentage, with the team reaching orders in more than 80 cases. Advocates were available to join conciliation conferences at a parent’s request; free DNA testing was offered; and consent orders were forwarded to the court for final entry. The conciliation model is based on best-practice approaches from other states and has been incredibly well received by parents, advocates, and the court, in addition to freeing up court dates—which are scheduling many months out—for other matters. CSSD looks forward to expanding the process to Phase Two in late FY23, which will involve developing orders for child support in this same non-adversarial manner.

Initiative 2: Call Center Script (Staff FAQs)

Throughout FY22, the cross-unit team met regularly to identify child-support questions most frequently posed by customers and co-workers and to devise consistent and accurate responses to be disseminated across the Division. By the end of 2022, a comprehensive draft script had undergone multiple review rounds and is now being prepared for release. CSSD looks forward to providing this resource to staff so that they are more informed and better prepared to assist customers, and to promote greater continuity and consistency across the organization.

Initiative 3: New Hire Process Revisions

CSSD recognizes the critical nature of the staff recruitment, selection, hire, and onboarding process and the importance of this early-stage work to the development of a quality, well-prepared workforce. With that in mind, an effort that CSSD began in FY22 relates to the revision of its approach to new hires. In that regard, the CSSD executive leadership has begun engaging in strategic thinking internally and with human resource partners around hiring strategy—stepping back and exploring true organizational needs in order to utilize position vacancies effectively rather than simply refilling blindly. Work has begun with Human Resources to plan recruitment efforts differently. Additionally, the initial stages of a revised CSSD-wide and unit-specific onboarding approach has begun, complete with unit training manuals that will ensure that incoming or transferring staff are being acclimated to their new positions in a thoughtful, structured, and consistent manner so that they can be successful and prepared for the work to come.

Initiative 4: Expand early intervention activity with CSSD customers.

Important preparation work was accomplished in FY22 for CSSD’s early intervention efforts to educate parents about the child support process. With vendor support, CSSD created the framework for three early intervention orientation sessions for parents in the following focus areas:

Orientation 1: New Customer

Orientation 2: New Order

Orientation 3: Change of Circumstances.

Each orientation has both a custodial and noncustodial parent version. They include a PowerPoint presentation with speaker notes for live sessions, as well as a short overview video. CSSD looks forward to finalizing each session in FY23 with the help of focus-group review.

31. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 2022 and FY 2023, to date.

RESPONSE:

FY22

- Federal Office of Child Support Enforcement (OCSE) FY21 Data Reliability Audit – The FY21 data reliability audit was completed in December 2022. Audits are conducted annually to assess the completeness, reliability, and security of child support data and child support performance indicators. CSSD passed the FY21 audit. CSSD’s lowest accuracy/efficiency rate was 91% for paternity establishment. Recommendations for improving this accuracy rate are listed provided in Question 32. Data for the FY22 data reliability was due on January 31, 2023. OAG expects the FY22 audit to kick off in March 2023.
- IRS Safeguards Review - The IRS is scheduled to conduct a physical and technical security review in February 2023. IRS Safeguard Reviews occur every three years. CSSD is currently discussing the scope of the review with IRS.
- Single Audit FY 2021 – CSSD was selected for a District-wide Single Audit, which reviews programs receiving federal awards to ensure program compliance and appropriate utilization of federal funds. The Single Audit included examination of approved budget and expenditures, as well as internal financial processes to identify any deficiencies. It was concluded in summer 2022 by independent auditors (BDO), and OAG was not issued any findings.
- Office of Inspector General - The OIG is conducting its triennial comprehensive risk assessment of the District’s procurement activities.
- Department of Health - Through a November 22, 2021, investigative report, DOH found that CSSD violated a 2016 MOU with DOH in connection with access to DOH’s Electronic Birth Record System by 1) repeatedly accessing data which CSSD was not entitled to see without having an associated child support case; 2) systematic use of false case numbers to bypass system case number requirements without demonstrating CSSD

authority to access; and 3) failure to secure records in court proceedings. OAG responded to DOH on September 29, 2022.

FY23

- The FY22 annual comprehensive financial report (ACFR) was completed by the independent auditors (McConnell & Jones, LLP).

32. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations. If the recommendation has not been implemented, please explain why.

RESPONSE:

- Department of Health Inspector General Report - The Department of Health Inspector General issued a recommendation to improve procedures for tracking birth and death requests that are submitted to the Vital Records Division by CSSD. CSSD is currently developing a process to ensure that each request has a unique numerical identifier that can be tied back to the Child Support Enforcement Database or the UnWed Births System (paternity tracking database). The inclusion of a child support case number or a paternity tracking number with the request will not only improve tracking but will also prevent requests unrelated to child support or paternity establishment. Procedures for adding the child support case number to a request have been developed and are currently in place. Procedures for including the paternity tracking number on a request for birth or death are currently being developed and should be in place by the end of FY23.
- IRS Safeguards Review - The IRS conducted a physical and technical security review in September 2019. One recommendation was that OAG/CSSD implement a Security Information and Event Management (SIEM) solution. A SIEM software solution aggregates and analyzes activity from many different network devices, servers, domain controllers, and other devices. SIEM provides a centralized platform for the collection, monitoring, and management of security-related events. Implementing a SIEM solution requires a significant capital expenditure. OAG/CSSD is looking into ways of including a SIEM solution with the current modernization project.
- Federal Office of Child Support Enforcement (OCSE) FY21 Data Reliability Audit - OAG/CSSD recently completed an FY21 audit on data accuracy and reliability. There were three recommendations issued by the OCSE Federal Auditors with regard to paternity establishment.

1. Recommendation: Review data specifications to ensure that children in IV-D cases are properly reported on the OCSE-157 for Line 6.

Response: CSSD and IT personnel review the specifications for the OCSE-157 report

and the code/logic used to generate the report at least once a year. OAG IT has already made coding adjustments based on the errors identified during the FY 2021 audit.

2. Recommendation: Establish procedures for staff and provide training as necessary to ensure children in IV-D cases are properly reported on the OCSE-157 for Line 6.

Response: Workflows and procedures are currently being revised. In addition, OCSE staff assisted CSSD with training on the OCSE-157 report. The training was very specific, focusing on explaining how data on certain screens within the Child Support Enforcement System affect the OCSE-157 report.

3. Recommendation: Review and update record keeping practices to ensure accurate reporting on the OCSE-157 performance indicator lines.

Response: As part of the workflow documentation process, CSSD included steps to ensure that the paternity information is properly updated. Also, during the OCSE-157 training different types of paternity establishment were reviewed to ensure that staff had the proper understanding. Additionally, CSSD management continues to stress the importance of uploading all documents to the electronic records management system, Infolinx. The proper records and information being accessible facilitates appropriate OCSE-157 report submissions.

- D.C. Auditor - In September 2022, the D.C. Auditor recommended that MPD and OAG work together to implement written guidelines for when the District should appeal adverse MPD employee discipline decisions. OAG has implemented this recommendation by drafting written appeal guidelines.

33. Please list any reporting requirements required by Council legislation and whether the agency has met these requirements.

RESPONSE:

- Under D.C. Code § 41-312, OAG must annually publish on its website and file with the Council information regarding OAG's civil asset forfeiture efforts. OAG is currently in compliance.
- OAG is required to file a truancy status report as required by the Attendance Accountability Amendment Act of 2013, D.C. Act 20-133, D.C. Code § 38-209. OAG is currently in compliance.
- Each year, OAG prepares a report of all FOIA litigation handled by OAG under D.C. Code § 2-538. The report tracks FOIA litigation handled by OAG, the outcome of the case, and the amount of any fees that may have been awarded in a case. OAG is currently in compliance.
- Under D.C. Code § 1-301.89a(a), OAG is required to notify the Council of cases in which: (1) the validity of a District statute, rule, regulation, program, policy, or enactment of any type is challenged as unconstitutional or invalid under the District of Columbia Home Rule Act; and

(2) the Attorney General has received notice of the action pursuant to Rule 5.1 of the Federal Rules of Civil Procedure or Rule 5.1 of the Superior Court of the District of Columbia Rules of Civil Procedure. OAG is currently in compliance.

- Under D.C. Code §1-301.89a(b), OAG is required to notify the Council of a policy to refrain from (1) enforcing any provision of any District statute, rule, regulation, program, policy, or enactment, or (2) defending any District statute, rule, regulation, program, policy, or enactment. OAG is currently in compliance.
- Under D.C. Code § 2-218.41, all District agencies must annually report to the Department of Small and Local Business Development the amount spent with small business enterprises. OAG is currently in compliance.

34. Please list all pending lawsuits that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

RESPONSE:⁶

- *Chambers v. District of Columbia*, D.D.C. No. 14-CV-2032: OAG employee Mary Chambers sued the District, alleging that the denial of her lateral transfer to a different unit of CSSD was based on discrimination and retaliation. The district court granted summary judgment to the District based on Circuit precedent that purely lateral transfers are not, as a matter of law, adverse employment actions under Title VII unless they are accompanied by some objectively tangible harm. A panel of the D.C. Circuit affirmed on that basis, but the full Court vacated that decision and held en banc argument on October 26, 2021 to determine whether it should overrule its precedent. The D.C. Circuit later ruled that the denial of a transfer is a prohibited personnel action under Title VII, and remanded the case to the district court. The parties are engaged in supplemental briefing.
- *D.C. Office of the Attorney General v. D.C. Office of Employee Appeals/George*, DCCA No. 20-CV-482: OAG separated employee Rachel George in April 2016 after she failed a performance improvement plan. Although she and her union agreed to additional time to receive notice of any discipline after the performance improvement plan so that she could justify in writing how she satisfied it, at the Office of Employee Appeals (OEA), the employee challenged OAG's compliance with personnel regulations requiring written notice of a failed performance improvement plan within ten business days after the end of the plan. OEA did not address OAG's position that the employee waived the ten-day requirement. OEA also held that the termination notice was not specific enough to give the employee notice of the charges against her because it did not cite a regulation. OAG filed an appeal. The case was argued on December 7, 2022. The court has not yet issued a decision.
- *Massey v. District of Columbia, et al.*, D.C. Super. Ct. No. 2022 CA 003360 B: Plaintiff sued the District and OAG employee Sophia Hollis Ticer for negligence and legal malpractice for

⁶ Our responses do not discuss which cases potentially expose the District to significant financial liability or could result in a change to agency practices because that information is protected by the attorney-client privilege and the attorney work-product doctrine and public disclosure could compromise the efficacy of our defense.

allegedly failing to timely revive a judgment for child support arrears against her ex-husband. The Court granted Defendants' motion to dismiss.

- *Mengesha v. Rice, et al.*, D.C. Cir. No. 21-7031: Plaintiff alleged that CSSD's enforcement of a child support order entered against him by the D.C. Superior Court violated his constitutional rights and was tortious. The trial court dismissed the suit, and plaintiff appealed. The D.C. Circuit affirmed the dismissal in April 2022.
- *Ollar v. District of Columbia, et al.*, D.C. Cir. No. 22-7131: Plaintiffs sued the District, an Assistant Attorney General, two Child Protective Services social workers, and a former Children's National Medical Center doctor, alleging they initiated a child abuse and neglect proceeding without probable cause, conspired to conceal their unlawful conduct, made knowingly false representations and omissions to the Court, and destroyed evidence. The district court granted the District's motion to dismiss, and Plaintiffs appealed. Briefing is currently underway.
- *Penn v. District of Columbia, et al.*, D.D.C. No. 22-CV-745: Plaintiff sued the District of Columbia, OAG, and numerous Department of Corrections officers, alleging that he was assaulted by corrections officers in the D.C. Jail on April 4, 2020. The court dismissed all claims against OAG on January 10, 2023. Claims against the individual Defendants remain pending.
- *Wilcox v. District of Columbia et al.*, D.C. Super. Ct. No. 2022 CA 003137 B: Plaintiff is an OAG Child Support Services Division employee who sued the District, along with OAG employees Nadine Wilburn and Sophia Ticer. Plaintiff claims she suffered retaliation in violation of the District of Columbia Whistleblower Protection Act.

35. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2022 or FY 2023, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

RESPONSE:

Litigation Matters

- *Energy Policy Advocates v. D.C. Office of the Attorney General*, D.C. Super. Ct. No. 2020 CA 002462 B: Plaintiff alleged a violation of FOIA and sought common interest agreements signed by OAG. The Court granted the District summary judgment on June 30, 2021. However, because the District provided documents responsive to the FOIA request after the litigation ensued, the Court held that Plaintiff was entitled to attorneys' fees. The parties settled Plaintiffs' attorney's fees for \$15,000 at mediation on September 22, 2021. The settlement agreement was executed on October 7, 2021.

Non-Litigation Matters

Name	Date	Amount	Description
Veritext, LLC	10/18/21	\$1,543.60	Resolution of litigation costs
Vocational and Life Care Planning, Inc.	10/18/21	\$10,500.00	Resolution of litigation costs
601 D Street Owner	12/22/21	\$3,850.00	Resolution of charges for hanging sanitation signs within OAG's assigned space
Michael Weisbach	11/15/22	\$30,400.00	Resolution of litigation costs

Matters in Settlement Negotiations

We cannot disclose matters currently in settlement negotiations. This information is protected by the work product and attorney-client privileges.

36. Please list any administrative complaints or grievances that the agency received in FY 2022 and FY 2023, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY 2022 or FY 2023, to date, describe the resolution.

RESPONSE: None of the following complaints or grievances have resulted in any change to agency policies and procedures.

Administrative Complaints

OAG received two administrative complaints filed before the Office of Employee Appeals (OEA) in FY22. OEA ruled in favor of OAG in one case. The other employee voluntarily withdrew the complaint after OAG moved to dismiss the claim for lack of jurisdiction.

OAG received five administrative complaints filed before the Equal Employment Opportunity Commission (EEOC) in FY22 by different employees claiming race, age, or disability discrimination. OAG filed its Position Statements on each denying the charge. The matters are pending a final decision by the EEOC.

Grievances

AFSCME, Local 2401

AFSCME filed grievances at various levels for five employees who were placed on performance improvements plans in FY22. AFSCME demanded arbitration in four cases, and those matters are pending. AFSCME filed an additional grievance in FY22 challenging CSSD's FY22 SMART performance evaluation goals. An arbitrator subsequently ruled in OAG's favor.

AFGE Local 1403

AFGE filed one grievance in FY22. An arbitrator recently ruled in OAG's favor.

Non-Bargaining Unit Employees

OAG received one grievance in FY22 from a non-bargaining unit employee. OAG resolved the grievance.

Process to Respond

OAG first attempts to resolve grievances informally through meetings. If informal attempts at resolution are unsuccessful, OAG uses the process outlined in the applicable collective bargaining agreements for bargaining unit employees. Generally, a labor organization or employee files the grievance at the lowest managerial level where relief can be granted. Management has ten to 15 working days to respond under the applicable collective bargaining agreement. If a grievance is not resolved at the lowest management level, the union or the employee may proceed to the next management level until the Attorney General issues a final decision. After the Attorney General's final decision, the union or employee may request arbitration, and a third-party arbitrator is selected following the process outlined in the collective bargaining agreement. Either party may seek review of an arbitrator's award by filing an appeal with the Public Employee Relations Board (PERB). Either party may seek review of PERB's decision by filing an appeal with the District of Columbia Superior Court. Lastly, either party may seek review of the Superior Court's decision by filing an appeal with the District of Columbia Court of Appeals.

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

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

Resolutions

OAG issued final decisions in all grievances. AFSCME demanded arbitration in four grievances, and these matters are waiting for AFSCME to move forward with the arbitration process.

D. EQUITY

37. How does the agency assess whether programs and services are equitably accessible to all District residents?

- **What were the results of any such assessments in FY 2022?**
- **What changes did the agency make in FY 2022 and FY 2023, to date, or does the agency plan to make in FY 2023 and beyond, to address identified inequities in access to programs and services?**
- **Does the agency have the resources needed to undertake these assessments? What would be needed for the agency to more effectively identify and address inequities in access to agency programs and services**

RESPONSE: OAG continually strives to provide all District residents equitable access to agency programs and services. To that end, the following programmatic approaches were implemented or executed during FY22 or FY23 to date:

- CSSD ensured compliance with D.C. Government Language Access requirements by updating its website and translating agency forms to improve accessibility for non-English speaking residents. CSSD staff also continued to utilize the Language Access Line to better communicate with customers and provided in-person support to those without computer access.
- The Equitable Land Use Section (ELU) of OAG's Commercial Division conducts regular outreach to community groups and ANCs to ensure that it is providing its services equitably to all District residents. ELU has presented to ANCs and community groups outside of office hours, on weekends and evenings, and for recording to serve those residents unable to make the presentations. These presentations are designed to support and inform non-lawyers and those inexperienced with the District's planning, zoning, and real estate development processes, and to advise D.C. residents of the resources available to them within OAG regarding such matters.
- On the consumer protection front, OAG's Office of Consumer Protection (OCP) has prioritized investigations focused on patterns or practices of violations that have a significant effect on vulnerable communities, including poor people, people of color, tenants, and the elderly, because these groups are disproportionately victimized by scams and other wrongdoing.

Much of OAG's assessment of its ability to equitably serve District residents is qualitative and principles-based. As to numerical analysis, OAG currently has one full-time data scientist who is responsible for analyzing data across the agency's programs, with a particular focus on public safety. Council investment in additional data personnel would expand OAG's ability to monitor and address equity in its programming and to provide data-driven insights to the Council, partner agencies, and the public.

38. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.

- **How was the policy formulated?**
- **How is the policy used to inform agency decision-making?**
- **Does the agency have a division or dedicated staff that administer and enforce this policy?**
- **Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?**

RESPONSE: OAG is committed to racial and social inclusion in our internal and external operations. In addition to OAG’s Equal Employment Opportunity policy described in Question 39, in FY23 OAG developed a statement entitled “Commitment to Diversity, Equity, Inclusion, and Belonging” that reads as follows:

The Office of the Attorney General (OAG) views equity, diversity, inclusion, and belonging as the pathway to achieving inclusive excellence and fostering and maintaining a culture where every employee can thrive. We strive to create a community that draws upon the best pool of talent to unify excellence and diversity while fully embracing individuals from varied backgrounds, cultures, races, identities, life experiences, perspectives, beliefs, and values. We honor, respect, and celebrate all differences, both visible and invisible.

This statement was developed with input from the Attorney General, the Chief Deputy Attorney General, Human Resources staff, and OAG’s Diversity and Inclusion Committee.

Similarly, for FY23 and beyond, OAG will be guided by four priorities: (1) prioritizing public safety and healthy, independent, and hopeful youth; (2) promoting equity and narrowing equity gaps; (3) standing up for democratic values; and (4) building on OAG’s independence and institutional excellence. This second priority devoted to equity encompasses the agency’s internal focus on social equity and inclusion among our staff, as well as the agency’s external focus on work on behalf of vulnerable District residents. OAG’s four priorities were distilled from extensive conversations with community stakeholders and were informed by the Attorney General, Chief Deputy Attorney General, and the senior leadership team in the Immediate Office.

All hiring, operations, and programmatic staff are charged with adhering to and implementing these two directives promoting equity. Because both directives are new to the agency in FY23, OAG has not yet developed methods for assessing progress towards achieving the commitments contained in them.

39. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.

- **How was the policy formulated?**
- **How is the statement or policy used to inform agency decision-making?**
- **Does the agency have a division or dedicated staff that administer and enforce this policy?**

- **Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?**

RESPONSE: Yes. OAG has historically had, and continues to update, a comprehensive anti-discrimination policy. Please see Attachment 15.

In accordance with the D.C. Human Rights Act of 1977, D.C. Code § 2-1401 *et. seq.*, OAG does not discriminate on the basis of any of the District of Columbia’s protected traits. Further, OAG does not “coerce, threaten, retaliate against, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this chapter.” D.C. Code § 2-1402.61.

On December 7, 2017, the Attorney General sent an email to all OAG personnel entitled “Maintaining an Inclusive Work Environment,” which reminded employees that OAG was:

committed to creating an environment where we celebrate differences and promote understanding and respect of physical, cultural, and social variety among individuals. The respect and dignity with which we treat each other is critical to the success of OAG’s mission, and we will not tolerate harassment, coercion, or retaliation in our workplace.

The Attorney General also identified OAG’s EEO Director and notified employees of the procedure for submitting a claim of inappropriate behavior. In 2018, OAG distributed its current revised anti-discrimination policy (along with the Mayor’s revised anti-discrimination policy) and reiterated OAG’s commitment to equal employment opportunity, a workplace that is free of discriminatory harassment, and the development of comprehensive anti-harassment policies and mandatory training on its anti-discrimination policies. OAG reminded employees of the prohibition against discrimination and about relevant complaint procedures in 2022. OAG also provides training on these anti-discrimination and anti-retaliation policies to all employees during their new employee orientation.

OAG’s written policy and complaint procedure:

- a) Clearly explains what is prohibited conduct;
- b) Assures employees who file a claim or provide information in connection with claims that they will be protected from retaliation;
- c) Clearly describes OAG’s complaint process, which is accessible to employees;
- d) Assures that OAG will protect the confidentiality of complainants to the extent possible;
- e) Assures that the complaint process provides a prompt, thorough, and impartial investigation; and
- f) Assures that OAG will take immediate and appropriate corrective action when it finds harassment or inappropriate conduct.

Upon receiving a complaint, OAG HR, either internally, or since July 2022 through its vendor procured for this purpose, investigates the complaint to gather information on the facts and

circumstances. OAG reviews the investigative report and uses the report to inform its decision on discipline. OAG's investigation is separate from the duties of an EEO Counselor. An EEO Counselor's primary goal is to mediate the complaint toward a successful resolution. An EEO Counselor does not investigate complaints on OAG's behalf and has no authority to discipline. For these reasons, employees are encouraged to report EEO complaints to OAG's EEO Director so that OAG can investigate, stop any discrimination or retaliation, and discipline the harasser. If employees choose to first file a complaint with an OAG EEO Counselor, OAG's policy requires that the EEO Counselor notify OAG's EEO Director of the complaint for purposes of beginning an investigation and taking appropriate action.

OAG ensures compliance with the policy by completing investigations and taking personnel action.

E. COVID-19 PANDEMIC RESPONSE

40. Please give an overview of any programs or initiatives the agency has started in response to COVID-19, to date, and whether each program or initiative is still in effect.

RESPONSE:

- OAG has closely monitored the science and data related to COVID-19 to determine how best to respond to the pandemic. Specifically, OAG (1) transitioned to maximum telework quickly when the pandemic started; (2) implemented a vaccine, physical distancing, and masking requirement for OAG's workforce and adjusted this requirement in accordance with Centers for Disease Control and Prevention guidance; (3) offered additional care leave options for employees; (4) launched a grief counseling service to support the emotional needs of employees; and (5) successfully brought our workforce back to the office in phase-based approach that started in March 2022. Additional care leave options and grief counseling remain in effect.
- OAG also provided self-testing options to visitors and employees.
 - Visitor testing was established to provide free rapid COVID-19 tests to visitors who did not have either a proof of full vaccination or proof of a negative COVID-19 PCR test. This initiative ended in November 2022.
 - Employee testing was established to provide testing for COVID-19 to employees, as needed, who regularly engaged with the public. This program remains in effect.
- CSSD launched the following initiatives in response to the COVID-19 pandemic, all of which are still in effect:
 - In April 2022, CSSD launched Phase I of a conciliation conference process aimed at alleviating the significant backlog in child support cases resulting from the COVID-19 pandemic. This first phase of the pilot project, which focuses solely on paternity cases, is a collaboration with D.C. Superior Court and legal service providers. The goal of the

program is to resolve child support disputes more efficiently for parents while also saving judicial resources. In this program, parents are offered the opportunity to work through disputes in a conciliation meeting, and consent orders are developed with input from both parties and subsequently approved by the court on designated days each week. Phase II will focus on the establishment of support orders and is expected to launch in the third quarter of calendar year 2023. This conciliation conference model, which was inspired by successful programs in other jurisdictions, has expedited matters through the child support system and freed up existing court dates, which are scheduling nine months out, for more complex disputes.

- In April 2022, CSSD enhanced its hybrid customer service by enabling customers to make in-person and virtual appointments and receive live support during the business hours of 8:15 am to 4:45 pm each weekday. For those without computer access, three in-office kiosks were created to facilitate customers' ability to apply for CSSD's services.
- CSSD accelerated and expanded its paperless initiative in response to the COVID-19 pandemic. (Prior to the pandemic, CSSD was a paper-dominant operation.) As a result, CSSD staff are now able to access forms and files electronically to process cases and serve customers. Similarly, CSSD customers are now able to access and exchange forms and complete applications electronically. This initiative has improved CSSD's efficiency and greatly enhanced CSSD's ability to serve its customers. By September 2023, all files are expected to be accessible in CSSD's online repository.
- OAG also litigated numerous cases defending the District's COVID-19 policies including healthcare worker vaccination requirements, the District's eviction moratorium, and safety measures like masking requirements and capacity limits in restaurants, gyms, and retail locations. Most of these cases are now resolved, although some challenges to vaccination requirements are ongoing.

41. Which of the agency's divisions are currently working remotely?

- **What percentage of the agency's total employees currently work remotely?**
- **Please provide a copy of the agency's Continuing Operations Plan and any remote working protocol.**

RESPONSE:

Remote Work

OAG's alternative work schedule policy permits all full-time employees to telework, provided they meet the eligibility requirements, and their supervisory chain approves. Varying numbers of employees across OAG's divisions have taken advantage of the opportunity to telework, ranging from one to five days per week. Of the 665 employees currently on board, nearly 77 percent have an approved telework schedule. See Attachment 16 for OAG's Alternative Work Schedule and Telework Program.

Continuity of Operations Plan

On or about September 30, 2022, OAG submitted to D.C. Homeland Security Emergency Management Agency its updated Continuity of Operations Plan, which contains confidential, sensitive information regarding OAG's contingency plans in the event of an emergency. Given the confidential nature of the document, OAG cannot make it publicly available but can share it with the Committee upon request and pursuant to appropriate confidentiality measures.

42. How has the agency ensured that all staff have access to necessary equipment and a stable internet connection to work from home?

RESPONSE: During the pandemic, OAG issued IT equipment to all staff who requested laptops, tablets, or cell phones. In a few instances, OAG enabled the hotspot feature on OAG-issued cell phones to ensure that the user had use of a WiFi hotspot. Additionally, OAG issued a very limited number of MiFis, which are small, portable routers that act as a mobile hotspot for any device.

OAG does not provide or reimburse for home internet access, but the OAG IT team assists staff with remotely troubleshooting home-internet connection issues that affect work-related connectivity.

43. Was the agency a recipient of any federal grants stemming related to the COVID-19 pandemic during FY 2022 and FY 2023, to date, and, if so, how were those federal grant dollars used?

RESPONSE: In FY22 and FY23, OAG received American Rescue Plan Act (ARPA) funds to (1) expand its Cure the Streets violence interruption program and (2) hire two attorneys to provide legal support for paid leave enforcement.

Cure the Streets

In FY22, OAG received \$3.2 million, and, in FY23, OAG received \$3.3 million to fund four Cure the Streets expansion sites in Wards 1, 4, 5, 6, and 8. Cure the Streets is a community-driven, public safety pilot program working to reduce gun violence in targeted neighborhoods across the District that have historically experienced some of the highest rates of gun violence. OAG originally launched Cure the Streets in 2018 with two sites; by January 2020, the program was operating in six sites in Wards 5, 7, and 8. In FY22, using ARPA funds, the program was expanded to four additional sites: Congress Heights, Brightwood Park/Petworth, Sursum Corda/Ivy City, and Historic Anacostia/Fairlawn. OAG is also permitted to use ARPA funding to provide support services for Cure the Streets programming, including technical assistance, training, and staff mental health support.

Paid Leave Enforcement

In FY23, OAG received \$288,317 to fund two attorneys in the Public Advocacy Division, Workers' Rights and Antifraud Section, to focus on enforcing the D.C. Sick and Safe Leave Act, including where employees are denied sick leave by virtue of being wrongly misclassified as independent contractors, to ensure the fulsome availability of sick leave to District workers.

44. How has the agency updated its methods of communications and public engagement to connect with customers since the start of the pandemic?

RESPONSE: Since the start of the pandemic, OAG has continually updated its methods of communication and public engagement to reach as many D.C. residents as possible and to respond to their evolving needs. OAG continued to share: consumer alerts on key issues that residents should be aware of; a bi-weekly newsletter containing important information for residents, including tip lines for reporting scams, fraud, or abuse; and press releases that result in media coverage and help more residents find information and access resources. OAG has also expanded its digital presence, increased the accessibility of its content, and created a virtual event series to reach new audiences when D.C. residents were largely staying at home due to the pandemic. Now, as D.C. has reopened, OAG is redoubling its efforts to engage with residents in-person.

At the start of the pandemic, OAG quickly ramped up public communication to ensure that District residents had access to up-to-date and accurate information about the COVID-19 public health emergency and their rights under the District's COVID-19 emergency protections. To do this, OAG created and distributed consumer alerts on issues facing residents, including price-gouging, problems cancelling services, and pandemic-related scams. OAG also published tips and know-your-rights information for consumers, tenants, and workers. This information was shared with local press and with D.C. residents directly through OAG's digital channels. A COVID-19 landing page was added to OAG's website to centralize information regarding the agency's operating status; information for consumers, workers, and tenants; updated information about how to contact the office; and links to health resources. OAG also launched a series of monthly virtual events on Zoom and Facebook Live to continue engaging with community members and providing information while residents were staying at home.

OAG's pandemic-focused communications and outreach led to measurable increases in D.C. residents' engagement with the office. For example, OAG's efforts to educate residents about consumer issues and raise awareness about available resources led to a dramatic increase in engagement with the agency's Office of Consumer Protection. In 2022, OAG received more than 2,800 consumer complaints, which was the highest level ever and represented an increase of nearly 90 percent over the number of consumer complaints OAG had received before the pandemic, in 2019.

Additionally, OAG saw very high levels of interest in pandemic-related housing resources and continued to provide up-to-date guidance on the website site for tenants about their rights in both English and Spanish for the duration of the District's public health emergency. That page became one of the most visited on OAG's website. It routinely received more than 3,000 views per week as people sought clarity around whether they could be evicted or have their utilities shut off, and information on how to enter into an agreement with their landlord.

Since the start of the pandemic, OAG has also grown its digital footprint and increased the accessibility of its content. OAG launched a Medium account to communicate directly with community members about the work of the office and the Attorney General's approach to issues

such as gun violence, algorithmic discrimination, and supporting youth. OAG revised the homepage of its website to highlight consumer alerts more prominently. These alerts are designed to be timely and frequently attract news attention, including alerts about tenants' rights to heat and air conditioning in their homes, mortgage assistance funds, and abortion care access. The new homepage also includes live social media feeds to increase public awareness of its work in the community and the most recent news stories about the agency, its cross-departmental collaborations, policy positions, amicus briefs, and much more. Across social media platforms, OAG has increased the frequency of messages and improved accessibility by posting videos with captions and images with alt-text. OAG's web vendor is in the process of making improvements to the website to meet even higher accessibility standards.

While OAG had largely shifted to virtual methods of communication and engagement before the start of the pandemic, there were several notable exceptions, including in-person STAY DC clinics organized by OAG, which provided hands-on assistance for tenants applying for rental and utility assistance. As the pandemic progressed and more people returned to in-person work and events, OAG has once again ramped up in-person public engagement by holding more in-person events, including the 2022 Right Direction Awards. Robust public engagement is one of Attorney General Schwalb's key priorities, and to that end, OAG's Office of Community Engagement will increase and enhance virtual and in-person public outreach efforts, ultimately expanding OAG's ability to serve D.C. residents.

F. AGENCY-SPECIFIC QUESTIONS

45. Please provide brief highlights of the work of each of OAG's divisions in FY22 and FY23, to date.

RESPONSE:

Child Support Services Division (CSSD)

CSSD assists District families with locating absent parents, establishing paternity, establishing orders for monetary and medical support, collecting ongoing support, and enforcing delinquent child-support orders. CSSD also seeks to ensure that District children receive the financial support to which they are legally entitled. In addition to collecting \$49,107,942 in child support payments in FY22 to help children thrive, CSSD focused on continuous improvement across all aspects of its operations. Highlights include:

Conciliation pilot program: CSSD began a pilot program with the D.C. Superior Court and local advocacy groups to encourage expeditious and non-adversarial development of necessary court orders through conciliation. Phase One of the project focused on offering conciliation to establish parentage, with the team reaching orders in more than 80 cases. Advocates were available to join conciliation conferences at a parent's request; free DNA testing was offered; and consent orders were forwarded to the court for final entry. This conciliation model is based on best-practice approaches from other states and has been very well received by parents, advocates, and the court, in addition to freeing up court dates—which are scheduling many months out—for other

matters. CSSD looks forward to expanding the process to Phase Two in late FY23, which will involve developing orders for child support in this same non-adversarial manner.

DCCSES modernization: Modernizing the District of Columbia Child Support Enforcement System (DCCSES) has been a years-long effort that is nearing completion. Work continued throughout the year towards retiring CSSD's legacy child support management system, with much behind-the-scenes progress to build and test the new system architecture, validate and sync data, and prepare for release to users.

Standardized parental education materials: With vendor support, CSSD created the framework for three parent orientation modules to educate both custodial and noncustodial parents on the child support process. This includes a PowerPoint presentation and a short three-minute video overview. CSSD will continue to refine and finalize these materials with the help of focus groups in the remainder of FY23.

Civil Litigation Division (CLD)

CLD provided unparalleled legal representation for the District before local and federal courts and the Office of Administrative Hearings (OAH). Highlights of this work follow.

During this period, CLD's Civil Enforcement Section prevailed in every appeal before OAH involving the Department of Health's denials of District healthcare providers' COVID-19 vaccination exemption requests. In short, CLD helped ensure that healthcare providers in the District complied with the District's public health policies and helped keep their patients and colleagues safe during the global pandemic.

CLD also obtained defense verdicts in three major jury trials involving employment discrimination claims against the District: (1) *Al-Kharouf v. District of Columbia*, a national origin discrimination case in federal court; (2) *Robinson v. District of Columbia*, a D.C. Family Medical Leave Act case; and (3) *Artis v. District of Columbia*, a D.C. Whistleblower Protection Act case. These outcomes alone averted \$2 million in taxpayer liability.

CLD obtained dismissal, which was later affirmed on appeal with representation by our Solicitor General, in *Fraternal Order of Police v. District of Columbia*, of a constitutional challenge to the Council's Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020 that made discipline of law enforcement personnel non-negotiable and excluded officer discipline from negotiation in future collective bargaining agreements.

Commercial Division

Equitable Land Use Section (ELU)

- *Community and Council engagement and education:* ELU hosted multiple educational meetings with ANC's and community groups covering how planning and zoning work, how groups can effectively participate, and proposed changes to the Zoning Regulations. ELU's activities led to increased public participation in ZC Case Nos. 22-06, 22-07, 22-

09, 22-11, 22-25, and 22-RT1. The Section also served as a go-to resource for Council staff on issues related to land use, zoning, development, and affordable housing.

- *Racial equity*: ELU proposed a draft framework for the new racial equity analysis tool that the Comprehensive Plan requires the Zoning Commission to use in all zoning actions. This framework of demographic and economic analysis drew on ELU's research on similar efforts in Seattle, Boston, New York City, and Montgomery County.
- *Regulatory proposals*: ELU proposed changes to the Zoning Regulations to increase the amount of affordable housing and to protect tenants facing displacement due to zoning applications.
- *Public interest advocacy before the Zoning Commission*: ELU frequently advocated before the Zoning Commission to support the public interest priorities of inclusionary zoning and ambitious affordable housing construction. This included arguing for the consistent application of Inclusionary Zoning+, the increased affordable housing formula, in connection with multiple Planned Unit Developments (PUDs) and map amendments; intervening to support a PUD application which proposed a significant affordable-housing increase beyond required baseline; and challenging the sufficiency of affordable housing proffers offered for several PUD applications, thereby requiring the applicant, the Office of Planning, and the Commission to consider the adequacy of the affordable housing component of these proposed PUDs.

Government Contracts Section (GCS)

- GCS handled nearly \$2 billion in contract matters in FY22. In particular, it won all seven protests filed at the Contract Appeals Board (CAB) challenging the District's latest award of its Managed Care Organization Contracts, with a total value of contracts that could reach \$1 billion dollars.
- GCS also argued successfully for dismissal of an appeal at CAB alleging the District owed Clear Channel over \$8 million for payments made to the District under a Bus Shelter Franchise Agreement.
- And GCS provided legal guidance on the District's first ever completed Public-Private Partnership procurement, a \$350 million dollar project for the LED conversion of the District's street lights, in which the Tax and Finance Section also played a role.

Land Acquisition and Bankruptcy Section (LAB)

- *Successful challenges to slumlords' misuse of bankruptcy laws*: The Section successfully opposed two slumlord debtors' attempts to misuse bankruptcy law to undermine the District's actions to hold building owners accountable for mismanagement and disrepair at multifamily housing properties. In one case, the Section protected the Superior Court-ordered receivership granted to provide maintenance and correct years-long violations of District housing code, and in

another, LAB thwarted misuse of bankruptcy law to undermine the District's Consumer Protection Procedures Act case against a building owner.

- *Defending the public fisc while acquiring property for public interest purposes:* LAB, with help from the Civil Litigation Division, successfully concluded years of litigation to replace the Frederick Douglass Memorial Bridge in *District of Columbia v. 1620 S. Capitol St.*, and *Jemal's Buzzard Point, LLC*, winning a jury verdict that saved the District over \$42 million in potential liability in just compensation for the acquisition. LAB also acquired real property for the East Capitol Gateway project where a stalled retail-residential development contributed to food insecurity in Ward 7. The District has taken control of the property and anticipates expedited construction of a grocery store. The Section is currently litigating to defend up to \$16 million in District funds. And in FY22, LAB acquired the \$13 million "Dave Thomas Circle" for DDOT traffic safety improvements and avoided \$10 million in potential liability by winning a summary judgement motion in which the court found the District had no liability for Wendy's business or intellectual property. Finally, LAB acquired the \$16 million W Street Trash Transfer Station property for eventual District warehousing use while securing a court finding that the District had a valid public purpose to take the property.

Tax and Finance Section (TFS)

TFS defended billions of dollars in value for the District's tax base and advised the District on financing for numerous projects and bond issuances with total value exceeding \$3.1 billion. These accomplishments included:

- TFS defended over \$51 billion in assessed value by closing 468 court cases to retain over \$47,596,580 in real property taxes, including accrued interest of \$298,953 per month. In these matters, petitioners sought to reduce assessed value to nearly \$41 billion and collect \$78 million in refunds.
- TFS had an impressive 3-0 record on transfer and recordation tax appeals, saving nearly \$9 million in recordation and transfer taxes for the District.
- TFS advised the Office of the Deputy Mayor for Planning and Economic Development (DMPED) on nine bond issuances totaling \$309,985,000 that resulted in District revenues of \$674,933 in Public Financing Administrative Program Fees.
- TFS advised the Office of the Chief Financial Officer on 11 bond issuances totaling \$3.1 billion.
- TFS represented the District in its Smart Street Lighting Project, the District's first public-private partnership project designed to improve streetlights. TFS also advised DMPED in the sale of nearly \$160 million in private activity revenue bonds to finance the construction of the project.

Family Services Division (FSD)

FSD supports the Child and Family Services Agency (CFSA) in improving the safety, permanence, and well-being of abused and neglected children in D.C. and strengthening families. Through the end of FY22, FSD provided legal representation in the exit of 230 children from the foster care system through reunification (105), adoption (102) or guardianship (23). FSD also provided advice to CFSA on matters involving over 1,100 children where a separation has not yet occurred. Section Chiefs participated in 142 consults with Child Protective Services and the In-Home Unit of CFSA to review matters to determine whether a court case was warranted. FSD attorneys also attended 1,184 permanency goal review meetings to ensure that CFSA case plans address all behavior issues that led to court involvement and to assess if reunification was a viable goal.

As part of its litigation practice, FSD focused on several specialty areas, including Unaccompanied Refugee Minors, youth at risk for or victims of human trafficking, victims of serious physical abuse and child sex abuse, and families where parental substance abuse is the main behavioral issue preventing reunification.

FSD also maintained its role in combatting human trafficking through community education and coordination. FSD conducted 20 trainings at which it reached 1,835 educators, medical professionals, community-based providers, and young people to educate them on warning signs and risk factors for trafficking. FSD also co-chaired eight meetings of the Citywide Human Trafficking Taskforce with the United States Attorneys' Office whose membership comprises federal and local government agencies and community-based organizations.

Legal Counsel Division (LCD)

During the relevant period, LCD provided legal sufficiency review for over 700 bills and 150 rulemakings and responded to more than 300 confidential requests for legal advice. The Division worked in consultation with other District stakeholders to propose and draft legislation relating to ghost guns, medical marijuana, consumer protection, and debt collection. LCD attorneys also participated in working groups focused on reproductive rights in the of the *Dobbs* decision overturning the federal constitutional right to abortion. And LCD created an online repository for commonly referenced legal opinions and guidance for use by District government and the public.

Office of the Solicitor General (OSG)

OSG handles all appellate litigation for the District of Columbia and its 50+ agencies, and it has secured several major victories this past year. For instance, in *Fraternal Order of Police (FOP) v. Metropolitan Police Department (MPD)*, the office secured dismissal of FOP's constitutional challenges to the Council's comprehensive police reform bill, passed in the wake of George Floyd's murder. A crucial component of this reform was removing officer discipline from the collective bargaining process, ending the existing disciplinary process which has repeatedly resulted in the return of unfit officers to the streets. The D.C. Circuit's decision dismissing FOP's challenges paved the way for the Council to finalize permanent legislation, and for MPD to begin handling new officer discipline cases without resorting to arbitration.

OSG's victories have also preserved millions of dollars in savings for the District. For example, in *Friends of McMillan Park v. D.C. Department of Consumer and Regulatory Affairs*, OSG was successful in persuading the D.C. Court of Appeals to dismiss a challenge to demolition and construction at the McMillan Slow Sand Filtration Site. The Court had previously stayed demolition in January 2020. This victory allowed the District to stop accruing costs of \$4,800 to \$6,200 for each day demolition was delayed, and will allow the District to reap anticipated tax revenues of \$31 million per year.

Likewise, in *District of Columbia v. Design Center Owner (D.C.) LLC*, OSG's victory recovered up to \$5 million in unpaid taxes on a major real estate transaction. In that case, the parties to the transaction paid transfer and recordation taxes on only the tax-assessed value of the land and not the buildings that they transferred. After the Superior Court sided with the taxpayers, OSG authorized an affirmative appeal, and the D.C. Court of Appeals reversed. The Court held that the taxpayers owed transfer and recordation taxes not only on the transfer of land, but also on the transfer of the reversionary interests in the improvements on the land.

OSG has also continued its substantial amicus practice that advocates for the District's interests in courts around the country. For example, in the wake of the 2020 presidential election and fueled by baseless claims of voter fraud, states across the country have engaged in unprecedented efforts to suppress the vote, disproportionately impacting voters of color. Responding to these efforts, in FY22 and FY23 to date, we have led amicus briefs in several high-profile cases, including before the United States Supreme Court, to protect the right to vote. These briefs—usually joined by 15 to 25 other states—addressed critical issues such as ending felon disenfranchisement; protecting voters from racial gerrymanders; and enabling voters to use drop boxes or vote by mail.

OSG also led amicus briefs in a number of other critical areas, including:

- Leading an amicus brief in *Equality Florida v. DeSantis*, a challenge to Florida's "Don't Say Gay" law which bans or limits discussion of LGBT topics in schools;
- Leading multiple multistate amicus briefs supporting the regulation of ghost guns;
- Co-leading three multistate amicus briefs supporting New York in its defense of its gun safety legislation, passed in the wake of the Supreme Court's *Bruen* decision.
- Leading a multistate amicus brief seeking to hold the federal government accountable for the gross mistreatment of Haitian migrants; and
- Filing an amicus brief contesting the federal Bureau of Prisons' system for classifying inmates, which disproportionately sends District offenders to higher security facilities with fewer freedoms.

Personnel Labor and Employment Division (PLED)

PLED had a successful year overall both in terms of total liability avoided for District taxpayers and in achieving litigation and arbitration wins with significant policy implications for the District.

Liability avoided: In 23 wins in cases for back pay and attorney fees damages, PLED avoided over \$3,406,523 in liability for the District during fiscal year FY22. (This estimate does not include public sector workers compensation cases because the Office of Risk Management (ORM) does not track or calculate liability avoided.)

Successful litigation and arbitration: In one of PLED's most significant wins ever, an arbitrator upheld MPD's termination of former Officer Brian Trainer for severe misconduct with fatal consequences in a highly publicized unauthorized pursuit case that resulted in the death of a motorcyclist for, what, at worst, amounted to a misdemeanor traffic offense. After the USAO declined criminal prosecution, MPD charged Trainer with myriad acts of misconduct and, after a full multiday, pre-termination hearing, Trainer was found guilty of violating MPD's use-of-force policy and body worn camera policy. Trainer's employment was terminated, and following PLED's successful engagement in the arbitration process, the arbitrator upheld the termination on all charges.

PLED also secured a positive outcome in another officer misconduct case in which four members of MPD, including Jerrita Millington, engaged in an illegal drag race. As one of the two drivers in the incident, Millington's case went to an adverse action hearing in which PLED represented the District's interests. The panel returned guilty findings on all Charges and Specifications and Millington was fired from the police force.

Finally, PLED won a public-health victory before the Superior Court in *AFGE v. PERB & OLRCB*, 2022 CA 000282 P(MPA), reinforcing the District's right to implement vaccination requirements for public employees during the COVID-19 health emergency. The American Federal of Government Employees, Local 631 (AFGE Local 631) filed an unfair labor practice (ULP) complaint with the Public Employee Relations Board (PERB) claiming that the District failed to negotiate personnel decisions related to vaccination, and PERB granted the ULP. PLED represented the District's interests in the matter before the Superior Court, and, in one of the few reversals of a PERB decision in the last 20 years, the Superior Court ruled that management was not required to negotiate the COVID-19 vaccination requirement before implementing it. (Although the District subsequently lost challenges to the vaccination requirement after the public health emergency expired, those outcomes hinged on the lack of extension of the relevant legislation, rather than the merits of the policy.)

Public Advocacy Division (PAD)

PAD unites OAG's affirmative civil enforcement litigation across antifraud, antitrust, civil rights, consumer protection, elder justice, environmental, housing, nonprofit enforcement, and workers' rights. Highlights of PAD's work investigating, litigating, and resolving numerous public interest cases include:

Stopping illegal sales of ghost guns: In August 2022, PAD—through its Office of Consumer Protection—won a pathbreaking judgment against Polymer80, a major manufacturer of ghost guns, which are sold as kits and parts that can easily be assembled into semi-automatic and handguns without serial or other identification numbers. The lawsuit alleged that Polymer80's products fail to comply with District law and that the company misled consumers into believing

their products were legal. The Court’s judgment permanently barred Polymer80 from selling unserialized, untraceable firearms to District residents and ordered the company to pay more than \$4 million in penalties. Our office was the first in the country to file such a suit.

Winning relief for tenants harmed by housing conditions and lead contamination: In December 2021, PAD—through its Social Justice Section—won a judgment against the landlords of 6145-6149 Kansas Avenue, NE for subjecting tenants to housing code violations, including mold, leaks, vermin infestations, fire safety violations, and toxic lead. The Court awarded \$4.75 million in penalties—including \$3.2 million for lead violations—and more than \$615,000 in restitution for tenants to refund the rent they paid while they lived with these conditions. The Court also ordered the owner to hire a new property manager and adopt new policies on contracting, training, and lead abatement. This judgment was the first of its kind under the District’s lead enforcement law, and it sets a strong precedent for future lead cases.

Holding the Trump Organization, Hotel, and Inaugural Committee accountable for mispending nonprofit funds: In May 2022, PAD—through its Public Integrity Section—reached a settlement requiring the Trump Organization and the 58th Presidential Inaugural Committee (PIC) to return \$750,000 in misused nonprofit funds. The suit alleged that the PIC—a nonprofit organization—misused charitable funds to dramatically overpay the Trump Hotel for event space, throw a private party for the former president’s adult children, and pay a private debt owed by the Trump Organization. Funds recovered by OAG under the Nonprofit Corporations Act were redirected to legitimate charitable purposes in the District: Mikva Challenge DC and DC Action, which promote civic engagement, democracy, and youth leadership.

Holding landlords accountable for discriminating against tenants with housing vouchers: In October 2022, PAD—through its Civil Rights Section—reached a landmark settlement agreement in *District of Columbia v. Daro Realty, LLC, et al.*, a case involving pervasive source-of-income discrimination by housing providers that owned or managed more than 1,250 housing units across the District. This settlement required the defendants to dissolve their property management business, surrender a District real estate license, and cease from ever again engaging in property management within the District. Defendants also paid \$10 million to the District in civil penalties—the largest ever civil penalty in a housing discrimination case in the country.

Ensuring workers receive their designated tips and companies pay required taxes: In November 2022, PAD, through its Workers’ Rights & Antifraud Section, reached a pre-suit settlement with Drizly, LLC, an alcohol delivery company that relies on drivers and local retail partners to fulfill and deliver tens of thousands of orders to District consumers placed through its online platform each year. OAG alleged that Drizly failed to ensure that tips left by consumers went to drivers and also failed to pay sales and use taxes, including under the District’s Marketplace Facilitator Law. The settlement includes \$1.9 million in payments to drivers, \$750,000 in penalties to the District, injunctive relief, and millions of dollars in additional monetary relief for the failure to collect and remit taxes.

Public Safety Division (PSD)

Prosecuting financial exploitation: PSD has a special partnership with USAO to combat financial crimes against elders and vulnerable adults, filling a gap in dedicated resources at MPD and USAO. PSD's team reviews an average of 34 referrals each month and maintains between 30 and 40 active criminal investigations. Successes in the relevant time period include an eight-year jail sentence for a serial con man who preyed on older women and who was caught setting fire to the apartment of one of his victims, a 94-year-old-woman. His wider fraudulent activities included over 70 fraudulent charges, totaling more than \$4,600, on an 80-year-old woman's credit card without her permission or knowledge. OAG's partnership team also achieved a suspended jail sentence, five years of supervised probation, and a requirement to repay funds for a pastor who befriended and offered security systems to two elderly women whom he financially exploited. The team also obtained against another defendant a sentence that included five years of probation and a requirement to repay over \$21,000 taken from the defendant's former-parents-in-law for her own expenses.

Prosecuting vehicular fatalities: The Criminal Section successfully secured convictions in seven traffic criminal cases that resulted in the death of either a pedestrian or drivers and passengers in other vehicles. All convictions were secured by either a guilty plea to the highest charges or guilty verdict after trial. At each defendant's sentencing, every victim's family spoke about the effects of these criminal behaviors on behalf of their lost family member.

Drug Court: OAG's Criminal Section successfully referred 28 individuals to the Superior Court's Drug Court program, with OAG cases making up 80.5 percent of all Drug Court participants. Twenty-four of the 28 participants successfully completed the intensive requirements of the program to become "Drug Court Graduates."

Collaborating with diverse District stakeholders on mental health: The Mental Health Section (MHS) organized an inaugural citywide guardianship roundtable with representatives from the Department of Disability Services, Adult Protective Services, and counsel from area hospitals to discuss shared guardianship challenges for people in need of mental and behavioral health services; the group now meets quarterly. MHS also provided monthly training to law enforcement officers on civil commitment law and presented a similar training twice monthly to mental health clinicians becoming certified as Department of Behavioral Health (DBH) Officer Agents. The Section also trained outpatient mental health clinicians on the emergency hospitalization and civil commitment process and finalized a fellowship MOU between DBH and OAG to allow a DBH clinician to work on OAG cases where clinical expertise could enhance outcomes.

ATTEND mediation program: The ATTEND anti-truancy program expanded its mediation services to eligible sixth graders at Sousa Middle School in Ward 7 and Johnson Middle School in Ward 8 and expanded full programming to Simon Elementary School in Ward 8. During the COVID-19 pandemic, ATTEND shifted from hosting monthly virtual local school events to quarterly, larger scale in-person events open to the entire school community and surrounding neighborhoods to support the familial and community needs affecting students. Three ATTEND community events hosted in partnership with local nonprofit partners touched more than 230

people from September 2021 to April 2022. These included giveaways of household items and clothing at one event, a Thanksgiving basket giveaway at Malcom X School, and a Spring Resource Fair at Patterson Elementary School that featured criminal records sealing services, food resourcing, and other services.

Support Services Division

During the relevant period, the Support Services Division implemented systems, procedures and policies to more efficiently provide OAG employees with financial, procurement, investigative, operational, and risk management services. Highlights include:

Risk Management: The Risk Management team established the Building Emergency Response Team to acclimate employees to its new office space and to reacclimate employees on how to respond to an emergency in the workplace; collaborated with the U.S. Marshal's Service to provide over 650 employees with active threat training; created, along with the Office of Risk Management, procedures for using electronic vehicle data to promote safe driving; and provided all fleet drivers with defensive driving training.

Finance: The Finance team worked to ensure that there were no problematic findings in the FY22 audit for the Child Support Services Program and partnered with the Department of Justice (DOJ) and PSD during the federal review of OAG's FY21 Juvenile Justice System Enhancement Grant; DOJ did not note any findings or concerns.

Investigations: The Investigations team facilitated litigation by serving summonses, subpoenas, and stay away orders for OAG's legal divisions; located witnesses to effectuate service of process in juvenile matters, including truancy, murders, attempted murder, assault, and robbery, as well as civil matters, including tort, commercial, and employment cases. It also performed surveillance and conducted preliminary interviews of witnesses.

Procurement: The Procurement team finalized standard operating procedures for the acquisition of goods and services; formalized the process for procuring experts with an expected contract value of \$100,000; and ensured that the agency exceeded its certified business enterprise (CBE) spending goal by regularly reviewing requirements for opportunities for CBE participation.

Operations: The Operations team successfully organized and executed all logistical aspects to return OAG employees to in-person work, including readying the workspace, implementing COVID-19 re-entry protocols, and purchasing rapid tests; and it created an agency fleet policy, conducted end user training, and successfully ensured all agency drivers' compliance in e-Risk.

46. Please describe OAG's work on affordable housing and housing equity issues in FY22 and FY23, to date.

RESPONSE: OAG's Civil Rights & Elder Justice Section (CREJS, formerly the Civil Rights Section) has been actively engaging in affordable housing and housing equity issues during FY22 and FY23, to date. Following is a description of some of CREJS' work during these fiscal years.

- The majority of CREJS' cases and confidential investigations concern discrimination against residents who receive housing vouchers or subsidies. Notably, in October 2022, the District obtained a landmark settlement agreement in *District of Columbia v. Daro Realty, LLC, et al.*, 2020 CA 001015 B, a case involving pervasive source-of-income discrimination by housing providers that owned or managed more than 1,250 housing units across the District. This settlement required the defendants to dissolve their property management business, surrender a District real estate license, and permanently cease engaging in property management within the District. Defendants also paid \$10 million to the District in civil penalties—the largest ever civil penalty in a housing discrimination case in the country. In FY22, the District also won permanent injunctions, civil penalties, and attorneys' fees totaling more than \$340,000 in two additional source-of-income discrimination advertising cases: *District of Columbia v. Burrello Group, LLC, et al.*, 2020 CA 002870 B, and *District of Columbia v. Talley*, 2020 CA 002859 B. As a result of these judgments, the defendants were required to adopt new non-discrimination policies, undergo additional fair housing training, and report complaints of discrimination to OAG.
- CREJS actively protects the right to equitable housing for District residents with disabilities by holding accountable housing providers who fail to implement reasonable accommodations in a timely manner. In *District of Columbia v. Delwin Realty, et al.*, 2020 CA 003611 B, the defendant housing providers for years refused to provide a designated parking spot to a tenant with a disability. After proving that the defendants engaged in discrimination by failing to make this reasonable accommodation, in FY22, CREJS obtained \$225,000 in penalties and negotiated more than \$60,000 in damages on behalf of the complainant. In *District of Columbia v. District of Columbia Housing Authority*, 2022 CA 002667-B, OAG sued the District of Columbia Housing Authority (DCHA) for systematically failing to provide timely accommodations to its public housing tenants and applicants. DCHA tenants have often waited years to receive equitable, accessible housing. This litigation is ongoing.
- In addition to the housing enforcement litigation described more fully in the response to Question 47, the housing enforcement team of OAG's Social Justice Section engages community stakeholders to achieve broader affordable housing goals. The team has continued to lead monthly stakeholder meetings with the legal services and organizer communities, and the Office of the Tenant Advocate. OAG co-leads, with New York and Minnesota, monthly multistate affordable housing preservation meetings to share strategies and hear from national speakers to discuss affordable housing preservation work. Through that collaboration, OAG co-signed a letter to the U.S. Department of Housing and Urban Development (HUD) in November 2021 to support HUD's Interim Final Rule, "*Extension of Time and Required Disclosures for Notification of Nonpayment of Rent*", FR 6286-I-01 (October 7, 2021), which provides that during the COVID-19 pandemic and other future emergencies, the HUD Secretary may require federally funded public housing authorities and project-based rental assistance owners to notify and inform tenants facing eviction for

non-payment of rent about the availability of federal emergency rental arrears assistance and time to secure such funding prior to eviction. Representatives of OAG also testified at the November 3, 2022, hearing on Bill 24-947, the Proactive Inspection Program Act of 2022, and provided comments and proposed amendments to enhance enforcement of the District's Lead Hazard Prevention and Elimination Act.

- Please also see the descriptions of the Equitable Land Use Section's work on housing affordability in response to Question 53.

47. Please list all cases brought by OAG for housing code violations or under the Tenant Receivership Act in FY22 and FY23, to date, along with their statuses (including any recoveries or abated conditions).

RESPONSE: OAG's housing conditions work is conducted under a number of statutes including the Tenant Receivership Act (TRA) and the Drug-, Firearm- and Prostitution- Related Nuisance Abatement Act (Nuisance Act). During the relevant time period, OAG brought three new TRA cases and continued litigating previously filed cases under the TRA, and OAG filed one nuisance case and settled four nuisance cases pre-suit under the Nuisance Act. In addition, OAG responded to more than 500 tenant-related complaints and 200 nuisance-related complaints in FY22 and FY23 to date and currently has more than 20 active investigations targeted at pattern-and-practice violations involving housing repair issues, with most investigations involving multiple properties. OAG's housing enforcement practice also involves informal mediation of community complaints related to the landlord-tenant relationship. Resolutions included mediations with housing providers to cease and desist illegal activity in addition to referral of cases to Office of the Tenant Advocate and the Landlord Tenant Legal Assistance Network for individual representation.

Ongoing Cases:

- *District of Columbia v. Alabama Avenue LLC, et al.*, 2016 CA 1622 B (Superior Court): TRA suit seeking a receiver and restitution to remedy housing conditions caused by Sanford Capital's neglect. The property has been transferred to Trammel Crow and NHT, who will build 179 units of affordable housing at the site. The total restitution distributed to tenants was \$214,000.⁷
- *District of Columbia v. Jefferson-11th Street, et al.*, 2017 CA 2837 2 (Superior Court): Consumer Protection Procedures Act (CPPA) suit seeking appointment of a receiver. The Court granted summary judgment in favor of the District on its consumer protection claims, and awarded remedies (\$215,000 in penalties, \$422,322.16 for restitution, \$6,157.36 for costs, and \$36,012 in attorney's fees). Defendants have appealed, and the LLC filed bankruptcy, which is under ongoing negotiations. There is a February 21,

⁷ See AG Racine Announces Precedent Setting Victory in Lawsuit that Stopped Well-Connected Slumlords & Developers from Displacing Long-Term African American Tenants (dc.gov).

2023, hearing on the District's motion to dismiss the LLC's bankruptcy filing, and a status hearing is set for March 10, 2023.

- *District of Columbia v. Thomas K. Stephenson*, 2018 CA 004488 B (Superior Court): TRA and CPPA suit for housing code violations. The Superior Court entered a final judgment awarding \$270,367 in rent refunds to tenants and more than \$350,000 in penalties and costs. Defendants have appealed, and the housing provider filed for bankruptcy. The appeal and the bankruptcy case are still pending. OAG filed an abatement plan with the new owner.
- *District of Columbia v. EADS LLC, et al.*, 2018 CA 005830 B (Superior Court): TRA and CPPA suit for housing code violations. The housing provider filed for bankruptcy. An abatement plan was negotiated with the new owner. Trial began on February 13, 2023.
- *District of Columbia v. The Bennington Corporation, et al.*, 2018 CA 7253 B (Superior Court): TRA and CPPA case concerning housing conditions. The Superior Court ordered the landlord to pay \$75,000 to make repairs at the property, and the Court appointed a receiver and granted in part the District's motion for summary judgment, awarding \$333,000 in penalties and \$18,495.20 in costs and fees. The bankruptcy trustee thus far remitted \$51,427.94 of the penalty, with an additional \$15,000 forthcoming. An abatement plan was filed with the new owner.
- *District of Columbia v. Astor Place Partnership et al.*, 2019 CA 001845 B (Superior Court): Housing conditions case. The housing provider filed bankruptcy in late 2020, and the new owner created an agreement with the tenants' association to repair the building and agreed that an abatement plan could be included in the existing court case. OAG filed a motion for summary judgment, which was granted in part, with \$135,000 in penalties awarded to the District. One owner settled its claim for \$25,000. An abatement plan was filed with the new owner.
- *District of Columbia v. Tavana Corporation et al.*, 2019 CA 003718 B (Superior Court): Housing conditions case. OAG's motion for summary judgment was granted with \$1,224,000 in CPPA penalties, \$25,000 in lead hazard penalties, \$580.35 in costs, and \$25,142.25 in fees. A consent order was filed for the \$200,000 that will be left of the corporation after their receiver, management fees and taxes are paid. An abatement plan was filed with the new owner, and the receivership motion regarding the new owner was resolved in late 2022 with a consent abatement plan.
- *District of Columbia v. 76 M*, 2020 CA 001080 B (Superior Court): TRA case regarding housing conditions. The District's motion for summary judgment was granted in full, awarding \$616,181 in tenant restitution, \$1,575,000 in CPPA penalties, \$3,200 in lead hazard penalties, \$33,416.25 in costs and fees, and a permanent injunction. A consent judgment for payment of \$4 million lump sum was filed, and OAG won dismissal of the owner's Court of Appeals case. However, the defendant has failed to render payment to the District, and OAG has filed pleadings to compel payment. Resolution is forthcoming.

- *District of Columbia v. District of Columbia Housing Authority*, 2020 CA 002740 B (Superior Court): Drug-related nuisance complaint. The Court approved a consent order in September 2020 mandating improvements to the properties and providing payments of \$100,000 per year for five years to fund violence interruption services. DCHA is providing monthly reports on vacancies, repairs, and criminal activity at the ten buildings. Installation of lighting, cameras, and door locks has been completed for all ten DCHA properties. OAG continues to monitor for compliance; 230 of 256 vacant units are “made ready” or rehabilitated for occupancy per the consent order.
- *District of Columbia v. New Bethel Baptist Church Housing Corporation, Inc. and Evergreen 801 RI Apartments, LLC*, 2021 CA 511 B (Superior Court): Suit seeking appointment of a receiver to remedy extensive repair issues. A consent abatement plan and relocation term sheet were filed and approved in January 2022 after OAG filed a receivership motion. After the defendant’s non-compliance, OAG filed a second receivership motion, set for a hearing on February 13, 2023.
- *District v. 16th Street Heights Elijah LLC*, 2021 CA 002139 B (Superior Court): CPPA suit related to security conditions for building with large Amharic-speaking population. The housing provider has installed more lighting and window bars, more secure door locks, and window bars and added armed security guards. OAG filed an amended complaint for housing code and lead paint violations on August 9, 2021. A consent order was approved in July 2022 for a \$2 million payment by November 2022, injunctive terms for three years, and repairs. Of that sum, \$1.9 million has been received to date. OAG is monitoring all properties owned by this company for compliance with the consent order and is preparing to provide restitution to tenants.
- *District of Columbia v. 422 Chesapeake Street, SE*, 2021 CA 002174 B (Superior Court): Drug- and firearm-related nuisance suit. Consent Order approved March 24, 2022, including \$5,000 in penalties received by the District.
- *District of Columbia v. MP PPH and Vantage Management*, 2021 CA 002209 B (Superior Court): CPPA and TRA suit concerning extensive repair problems and disability access barriers. A consent order, in which the owner promised extensive repairs, was filed in January 2022. Two show cause motions were filed in response to non-compliance with the consent order, with the most recent motion filed January 5, 2023.
- *District of Columbia v. Power Fuel and Transport Co.*, 2021 CA 002578 B (Superior Court) and *District of Columbia v. Power Fuel and Transport Co.*, 2021 CA 002582 B (Superior Court): Drug- and firearm-related nuisance suits. The cases are consolidated, and litigation is proceeding.
- *District of Columbia v. King Housing, Inc.*, 2022 CA 000186 B (Superior Court): TRA, CPPA, and civil rights suit related to housing conditions. Litigation is proceeding.

- *District of Columbia v. Solid Brick Ventures LLC et al.*, 2022 CA 000446 B (Superior Court): TRA suit concerning housing conditions, including lead paint violations, at a housing complex predominantly occupied by Spanish-speaking residents. The parties entered a consent order that allows for expansion of affordable housing from eight to 12 units in vacant buildings, a \$1 million dollar settlement, a 25-year affordable housing covenant, and broad injunctive terms.⁸
- *D.C. v. Alabama Plaza LLC*, 2022 CA 002442 B (Superior Court). Nuisance complaint filed in June 2022. The case is currently in the discovery process.
- *D.C. v. Adolphe Edwards*, 2022 CA 002823 B (Superior Court). Lead paint and housing conditions case related to nine rental properties that house approximately 120 units in Ward 4 (1301, 1309, 1315 Missouri Ave. NW and 5912 13th St. NW) and Ward 8 (2425-31 Alabama Ave. SE), which was referred by DOEE and DCRA because of the high number of lead paint and housing code infractions. The complaint was filed on July 8, 2022, and the case is in the discovery process.

Pre-Suit Settlements:

- 209 Florida Ave. NW (Ward 5): firearm seizures at a pop-up cannabis dispensary. Negotiated security measures with owner.
- 1507-1511 19th St. SE (Ward 8): drug- and firearm-related nuisance case at three connected buildings (1507, 1509 and 1511 19th St. SE). Entered pre-suit settlement with security measures.
- 2801 Alabama Ave. SE (Ward 7): drug- and firearm-related nuisance case at a gas station. Entered pre-suit settlement with security measures.
- 3308-3312 Sherman Ave. NW (Ward 1): repair issues in 35-unit building of mostly Spanish-speaking residents. Fully executed an agreement December 27, 2022 with the following terms: (1) The trust agrees to pay the District \$150,000 to resolve its claims under the CPPA and the Lead Hazard Prevention and Elimination Act (LHPEA) (paid); (2) The trust agrees to pay \$105,000 to La Buena Vista Union Cooperative to fund repairs identified during the OAG-led inspection as well as other critical repairs the tenants assessed in the purchase process (payment underway); (3) Cancellation of \$350,000 past due rent and dismissal of 20 eviction cases (well underway), refrain from or rescind any related credit reporting, and dismiss all pending eviction matters; and (4) Injunctive terms prohibiting further violations of the CPPA and LHPEA. District has received a wire for settlement payment and confirmed the trust's payment to the cooperative. Dismissal of pending eviction cases is underway.
- 3901 Minnesota Ave. NE (Ward 7): executed pre-suit settlement of drug- and firearm-related nuisance issues at McDonald's. Agreement incorporates MPD's full security

⁸ See AG Racine Announces First-Of-Its-Kind Settlement Keeping Apartment Complex Affordable for 25 Years & Preventing Displacement of Ward 5 Tenants (dc.gov).

recommendations and allows OAG to request security guards for an additional 48 hours if circumstances change.

- Worthington Woods (Ward 8): severe repair issues property at a 392-unit residential apartment complex located along the 4400 Block of 3rd St., SE. Major renovations will occur in early 2023 with a loan from the Department of Housing and Community Development. Fully executed early resolution of on December 29, 022 that incorporated renovation plans and injunctive relief. OAG to monitor compliance.

48. Please describe OAG’s work on enforcing environmental protections in the District and promoting environmental justice in FY22 and FY23, to date.

RESPONSE: The environmental team of OAG’s Social Justice Section enforces environmental protections locally, regionally, and nationally through litigation and participation in multistate initiatives. OAG enforces the District’s environmental laws through referrals from the Department of Energy and Environment (DOEE), citizen complaints, or on its own initiative. Examples include:

- *District v. South Capital Improvement LLC (SCI)* (Superior Court): OAG filed a complaint against out-of-state housing developer SCI for illegally discharging pollutants from a housing development at 4001 South Capitol Street. SCI had obtained a permit from DOEE to discharge contaminated groundwater to the District’s storm sewer, subject to monitoring and pre-treatment requirements to reduce contaminant levels. SCI routinely violated permit limits and refused to install additional controls after repeated requests from DOEE. In June 2022, SCI agreed to cease discharges and pay \$175,000 in penalties.
- *District of Columbia v. Velsicol* (Superior Court): In 2022, OAG hired outside counsel to investigate and represent the District regarding contamination caused by per- and polyfluoralkyl substances (PFAS) and chlordane. While the investigation into PFAS contamination is ongoing, OAG is actively litigating a chlordane case. Among other damages, releases of chlordane have harmed District residents, leading to fishing advisories in the Potomac and Anacostia Rivers dating back to 1989. Chlordane also contaminates the Anacostia River’s sediment. In October 2022, OAG filed suit against Velsicol Chemical, LLC, the sole manufacturer of chlordane, and that litigation is ongoing.
- *Chesapeake Bay Foundation (CBF) et al. v. U.S. EPA et al.* (D.C. District Court): The District, along with Maryland, Virginia, and Delaware, sued the U.S. Environmental Protection Agency (EPA) for failing to enforce the Clean Water Act by allowing Pennsylvania to submit deficient watershed implementation plans intended to reduce nutrient contributions to the Chesapeake Bay. (This case was subsequently consolidated with the Chesapeake Bay Foundation’s case.) EPA has agreed to take steps to compel Pennsylvania to revise its plans, and a settlement agreement will soon be published for public comment.
- In January 2022, OAG entered into a memorandum of agreement with DOEE by which DOEE will share its data on elevated blood lead levels for children living in multi-family residential properties. OAG has used this data to investigate and enforce against owners of properties built before 1978 who have not properly addressed housing code violations, including chipping and peeling paint, when children living at the properties have developed

elevated blood lead levels. This initiative is ongoing and led to a settlement in August 2022 with a property owner, UIP Property Management, including \$202,000 in payments to the District and \$108,000 in restitution to tenants, as well as a comprehensive building inspection and abatement of housing code violations.

- OAG is actively negotiating with potentially responsible parties for payment of the District's costs in investigating and remediating contamination in the Anacostia River as part of the Anacostia River Sediment Project and its Interim Record of Decision.

On the policy front, OAG: (1) has worked with the Council on legislation to amend the District's current illegal dumping provisions to authorize OAG to civilly enforce those provisions, including recouping costs of cleanup and disposal; (2) provided comments and proposed amendments to enhance enforcement of the District's Lead Hazard Prevention and Elimination Act; and (3) continues to work with DOEE and the Department of Public Works on policy, legislative, and enforcement options to reduce plastic waste and enhance recycling throughout the District.

OAG has also joined a coalition of states in preparing numerous rule comments and legal challenges to federal rulemaking and policy initiatives, including: (1) a petition to the Environmental Protection Agency to ban leaded aviation gas in piston-fired planes; (2) a complaint against the U.S. Postal Service for its violations of the National Environmental Policy Act; and (3) comments on the Securities and Exchange Commission's proposed rule to require enhanced climate-related financial risk disclosures for investors.

In addition to joining more than 30 multistate comments, OAG has led or co-led the drafting of multistate submissions. For instance, OAG was the principal author for comments to the General Services Administration on its proposed rulemaking to reduce single-use plastic and packaging. OAG was also one of the principal authors on multistate comments submitted to the Federal Acquisition Regulatory Council on its proposed rule requiring government contractors to submit climate-related information. OAG has also assisted in writing multiple multistate comments on topics like EPA's chrysotile asbestos management rule under the Toxic Substances Control Act and the Council for Environmental Justice's Climate and Economic Justice Screening Tool. Finally, OAG has led group discussions of multistate attorney general coalitions and initiatives. For example, OAG co-facilitates a monthly, multistate plastics working group call and co-facilitates a multistate environmental justice call.

49. Please provide an update on OAG's complaint against Pepco at the Public Service Commission regarding mishandling of community solar projects.

RESPONSE: *District of Columbia Government, et al. v. Pepco* (Formal Case No. 1171): OAG sued Pepco at the Public Service Commission alleging mismanagement of the District's Community Renewable Energy Facilities (CREFs), a key component of the District's Solar-for-All (SFA) program, which provides valuable electricity-bill discounts to thousands of low-to-moderate income (LMI) District residents. In the most recent phase of this litigation, the PSC ordered a formal investigation of Pepco's CREF practices, including a comprehensive third-party audit, to determine whether refunds are due to Pepco's SFA LMI customers. This case is ongoing.

50. Please describe OAG’s work on consumer protection issues in FY22 and FY23, to date.

RESPONSE: OAG’s Office of Consumer Protection (OCP) has been actively engaged on consumer protection issues. OCP has more than 70 consumer protection matters ongoing, including investigations, litigation, and multistate matters. In addition, OCP’s robust mediation program receives and resolves thousands of individual consumer complaints per year. OCP also conducts proactive consumer outreach to learn about consumer protection issues affecting District residents and educates them on how to protect against scams and fraud. OAG has also been active on the legislative front, sponsoring and testifying in support of various bills before the Council that involve consumer protection matters.

During FY22 and FY23 to date, OAG recovered tens of millions of dollars on behalf of District consumers through its formal investigations and litigation matters. OAG’s consumer mediation program recovered more than half a million dollars for consumers in 2022, marking a substantial increase over 2019 when less than \$50,000 was recovered through the same process.

OCP’s work spanned a wide range of subject matters and issues, with a particular focus on protecting the District’s most vulnerable residents. These subject matters include: promoting public health and safety; fighting on behalf of children, low-income communities, and other vulnerable populations; protecting District consumers’ privacy rights; and challenging “junk fees”—confusing or inadequately disclosed fees that companies increasingly charge consumers.

A sample of OAG’s work in these areas and others is highlighted below.

Resolved Matters:

- *D.C. v. Maplebear, d/b/a Instacart*, 2020 CA 003777 B: Action against Instacart for a misleading and deceptive checkout flow that includes a “service fee” that went to the company, not the driver, as well as claims of unpaid taxes. The litigation resolved in August 2022 for \$2.54 million—\$1.8 million to resolve the District’s consumer protection claims and \$739,000 to resolve the tax claims. \$1.5 million of the settlement is currently being distributed to affected delivery workers.
- *D.C. v. Polymer80, Inc.*, 2020 CA 002878B: Lawsuit against gun manufacturer for illegally advertising and selling untraceable ghost guns. OAG’s motion for summary judgment was granted in August 2022, awarding maximum civil penalties of more than \$4 million and broad injunctive relief, including the prohibition of sales into the District. The matter is currently on appeal.
- *D.C. v. Loft at 600 F, LLC d/b/a DC Event Hub*, 2021 CA 003836 B: Matter related to Event Hub’s failure to refund consumers for COVID-19-related event cancellations. The case was resolved through a consent judgment for \$125,000, which included consumer restitution.
- *D.C. v. Washington Hebrew Congregation*, 2020 CA 004429 B: Lawsuit against preschool for endangering children by violating childcare safety laws and misrepresenting their compliance with those laws. Matter settled in December 2022 for \$950,000, consisting of

\$300,000 in restitution (tuition refunds), a penalty of \$550,000 to the District, and payment of \$100,000 to a charity.

- *D.C. v. Google LLC*, 2022 CA 000330 B: Lawsuit alleging deceptive location tracking practices. Matter settled in December 2022 for significant injunctive relief and \$9.5 million in penalties, the largest per-consumer settlement against the company to date for these practices.
- *D.C. v. Express Homebuyers, et al.*, 2021 CA 004682 B: Action stemming from company sending letters to District homeowners falsely claiming they owed past due property taxes. Matter settled in December 2022 for \$70,000 penalty.
- *D.C. v. Grubhub*, 2022 CA 001199 B: Lawsuit against food delivery company for a variety of misleading charges, other deceptive conduct, and promotions harming restaurants. Matter settled in December 2022 for \$3.5 million in penalties, costs, and restitution.
- *D.C. v. Equity Residential Management, LLC*, 2017 CA 008334 B: Litigation against property management company related to deceptive rent concessions. Litigated matter through trial and received \$2 million judgment, including attorney's fees and tenant restitution.
- *D.C. v. Elevate Credit, Inc.*, 2020 CA 002697 B: Lawsuit against predatory online lender that misleadingly marketed high-cost loans and lines of credit that violated the District's usury laws. Matter settled in February 2022 for approximately \$4 million, including \$3.3 million in restitution to affected District consumers.
- *D.C. v. Opportunity Financial, LLC*, 2021 CA 001072 B: Lawsuit against online lender for charging exploitative interest rates. Matter settled in November 2021 for more than \$2 million, including \$1.5 million in restitution.
- *Opioids Matters*: In February 2022, the District and a multistate coalition reached a settlement with opioids distributors that will bring over \$47 million into the District. And, in March 2022, the District and other states reached a settlement with the Sackler family, of which the District will receive more than \$31 million in funds from the Sackler family and Purdue funds. These funds will be used for opioid remediation, treatment, and related programs.

Matters in Active Litigation:

- *D.C. v. Capital Petroleum Group*, 2020 CA 004571 B: Action against gasoline seller for price gouging at gas stations during COVID-19 pandemic.
- *D.C. v. Beechnut*, 2021 CA 001292 B: Lawsuit against baby food manufacturer for misleading statements and omissions about health and safety of products.
- *D.C. v. Bilingual Teacher Exchange*, 2019 CA 002088 B: Lawsuit against Bilingual Teachers Exchange, a DC-based company that recruits teachers overseas to come to the United States to teach and which made a series of misrepresentations to those teachers.

- *D.C. v. Town Sports International, et al.* (Washington Sports Club), 2020 CA 003691 B: Lawsuit stemming from COVID-19-related gym closures, and defendants’ failure to abide by promises to cancel memberships and issue timely credits or refunds.
- *D.C. v. Precision Contracting Services, et al.*, 2019 CA 005047 B: Litigation against home improvement contractors for shoddy work, failing to use licensed subcontractors, and failing to obtain proper permits.
- *D.C. v. JUUL*, 2019 CA 007795 B: Action alleging JUUL created a teen public health crisis and deceived consumers about e-cigarettes.
- *D.C. v. Marriott International, Inc.*, 2019 CA 004497 B: Lawsuit against Marriott for deceptive and misleading hotel resort fee charges, also known as “junk fees.”
- *D.C. v. Pro-Football Inc.* (Washington Commanders), 2022-CAB-005270: Lawsuit against Washington Commanders for improperly and deceptively withholding return of security deposits, rather than automatically returning them as promised.
- *D.C. v. Facebook*, 2019 CA 008715B; *D.C. v. Zuckerberg*, 2022 CA 002273 B: Lawsuits against company and CEO alleging privacy violations stemming from the Cambridge Analytica data privacy scandal.
- *D.C. v. Liberty Tax*, 2022 CA 004285 B: Litigation concerning tax preparation services relating to possible charges for unnecessary services, as well as deceptive promotions for “free cash.”
- *D.C. v. SmileDirect Club*, 2022-CAB-005671: Lawsuit relating to dental aligner company’s practice of forcing consumers who seek a refund to sign onerous non-disclosure agreements that prohibit them from posting negative reviews.
- *D.C. v. Exxon, et al.*, 2020 CA 002892 B: Litigation alleging misrepresentations and omissions by oil companies relating to risks and dangers of climate change.
- *Pennsylvania, et al. v. DeVos*, 1:20-cv-01719 (D.D.C.): Multistate litigation against the U.S. Department of Education over delayed implementation of the gainful employment rule, which was designed to ensure that higher education programs met federal standards for preparing students to enter the workforce. The litigation is in an agreed-upon stay with U.S. Department of Justice while new rulemaking is in place.
- *Pennsylvania, et al. v. Mariner Finance, LLC*, 2:22-cv-03253-MAK (E.D. Pa.): Multistate litigation relating to financial products, alleging that the company charged add-ons without consent that offered little to no value to consumers.

51. Please describe OAG’s work to combat elder abuse in FY22 and FY23, to date.

RESPONSE: OAG’s elder justice work is handled by both PSD and PAD, which bring together criminal and civil expertise. The two divisions work closely to protect elderly and vulnerable adults and to enforce the Abuse, Neglect and Financial Exploitation of a Vulnerable Adult or Elderly Person Act, D.C. Code § 22-931, *et seq.* (the Act). OAG received more than 370

financial exploitation referrals from Adult Protective Services (APS) in FY22 and more than 120 APS referrals in the first quarter of FY23. OAG also receives regular referrals from the public through a dedicated Elder Justice Hotline and from the MPD, AARP Legal Counsel for the Elderly, Iona Senior Services, and other community partners; 38 referrals were received from these additional sources during FY22 and the first quarter of FY23.

On the criminal side, in FY22, PSD filed 58 petitions to obtain guardians and conservators for vulnerable adults who were being abused, neglected, or exploited, or who were self-neglecting. Through a Memorandum of Understanding with USAO, in place since January 2019, PSD's elder abuse investigator and prosecutor focus exclusively on financial crimes against elders and vulnerable adults. Some of their successes since October 1, 2021, include:

- A suspended jail sentence and five years of supervised probation for a pastor who befriended and offered security systems to two elderly women whom he financially exploited. As a condition of the plea, he paid full restitution on the day of sentencing: \$4,308 to the first victim and \$63,600 to the estate of the second victim.
- A sentence including five years of probation and a requirement to repay over \$21,000 taken from the defendant's former parents-in-law to pay her own expenses.
- A suspended sentence of 12 months in jail with three years of supervised release and one year of probation for a plea to felony fraud for a man who stole approximately \$20,000 from his elderly former employer.
- An eight-year jail sentence for a serial con man who preyed on older women and was caught after setting fire to a 94-year-old woman's apartment. His wider fraudulent activities were discovered to include over 70 fraudulent charges, totaling more than \$4,600, on an 80-year-old woman's credit card without her permission. He had ingratiated himself with the woman's friends and gained access to her home, and on some occasions, he treated mutual friends to expensive dinners using the victim's credit card without her knowledge.

On the civil side, attorneys in the Civil Rights & Elder Justice Section (CREJS) obtain restitution for victims of financial exploitation, temporary or permanent injunctions, the revocation of professional licenses, and civil penalties. The following are summaries of some of the civil actions filed in FY22 and FY23, to date:

- OAG obtained a judgment of more than \$76,000, including restitution and civil penalties, against a former doorman at a senior building who abused his position and financially exploited a senior resident by using the victim's funds to pay for concert tickets, liquor, meals, an NBA league pass, cash advances, and pornographic web services.
- After obtaining a restraining order and preliminary injunction, OAG secured a settlement in a matter that immediately returned more than \$43,000 in restitution to a 98-year-old victim whom the defendant had exploited to pay off the loan on his Jaguar.
- OAG obtained a judgment securing full restitution of almost \$10,000 against a former nursing home employee who stole checks from multiple residents and used them for her own benefit. In this judgment, the District also obtained \$30,000 in penalties, the

maximum permitted under the statute at the time, and the court revoked all of the defendant's professional licenses that permitted her to provide services to the elderly or other vulnerable adults.

- OAG won a judgment against a defendant who used his authority as his mother's power of attorney to take title to her home without her knowledge or consent. The title was returned to the victim in a consolidated proceeding, and the District was awarded \$5,000 in penalties, the maximum permissible under the statute at the time.
- OAG obtained an injunction against a former senior apartment manager, including an order barring the sale or transfer of the defendant's luxury vehicle, which the District traced to Defendant's financial exploitation of a 98-year-old senior living in the building she managed. Litigation is ongoing.
- OAG obtained injunctive relief protecting a young person with disabilities after the person's representative payee misused the victim's disability money, including by transferring tens of thousands of dollars to herself for personal use. The injunction included the prompt transfer of the remaining disability money, more than \$23,000, to the victim's control. Litigation is ongoing.

OAG also serves as a community resource and has participated in more than 20 local and national events in FY22, engaging with approximately 590 constituents collectively across those events. Outreach efforts are underway for FY23, as CREJS has already participated in five events in the first quarter. At these events, OAG staff discuss the interplay between criminal and civil prosecutions under the Act and how to increase public awareness of elder abuse and exploitation. OAG strives to prevent and address abuse by ensuring that staff who work with elderly or vulnerable adults can spot abuse and exploitation and know how to report it, and those populations are a particular focus of OAG's outreach efforts.

52. Please describe OAG's work related to wage theft and workers' rights in FY22 and FY23, to date.

RESPONSE: The Workers' Rights and Antifraud Section (WRAS) targets pattern-and-practice violations of the District's worker-protection laws to deter would-be offenders and maximize recovery for workers. In addition to the cases and matters listed below, OAG currently has at least 50 active investigations involving at least 60 companies, aimed at pattern-and-practice violations related to worker misclassification, minimum wage, overtime, and paid sick leave. These investigations are also strategically targeted at industries that employ a significant number of low-income workers who are particularly vulnerable to wage theft due to issues such as language barriers or unfamiliarity with their rights under District law. OAG is focusing its investigations on industries such as construction, gig employers, restaurants and hospitality, and retail.

During the relevant time period, WRAS has recovered over \$10 million in restitution for workers and penalties to the District through its enforcement work. To further its enforcement goals, OAG also focuses on community outreach, enforces certain administrative orders entered by the Department of Employment Services (DOES), and collaborates with other jurisdictions seeking to protect workers. OAG also regularly partners with the labor enforcement divisions of other

states' attorneys general to advance labor and wage enforcement matters with national implications. OAG has utilized FY23 budget enhancements to advance this work as detailed in response to Question 43.

Resolved Matters:

- *District of Columbia v. Executive Security Services, LLC et al.*, 2021 CA 000829 B (D.C. Superior Court): Suit alleging failure to pay minimum wage, overtime, and paid sick leave. OAG obtained a \$275,000 settlement that included \$239,575 in damages to workers and \$35,424 in penalties to the District, as well as injunctive relief.
- *District of Columbia v. Dynamic Contracting, Inc., et al.*, 2021 CA 003768 B (D.C. Superior Court): Suit alleging misclassification of employees as independent contractors. OAG obtained a \$1,075,000 settlement that included \$460,070 in damages to workers and \$615,000 in penalties to the District, as well as injunctive relief.
- *District of Columbia v. Azure Healthcare Services, LLC, et al.*, 2021 CA 004593 B (D.C. Superior Court): Suit alleging failure to provide healthcare workers with the full wages and overtime owed to them. OAG obtained a \$1,510,000 settlement that included \$1,310,000 in damages to workers and \$200,000 in penalties to the District, as well as injunctive relief.
- *District of Columbia v. MDM Studios, LLC*, 2021 CA 001568 2 (D.C. Superior Court, Judge-in-Chambers): Petition to enforce DOES judgment. Matter settled for \$33,966.
- *In re CareFirst BlueCross BlueShield*: Pre-suit settlement in August 2022 worth \$462,041.82, resolving OAG's allegations of unlawful late final paychecks, which included \$412,041.82 in payments to workers and \$50,000 in penalties to the District, as well as injunctive relief.
- *In re Nomadic Real Estate Investments, LLC*: Pre-suit settlement in September 2022 worth \$156,000, resolving OAG's allegations, including failure to pay overtime. The settlement included \$131,061.18 in payments to workers and \$24,938.82 in penalties to the District, as well as injunctive relief.
- *In re Knightsbridge Restaurant Group*: Pre-suit settlement in October 2022 worth \$68,775.73, resolving OAG's allegations of improper wage deduction in connection with the use of Gratshare app, which included \$63,775.73 in payments to workers and \$5,000 in penalties to the District.
- *In re CCR*: Pre-suit settlement in October 2022 worth \$43,750, resolving OAG's allegations of failure to provide paid sick leave, which included \$15,750 in payments to workers and \$28,000 in penalties to the District, as well as injunctive relief.
- *In re Aquila Fitness*: Pre-suit settlement in November 2022 worth \$25,729.17, resolving OAG's allegations of unlawful noncompete clauses and unlawful late final paychecks, which included \$21,229.17 in payments to workers and \$4,500 in penalties to the District, as well as injunctive relief.

- *In re Innovative Life Solutions*: Pre-suit settlement in November 2022 worth \$137,500, resolving OAG’s allegations of failure to pay minimum wage and failure to pay overtime, which included \$120,000 in payments to workers and \$17,500 in penalties to the District.
- *In re International Brotherhood of Teamsters*: Pre-suit settlement in November 2022 worth \$180,460.83, resolving OAG’s allegations of unlawful late final paychecks, which included \$175,460.83 in payments to workers and \$5,000 in penalties to the District.
- *In re Drizly, LLC*: Pre-suit settlement in November 2022 worth at least \$2,650,000 in worker-facing relief, resolving OAG’s allegations that the company solicited tips from consumers that it did not ensure went to workers, which included \$1,900,000 in payments to workers, \$750,000 in penalties to the District, injunctive relief, and millions of dollars in additional monetary relief remedying the failure to collect and remit taxes.
- *In re Manganaro Midatlantic, LLC*: Pre-suit settlement in November 2022 worth \$575,000, resolving OAG’s allegations of misclassified construction workers, which included \$230,000 in payments to workers and \$345,000 in penalties to the District, as well as injunctive relief.
- *In re Comcast Cable Communications Management, LLC*: In connection with *District of Columbia v. Arise Virtual Solutions Inc., et al.*, 2022 CA 000247 B (D.C. Superior Court), OAG obtained a settlement against Comcast for \$130,781.25 in penalties to the District, additional damages in escrow, and injunctive terms. The litigation continues as against Arise. See below.

Matters in Active Litigation:

- *District of Columbia v. MJ Flooring, LLC, et al.*, 2021 CA 003061 B (D.C. Superior Court): Suit alleging failure to pay minimum wage and to provide sick leave, as well as False Claims Act violations.
- *District of Columbia v. Arise Virtual Solutions, Inc.*, 2022 CA 000247 B (D.C. Superior Court): Suit alleging misclassification of call-center employees as independent contractors.
- *District of Columbia v. Jan-Pro International, Inc., et al.*, 2022-CA-003128-B (D.C. Superior Court): Suit alleging misclassification of janitorial employees as independent contractors.
- *District of Columbia v. Sentry Security International, Inc., et al.*, 2022-CAB-005725 (D.C. Superior Court): Suit alleging failure to pay security-guard employees minimum wage.
- *District of Columbia v. Power Design, Inc., et al.*, 2022-CA-001977-B (D.C. Superior Court): Suit alleging misclassification of construction employees as independent contractors.
- *District of Columbia v. Shipt, Inc.*, 2022-CA-004909-B (D.C. Superior Court): Suit alleging misclassification of delivery employees as independent contractors.

- *District of Columbia v. Amazon.com, Inc., et al.*, 2022-CAB-005698 (D.C. Superior Court): Suit alleging company unlawfully pocketed money that was solicited as tips.
- *District of Columbia v. Gachagwi*, 2014-CA-001685-B (D.C. Superior Court): Suit alleging failure to pay wages. (After a long period of being stayed, the case is now in active litigation.)
- *District of Columbia v. Girls in Politics Initiative, LLC*, 2022-CAB-005952 (D.C. Superior Court, Judge-in-Chambers): Petition to enforce DOES order.

Other Workers’ Rights Activities:

- *Comment Letter to National Labor Relations Board re: Proposed Rulemaking on Standard for Determining Joint-Employer Status*. OAG co-authored a comment letter to the National Labor Relations Board (NLRB) supporting a proposed rulemaking on determining joint employer status under the National Labor Relations Act (NLRA). The NLRB’s proposed rule would promote enforcement of the NLRA by expanding the standard for joint employer status to include entities that maintain the right to control workers. OAG co-authored the comment letter alongside the attorneys general offices of California, New York, Pennsylvania, and 18 other states which all signed the letter.

Council Funding:

- In FY23, OAG received \$656,299 from the Council pursuant to the American Rescue Plan Act of 2021. This allocation is to fund the salaries of two temporary Paid Leave Enforcement Attorneys and \$106,347 in recurring local dollars for a new Workers’ Rights staff position at OAG. Both attorneys have been hired and onboarded as of October 2022, and an investigator was hired and onboarded as of January 2023.
- Additionally, the Workplace Rights Grant Program Act of 2021 established the Workplace Rights Grant Program at OAG to provide grants to community-based organizations and legal providers to educate District workers about employment laws and to inform OAG’s employment-enforcement work. In October 2022, OAG awarded two community organizations, First Shift Justice Project and DC Jobs with Justice, a total of \$750,000 in grant funds to expand education and legal services programming for District workers. FY23 is the first full fiscal year for the Workplace Rights Grant Program.

53. Regarding the Commercial Division:

- a. **Please provide an update on the work of each section within the Division in FY22 and FY23, to date.**
 1. **In particular, please discuss the work of the Land Use Section since its shift in focus in FY22.**

RESPONSE: With the transfer of the legal counsel services that the Land Use Section previously provided to the Office of Zoning, the Section, now renamed the Equitable Land Use Section (ELU), has advocated for the public interest in the District’s land use processes, including zoning, planning, and real estate development.

ELU has defined the public interest as advocating for affordable housing, environmental sustainability and justice, racial equity, and “procedural equity,” which means ensuring equal access for all residents to participate in land use processes that too often are inaccessible to many residents. To advance procedural equity, ELU has worked with community groups and ANCs to explain the steps in land use processes and applicable laws and regulations and to obtain feedback about these issues from community stakeholders. These discussions have led ELU to propose amendments to the Zoning Regulations to protect tenants’ rights and to advocate for compliance with the Zoning Regulations’ updated affordable housing and environmental provisions.

ELU has also conducted best-practices research to inform the Zoning Commission’s adoption of a racial equity analysis tool that the new Comprehensive Plan requires the Commission to use in zoning cases. ELU has also proposed several amendments to the Zoning Regulations to expand the Inclusionary Zoning program to address the District’s affordable housing crisis as identified in the Comprehensive Plan and the Mayor’s 2019 Housing Order. Finally, ELU has intervened in zoning cases, mostly before the Zoning Commission, to advocate for affordable housing, including supporting projects that provide affordable housing at levels exceeding the Zoning Regulations’ baseline requirements.

Please also see ELU’s highlights listed in response to Question 45 for project-specific details.

b. Can OAG estimate the savings the Division has provided for the District government and taxpayers in FY22 and FY23, to date?

RESPONSE: The Commercial Division provides savings to the District government and District taxpayers each year by representing the District in a variety of cases including tax appeals, eminent domain cases, and contract appeals. Globally, plaintiffs sought \$195,475,627 in tax dollars, but because of the Division’s litigation efforts, the Commercial Division saved the District \$97,648,797.

A breakdown of the direct tax dollars saved follows:

Tax Dollars Saved FY22-FY23 to date	
Tax and Finance Matters	
Amount of tax dollars sought	\$78,000,000
Amount paid	\$30,403,420
Tax dollars saved	\$47,596,580
Land Acquisition Matters	
Amount of tax dollars sought	\$104,850,000
Amount obtained	\$62,500,000
Tax dollars saved	\$42,350,000
Government Contracts	
Amount of tax dollars sought	\$12,625,627
Amount Paid	\$4,923,410
Tax dollars saved	\$7,702,217
TOTAL: Commercial Division⁹	
Total amount of tax dollars sought	\$195,475,627
Total amount paid	\$97,826,830
Total tax dollars saved	\$97,648,797

In addition to defending District funds sought by litigants, the Commercial Division also preserves the District’s tax base by defending tax assessments. For FY22, the Tax and Finance Section defended over \$51 billion dollars in assessed values against petitioners’ attempts to reduce the total assessed by \$10 billion. The \$10 billion in taxable value is not directly included in the annual savings calculation because those assets are not themselves countable as District tax dollars. Instead, the value of taxes paid on those preserved values is incorporated above.

c. What trends has the agency seen in appeals of real property tax assessments from FY21 through FY23, to date?

RESPONSE: The number of real property tax assessment appeals increased by approximately seven percent in FY22 over FY21. This increase is largely attributable to the pandemic. For example, the number of hotel appeals increased by approximately 280 percent. The number of FY22 appeals was not as high as initially projected because there was a concerted effort to address pandemic-related issues during the administrative-review process. The vast majority of appeals for FY23 will not be filed until the statutory deadline in September 2023, but the

⁹ This figure does not include tax savings from real property tax assessment appeals that have closed in FY23. The database that tracks those figures is undergoing an overhaul, but once that is complete, OAG should be able to provide those figures in real time.

Commercial Division expects the upward trend in appeals to continue in FY23 and beyond, as the pandemic's longer-term impacts on the commercial real estate market become known.

- 54. For FY22 and FY23, to date, please list all cases in which the District was ordered to pay or receive attorneys' fees. Please include the name of the case, the agency involved, the statute pursuant to which the court ordered attorneys' fees, and the amount of fees paid and/or received.**

RESPONSE:

Cases in which the District was ordered to pay fees:

Case Name	Agency	Statute	Amount
<i>Aaron King v. ORM & DOH</i>	ORM	D.C. Code § 1-623.27	\$9,180 subject to cap of 20 percent of total benefits secured
<i>Aaron King v. ORM & DOH</i>	ORM	D.C. Code § 1-623.27	\$28,326.08 subject to cap of 20 percent of total benefits secured
<i>Alma Atkins v. ORM & DOC</i>	ORM	D.C. Code § 1-623.27	\$7,150.20
<i>Chicago Justice Project v. District of Columbia</i>	MPD	D.C. Code § 2-357(c)	TBD
<i>Chisholm v. District of Columbia</i>	CFSA	Super. Ct. Civ. R. 30(d)(2)	\$1,818.60
<i>Clarence Stanback v. DOH</i>	DOH	D.C. Code § 1-606.08	\$54,873.46
<i>Collette, et al. v. District of Columbia</i>	DCPS	20 U.S.C. §§ 1411-19	\$99.47
<i>D.L. v. District of Columbia</i>	OSSE and DCPS	20 U.S.C. § 1415(i)(3)	\$468,250
<i>District of Columbia v. Capital Petroleum Group</i>	OAG	D.C. Code § 42-3103	\$13,221.50 (stayed pending appeal)
<i>Dupont East Civic Association v. Bowser</i>	OP/HPRB	N/A	\$568.64

Case Name	Agency	Statute	Amount
<i>Edward McLaughlin v. ORM</i>	ORM	D.C. Code § 1-623.27	\$6,873.28 subject to cap of 20 percent of total benefits secured
<i>Esther Layne v. OUC & ORM</i>	ORM	D.C. Code § 1-623.27	\$10,000 subject to cap of 20 percent of total benefits secured
<i>Felix Osuchukwu v. ORM & DCPS</i>	ORM	D.C. Code § 1-623.27	\$7,823.31
<i>FOP/MPD Labor Committee o/b/o Diane Durham v. MPD</i>	MPD	5 U.S.C § 5596	\$36,725
<i>FOP/MPD Labor Committee o/b/o Darryl Thompson v. MPD</i>	MPD	5 U.S.C § 5596	\$8,675
<i>FOP/MPD Labor Committee o/b/o Vincent Ricks v. MPD</i>	MPD	5 U.S.C § 5596	\$14,646.50
<i>Germaine Robinson v. ORM & DOC</i>	ORM	D.C. Code § 1-623.27	\$7,258 subject to cap of 20 percent of total benefits secured
<i>James Davidson v. ORM</i>	ORM	D.C. Code § 1-623.27	\$15,000
<i>Jacob Carr v. ORM</i>	ORM	D.C. Code § 1-623.27	\$27,930 subject to cap of 20 percent of total benefits secured
<i>Jerome Johnson v. DYRS</i>	DYRS	D.C. Code § 1-606.08	\$51,483.80
<i>John Dews v. DPW</i>	DPW	D.C. Code § 1-606.08	\$33,933.57
<i>Karla Jones v. MPD & ORM</i>	ORM	D.C. Code § 1-623.27	\$7,225
<i>Karla Jones v. MPD & ORM</i>	ORM	D.C. Code § 1-623.27	\$8,388.06

Case Name	Agency	Statute	Amount
<i>LaShawn v. Bowser</i>	CFSA	42 U.S.C. § 1988	\$35,892.93
<i>M.G. v. District of Columbia</i>	DCPS	20 U.S.C. §§ 1411-19	\$133,492.88
<i>MPD v. PERB (Ronald Laboy, Joseph Knapp, Clyde Pringle, and Gregory Gullede)</i>	MPD	D.C. Code § 1-605.02	Reasonable fees to be submitted by counsel for PERB and FOP
<i>Salazar v. District of Columbia</i>	DHCF	42 U.S.C. § 1988	\$474,952.36
<i>Samuel Bullock v. DPR & ORM</i>	ORM	D.C. Code § 1-623.27	\$10,982.60 subject to cap of 20 percent of total benefits secured
<i>Samuel Murray v. DYRS</i>	DYRS	D.C. Code § 1-606.08	\$29,250 (stayed pending appeal)
<i>Schiff v. District of Columbia</i>	DCPS	20 U.S.C. §§ 1411-19	\$168,945.70
<i>Smith v. District of Columbia</i>	DCPS	20 U.S.C. §§ 1411-19	\$259,742.37
<i>Treshawn Jones v. DHS & ORM</i>	ORM	D.C. Code § 1-623.27	\$6,210.75 subject to cap of 20 percent of total benefits secured
<i>Vining v. District of Columbia</i>	ANC	D.C. Code § 2-537(c)	\$138,954.55

Cases in which fees were ordered paid to the District:

Case Name	Agency	Statute	Amount
<i>D.C. v. Talley</i>	OAG	D.C. Code § 2-1403.16a(1)	\$75,401.25
<i>D.C. v. Town Sports International, LLC, et al.</i>	OAG	SCR-Civil 37(a)(5)(B)	\$5,690

Case Name	Agency	Statute	Amount
<i>District of Columbia v. 76 M</i> , 2020 CA 1080 B	OAG	D.C. Code § 28-3909(b)	\$33,416.25
<i>District of Columbia v. Equity Residential Management</i> , 2017 CA 008334 B	OAG	D.C. Code § 28-3909(b)	\$1,010,493.00 costs and fees
<i>District of Columbia v. Stephenson</i> , 2018 CA 004448 B	OAG	D.C. Code § 28-3909(b)	\$41,065.67 costs and fees
<i>District of Columbia v. Tavana</i> , 2019 CA 003718 B	OAG	D.C. Code § 28-3909(b)	\$580.35 costs, \$25,142.25 fees
<i>D.C. v. Burrello Investment Group, LLC, et al.</i> , 2020 CA 002870 B	OAG	D.C. Code §§ 2-1403.16a(1)(c); 2-1403.13(a)(1)(E), (F)	\$79,490.80

55. For FY22 and FY23, to date, please list all court cases appealed by OAG, the agency involved in the case, and the outcome of such appeals.

RESPONSE:

- *D.C. Department of Corrections v. D.C. Department of Employment Services/Atkins*, DCCA No. 20-AA-525, DOC: This is a workers' compensation appeal. The Department of Corrections and Office of Risk Management are challenging a decision of the Department of Employment Services' Compensation Review Board that awarded the continuation of temporary disability compensation and medical benefits for a condition that is no longer temporary and for which evidence supports that the condition is not causally related to the work injury. In September 2022, the Court affirmed in a published opinion.
- *D.C. Department of Behavioral Health v. D.C. Department of Employment Services/Lyles*, DCCA No. 20-AA-553, DBH: This is a workers' compensation appeal that was stayed pending the outcome in DCCA No. 20-AA-525. It was voluntarily dismissed in October 2022 given the outcome in *Atkins*.
- *D.C. Fire & Emergency Management Services v. D.C. Department of Employment Services/McLaughlin*, DCCA No. 20-AA-689, FEMS: This is a workers' compensation appeal that was stayed pending the outcome in DCCA No. 20-AA-525. It was voluntarily dismissed in October 2022 given the outcome in *Atkins*.
- *D.C. Department of Health v. D.C. Department of Employment Services/King*, DCCA No. 21-AA-777, DOH: This is a workers' compensation appeal that was stayed pending

the outcome in DCCA No. 20-AA-525. It was voluntarily dismissed in October 2022 given the outcome in *Atkins*.

- *D.C. Department of Human Services v. D.C. Department of Employment Services/Carr*, DCCA No. 20-AA-653, DHS: This is a workers' compensation appeal that was stayed pending the outcome in DCCA No. 20-AA-525. It was voluntarily dismissed in October 2022 given the outcome in *Atkins*.
- *D.C. Metropolitan Police Department v. D.C. Department of Employment Services/Hunt*, DCCA No. 21-AA-446, MPD: This is a workers' compensation appeal that was stayed pending the outcome in DCCA No. 20-AA-525. It was voluntarily dismissed in October 2022 given the outcome in *Atkins*.
- *D.C. Metropolitan Police Department v. D.C. Department of Employment Services/Jones*, DCCA No. 21-AA-471, MPD: This is a workers' compensation appeal that was stayed pending the outcome in DCCA No. 20-AA-525. It was voluntarily dismissed in September 2022 given the outcome in *Atkins*.
- *D.C. Department of Corrections v. D.C. Department of Employment Services/Fant*, DCCA No. 21-AA-772, DOC: This is a workers' compensation appeal. The Department of Corrections and Office of Risk Management are challenging a decision of the Department of Employment Services' Compensation Review Board that awarded workers' compensation benefits to a claimant who is receiving disability retirement benefits for the same injury. The case is currently in briefing.
- *D.C. Department of Health v. Office of Employee Appeals/Stanback*, DCCA No. 20-CV-655, DOH: This is an appeal in which DOH challenges the OEA's decision vacating an employee's termination. DOH terminated Clarence Stanback from his employment after he failed a performance improvement plan (PIP). The PIP lasted 101 days, although a regulation specifies that PIPs shall last 30 to 90 days. The OEA reversed the termination based on the timing of the PIP and the decision on the PIP. The issue is whether the relevant PIP regulation is directory, not mandatory, and whether any error in allowing the extra time is harmless. The Court affirmed OEA's decision in a published opinion in April 2022.
- *D.C. Department of Health Care Finance v. Leslie Jackson O/B/O AJ*, DCCA No. 21-AA-731, DHCF: OAH found that the Department of Health Care Finance (DHCF) failed to act with "reasonable promptness" to process A.J.'s request for Applied Behavior Analysis therapy under the Early and Periodic Screening, Diagnostic, and Treatment benefit of the Medicaid Program. This benefit provides services to Medicaid recipients under the age of 21. In fashioning relief, OAH ordered DHCF to provide A.J. with compensatory services beyond his 21st birthday. OAG appealed, arguing that the relief OAH ordered was contrary to the Medicaid Act and otherwise outside its authority. The case was argued in October 2022 and is awaiting decision.
- *D.C. Metropolitan Police Department v. D.C. Public Employee Relations Board/Lopez*, DCCA No. 19-CV-1161, MPD: OAG filed this appeal on behalf of MPD to challenge an arbitration award that required the reinstatement of a police officer, Paul Lopez, who was fired for misconduct. The case was argued in April 2022 and is awaiting decision.

- *D.C. Metropolitan Police Department v. D.C. Public Employee Relations Board/Thomas*, DCCA No. 19-CV-1115, MPD: After PERB affirmed an arbitration award ordering MPD to reinstate an officer that it had terminated after he shot an unarmed man while off duty, OAG petitioned for review in D.C. Superior Court. The D.C. Superior Court affirmed PERB's decision, and OAG appealed to the D.C. Court of Appeals. OAG argued that the arbitration award is contrary to law and public policy. In September 2022, the Court reversed and remanded the matter to PERB in a published decision after concluding that PERB had not adequately considered OAG's challenges to the arbitration award.
- *D.C. Office of the Attorney General v. D.C. Office of Employee Appeals/George*, DCCA No. 20-CV-482, OAG: OAG separated employee Rachel George in April 2016 after she failed a performance improvement plan. Although she and her union agreed to additional time to receive notice of any discipline after the PIP so that she could justify in writing how she satisfied it, at the OEA, the employee challenged OAG's compliance with personnel regulations requiring written notice of a failed performance improvement plan within 10 business days after the end of the plan. OEA did not address OAG's position that the employee waived the 10-day requirement. OEA also held that the termination notice was not specific enough to give the employee notice of the charges against her because it did not cite a regulation. OAG filed an appeal. The case was argued in December 2022 and is awaiting decision.
- *D.C. Public Schools v. D.C. Department of Employment Services/Karim*, DCCA Nos. 17-AA-1049, 17-AA-1094, DCPS: This is a petition for review from the decision of the Compensation Review Board giving a former teacher a schedule award for a permanent partial disability to her right arm for injuries incurred during her employment. DCPS argued that the award should be reduced in line with what the Administrative Law Judge had awarded based on objective evaluations by two physicians. The teacher cross-appealed to challenge the regulations under which such determinations are made and to argue in favor of an award of simple interest instead of compound interest. In October 2021, the Court upheld the new regulations issued by the Office of Risk Management that changed the procedure for reviewing schedule awards; upheld the Compensation Review Board's decision that the award of interest on awards are limited to simple interest; and rejected the Public School's argument that the employee's percentage of disability was impermissibly increased by 10 percent. In June 2022, the Court denied a petition for rehearing en banc filed by the petitioner.
- *District of Columbia v. BET Acquisition Corp.*, DCCA Nos. 21-CV-358, 21-CV-359, 21-CV-390, 21-CV-391, 21-CV-579, 21-CV-580, EOM: OAG filed this appeal on behalf of EOM to challenge a D.C. Superior Court judgment holding that the District had unreasonably refused to consent to the sale of ground leases held by Black Entertainment Television to a third party, Jemal's TEB LLC. The D.C. Superior Court's final judgment ordered the District to pay BET roughly \$16 million in damages. The appeal challenges both the D.C. Superior Court's liability finding and the scope of the damages. The appeal was argued in September 2022 and is awaiting decision.
- *District of Columbia v. Bongam*, DCCA Nos. 18-CV-187, 18-CV-360, OAG: This is a wage theft case. The District filed claims on behalf of over 130 employees for unpaid wages and liquidated damages. The D.C. Superior Court awarded damages to a subset of

the employees, and the District appealed seeking a remand to award damages to the remaining employees. The employer cross-appealed to challenge the existing award. The Court affirmed the Superior Court's decision in March 2022.

- *District of Columbia v. Capitol Petroleum Group, LLC*, DCCA No. 20-CV-767, OAG: OAG brought an action under the District's Drug-, Firearm-, or Prostitution-Related Nuisance Act to abate a nuisance at a Shell gas station. The Shell station has been the site of several documented MPD incidents as well as arrests, overdoses, shootings, and general drug activity. The District asked for several forms of relief to abate the nuisance, including increased lighting, security cameras, a stronger fence, and two special officers. The owners of the station voluntarily performed all of the requested relief except for hiring the special officers. The D.C. Superior Court found that there was a nuisance but that it could not order any relief because the entities that the District sued—the owners of the gas stations—do not have the authority to install special officers at the station under their lease with the tenant, a third-party defendant in the case. The Court also awarded attorneys' fees to two defendants that were ultimately dismissed. OAG appealed. The case was argued in March 2022 and is awaiting decision.
- *District of Columbia v. Design Center Owner (D.C.), LLC*, DCCA Nos. 21-TX-627, 21-TX-473, OTR: The District is appealing a D.C. Superior Court order that permitted various companies who transferred ownership of two properties in Southwest D.C. to avoid transfer and recordation taxes on the portion of consideration paid for the buildings on those properties. In December 2022, the Court reversed in relevant part in a published decision and remanded to the trial court to determine the taxes due.
- *District of Columbia v. Edward L. Graham Trust U/A/D/ 11/29/89, Daniel L. Mosley, Trustee*, DCCA Nos. 21-TX-715, 21-TX-716, OCFO: This is an appeal from a D.C. Superior Court order granting judgment for the trustee and disallowing taxes on the trusts. The appeal was voluntarily dismissed.
- *District of Columbia v. Alice M. Graham Trust, Daniel L. Mosley, Trustee*, DCCA Nos. 21-TX-834, 21-TX-835, 21-TX-836, OCFO: This is a related case to No. 21-TX-715. It is an appeal from the D.C. Superior Court order granting judgment for the trustee and disallowing taxes on the trusts. The appeal was voluntarily dismissed.
- *District of Columbia v. Terris, Pravlik & Millian*, DCCA No. 21-CV-543, EOM: OAG filed this appeal on behalf of EOM to challenge the trial court's order, issued pursuant to the District of Columbia Freedom of Information Act, to produce and publish online preliminary budget documents that two District agencies, OSSE and DCPS, provided to the Mayor. The appeal also challenges the requirement to publish online all documents enumerated in D.C. Code § 2-536. The case was argued in September 2022 and is awaiting decision.
- *In re Macklin*, DCCA No. 21-FM-112, DBH: OAG filed this appeal to challenge the D.C. Superior Court's interpretation of D.C. Code § 21-526(d), which authorizes the extension of emergency hospitalization of a person for whom the Commission on Mental Health has recommended inpatient commitment. The D.C. Superior Court held that this provision does not apply to forensic detainees hospitalized under the Incompetent Defendants Act, D.C. Code § 24-531.07. The District argues that this is not a reasonable

interpretation. In December 2022, the DCCA reversed the Superior Court's ruling, agreeing with the District's interpretation of the statute. The Public Defender Service has indicated that it will petition for rehearing and rehearing en banc.

- *In re Purdue Pharma*, 2d Cir. No. 22-110, OAG: Purdue filed for bankruptcy in September 2019 to resolve thousands of lawsuits accusing it of fueling the U.S. opioid crisis through deceptive marketing of its products. In September 2021, the District of Columbia and other states appealed the bankruptcy court's approval of Purdue's reorganization plan to the Southern District of New York. On December 16, 2021, the District Court overturned the reorganization plan. Purdue has appealed to the Second Circuit, and that appeal is pending.
- *In re Z.M.*, DCCA No. 20-FS-770, CFSA: CFSA removed one-year-old Z.M. from his mother's care because she repeatedly failed to pick him up from day care, and the day care and CFSA were unable to reach her for hours. The magistrate judge found that Z.M. was a neglected child under D.C. Code § 16-2301(9)(A)(iii) and (iv), and the mother appealed. The Associate Judge reversed, and the Magistrate Judge closed the neglect case and sent the child home. With respect to D.C. Code § 16-2301(9)(A)(iv), the Court found that the day care was not caring for the child and therefore could not state an intent to discontinue care. CFSA appealed. The Court reversed in a published decision favorable to the District in April 2022.
- *New York v. Facebook*, D.C. Cir. No. 21-7078, OAG: A group of 46 states sued Facebook, alleging antitrust violations under the Sherman Act and the Clayton Act. The District Court dismissed the case, finding that the claims against Facebook's acquisitions of WhatsApp and Instagram are barred by laches and the states' antitrust claim that Facebook had a policy of preventing competition fails to state a claim. New York is the principal drafter. The case was argued in September 2022 and is awaiting decision.
- *District of Columbia v. The Kroger Co.*, D.C. Cir. No. 22-7168: OAG filed this appeal along with Illinois and California to challenge a district court decision denying our motion for a preliminary injunction in an antitrust suit involving a proposed merger between Albertsons and Kroger. The dividend we asked to enjoin has since been paid, and the D.C. Circuit has asked for additional briefing.
- *D.C. Department of Corrections v. D.C. Department of Employment Services/Brummell*, 22-AA-871, DOC: This is a workers' compensation appeal. The Department of Corrections and Office of Risk Management are challenging a decision of the Department of Employment Services' Compensation Review Board that awarded workers' compensation benefits to Vera Brummell, a claimant who is receiving disability retirement benefits for the same injury. Administrative record is due to the court in January 2023.
- *D.C. Metropolitan Police Department v. Public Employee Relations Board/Yoon*, DCCA No. 22-CV-433, MPD: OAG filed this appeal on behalf of the MPD to challenge an arbitration award that required the reinstatement of a police officer, Se Young Yoon, who was fired following his conviction for assault. The case is stayed pending a decision in a related appeal, No. 19-CV-1161.

- *Bowser v. Dupont East Civil Action Ass’n*, DCCA No. 22-CV-884, Historic Preservation Review Board: OAG filed this appeal on behalf of the Board to challenge a Superior Court ruling that the Board had improperly defined the site boundary of the Scottish Rite Temple, a historic landmark. The appeal is in briefing.
- *In re Brown*, DCCA No. 22-FM-804, DBH: OAG filed this appeal to challenge the Superior Court’s dismissal of a petition for emergency hospitalization as untimely filed. Under the Ervin Act, voluntary inpatients may be held for 48 hours after they request release in writing. Involuntary patients must be released for 48 hours after admission unless the hospital files a petition for emergency hospitalization before the deadline expires. The Superior Court held that, when a voluntary inpatient seeks release, the 48-hour clock for his release runs concurrently with the 48-hour clock by which a petition for emergency hospitalization must be filed (after emergency hospitalization is initiated). This interpretation defeats the purposes of both 48-hour time periods and is therefore not a reasonable interpretation of the statute. This appeal is in briefing.
- *District of Columbia v. Amazon.com, Inc.*, DCCA No. 22-CV-0657, OAG: OAG filed this appeal of the Superior Court’s dismissal of the District’s antitrust complaint against Amazon. The case is in briefing.
- *D.C. Metropolitan Police Department v. Public Employee Relations Board/Dohare*, DCCA No. 22-CV-53, MPD: OAG took this protective appeal after an arbitrator reversed the termination of an MPD detective and ordered his reinstatement and back pay. Subsequent litigation arose out of the arbitrator’s supplemental award, which ordered MPD to pay attorneys’ fees and compound interest on back pay. The protective appeal was voluntarily dismissed in April 2022.
- *D.C. Metropolitan Police Department v. Public Employee Relations Board/Fraternal Order of Police*, DCCA No. 22-CV-91, MPD: OAG took this protective appeal in a police discipline case involving Officer Samuel Geddies, in which the officer’s termination had been overturned. The appeal was voluntarily dismissed in April 2022.
- *D.C. Metropolitan Police Department v. Paul Porter*, DCCA No. 22-AA-47, MPD: OAG filed this appeal on behalf of MPD to challenge a decision by the Office of Administrative Hearings concluding that a guilty plea followed by probation before judgment is not a “conviction” within the meaning of the District’s firearm registration statute, D.C. Code § 7-2502.03. The case will be argued on February 16, 2023.

56. Please describe the progress OAG made in FY22 and FY23, to date, in improving the agency’s data collection and publication.

RESPONSE: OAG’s data team, which consists of one full-time and one part-time data analyst, has continued to improve data collection and quality assurance at OAG, in addition to leading developments in data reporting and publication, both internally and externally. Over the course of FY22 and FY23 to date, OAG has continued to refine its business processes to ensure data integrity, from timely data entry to cleaning and harmonization to regular data quality checks and review. These improvements in data collection and quality assurance have expanded OAG’s capacity to provide reliable information for monitoring case processing, as well as to respond to

ad hoc data requests, from internal questions regarding citywide public safety trends to requests by the public and media. These efforts have further enhanced OAG's ability to perform statistical analyses that are used to evaluate the effectiveness of agency programs and procedures.

OAG has also established a range of practices to facilitate internal data reporting and information-sharing. The Juvenile Section, in particular, has prioritized regular data review, and compiles data reports on a monthly basis for managers to keep close track of any trends or developments in the volume or types of matters presented, to monitor prosecutorial action on cases, and to remain apprised of youth who recidivate. The Section recently broadened its ongoing efforts to improve data entry and quality assurance beyond petitioning decisions to include examination of caseload levels and caseload outcomes. It also launched a new internal dashboard enabling prosecutors and support staff to ensure timely data entry and better monitor caseloads and outcomes.

The Restorative Justice Section has also continued to improve its internal data collection and reporting practices in order to ensure timely data entry and quality assurance, facilitate its ongoing program evaluation, and improve its ongoing tracking of the circumstances around which both respondents and victims agree or decline to participate in the restorative justice process. The Domestic Violence and Special Victims Section also launched its own internal dashboard to facilitate periodic grant reporting.

In addition, OAG regularly conducts internal data analyses in response to requests from across the agency to inform decision-making, as well as to provide broader context for policy development. Some of these analyses have helped to inform and motivate proposed changes in criminal justice policy and services throughout the District. For instance, OAG compiled an analysis of the most frequent day and time of juvenile arrests involving interfamily offenses and used this research to inform possible alternative intervention services in partnership with the Metropolitan Police Department and Sasha Bruce, a nonprofit organization that serves at-risk youth.

Finally, OAG has made additional progress in improving its external publication capabilities. In December 2022, OAG published the first installment of its [Prosecution Data Portal](#), which provides prosecutorial decisions and case outcomes for traffic and adult criminal misdemeanor cases over which OAG has prosecutorial authority. It includes interactive dashboards containing data visualizations of cases reviewed, cases prosecuted and the resolution of prosecuted cases, which can be disaggregated by charge type, and demographic characteristics of the defendants.

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

RESPONSE:

- *LaShawn v. Bowser*, D.D.C. No. 89-CV-1754. *LaShawn* was a long-running consent decree case governing several aspects of the District's child welfare system, which included child protection services and the foster care system. In December 2010, the Court entered the Implementation and Exit Plan that set forth 88 Exit Standards in two categories: 60 were

outcomes to be achieved and 28 were outcomes to be maintained. The parties conducted settlement discussions in July 2019, and ultimately agreed on an Exit and Sustainability Plan (ESP) to guide the termination of the lawsuit. The ESP, entered by the Court on October 31, 2019, removed from court monitoring 56 Exit Standards that had been achieved and maintained over several years. The plan also provided for an intensive focus on the remaining important outcomes to be achieved and incorporated specific new commitments by the District to improve foster care placement.

In July 2020, the parties reached a settlement agreement that included additional commitments by Child and Family Services Agency (CFSA) and a timeline for the District to exit the litigation. The parties informed the Court on July 10, 2020, and worked to finalize the settlement agreement and associated documents. On August 7, 2020, the parties submitted the settlement agreement with their joint motion for preliminary approval. After a hearing on August 20, 2020, the Court issued an order preliminarily approving the settlement and set a fairness hearing for June 1, 2021. The parties subsequently negotiated and signed a brief addendum to the settlement agreement, which contained additional commitments by CFSA but did not materially alter their settlement. After the fairness hearing on June 1, 2021, the Court issued a Final Order of Approval of Settlement, which also approved the addendum and dismissed the case; the Court retained jurisdiction to enforce the terms of the settlement agreement, if necessary. The settlement agreement positioned the agency for self-regulation and public accountability. Shortly after a final status hearing on September 9, 2022, the Court relinquished jurisdiction and dissolved judicial oversight.

- *Salazar v. District of Columbia*, D.D.C. No. 93-CV-452. *Salazar* is a long-running consent decree case, originally filed in 1993, governing several aspects of the District's administration of Medicaid, including: (1) service delivery of the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit; (2) notice of the availability of the EPSDT benefit; (3) timely processing of initial applications for Medicaid eligibility; (4) adequate advance notice of termination from Medicaid benefits during annual renewal; and (5) reimbursement of eligible out-of-pocket expenditures. Provisions relating to the third category were dismissed by consent in 2009 after the parties agreed that the District had satisfied the exit criteria, and the provisions relating to the fourth category were dismissed by court order in 2013 because those requirements conflicted with the Affordable Care Act. The single remaining claim involves service delivery of the EPSDT benefit to children enrolled in Medicaid. The case has been aggressively litigated, resulting in numerous additional court orders which broaden the scope of required compliance by the Department of Health Care Finance.

On November 5, 2019, the District renewed its motion to terminate court oversight, alleging that it has satisfied the conditions of the Settlement Order or, alternatively, that court oversight was no longer appropriate given the lack of an ongoing legal violation. On March 31, 2022, the Court denied without prejudice the District's renewed motion to terminate but noted that the District has a compelling argument that prospective application of the Settlement Order is inequitable. Since then, at the Court's direction, the parties have been engaged in settlement discussions to explore the possibility of an exit strategy.

- *D.L. v. District of Columbia*, D.D.C. 05-CV-1437. *D.L.* is an 18-year-old class action in which preschool children with disabilities obtained injunctive relief against the District based

on purported systemic deficiencies in the District’s preschool special education program. Plaintiffs contend the District violated the Individuals with Disabilities Education Act, the Rehabilitation Act, and local law. In 2011, the Court held a bench trial and, later that year, found the District liable and instituted injunctive relief. Following an appeal by the District, in 2013, the D.C. Circuit vacated class certification, the liability finding against the District, and the injunction; it remanded the case for further proceedings. The District Court subsequently recertified four subclasses of children and permitted the parties to engage in discovery. A second trial followed in November 2015. On May 18, 2016, the Court issued a Memorandum Opinion and Order finding against the District on all triable issues and entering structural injunctive relief modeled on the relief ordered in 2011. The District continues to work towards compliance with the requirements of the injunction, although its efforts were affected by the COVID-19 pandemic. Counsel for the District meets regularly with representatives of the affected agencies, the parties’ mutually designated third-party neutral, and opposing counsel to identify means and methods for identifying and enrolling more students in need of special education services and ensuring timely and effective service delivery.

58. For FY22 and FY23, to date, please list all amicus briefs joined by OAG on behalf of the District, along with a brief description of the case.

RESPONSE:

U.S. Supreme Court

- *Alabama Association of Realtors v. HHS*, Supporting respondent in a challenge to the CDC’s eviction moratorium.
- *Americans for Prosperity v. Rodriguez*, Supporting respondent in defending California’s disclosure requirements for charitable organizations seeking to solicit donations in the state.
- *AMG Capital Management LLC v. FTC*, Supporting respondent, concerning whether Section 13(b) of the Federal Trade Commission Act, which authorizes “injunction[s],” allows the FTC to obtain restitution—that is, the return of unlawfully obtained funds.
- *BP PLC v. Mayor and City Council of Baltimore*, Supporting respondent in a challenge to the proper interpretation of 28 U.S.C. § 1447(d), which governs appellate review of orders remanding cases back to state court following removal to federal court.
- *Brnovich v. Democratic National Committee, Arizona Republican Party v. Democratic National Committee*, Supporting plaintiff regarding the interpretation of Section 2 of the Voting Rights Act.
- *Carson v. Makin*, Supporting respondent Maine in considering whether Maine’s program providing tuition for use at private schools, but restricting use toward a sectarian education, violates the Religion Clauses or the Equal Protection Clause.

- *Cedar Point Nursery v. Hassid*, Supporting respondent in defending a California regulation that gives union organizers access to the property of agricultural growers up to three hours per day, 120 days each year, against a challenge under the Takings Clause.
- *Concepcion v. United States*, Supporting petitioner in arguing that a district court may consider intervening legal and factual developments when deciding if it should “impose a reduced sentence” on an individual under Section 404(b) of the First Step Act of 2018.
- *Dobbs v. Jackson Women’s Health Organization*, Supporting respondents in their challenge to a Mississippi law that would ban all abortions after 15 weeks, in contravention of *Roe v. Wade*.
- *Facebook v. Duguid*, Supporting respondent, concerning whether a system Facebook uses to alert users that their accounts have been accessed by unknown devices falls under the Telephone Consumer Protection Act’s definition of an “automated telephone dialing system.”
- *FCC v. Prometheus Radio Project*, Supporting respondents in their quest to bring greater diversity to broadcast media.
- *Government of Guam v. United States*, Supporting petitioner in arguing that under the Comprehensive Environmental Response, Compensation, and Liability Act Guam can pursue its lawsuit against the federal government over the cleaning costs of a waste dump by the Navy and that a prior settlement between EPA and Guam related to a different environmental law did not trigger the statute of limitations for seeking contribution.
- *Grewal v. Defense Distributed*, Supporting petitioners in asking the Court to grant certiorari and conclude that New Jersey Attorney General Gurbir Grewal was not subject to personal jurisdiction in the Fifth Circuit by virtue of having sent a cease-and-desist letter to a Texas-based company.
- *Haaland v. Brackeen*, Supporting petitioners in asking the Court to grant certiorari and conclude that the challenged provisions of the Indian Child Welfare Act do not violate the anticommandeering doctrine or equal protection.
- *Houston Community College v. Wilson*, Supporting petitioner in case presenting the question of whether the First Amendment prohibits a legislative body from passing a resolution formally condemning a member for that individual’s speech.
- *Lange v. California*, Supporting petitioner concerning whether the “hot pursuit” exception to the warrant requirement for in-home arrests should be applied to situations in which an officer has probable cause to believe only a misdemeanor has been committed.
- *Middleton v. Andino*, Supporting respondents, concerning whether South Carolina’s absentee-voting witness requirement puts South Carolina voters—particularly low-income voters of color, who are statistically more likely to live alone—in the impossible position of deciding whether to risk exposure to COVID-19 in order to exercise their voting rights.

- *Mahanoy Area School District v. B.L.*, Supporting neither party but urging the Court to preserve states' authority to address off-campus bullying that materially and substantially disrupts school.
- *Morgan v. Sundance*, Supporting petitioner in arguing that prejudice is not required to assert that an adverse party has waived its right to compel arbitration.
- *New York State Rifle & Pistol Association v. Corlett*, Supporting respondent in defending against a Second Amendment challenge to a New York law that requires individuals to obtain a license to possess or carry a concealable handgun.
- *People First of Alabama v. Merrill*, Supporting petitioner in a case involving a challenge to several voting restrictions imposed by Alabama—including its witness, notarization, and voter ID requirements.
- *Safehouse v. United States Department of Justice*, Supporting petitioner in asking the Court to grant certiorari and decide that the Controlled Substances Act does not prohibit Safehouse from operating a supervised consumption site.
- *Sanchez v. Mayorkas*, Supporting petitioners in arguing that a grant of Temporary Protected Status under federal immigration law authorizes eligible noncitizens to obtain lawful permanent-resident status.
- *Texas v. Pennsylvania*, Supporting defendants in original jurisdiction challenge concerning whether the U.S. Supreme Court should temporarily prevent Georgia, Michigan, Pennsylvania, and Wisconsin from certifying their 2020 election results because changes to those states' election procedures in light of the COVID-19 pandemic allegedly violated the Constitution.
- *Thompson v. Clark*, Supporting petitioner, clarifying that to assert a claim for malicious prosecution, a plaintiff needs to show that the criminal proceedings were resolved in their favor.
- *United States v. Texas*, Supporting petitioner in a challenge by the federal government to a Texas law, SB 8, which bans nearly all pre-viability abortions and evades federal court review by vesting enforcement authority in private individuals rather than state officials.
- *United States v. Vaello-Madero*, Supporting respondent in challenging Congress's denial of social security benefits to the territories.
- *Wise v. Circosta*, Supporting the state-defendant-respondent, concerning the North Carolina Board of Election's agreement to extend the deadline by which absentee ballots must be received in order to be counted (from three days to nine days after election day).

State Supreme & Appeals Court

- *Buzzell v. Walz*, Minn. S. Ct., Supporting respondents in defending against a challenge arguing that Minnesota's COVID-19 restrictions on in-person dining constituted commandeering and required compensation.

- *Energy Policy Advocates v. Ellison*, Minn. S. Ct., Supporting petitioner in defending against a public-records request by Energy Policy Advocates and arguing that the common-interest doctrine protects petitioners’ communications.
- *Lambert v. Benson; Davis v. Benson*, Mich. Ct. App., Supporting defendant in support of the Michigan Secretary of State’s authority to ban the open carrying of guns at and near polling places on election day.
- *Madison Equities, Inc. v. Office of Attorney General*, Minn. S. Ct., Supporting appellant, the Minnesota Office of the Attorney General, in its challenge to the court of appeals’ decision that its civil investigative demand exceeded its authority.
- *Oklahoma v. Johnson & Johnson*, Okla. S. Ct., Supporting plaintiff-appellee Oklahoma in defending a trial verdict against Johnson & Johnson for its role in perpetuating the opioid crisis.
- *Schroeder v. Simon*, Minn. Ct. App., Supporting plaintiffs-appellants in their state-constitutional challenge to Minnesota’s felon disenfranchisement scheme.

Federal Appellate Court

- *ACOG v. FDA*, 4th Cir., Supporting appellees in a challenge to the FDA’s limitations on access to mifepristone, an oral medication used to induce abortion.
- *Adams v. School Board of St. Johns County*, 11th Cir., Supporting appellee Drew Adams, a transgender boy, in arguing that his school district’s refusal to permit him to use the school’s boys’ bathroom violated his rights under the Equal Protection Clause and Title IX of the Education Amendments of 1972.
- *American College of Obstetricians & Gynecologists v. U.S. FDA*, 4th Cir., Supporting plaintiff-appellee, concerning access to mifepristone, an oral medication used to induce an abortion, during the COVID-19 pandemic.
- *Buljic v. Tyson Foods*, 8th Cir., Supporting appellees in opposing Tyson’s removal to federal court of a lawsuit alleging that the company negligently caused workers’ deaths from COVID-19.
- *California v. Azar*, 9th Cir., Supporting plaintiff-appellees in challenge to the Department of Health and Human Services’ Rule, Protecting Statutory Conscience Rights in Health Care: Delegations of Authority—the so-called “conscience rule”—which expands the ability of health care providers to deny patients access to certain lawful and medically needed procedures, services, and information, including that related to abortion, sterilization, and aid-in-dying.
- *California v. FERC*, 9th Cir., Supporting petitioner against determination by the Federal Energy Regulatory Commission that California had waived its permit authority under the Clean Water Act.
- *Carson v. Simon*, 8th Cir., Supporting appellees, concerning the Minnesota Secretary of State’s agreement to accept all mail-in ballots postmarked on or before election day and received within five business days (seven calendar days) of election day.

- *City & County of Honolulu v. Sunoco*, 9th Cir., Supporting appellee in its effort to remand its state-law claims against major oil and gas companies to state court.
- *City of Hoboken v. Exxon Mobil Corp.*, 3d Cir., Supporting the city of Hoboken in arguing that its suit against oil and gas companies brought in state court should remain in state court, rather than being removed to federal court.
- *Connecticut v. Exxon Mobil Corp.*, 2d Cir., Supporting Connecticut in arguing that its lawsuit brought by the state in state court against oil and gas companies should remain in state court, rather than being removed to federal court.
- *County of Ocean v. New Jersey*, 3d Cir., Supporting appellee in defending New Jersey’s law enforcement directive that prohibits state and local officials from sharing information with ICE regarding the immigration status and release dates of individuals in their custody against a federal preemption challenge.
- *FTC v. Hackensack Meridian Health*, 3d Cir., Supporting the FTC in arguing the district court properly enjoined a proposed merger between the largest health care provider in New Jersey and an allegedly competing hospital pending a full merits hearing by an FTC Administrative Law Judge.
- *Gomez v. Trump*, D.C. Cir., Supporting appellants, concerning two executive orders temporarily suspending most forms of legal immigration as well as important non-immigrant work visa programs (H-1B, H-2B, J, and L visas).
- *Hecox v. Little*, 9th Cir., Supporting appellees in challenge to Idaho’s Fairness in Women’s Sports Act, a statute that categorically bars transgender female students from participating in any female-only sports activities consistent with their gender identity.
- *Jones v. Becerra*, 9th Cir., Supporting appellees in defending California’s restrictions on the sale of long guns and semiautomatic rifles to those under the age of 21.
- *Kadel v. North Carolina*, 4th Cir., Supporting appellees in challenge to North Carolina’s health insurance plan for state employees, which categorically excludes coverage for treatment sought “in conjunction with proposed gender transformation” or “in connection with sex changes or modifications.”
- *Lara v. Commissioner of the Pennsylvania State Police*, 3d Cir., Supporting respondent in defending against a Second Amendment challenge to a Pennsylvania law that requires residents to obtain a permit to carry concealed firearms in public and limits the issuance of such permits to those over the age of 21.
- *Lindenbaum v. Realgy, LLC*, 6th Cir., Supporting appellant in its contention that the Supreme Court’s decision in *Barr v. American Association of Political Consultants* applies retroactively.
- *Mayor & City Council of Baltimore v. BP PLC*, 4th Cir., Supporting appellees in their effort to remand their state-law claims against major oil and gas companies to state court.
- *Memphis Center for Reproductive Health v. Slatery*, 6th Cir., Supporting appellee in challenge to two new abortion restrictions that Tennessee enacted this past summer.

- *New York Legal Assistance Group v. Cardona*, 2d Cir., Supporting appellant in a challenge to the Department of Education’s 2019 Borrower Rule.
- *NRA v. Commissioner, Florida Department of Law Enforcement*, 11th Cir., Supporting appellee in defending against a Second Amendment challenge to a Florida law that prohibits those under 21 from purchasing firearms.
- *NYSTA v. James*, 2d Cir., Supporting New York State in defending New York’s Affordable Broadband Act, which requires entities providing fixed broadband services to offer these services to qualifying, low-income consumers at or below specific prices, and arguing New York’s law is not preempted by the federal Communications Act of 1934 or a 2018 order from the Federal Communications Commission.
- *PCMA v. Wehbi*, 8th Cir., Supporting appellee against a preemption challenge to state regulations on pharmacy benefit managers.
- *Planned Parenthood v. Wilson*, 4th Cir., Supporting appellees in a challenge to a South Carolina law that bans pre-viability abortions after detection of fetal cardiac activity.
- *Rhode Island v. Shell Oil Products Co.*, 1st Cir., Supporting appellee in opposing an effort by major oil and gas companies to remove state-law claims against them to federal court.
- *Ryan v. U.S. Immigrations & Customs Enforcement*, 1st Cir., Supporting plaintiff-appellee, concerning ICE’s policy and practice of conducting civil immigration arrests inside Massachusetts state courthouses.
- *Texas LULAC v. Hughes*, 5th Cir., Supporting appellees in a challenge to a Texas Executive Proclamation that limits the number of absentee ballot drop-off sites in the state to one per county and shuts sites that were already open.
- *Texas v. United States*, 5th Cir., Supporting defendants-appellants (the federal government, New Jersey, and individual DACA recipients) in defending DACA as compliant with both the APA and INA, and emphasizing the significant reliance interests at stake.
- *Virginia v. Ferriero*, D.C. Cir., Supporting the states regarding whether the states of Virginia, Illinois, and Nevada have standing to bring a mandamus action compelling the Archivist of the United States to publish and certify the Equal Rights Amendment, and whether Congress’s earlier ratification deadlines listed only in the ERA’s proposing resolution are enforceable.
- *Whole Woman’s Health v. Paxton*, 5th Cir., Supporting appellee in a challenge to a law passed by Texas in 2017 that effectively bans the safest and most common procedure used to conduct second-trimester abortions.
- *Whole Women’s Health Alliance v. Rokita*, 7th Cir., Supporting appellees’ challenge to a series of Indiana laws that impose onerous restrictions on people seeking abortions.

Federal District Court

- *California v. ATF*, N.D. Cal., Supporting plaintiffs in efforts to increase federal regulation of ghost guns.
- *City of Syracuse v. ATF*, S.D.N.Y., Supporting plaintiffs in efforts to increase federal regulation of ghost guns.
- *Florida Rising Together v. Lee*, N.D. Fla., Supporting plaintiffs in a challenge to the mail-in-voting and ballot drop box restrictions in Florida’s recently enacted voting law, S.B. 90.
- *League of Women Voters v. Lee*, N.D. Fla., Supporting plaintiffs in a challenge to the mail-in-voting and ballot drop box restrictions in Florida’s recently enacted voting law, S.B. 90.
- *NAACP v. Lee*, N.D. Fla., Supporting plaintiffs in a challenge to the mail-in-voting and ballot drop box restrictions in Florida’s recently enacted voting law, S.B. 90.
- *Parham v. Watson*, S.D. Miss., Supporting plaintiff regarding whether Mississippi’s absentee-voting witness requirement puts Mississippi voters in the impossible position of deciding whether to risk exposure to COVID-19 in order to exercise their voting rights.
- *United States v. Georgia*, N.D. Ga., Supporting plaintiffs and DOJ’s allegations that Georgia’s recent voting law, SB 202, was enacted with discriminatory intent.

State Superior Court

- *Muslim Advocates v. Facebook*, D.C. Super. Ct., Supporting plaintiff *Muslim Advocates* in arguing Facebook and its executives can be held liable under the D.C. Consumer Protection Procedures Act for misrepresentations regarding Facebook’s removal of hate speech.

59. Please provide the following information regarding OAG’s Restorative Justice Program:

- a. A description of the program, including its structure, staffing, and policies and procedures;**
- b. Any private funding obtained by OAG for the program in FY22 and FY23, to date, including the source and amount;**
- c. A description of any changes made to the program in FY22 and FY23, to date, and/or any planned changes to the program in FY23;**

RESPONSE: Please see below for responses to Sections a. through c.

OAG's Restorative Justice Program (RJP) is an innovative approach to addressing crime and conflict in the juvenile justice system.¹⁰ Under the program, a youth prosecuted by OAG for a serious crime (other than homicide, sexual assault, and intimate partner violence) may be offered the opportunity to participate in restorative justice as part of the disposition of the case if, and only if, the victim of the crime is amenable to participating, and the youth charged is willing to take full responsibility for the crime. If those criteria are met, a trained OAG restorative justice facilitator works confidentially and independently with the victim and the youth and their respective supporters before bringing them together for the restorative justice conference. At the restorative justice conference, the youth tells the victim and his or her family and supporters what they did and why, and apologizes for their actions. The victim and supporters describe how they were impacted by the crime and have a chance to ask questions, express concerns, and otherwise be heard. The impacted individuals and the youth develop a written agreement laying out what needs to happen to resolve the matter so that it never happens again. After that, the restorative justice facilitator will monitor the agreement for compliance over subsequent weeks or months and, if the youth is fully compliant, the youth receives a benefit in his juvenile case.¹¹ If the group does not come to agreement or if the youth does not take the agreed-upon steps, the case is returned to the prosecutor for continued prosecution.

The goals of each restorative justice conference are to provide victims with greater voice and agency in the process; to build empathy, accountability, and behavior change in youth; and to resolve the conflict in a manner to ensure that it never happens again. Contrary to the way the justice system often stigmatizes and shames those accused of crime, the program seeks to reduce crime by changing the behavior of youth who offend, recognizing that shame and isolation are among the top drivers of violence.¹² In contrast, restorative justice focuses on behavior change, providing support for underlying needs of the youth, and redemption. Importantly, restorative justice is centered around victims, who are not sidelined as mere witnesses to the juvenile justice process. The restorative justice process allows victims to ask questions, gain understanding, and express their thoughts and feelings to the person who harmed them.

Over the last year, OAG's Restorative Justice Section has focused on building increased capacity to address serious offenses and not merely lower-level offenses such as simple assault and property crimes, something very few restorative justice programs in the country have done. This strategy is based on rigorous research that indicates that the use of restorative justice in lieu of traditional prosecution results in greater recidivism reductions when used for serious crimes.¹³ Additionally, many victims of crime opt to participate in restorative justice in lieu of traditional court processing even in serious cases. Focusing on serious crime requires facilitators to do more intensive work with both victims and those charged with crime and their respective family

¹⁰ OAG's Restorative Justice Program continues to be the only such program housed in a prosecutor's office in the country.

¹¹ This may take the form of a better plea offer (such as reduced charges) or the offer of a Deferred Disposition Agreement.

¹² The core drivers of violence are shame, isolation, exposure to violence, and an inability to meet one's economic needs. Sered, D. (2019). *Until We Reckon: Violence, Mass Incarceration, and a Road to Repair*. New York. The New Press.

¹³ Sherman, L.W., Strang, H., Barnes, G. *et al.* Twelve experiments in restorative justice: the Jerry Lee program of randomized trials of restorative justice conferences. *J. Exp. Criminol.* 11, 501–540 (2015). <https://doi.org/10.1007/s11292-015-9247-6>

members. Recognizing the greater risk factors of youth involved in more serious crime, OAG contracted with The Institute for Emotional Regulation-a community-based therapeutic practice-to provide group Cognitive Behavioral Therapy (CBT) to these youth and added CBT as a requirement to the program. (CBT is a highly effective therapeutic behavior change strategy.) OAG has also developed more in-house expertise in facilitating these cases, including by hiring a social worker and training all restorative justice staff in CBT so that they are equipped to address community and personal trauma when it manifests itself with restorative justice participants.

This past year, RJP expanded in size with the addition of seven facilitators, an additional support staff person, and an Assistant Section Chief, giving OAG the ability to offer restorative justice to more victims. With support of the Council and a three-year DOJ grant awarded to OAG in 2020, the total staffing of the Restorative Justice Section includes one section chief, one assistant section chief, one social worker, 12 facilitators, and two program assistants. Council and DOJ funding also pays the Institute for Emotional Regulation to provide group sessions of CBT to youth charged with serious crime who participate in restorative justice.

Over the coming year, OAG seeks to broaden its footprint by partnering with USAO to offer restorative justice for crime committed by young adults. OAG Restorative Justice staff have been in regular contact with USAO to develop a referral mechanism for young adult cases. The preparation period has taken longer than expected, but OAG is hopeful that case referrals will begin in the spring of 2023.

OAG also hopes to partner with the D.C. Superior Court to offer restorative justice for victims and families of victims who are anticipating re-sentencing hearings for individuals eligible under the District's Incarceration Reduction Amendment Act (IRAA). Doing so would provide the opportunity for a facilitated dialogue between the person who committed the crime and those most harmed by it but would only take place at the request of victims and their families. We expect that these powerful opportunities for a healing conversation years after a devastating crime will help ease the pain of victims and family members and help the defendant express empathy and find a path forward, away from criminal behavior.

In 2021, OAG worked with outside researchers to design and launch a rigorous quantitative evaluation of restorative justice for serious youth crime. This required the cases assigned to restorative justice to be randomized to reduce selection bias that can skew analysis. OAG has also secured philanthropic funding from the Annie E. Casey Foundation to evaluate OAG's restorative justice program to learn more about how to change criminal behavior and reduce recidivism. The Urban Institute was selected to design and execute the research study, which is likely to be launched in the coming months. Results from both evaluations are expected in one to two years.

- d. The number and types of cases referred in FY21, FY22, and FY23, to date;**
- e. Of the cases identified in (b), the number and types of cases in which the parties involved agreed to participate in a restorative justice conference;**
- f. Of the cases identified in (c), the number of conferences that were considered successful. Please include a definition or metric for how OAG determines that a restorative justice conference was successful;**

- g. Of the cases identified in (c), the number of conferences that were not considered successful; and**
- h. Of the cases identified in (e), the number of cases returned for prosecution. If any cases were not returned for prosecution, please explain why.**

RESPONSE: Please see the table below for responses to Sections d. through h.

	FY20 (10/1/19- 9/30/20)	FY21 (10/1/20- 9/30/21)	FY22 (10/1/21- 9/30/22)	FY23 To Date (10/1/22- 1/13/23)
Cases referred for restorative justice¹⁴	103	106	185	54
Total number victim declines¹⁵	34	24	53	14
Total number “other” reasons to return to prosecutor¹⁶	46	44	88	<10
Total number of youth with RJ pending¹⁷	0	0	11	31
Total number of youth who participated in an RJ Conference¹⁸	30	28	40	15
Total number of RJ Conferences that were successful¹⁹	30	26	39	15

¹⁴ Referrals made in the fiscal year. Includes all referrals made through OAG, including juvenile and adult.

¹⁵ Victim declines from referrals made in the fiscal year.

¹⁶ Total “other” from referrals made in the fiscal year. Other reasons for unsuitability for restorative justice: the respondent goes to trial, absconds, re-arrested before restorative justice process, the case is dismissed, respondent cannot be reached, or the respondent is not suitable for restorative justice.

¹⁷ Total pending cases from referrals made in the fiscal year.

¹⁸ Total number of Restorative Justice Conferences held in the fiscal year (some conferences arose from case referrals in the previous fiscal year).

¹⁹ A Restorative Justice Conference is deemed “successful” if the youth participated in preparation meetings, attended the restorative justice conference, with the group reaching a written agreement about what he or she needs to do, and successfully completed all the tasks expected of him or her in the agreement.

Total number of RJ Conferences that were unsuccessful²⁰	0	2	1	0
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Finally, victim satisfaction surveys continue to show high rates of victim satisfaction with restorative justice.²¹ OAG’s Restorative Justice Legal Assistant conducts a Victim Satisfaction Survey for all victims who participate in restorative justice six months after the restorative justice conference. Below are averages compiled from all responsive victims who participated in restorative justice conferences since the launch of the program in 2017:

- Overall, 93 percent of victims scores indicated that they were satisfied with the Restorative Justice Program.
- 90 percent of victims would recommend to other victims of similar crimes that they should consider the option of meeting the offender in this type of program.
- 97 percent of victims felt the conference allowed them to express their feelings about being victimized.

60. Please provide re-arrest rates for juveniles who participated in the Restorative Justice Program, as well as any additional evaluation of outcomes or information about recidivism.

RESPONSE: Of the youth who have successfully completed the restorative justice process in FY22 and FY23 to date, 21 percent have been subsequently rearrested for a new charge, and 17 percent have been rearrested and papered. Note that these youth have been observed for a short period of time.

²⁰ A Restorative Justice case is deemed “unsuccessful” if the youth did not show up for the Restorative Justice Conference, the youth and other parties failed to come to a consensus agreement on tasks the youth had to complete, or the youth did not complete the tasks he or she promised to do in the agreement.

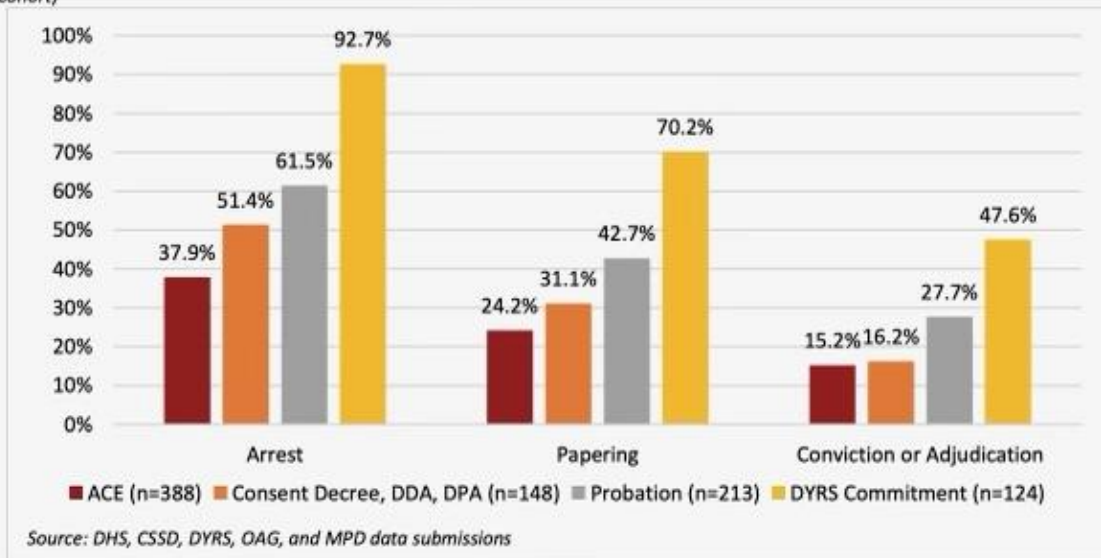
²¹ Findings from the Victim Satisfaction Survey for the previous 12 months show:

- 95% of victims were satisfied with the manner in which the restorative justice facilitator or mediator prepared them for the eventual meeting with the offender.
- 95% of victims felt the restorative justice facilitator was good.
- 90% of victims would recommend to other victims of similar crimes that they should consider the option of meeting the offender in this type of program.
- 83% of victims were satisfied with the agreement that was made during the meeting.
- 93% of victims felt the restorative justice facilitator seemed genuinely interested in their expressed needs.
- 75% of victims felt it helpful to be able to talk directly with the offender about the impact of the crime.
- 72% of victims felt that meeting the offender helped reduce any fear that the offender would commit another crime against them.
- 79% of victims thought that, during the meeting with the offender, the offender showed understanding about the real personal impact of the crime upon their lives.
- 97% of victims felt that the RJP allowed them to express their feelings about being victimized.
- 70% of victims felt that, after participating in a meeting with the offender, they had a better understanding of why the crime was committed against them.
- 80% of victims felt participation in the restorative justice conference made the criminal justice process more responsive to their needs as a victim.

Among all the youth who successfully completed the restorative justice process since the program started in 2016 (216 youth), 68 (31 percent) were arrested for an offense subsequent to their successful restorative justice conference. In addition, 52 (24 percent) were subsequently rearrested *and papered* for an offense. (For some of these respondents, depending on the date of their conference, as many as seven years have passed, and many have likely since aged out of the juvenile justice system.)

It is important to note that the data are based on a highly rigorous randomized controlled trial to compare youth who went through the restorative justice process to similarly situated youth who went through the court process. OAG expects results from this study in one to two years. However, CJCC did a rigorous analysis of recidivism within the juvenile justice system of a youth cohort from 2018. Results—which reflect recidivism overall, not merely recidivism following a successfully completed restorative justice process—are captured in the chart below.

Figure 1: Percent of Youth Who Recidivated Either During or in the two years Following Intervention Completion, by Type of Recidivism Measure (2018 Cohort)



61. How does OAG determine whether a defendant is suitable for the Restorative Justice Program?

RESPONSE: In January 2021, OAG launched a randomized controlled trial of the use of restorative justice (and CBT) for serious, violent crime. Only serious cases (excluding homicide, sexual assault, and intimate partner domestic violence cases) are eligible for the study. Once eligibility is determined and OAG screening prosecutors decide to prosecute, the cases are randomized into control and treatment groups, and, based on the Restorative Justice Section’s capacity, treatment cases are offered restorative justice. A matter is suitable for the Restorative Justice Program only if the youth charged is willing to take responsibility for the crime, *and* the victim of the crime is amenable to participating in the restorative justice process. If these criteria

are met, the case proceeds to a restorative justice conference. OAG consulted with expert criminal justice researchers in 2020 on the design and implementation of the evaluation, though the launch of the evaluation was delayed due to the COVID-19 pandemic, ultimately commencing in January 2021. The randomized controlled trial evaluation will determine if restorative justice (coupled with CBT) works to reduce recidivism for youth charged with serious, violent crime. This evaluation along with a qualitative component using surveys and focus groups will track recidivism, victim satisfaction (as detailed in response to Question 59), and perceptions of fairness in outcomes for youth who go through the restorative justice process compared to those charged with the same crimes who go through traditional prosecution. Recidivism outcomes are expected in two years, while other outcomes will be available in one year.

62. What data does OAG collect on the Restorative Justice Program?

- a. Does OAG make raw data on the program available to the public? If not, are there plans to do so in the future? If not, why not?**

RESPONSE: OAG collects and tracks key data points to monitor the fidelity of the program to its objectives. Data points include: referral dates, cognitive behavioral therapy completion, conference completion, and reasons for cases not reaching conference. OAG's Restorative Justice Section also routinely implements a victim satisfaction survey six months after a successful conference (see response to Question 59). The Restorative Justice Section works with OAG's Senior Data Analyst to ensure the data is accurate and up-to-date. OAG does not make raw data on the program available to the public due to confidentiality restrictions regarding juvenile data and the identities of victims. OAG provides an annual summary of data for the Council's oversight hearings and plans to publicize rigorous quantitative and qualitative evaluations completed by outside researchers upon their completion.

63. Please provide a brief description of any studies underway relating to the Restorative Justice Program.

- a. In particular, what is the status of the study of the Restorative Justice Program being undertaken in collaboration with the Urban Institute?**

RESPONSE: This year, OAG will undergo a qualitative evaluation of its restorative justice process to gain better insight into the most effective methods for changing criminal behavior and reducing recidivism. The evaluation will be conducted by the Urban Institute, a renowned research and policy institution, and funded by the Annie E. Casey Foundation, a national philanthropy dedicated to improving juvenile justice systems. The Urban Institute has been funded approximately \$410,000 for this evaluative project. The study will include surveys administered by researchers, focus groups, and interviews with youth and victims who participated in restorative justice to evaluate how remorse, culpability, and perceptions of fairness impact behavior change. The evaluation will also assess victim satisfaction. Results from this study are expected in approximately one year.

64. Please provide the following information regarding OAG’s Cure the Streets program:

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

RESPONSE: Cure the Streets (CTS) is a pilot public safety program launched by OAG aimed at reducing gun violence while empowering communities. It operates in discrete high violence neighborhoods using a data-driven, public-health approach to gun violence by treating it as a disease that can be interrupted, treated, and stopped from spreading. OAG staff manage grants to community-based organizations that administer the program and monitor data regarding its efficacy.

CTS is based on the Cure Violence Global model, which employs local, credible individuals who have deep ties to the neighborhood in which they work. The program is primarily operated by CTS outreach workers and violence interrupters who de-escalate conflicts, attempt to resolve them through mediation, and avert potentially fatal shootings. Specifically, they develop relationships with residents who are at high risk of being involved in gun violence so they can detect and mediate conflicts, prevent shootings, and improve public safety through ongoing engagement with the communities in their target site. After mediating a conflict, the violence interrupters also remain engaged with the participants, in part to ensure the mediation results in a lasting accord, and to help connect the person with services and achieve better life outcomes.

- b. By fiscal year, the total amount budgeted for Cure the Streets, the source for that funding within OAG’s budget (program/activity/CSG), and the amount budgeted but unexpended;**

RESPONSE: CTS was initially funded as a four-month pilot program in FY18. No funding was allocated to OAG to continue the pilot beyond FY18. During FY19, OAG identified funding within its own budget to operate for one full year to gather meaningful data on program efficacy. In FY20, the Council allocated one-time funds to continue the expanded pilot program for a second year and increase the number of sites. Thereafter, OAG has primarily funded CTS through its Litigation Support Fund (LSF in the chart below). In FY22, OAG received additional funding from the Council to expand the program to four additional sites.

Fiscal Year	Budget/Allocation	Fund Source (program/activity/CSG)	Expended	Unexpended
FY18	\$360,000	Local (6100/6113/50) Local (9300/9301/40) Local (4000/4002/50)	\$360,000	\$0.00
FY19	\$1,000,919 ^[18]	Local (1000/1040/40)	\$1,000,919	\$0.00

^[18] In FY19, OAG did not receive dedicated funds to continue the pilot program, but rather identified funds elsewhere in its budget and through a private donation to fund program costs as needed.

Fiscal Year	Budget/Allocation	Fund Source (program/activity/CSG)	Expended	Unexpended
		Local (5400/5402/40) Private Donation (6100,6113,40)		
FY20	\$5,213,848	Local (6100/6101/40) Local (6100/6122/40) LSF (9300/9301/40) LSF (9300/9301/41) Private Donation (6100/6113/40)	\$4,652,617	\$561,231
FY21	\$5,729,132	LSF (9300/9301/40) LSF (9300/9301/41) Local (9300/9301/50)	\$5,456,228	\$272,904
FY22	\$9,950,509	Local (9300/9301/40) Local (9300/9301/50) LSF (9300/9301/50) ARPA (9300/9301/50)	\$6,387,399.87	\$3,563,109.12
FY23	\$9,764,607	Local (9300/9301/40) Local (9300/9301/50) LSF (9300/9301/50) ARPA (9300/9301/50)	\$2,009,364.48 ^[19]	\$7,755,242.52 (in current Fiscal Year – expenditures are ongoing)

^[19] Expenditures through January 25, 2023.

- c. Any private funding obtained by OAG for the program in FY22 and FY23, to date, including the source and amount; and**

RESPONSE: OAG has not received any private funding for CTS in FY22 or FY23.

- d. A description of any changes made to the program in FY22 and FY23, to date, and/or any planned changes to the program in FY23.**

RESPONSE: In FY22, Father Factor was awarded a grant for the Marshall Heights CTS site in Ward 7. In FY23, the grant transitioned to Alliance of Concerned Men.

65. Please provide a table listing each active or former Cure the Streets site, and the following information about each site:

- a. The boundaries of the site;**
- b. The launch date for the site (as well as the termination date, if applicable);**
- c. The grantee for the site (please note if the grantee has changed over time);**
- d. The grant term;**
- e. The grant amount;**
- f. Funding disbursed to date;**
- g. Staffing; and**
- h. Staff salaries.**

RESPONSE: Please see the tables on the following pages for responses to Sections a. to h.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
Ward 5 – Trinidad/Arboretum Boundaries: 18th St./M St. NE Simms Pl. NE Mt. Olivet Rd./Bladensburg Rd. NE West Virginia Ave./Florida Ave. NE	Launch Date: 7/24/18 ^[1]	National Association for the Advancement of Returning Citizens (NAARC)	10/1/22-9/30/23	\$814,000 ^[2]	FY22: \$2,230,593.84 FY23 Q1: \$281,777.56	Director of Operations: 1 Program Manager: 1 Site Supervisor: 1 Outreach Workers: 2 Violence Interrupters: 6 Administrative Assistant: 1	Director of Operations: \$49,600 ^[4] Program Manager: \$61,800 Site Supervisor: \$51,500 Outreach Worker: \$46,350 Violence Interrupter: \$41,200 Administrative Assistant: \$41,200 Total Salaries: \$544,000 Total Fringe: \$76,210.40

^[1] Site was initially launched under a Human Care Procurement pursuant to D.C. Code § 2–354.06.

^[2] NAARC was awarded a \$2,410,595 grant to cover all three sites in FY22. NAARC’s grant awards were broken out into three \$814,000 grants in FY23 to better reflect funding by site.

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases to keep up with cost-of-living increases and ensure competitive salaries. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

^[4] Director of Operations constitutes one NAARC salaried position that oversees the three sites in Wards 5 and 8 for a total salary of \$78,400. This position is currently vacant, and NAARC is actively recruiting to fill the role while the Program Manager acts on an interim basis.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
Ward 8 – Trenton Park/Wahler Place Boundaries: Wahler Pl./ Trenton Park SE 9th St./ Wahler Pl. SE 800 Block of Condon Ter. SE 8th St./Yuma St. SE 600 Block of Mississippi Ave. SE	Launch Date: 7/24/18 ^[1]	National Association for the Advancement of Returning Citizens (NAARC)	10/1/22- 9/30/23	\$814,000 ^{2]}	FY22: \$2,230,593.84 FY23 Q1: \$268,864.12	Director of Operations: 1 Program Manager: 1 Site Supervisor: 1 Outreach Workers: 3 Violence Interrupters: 6 Administrative Assistant: 1	Director of Operations: \$14,440 ^[4] Program Manager: \$61,800 Site Supervisor: \$51,500 Outreach Workers: \$46,350 Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Total Salaries: \$555,190 Total Fringe: \$77,796

^[1] Site was initially launched under a Human Care Procurement pursuant to D.C. Code § 2–354.06.

^[2] NAARC was awarded a \$2,410,595 grant to cover all three sites in FY22. The grant awards were broken out into three \$814,000 grants in FY23 to better reflect funding by site.

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases to keep up with cost-of-living increases and ensure competitive salaries. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

^[4] Director of Operations constitutes one NAARC salaried position that oversees the three sites in Wards 5 and 8 for a total salary of \$78,400. This position is currently vacant, and NAARC is actively recruiting to fill the role while the Program Manager acts on an interim basis.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
Ward 5 – Eckington/Truxton Circle Boundaries: Lincoln Rd. NE North Capitol St./ Bates St. NW Hanover Pl. NW	Launch Date 10/1/19 ^[1]	National Association for the Advancement of Returning Citizens (NAARC) ^[2]	10/1/22-9/30/23	\$814,000 ^{4]}	FY22: \$2,230,593.84.16 FY23 Q1: \$283,548.76	Director of Operations: 1 Program Manager: 1 Site Supervisor: 1 Outreach Workers: 3 Violence Interrupters: 6 Administrative Assistant: 1	Director of Operations: \$14,400 ^[5] Program Manager: \$61,800 Site Supervisor: \$51,500 Outreach Workers: \$46,350 Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Total Salaries: \$555,150 Total Fringe: \$77,784
Ward 8 – Washington Highlands	Launch Date: 10/1/19	Alliance of Concerned Men (ACM)	10/1/22-9/30/23	\$814,000	FY22: \$713,187.91	Program Manager: 1 Site Supervisor: 1	Program Manager: \$72,100 Site Supervisor: \$51,500

^[1] Site was initially launched under a Human Care Procurement pursuant to D.C. Code § 2–354.06.

^[2] Grant was initially awarded to Father Factor in FY20 and transitioned to NAARC in FY21.

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases to keep up with cost-of-living increases and ensure competitive salaries. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

^[4] NAARC was awarded a \$2,410,595 grant to cover all three sites in FY22. The grant awards were broken out into three \$814,000 grants in FY23 to better reflect funding by site.

^[5] Director of Operations constitutes one NAARC salaried position that oversees the three sites in Wards 5 and 8 for a total salary of \$78,400. This position is currently vacant, and NAARC is actively recruiting to fill the role while the Program Manager acts on an interim basis.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
Boundaries: 3rd St. SE 4th St. SE 6th St. SE					FY23 Q1: \$157,754.66	Outreach Workers: 4 Violence Interrupters: 3 Administrative Assistant: 1 Grant Accountant: 0.5	Outreach Workers: \$46,350 Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Grant Accountant: \$30,000 Total Salaries: \$503,800 Total Fringe: \$57,000
Ward 7 – Marshall Heights	Launch Date:	Alliance of Concerned Men ^[1]	10/1/22-9/30/23	\$814,000	FY22: \$1,472,408.63 ^[2]	Program Manager: 1	Program Manager: \$61,500

^[1] Grant was initially awarded to ACM in FY20 and transitioned to Father Factor in FY21. Grant was awarded to Father Factor again in FY22 but transitioned back to ACM in FY23.

^[2] Father Factor received a \$1,628,000 award for the combined sites of Marshall Heights and Bellevue in FY22. These two sites were awarded as separate grants in FY23. In FY23 Father Factor received \$814,000 for the Bellevue site, and ACM received \$814,000 for the Marshall Heights site.

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases to keep up with cost-of-living increases and ensure competitive salaries. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
Boundaries: Benning Rd. SE 51st St./ Fitch St. SE 51st St./ H St. SE G St. SE	10/1/19				FY23 Q1: \$100,000.00	Site Supervisor: 1 Outreach Workers: 4 Violence Interrupters: 3 Grant Accountant: 0.5 Administrative Assistant: 1	Site Supervisor: \$51,500 Outreach Workers: \$46,350 Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Grant Accountant: \$30,000 Total Salaries: \$493,200 Total Fringe: \$88,846
Ward 8 – Bellevue Boundaries: Galveston St. SW Martin Luther King Jr. Ave. SW	Launch Date: 10/1/19	Father Factor	10/1/22-9/30/23	\$814,000	FY22: \$1,472,408.63 ^[1] FY23 Q1: \$236,340.56	Director of Programs: 0.25 ^[2] Program Manager: 1 Site Supervisor: 1 Outreach Workers: 3	Director of Programs: \$18,750 Program Manager: \$61,800 Site Supervisor: \$51,500 Outreach Workers: \$46,350

^[1] Father Factor received a \$1,628,000 award for the combined sites of Marshall Heights and Bellevue. These two sites were awarded as separate grants in FY23. Father Factor received \$814,000 for the Bellevue site, and ACM received \$814,000 for the Marshall Heights site.

^[2] Director of Programs constitutes one Father Factor salaried position that oversees the three sites in Wards 5 and 8 for a total salary of \$75,000.

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
Irvington St. SW						Violence Interrupters: 3 Administrative Assistant: 1	Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Total Salaries: \$435,900 Total Fringe: \$78,517.50
Wards 1&4 – Brightwood Park/Petworth Boundaries: Kennedy St. NW 5th St./Kansas Ave./ 7th St. NW Park Rd. NW 14th St. NW	Launch Date: 04/01/22	InnerCity Collaborative Development Corporation	10/1/22- 9/30/23	\$814,000	FY22: \$309,035.08 FY23 Q1: \$42,162.18	Program Manager: 1 Site Supervisor: 1 Vacancy Outreach Workers: 4 Violence Interrupters: 3 Administrative Assistant: 1	Program Manager: \$61,800 Site Supervisor: \$51,500 Outreach Workers: \$46,530 Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Total Salaries: \$464,220 Total Fringe: \$68,833.50

^[1] Director of Programs constitutes one Father Factor salaried position that oversees the three sites in Wards 5, 6, and 8 for a total salary of \$75,000.

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases to keep up with cost-of-living increases and ensure competitive salaries. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
Wards 5&6 – Sursum Corda/Ivy City Boundaries: New York Ave. NW Fenwick St. NE West Virginia Ave./ K St. NE 1st St. NW	Launch Date: 04/01/22	Father Factor	10/1/22- 9/30/23	\$814,000	FY22: \$247,120.17 FY23 Q1: \$237,234.74	Director of Programs: 0.25 ^[1] Program Manager: 1 Site Supervisor: 1 Outreach Workers: 3 Violence Interrupters: 3 Administrative Assistant: 1	Director of Programs: \$18,750 Program Manager: \$61,800 Site Supervisor: \$51,500 Outreach Workers: \$46,350 Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Total Salaries: \$435,900 Total Fringe: \$78,517.50
Ward 8 – Historic Anacostia/Fairlawn Boundaries: R St. SE	Launch Date: 04/01/22	Father Factor	10/1/22- 9/30/23	\$814,000	FY22: \$289,530.35 FY23 Q1: \$169,585.58	Director of Programs: 0.25 ^[1] Program Manager: 1 Site Supervisor: 1	Director of Programs: \$18,750 Program Manager: \$61,800 Site Supervisor: \$51,500

^[1] Director of Programs constitutes one Father Factor salaried position that oversees the three sites in Wards 5,6 and 8 for a total salary of \$75,000.

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases to keep up with cost-of-living increases and ensure competitive salaries. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
19th St. SE Good Hope Rd./ Green St. SE 14th St. SE						Outreach Workers: 3 Violence Interrupters: 3 Administrative Assistant: 1	Outreach Workers: \$46,350 Violence Interrupters: \$41,200 Administrative Assistant: \$41,200 Total Salaries: \$435,900 Total Fringe: \$78,517.50
Ward 8 – Congress Heights Boundaries: Newcomb St./Alabama Ave./Malcolm X Ave. SE 15th St. SE Mississippi Ave. SE	Launch Date: 04/01/22	Women in H.E.E.L.S.	10/1/22- 9/30/23	\$814,000	FY22: \$437,118.84 FY23 Q1: \$173,296.32	Program Manager: 1 Site Supervisor: 1 Outreach Workers: 1 Violence Interrupters: 4 Administrative Assistant: 1	Program Manager: \$61,500 Site Supervisor: \$55,000 Outreach Workers: \$46,500 Violence Interrupters: \$41,500 Administrative Assistant: \$45,000 Total Salaries: \$374,000

^[3] Beginning February 1, 2023, all staff positions funded under CTS will receive increases to keep up with cost-of-living increases and ensure competitive salaries. A \$50,000 salary will be established for the Outreach Worker, Violence Interrupter and Administrative Assistant position. Positions funded over \$50,000 will receive a seven percent salary increase.

Table in response to Question 65 (a-h)

Site	Status	Grantee	FY23 Grant Term	FY23 Grant Amount	Funds Disbursed	Staffing	Staff Salaries ^[3]
2nd St. SE							Total Fringe: \$58,375

66. Please provide a table, broken down by site, including the following information regarding outcomes for the Cure the Streets program for FY21 through FY23:

- a. The number of program participants;**
- b. The number of community events in response to shootings held;**
- c. The number of mediations; and**
- d. The number of truces and/or ceasefires negotiated.**

RESPONSE: Please see the tables on the following pages for responses to Sections a. to d.

Site	Grantee	Community Responses to Shootings Organized by CTS²² (FY21)	Mediations by CTS Staff²³ (FY21)	Program Participants²⁴ (FY21)
Ward 5 – Trinidad/Arboretum	NAARC	7	88	16
Ward 8 – Trenton Park/Wahler Place	NAARC	8	40	24
Ward 5 – Eckington/Truxton Circle	NAARC	3	30	26
Ward 8 – Washington Highlands	ACM	5	54	23
Ward 7 – Marshall Heights	Father Factor	5	13	3
Ward 8 – Bellevue	Father Factor	2	38	59

²² Within 48 hours of a shooting in a target area, CTS coordinates a public community event. The purpose of the event is for the community to come together to denounce gun violence and to display unity around the idea that shootings are unacceptable.

²³ Violence interrupters have strong community ties and understand the dynamics of the neighborhoods in which they work. They build networks of contacts among community members who help them to identify brewing conflicts so they can intervene and mediate before violence ensues. When violence interrupters learn of a conflict, they identify and contact all parties and work with them to mediate the dispute to prevent gun violence.

²⁴ Relatively few residents in any neighborhood are actively involved in gun violence. As persons with roots in the target neighborhoods, CTS staff know or can learn which residents are at highest risk of involvement in violence, either as perpetrators or as victims. CTS outreach workers and violence interrupters focus on these highest risk individuals to help them avoid confrontations and violence and work closely with them over time to help them to consider and adopt less violent, more prosocial lifestyles. Once someone is enrolled in the program, they are referred to as a Program Participant. This datapoint represents the total number of people engaged in the program over the course of the year. Program Participants who are enrolled in more than one year are counted in each year.

Site	Grantee	Community Responses to Shootings Organized by CTS (FY22)	Mediations by CTS Staff (FY22)	Program Participants (FY22)
Ward 5 – Trinidad/Arboretum	NAARC	9	339	56
Ward 8 – Trenton Park/Wahler Place	NAARC	3	82	27
Ward 5 – Eckington/Truxton Circle	NAARC	6	15	52
Ward 8 – Washington Highlands	ACM	0	210	18
Ward 7 – Marshall Heights	Father Factor	4	37	42
Ward 8 – Bellevue	Father Factor	8	32	12
Ward 8 – Congress Heights	Women in H.E.E.L.S.	0	2	7
Ward 1 & 4 – Brightwood Park/Petworth	InnerCity Collaborative	1	1	0
Ward 5 & 6 – Ivy City/Sursum Corda	Father Factor	0	0	1
Ward 8 – Historic Anacostia/ Fairlawn	Father Factor	0	12	9

Site	Grantee	Community Responses to Shootings Organized by CTS (FY23 to date)	Mediations by CTS Staff (FY23 to date)	Program Participants (FY23 to date)
Ward 5 – Trinidad/Arboretum	NAARC	1	106	25
Ward 8 – Trenton Park/Wahler Place	NAARC	2	14	31
Ward 5 – Eckington/Truxton Circle	NAARC	0	1	71
Ward 8 – Washington Highlands	ACM	0	62	20
Ward 7 – Marshall Heights	ACM	1	7	58
Ward 8 – Bellevue	Father Factor	0	6	32
Ward 8 – Congress Heights	Women in H.E.E.L.S.	6	0	10
Ward 1 & 4 – Brightwood Park/ Petworth	InnerCity Collaborative	0	0	24
Ward 5 & 6 – Ivy City/Sursum Corda	Father Factor	6	5	16
Ward 8 – Historic Anacostia/ Fairlawn	Father Factor	0	11	23

67. Please provide a table, broken down by site and fiscal year, listing the number of incidents of gun violence (assault with a dangerous weapon, homicides) in Cure the Streets target areas, in FY17 through FY23, to date.

Important notes on the data below:

1. The tables below show gun incidents in CTS sites, which consist of offenses involving a gun, as reported by MPD. The District-wide data includes incidents that occurred outside of CTS target areas, including in Office of Neighborhood and Safety Engagement (ONSE) sites.
2. Note that because these metrics involve relatively small numbers, the percentage change in incidents is especially sensitive to small fluctuations from one year to the next. (For instance, an increase in the number of incidents at a given Cure site from one to two would constitute a 100 percent increase in incidents). Therefore, percentage changes should be viewed with caution.
3. The CTS model is designed to address gun violence that stems from ongoing interpersonal and intergroup conflict. The CTS model is not intended to address all conflict. Some types of violence, including domestic violence, are not appropriate for CTS intervention.
4. Finally, because four new sites recently came online, total incidents occurring in CTS sites are presented for the six initial sites only, in addition to all ten sites.

Gun Assault with a Dangerous Weapon (ADW)												
<i>Area</i>	FY17	FY18		FY19		FY20		FY21		FY22		FY23 to date
All OAG Cure Target Areas	111	127	14%	126	-1%	149	18%	177	19%	194	10%	33
OAG Cure Areas Excluding 4 Newest Sites	50	51	2%	63	24%	62	-2%	75	21%	77	3%	10
<i>Sites Launched FY18 (July 2018)</i>												
Trinidad and Arboretum	15	10	-33%	13	30%	17	31%	18	6%	23	28%	0
Trenton Park/Wahler Place	7	9	29%	8	-11%	7	-12%	13	86%	14	8%	1
<i>Sites Launched FY20 (October 2019)</i>												
Bellevue	6	2	-67%	8	300%	8	0%	8	0%	12	50%	2
Eckington/Truxton Circle	9	11	22%	15	36%	11	-27%	19	73%	17	-11%	4
Marshall Heights	2	3	50%	3	0%	7	133%	3	-57%	5	67%	0
Washington Highlands	11	16	45%	16	0%	12	-25%	14	17%	6	-57%	3
<i>Sites Launched FY22 (May 2022)*</i>												
Brightwood Park/Petworth	22	36	64%	22	-39%	22	0%	35	59%	40	14%	5
Congress Heights	18	22	22%	26	18%	40	54%	27	-32%	40	48%	11
Historic Anacostia/Fairlawn	7	13	86%	11	-15%	14	27%	17	21%	17	0%	3
Sursum Corda/Ivy City	14	5	-64%	4	-20%	11	175%	23	109%	20	-13%	4
Rest of District*	572	524	-8%	566	8%	655	16%	736	12%	699	-5%	165

* Excludes incidents in all current CTS sites

* Data displays all incidents reported in FY22, including the eight months before expansion sites were official launched

Gun Homicides												
Area	FY17	FY18	FY19	FY20	FY21	FY22	FY23 to date					
All OAG Cure Target Areas	16	21	31%	34	62%	27	21%	36	33%	37	3%	8
OAG Cure Areas Excluding 4 Newest Sites	9	7	22%	15	114%	8	47%	15	88%	17	13%	3
<i>Sites Launched FY18 (July 2018)</i>												
Trinidad and Arboretum	1	1	0%	3	200%	0	-100%	1	-	5	400%	1
Trenton Park/Wahler Place	3	1	-67%	1	0%	0	-100%	3	-	1	-67%	1
<i>Sites Launched FY20 (October 2019)</i>												
Bellevue	2	1	-50%	3	200%	0	-100%	2	-	3	50%	0
Eckington/Truxton Circle	2	1	-50%	5	400%	4	-20%	3	-25%	5	67%	0
Marshall Heights	0	2	-	2	0%	1	-50%	2	100%	0	-	0
Washington Highlands	1	1	0%	1	0%	3	200%	4	33%	3	-25%	1
Brightwood Park/Petworth	3	3	0%	8	167%	4	-50%	4	0%	5	25%	1
Congress Heights	1	3	200%	8	167%	5	-38%	11	120%	5	-55%	2
Historic Anacostia/Fairlawn	1	6	500%	0	-100%	6	-	5	-17%	7	40%	1
Sursum Corda/Ivy City	2	2	0%	3	50%	4	33%	1	-75%	3	200%	1
Rest of District*	65	87	34%	94	8%	119	27%	135	13%	144	7%	28

* Excludes incidents in all current CTS sites

* Data displays incidents reported in FY22, including the eight months before expansion sites were official launched

68. Please describe OAG’s policies, procedures, and staffing for performing oversight of Cure the Streets grantees.

RESPONSE: OAG’s Grants Management Unit (GMU) is responsible for providing oversight of OAG-grant funded services, including the CTS program and its grantees. Through a dedicated Grants Management Supervisor and Grant Administrator, GMU enforces written policies, requirements, and procedures outlined in the CTS Request for Application, Grants Agreement, and Grants Policy Manual.

Oversight of the CTS grantees consists of:

- Invoice reimbursement review and approval to ensure programmatic spending and receipts align with the goals and purpose of the program, cost principles, and the grant agreement;
- Announced and unannounced site visits to assess the grantee’s compliance with the grant requirements and policies;
- Regular meetings with the grantee’s executive director or other leaders to discuss performance, grant and program trends, and overall programmatic support for grantees;
- Review of data and program measures required by the grant agreement; and,
- Issuance of deficiency and noncompliance letters when a grantee’s actions are not aligned with the requirements and expectations of the CTS grant, including those expressed in corrective action plans.

69. Please describe the agency’s efforts to coordinate with the Office of Neighborhood Safety and Engagement and its violence intervention initiative, in FY22 and FY23, to date, with regard to Cure the Streets.

- a. Has OAG engaged in any conversations with the Executive in FY22 or FY23, to date, regarding joint violence interruption curricula, training, or certification?**

RESPONSE: In Spring 2022, OAG provided expansive technical assistance and planning support in the development of the curriculum for Building Blocks DC’s violence intervention certification through the University of the District of Columbia. OAG also collaborated with the Office of Neighborhood Safety and Engagement (ONSE) through the DC Coalition Against Domestic Violence and the Battered Women’s Justice Project to provide training on domestic violence and available resources in the District to both ONSE and CTS staffers at OAG over the course of three days in September 2022.

- b. How do the two agencies work together to ensure that their efforts are not duplicative or at odds with one another?**

RESPONSE: OAG consulted with the ONSE during the planning stages of both agencies’ FY22 expansion efforts to coordinate staffing and support needs in neighborhoods that had some degree of overlap in agency service areas. OAG and CTS staff also attended weekly meetings held by ONSE to discuss major gun-related incidents and determine the best response. These meetings helped ensure that efforts were not duplicative and determined which agency or initiative would take lead in responding and providing resources.

c. Have the agencies engaged in conversations about integrating or merging the programs in the past year?

RESPONSE: While OAG has not engaged in conversations with the Executive on integrating or merging the programs in the past year, OAG has remained open to discussing how best to coordinate and collaborate with the ONSE program while still maintaining our commitment to implementing a program and model that is both research-based and adheres to best practices in violence interruption.

d. Are there areas where OAG anticipates there can be more collaboration this year?

RESPONSE: OAG now attends weekly meetings hosted by ONSE to determine additional areas of collaboration and partnership between the agencies. Additionally, OAG will work with CTS staff to ensure they remain in consistent contact with ONSE leadership and intervention workers to assist in mediating and disrupting conflict in the communities that both agencies serve.

70. What data does OAG collect on the Cure the Streets program?

RESPONSE: OAG collects qualitative and quantitative data on the Cure the Streets program. Each program site submits a monthly programmatic report detailing progress toward goals and objectives. Grantees also submit monthly financial reports to include programmatic spending and accompanying receipts. Through the Cure Violence Global CommCare Database, OAG captures the number of high-risk participants served, number of mediations facilitated, violent incidents, and community responses to shootings. OAG additionally collects MPD gun incident data to track gun-related violent incidents (e.g., assault with a dangerous weapon and homicide) in the target areas year over year and as compared to gun violence rates in the District overall.

a. Does OAG make raw data on the program available to the public? If not, are there plans to do so in the future? If not, why not?

RESPONSE: OAG's website includes a Cure the Streets Data Dashboard²⁵ that provides continuously updated program metrics captured by the Cure Violence Global CommCare Database in addition to the gun incident data from MPD referenced above.

71. Please provide a brief description of any studies underway relating to the Cure the Streets program.

RESPONSE: In 2019, OAG contracted with Keisler Social & Behavioral Research (Keisler SBR) to conduct a study to capture community perceptions of CTS and public safety. Specifically, Keisler SBR developed a survey instrument to assess perceptions, knowledge, and behaviors related to gun violence and safety in communities with CTS programs. The surveys took place in 2019 and 2021 to allow OAG to observe changes in outcome measures across time. Keisler SBR is currently in consultation with OAG to conduct a follow up survey in the original

²⁵ This DataDashboard can be accessed here: <https://oag.dc.gov/cure-streets-data-dashboard>.

six CTS sites and begin an initial wave of surveying of the four CTS expansion sites in Spring 2023.

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

RESPONSE: Currently, there are no memoranda of understanding related to CTS data sharing between OAG and any of the agencies outlined above.

73. Please provide data regarding OAG’s prosecution of juvenile matters. What trends is OAG observing in the presentment and prosecution of juvenile matters?

RESPONSE: The total number of juvenile matters²⁶ presented to OAG decreased from its FY19 level during the COVID-19 public health emergency but has risen during the past fiscal year. However, the total number of matters presented to OAG in FY22 is still significantly lower than the number presented in FY19.

- The total number of juvenile matters presented to OAG fell from 2,752 in FY19—the last full fiscal year before the start of the pandemic—to 2,232 in FY20, a decrease of 19 percent. The number then dropped by another 40 percent to 1,339 in FY21, then rebounded to 1,708 in FY22, a 28 percent increase from the previous year. Despite this increase, the number of juvenile matters presented to OAG in FY22 was still 38 percent lower than in FY19.
- Overall, matters with a top charge²⁷ involving a crime of violence²⁸ demonstrated a similar, though not identical, trend. The number of matters involving a crime of violence initially dropped only slightly from 771 in FY19 to 741 in FY20, before further decreasing significantly to 415 in FY21. The number of matters presented involving a crime of violence increased to 577 in FY22, a 39 percent rise from the prior year.

²⁶ Each juvenile matter presented to OAG generally is catalogued as a distinct incident involving a distinct individual. For example, three youths charged for the same incident would typically generate three separate matters. Therefore, a single incident may result in the initiation of multiple matters.

²⁷ “Top charge” here refers to OAG’s recorded charges and not police data on the most severe offense or arrest charge.

²⁸ As defined by D.C. Code §23-1331(4),

The term “crime of violence” means aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with significant bodily injury; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt, solicitation, or conspiracy to commit any of the foregoing offenses.

Nonetheless, the number of matters presented involving a crime of violence in FY22 was still 25 percent lower than in FY19.

At the same time, there has been variation in the types of matters that saw increases in FY22. In particular:

- Matters with a top charge of homicide or gun possession were more prevalent in FY22 than during the three years prior, including in pre-pandemic FY19.
 - Matters involving a homicide rose from 12 in FY19 and FY20 respectively, to 14 in FY21 and 21 in FY22, 75 percent higher than in FY19.
- Gun possession matters fluctuated from 117 to 138 in FY19 and FY20 respectively, to 121 in FY21, and up to 209 in FY22, 79 percent higher than in FY19.
- By contrast, matters involving a carjacking or unauthorized use of a vehicle (UUV) top charge, which rose throughout the pandemic, have shown signs of plateauing and even decreasing. Carjacking matters jumped from 44 in FY19 to 53 in FY20 and 153 in FY21, before plateauing at 150 in FY22, although they are still 241 percent higher than in FY19. Similarly, UUV matters climbed from 115 and 199 in FY19 and FY20, respectively, to 251 in FY21, before declining to 169 in FY22, a level that is still 47 percent above its FY19 level.

Comparing year-over-year numbers of matters presented to OAG by fiscal year to date indicates that the total number of matters in first quarter of FY23 (524) is 22 percent higher than it was during the same period in FY22 (429). However, as compared to last year, the number of matters involving a crime of violence is down slightly, as there have been 127 matters recorded in FY23 to date as opposed to 130 in the first quarter of FY22.

Overall, OAG petitioned²⁹ 32 percent of matters in FY19, 35 percent in FY20, 47 percent in FY21, and 47 percent in FY22. It diverted 11 percent and 10 percent of all matters in FY21 and FY22 respectively.

OAG has prosecuted 44 percent of matters in FY23 to date, compared to 43 percent in the same period in the prior year.

With respect to violent crime, in FY22, OAG prosecuted 86 percent of homicides, 50 percent of carjackings, and 60 percent of all matters with a top charge involving a crime of violence. OAG also prosecuted 80 percent of gun possession matters.

²⁹ Prosecution rates include both papered cases and re-brings, which occur when OAG first diverts a case but later files a petition because the youth did not complete the diversion program

74. Regarding carjackings specifically:

- a. Please provide data on the number of juveniles charged for carjackings from FY20 through FY23, to date.**

RESPONSE: The following figures refer to the fiscal year in which a carjacking case was opened, not necessarily the year in which it was charged.

Youth charged with carjacking, by fiscal year matters opened:

	FY20	FY21	FY22	FYTD23
Number of youth charged with carjacking	33	93	60	19
Number of matters involving youth charged with carjacking	37	114	77	20

- b. What percentage of youths charged with carjackings in FY20 through FY23 had previously been charged with carjacking? With another violent crime? With any crime?**

RESPONSE: The table below shows the number and percentage of youth charged with carjacking in FY20 through FY23, to date, who had been previously charged with a carjacking, who have previously been charged with a crime of violence³⁰ other than carjacking, and/or who had previously been charged with any crime, respectively.³¹

³⁰ Crime of violence as defined by D.C. Code §23-1331(4).

³¹ Prior crimes may include matters opened prior to the carjacking offense but not petitioned until after the carjacking offense.

Youth charged with prior carjacking, crime of violence, or any crime³²

	FY20	FY21	FY22	FYTD23
Number of youth with carjacking charge	33	93	60	19
Youth previously charged with carjacking	<10	<10	11 (18%)	<10
Youth previously charged with some other crime of violence	11 (33%)	19 (20%)	20 (33%)	<10
Youth previously charged with any crime	16 (48%)	39 (42%)	30 (50%)	<10

c. What is OAG doing to prioritize swift action for carjacking offenses?

RESPONSE: OAG prioritizes all felony offenses including carjackings. Carjacking arrests are processed by the next day, including Saturdays and all holidays. Felony pre-petition custody orders are acted upon within days, provided the MPD investigation is adequate and complete, and provides sufficient evidence for the prosecution to meet its burden of proof.

d. How many youths charged with carjacking have been referred to the Restorative Justice Program in FY22 and FY23, to date?

RESPONSE: A referral to the Restorative Justice Program simply means that restorative justice *may* be a part of the plea agreement offered to the youth in the case. When a case is referred to restorative justice, it implies that the case is eligible for restorative justice. However, the prosecutor, along with the Restorative Justice Facilitator, must first evaluate if the victim and youth are appropriate for restorative justice; only then is the restorative justice process used. In FY22, 20 youth who were charged with a carjacking were referred to the Restorative Justice program. However, fewer than ten ultimately took guilty pleas with restorative justice as a condition of their plea agreement.³³ In FY23 to date, fewer than ten youth charged with a carjacking have been referred to the Restorative Justice Program, and consequently fewer than ten have taken guilty pleas with restorative justice as a condition. An additional fewer than ten youths from the periods FY22 and FY23 to date have pending cases, meaning that it has not yet been determined whether their cases will go to conference.

³² To maintain juvenile confidentiality, results of fewer than ten are reported as <10

³³ To maintain juvenile confidentiality, results of fewer than ten are reported as such.

75. How does OAG measure juvenile recidivism? What recidivism data did the agency collect for juveniles in FY22 and FY23, to date, by charge?

RESPONSE: OAG is committed to using data analytics to track recidivism rates for youth, and overall finds that only a small absolute number of children recidivate within our observation periods.

OAG measures juvenile recidivism rates in two ways. For the first calculation, it determines how many juveniles with a matter *opened* by OAG during the period of interest generated a *subsequent matter opened* by OAG (“new matter recidivism”). For the second calculation, it determines how many juveniles with a matter *prosecuted* by OAG generated a *subsequent matter prosecuted* by OAG (“prosecuted matter recidivism”).³⁴ This approach provides an upper and lower bound for recidivism rates, using both a more expansive definition of recidivism (any opened matter) and a more conservative one (any prosecuted matter), respectively.

Recidivism for each respondent was examined at four specific time points: three, six, nine, and twelve months after OAG opened the initial matter. Respondents who could not be observed at a given interval—either because an insufficient amount of time had passed or because they turned 18 beforehand and “aged out” of the juvenile justice system—were excluded from the analytic sample used to examine recidivism at that time point.³⁵

Time to recidivism was calculated based on the date that OAG opened a matter and not the date that an offense was committed, an arrest occurred, or a petition, if any, was filed. Instances where a respondent generated two consecutive matters, and the second matter had an offense date that preceded the first matter’s opened date were not counted as recidivism. (This could occur, for instance, if arrests occurred or cases are opened in a different order than the offenses happened). Similarly, instances where multiple matters from the same respondent were opened in the same day were treated as one matter and not considered recidivism.³⁶ It is important to note that following the opening of an initial matter in the relevant period (by arrest or request for a pre-petition custody order), a subsequent matter may have been opened sufficiently close to the initial matter that OAG did not make a prosecution decision before opening the subsequent matter.

A total of 2,143 matters were opened during the period of interest, FY22-FY23 to date. These were generated by 1,414 distinct respondents.

³⁴ Both measures of recidivism exclude Title 16 and fugitive cases, as well as matters pending a prosecution decision, such as pending pre-petition custody order investigations and on hold cases.

³⁵ Analyses examining recidivism at three-, six-, nine-, and 12-month intervals included matters opened on or before October 7, 2022, July 9, 2022, April 11, 2022, and January 6, 2022, respectively, to ensure sufficient observation periods.

³⁶ This analysis included all youth with *any* case opened during this period and was not restricted to those whose first matter was presented to OAG during the study period. Of the total 1,414 respondents with matters opened during from FY21-FY23 to date, 27 percent (385) had a prior matter opened by OAG. Juveniles who were committed were also included in the sample because most committed youth are not incapacitated. Therefore, the inclusion of youth who were incapacitated should not substantively affect the recidivism rate.

To preserve confidentiality, matters were aggregated into four types of offenses based on “top charge”—the most serious OAG charge: Crimes Against Persons,³⁷ Crimes Against Property,³⁸ Public Order Offenses,³⁹ and Weapons Offenses.⁴⁰ However, Public Order Offenses were ultimately excluded because they consisted of an insufficient number of cases to conduct the analysis.

Table 1 shows recidivism rates at the four points of interest for the first measure of recidivism, as defined by youth with a matter opened by OAG who generated a subsequent matter opened by OAG (new matter recidivism). In this sample, 13.4 percent who could be observed during the period of interest recidivated within three months, 24.2 percent recidivated within six months, 30.2 percent recidivated within nine months, and 36.6 percent recidivated within a year.

Recidivism rates were slightly higher among youth whose lead charge was a Crime Against Property. After six months, 32 percent of those with a Crime Against Property top charge recidivated, compared to 22 percent with a Crime Against Persons top charge and 21.5 percent with a Weapons Offense. After 12 months, 37.9 percent of respondents with a Crime Against Property top charge recidivated, compared to 36.6 percent with a Crime Against Persons and 34.9 percent with a Weapons Offense.

A total of 981 matters opened FY22-FY23 to date were prosecuted, which were generated by 680 distinct respondents.⁴¹

Table 2 shows recidivism rates at each of the four points of interest for the second measure of recidivism, as defined by youth who had a matter that was *prosecuted* by OAG and then also generated a subsequent matter *prosecuted* by OAG (prosecuted matter recidivism), disaggregated by top charge category. Based on this definition, 15 percent recidivated within three months, 26.2 percent within six months, 34.2 percent within nine months, and 44.3 percent within a year.

When focusing only on prosecuted offenses, recidivism rates were initially slightly higher for youth whose first prosecuted top charge was a Crime Against Person but were then surpassed by those with a Crime Against Property. After six months, 35.7 percent of youth with a Crime Against Property top charge recidivated, compared to 28.3 percent with a Crime Against Persons and 14.3 percent with a Weapons Offense. After 12 months, 60 percent of youth with a Crime Against Property top charge recidivated, compared to 45.7 percent with a Crime Against Persons and 33.3 percent with a Weapons Offense. However, with each successive time frame, the number of respondents observed became smaller, making percentages more sensitive to small fluctuations in recidivism.

³⁷ Includes homicide, assault, threats, robbery, kidnapping, carjacking, sex offenses, soliciting a violent crime, and other personal offenses.

³⁸ Includes arson, burglary, fraud, criminal writing, theft, receiving stolen property, and other property offenses (e.g., unlawful entry).

³⁹ Includes contempt, obstruction of justice, bribery, controlled substances, traffic offenses for youth 15 years old and younger, and other public order offenses.

⁴⁰ Includes carrying pistol without license, possession of unregistered firearm, possession of ammunition, and possession of BB gun or air rifle.

Table 1: New Matter Recidivism, by Top Charge of Initial Case

	3 months			6 months			9 months			12 months		
	Number Recidivated	Total Observed	Recidivism Rate	Number Recidivated	Total Observed	Recidivism Rate	Number Recidivated	Total Observed	Recidivism Rate	Number Recidivated	Total Observed	Recidivism Rate
Crimes Against Persons	85	630	13.5%	108	491	22.0%	95	347	27.4%	60	164	36.6%
Crimes Against Property	35	229	15.3%	57	178	32.0%	47	126	37.3%	25	66	37.9%
Weapons Offenses	17	163	10.4%	28	130	21.5%	27	86	31.4%	15	43	34.9%
Total			13.4%			24.2%			30.2%			36.6%

Table 2: Prosecuted Matter Recidivism, by Top Charge of Initial Case⁴²

	3 months			6 months			9 months			12 months		
	Number Recidivated	Total Observed	Recidivism Rate	Number Recidivated	Total Observed	Recidivism Rate	Number Recidivated	Total Observed	Recidivism Rate	Number Recidivated	Total Observed	Recidivism Rate
Crimes Against Persons	52	293	17.7%	67	237	28.3%	57	170	33.5%	32	70	45.7%
Crimes Against Property	14	90	15.6%	25	70	35.7%	18	42	42.9%	*	*	60.0%
Weapons Offenses	10	124	8.1%	14	98	14.3%	19	63	30.2%	10	30	33.3%
Total			15.0%			26.2%			34.2%			44.3%

⁴² Where fewer than ten individuals recidivated within the time period, the number recidivated and total observed have been redacted (*).

The next part of the analysis compares recidivism outcomes for youth who were prosecuted to those who were diverted to ACE. It examines recidivism using the broader measure of recidivism—a subsequent opened matter—at each of the four intervals according to the top charge of the initial matter.

During the period of interest, FY22 – FY23 YTD, OAG prosecuted 981 matters and diverted 226 matters. The prosecuted matters involve 680 distinct respondents, while the diverted matters involve 217 distinct respondents.

As shown in Table 3, respondents with a diverted matter have a considerably lower rate of new matter recidivism than those with a prosecuted matter. After six months, 17.9 percent of diverted respondents recidivated, compared to 33.6 percent of prosecuted respondents. After 12 months, 14.9 percent of diverted respondents recidivated, compared to 53 percent of prosecuted respondents.

In interpreting these results, it is important to keep in mind two components of this analysis. *First*, because the number of diverted respondents is quite small, the recidivism rates are especially sensitive to small changes in the number of youth who recidivate. *Second*, care should be taken in ascribing a causal impact of diversion or prosecution on subsequent recidivism rates. Notably, the types of matters that tend to be papered differ from those that are diverted—for instance, papered matters tend to involve more serious offenses than diverted matters. Respondents who commit different types of offenses are likely to have varying recidivism rates, irrespective of any perceived effect of prosecution or diversion on subsequent delinquency.

Table 3: New Matter Recidivism by Top Charge and Status of Initial Case⁴³

	3 months		6 months		9 months		12 months	
	Recidivism Rate for Youth with Diverted Case (N = 160)	Recidivism Rate for Youth with Prosecuted Case (N = 509)	Recidivism Rate for Youth with Diverted Case (N = 116)	Recidivism Rate for Youth with Prosecuted Case (N = 405)	Recidivism Rate for Youth with Diverted Case (N = 87)	Recidivism Rate for Youth with Prosecuted Case (N = 275)	Recidivism Rate for Youth with Diverted Case (N = 50)	Recidivism Rate for Youth with Prosecuted Case (N = 115)
Crimes Against Persons	8.0%	23.9%	11.8%	37.6%	8.2%	43.5%	7.7%	58.6%
Crimes Against Property	20.5%	18.9%	34.3%	37.1%	37.0%	42.9%	33.3%	60.0%
Weapons Offenses	0.0%	12.1%	0.0%	21.4%	0.0%	38.1%	0.0%	36.7%
Total	11.7%	20.3%	17.9%	33.6%	16.9%	42.2%	14.9%	53.0%

⁴³ Table 3 does not include matters that had other OAG decisions, such as not to prosecute or declined pre-petition custody order (warrant). Diversions consist of only diversions to ACE; none were diversions only to Restorative Justice. In FY21, the Restorative Justice Program shifted to a model of solely offering its program after prosecution rather than both as a diversion and post-prosecution program. For comprehensive data on referrals to and outcomes of the Restorative Justice Program, please refer to Question 59. Top charges are aggregated to preserve juvenile confidentiality.

76. Please describe OAG's efforts to coordinate with the Deputy Mayor for Education, the Department of Youth Rehabilitation Services, the Department of Human Services, or other executive agencies regarding at-risk youth in the District.

RESPONSE:

Department of Youth Rehabilitation Services

AboutFace: In FY22 and FY23 to date, OAG partnered with the Department of Youth Rehabilitative Service (DYRS) through a program called AboutFace to expand select DYRS services to youth who are not committed. During this period, when OAG identified a youth who was not eligible for diversion or court involvement but who nevertheless needed services, it made an email referral to DYRS's AboutFace program. DYRS then reached out to the youth and family within 48 hours to schedule a conference at which DYRS caseworkers evaluated the youth and family for services. If a need for assistance was identified, youth were then connected to services provided through DYRS directly or through contracted vendors. Services offered through AboutFace included mentoring, family counseling, grief counseling, drug treatment, and educational assistance. In FY22 and FY23 to date, OAG referred 25 cases to AboutFace.

However, DYRS began to wind down the AboutFace program in the first quarter of FY23 to replace it with a new design focused on youth ages ten to 14. OAG looks forward to learning more about this new program model and assessing its suitability for OAG referrals.

General Coordination: Additionally, OAG coordinates nearly daily with DYRS regarding the status of committed cases.

Department of Health Services

Alternatives to the Court Experience Diversion Program (ACE): ACE is a diversion program that works in tandem with OAG, MPD, and Court Social Services Division and functions as the single front door for all diversions from the District's juvenile justice entities. Under the appropriate circumstances, referring entities elect to not prosecute or charge youth who allegedly commit status offenses (e.g., truancy and running away) or low-level delinquency offenses. The overarching goal of ACE is to reduce the number of court-involved youth up to 18 years old by providing youth with appropriate services and community supports instead of prosecution.

Metropolitan Police Department

OAG Juvenile Section's Juvenile Hotline: Police officers from all agencies in the District, including MPD, use this Hotline daily to consult with OAG Juvenile Section managers when young people are arrested. This real-time consultation allows OAG to make informed decisions about the strengths and weaknesses of the case. Through the Hotline, OAG and MPD routinely collaborate on deciding whether a youth should be held in custody, diverted, or released to a parent pending case screening and papering the next day.

CARES Program: OAG is in the final stages of implementing an intrafamily violence intervention program named CARES. This program is aimed at reducing intrafamily violence involving children in the District through direct and immediate intervention when the incident is first reported. When MPD Patrol Officers receive a call for an intrafamily offense and determine that it involves a child under 18 years old, MPD will be instructed to call the OAG Juvenile Hotline and discuss whether the youth should be arrested or diverted. If MPD and OAG agree that diversion is appropriate, OAG or MPD will call Sasha Bruce, a non-profit organization that works with at-risk youth. A crisis intervention specialist from Sasha Bruce will respond to the scene with information for the parties. If the parents and youth agree to participate in the intervention, the intervention specialist will transport the youth to the Bruce House, a group home run by Sasha Bruce, for a cooling off period. Sasha Bruce and DHS will then develop a treatment plan to address the issues in the home and support the youth and their family so that the intrafamily conflict can be addressed and stopped from recurring. Once treatment begins, the youth will be reunited with his or her parents when appropriate. OAG, MPD, DHS and Sasha Bruce hope to launch a CARES pilot program in coming months.

- a. **Please provide the status of any memoranda of understanding with any relevant agencies regarding information-sharing related to at-risk youth.**

RESPONSE:

Montgomery County State’s Attorney’s Office (MCSAO) and Prince George’s County State’s Attorney’s Office (PGSAO)

The Multi-Jurisdictional Task Force (Task Force): This is a three-party partnership with OAG concerning juvenile and criminal cases spanning jurisdictional lines across the District and Montgomery and Prince George’s Counties in Maryland. which was established in 2021 as a joint venture between OAG and PGSAO and expanded to include MCSAO in 2022. Through the Task Force, Maryland was able to create an interstate compact warrant notification system that is still in use today. The Task Force meets twice a month to discuss cases in which the participating jurisdictions have an interest, including cases where youth commit a crime that crosses jurisdictional borders and cases where a young person may have separate cases pending in multiple jurisdictions. The Task Force has resulted in more global pleas, pursuant to which youth have accepted responsibility for their actions in both jurisdictions.

United States Attorney’s Office (USAO)

Memorandum of Understanding (MOU): In June 2021, OAG entered an MOU with USAO concerning the prosecution of persons under the age of 18 as adults pursuant to Title 16 of the D.C. Code. Under this MOU, the parties agreed to consult with each other prior to USAO’s exercising its authority under Title 16 to prosecute youth in the adult system. USAO and OAG have since abided by this MOU, consulting with each other numerous times, often after the OAG Juvenile Hotline was called, and OAG determined that the offense was a Title 16 related offense. In each situation, USAO considered OAG’s input and rendered a thoughtful decision on the matter.

Deputy Mayor of Education

As described in response to Question 27, during the relevant time period OAG continued working with the Deputy Mayor of Education to reach an agreement to allow OAG to have access to school records. OAG would like to be able to access student records to verify attendance and other information provided under the Attendance Accountability Amendment Act of 2013 (AAA) for the diversion or prosecution of status offenders commonly referred to as person in need of supervision or PINS. PINS cases under AAA require educational institutions such as DCPS to refer chronically truant youth ages 14 to 17 to the Court Social Services Division of the Superior Court. Although OAG can use a subpoena to acquire the records post-charging, DCPS is reluctant to verify school records pre-charging because of educational privacy laws. The current structure impedes OAG's ability to make an informed decision about whether to divert these youth.

77. What is the status of the TRIAGE Diversion Program? Please describe the operation, staffing, and outcomes for this program.

a. How many juveniles have been referred to the program to date?

RESPONSE: The TRIAGE Diversion Program was dissolved by FY19 as a result of DHS's accepting PINS cases into the ACE Diversion Program.

78. Please describe any policy and/or legal initiatives or projects undertaken or in development by OAG relating to delinquency in FY22 and FY23, to date. Please include information for each policy, legal initiative, program or project regarding referral rates, utilization rates, and outcomes.

a. Please provide an update on the operation and outcomes of the Juvenile Hotline in FY22 and FY23, to date.

RESPONSE: The Juvenile Hotline continues in full operation 24 hours a day, seven days a week with OAG providing advice to D.C. police agencies regarding arrest and detention of juveniles. OAG makes recommendations as to whether an arrest should occur, whether MPD should divert from the Juvenile Processing Center, and whether the juvenile should be detained or released with a future court date. Court Social Services also makes a subsequent overnight decision as to whether a child should be detained.

b. Please provide an update on the OAG's MOU with the USAO regarding the prosecution of youth in adult court.

RESPONSE: In June 2021, OAG entered an MOU with the USAO concerning the prosecution of persons under the age of 18 as adults pursuant to Title 16 of the D.C. Code. In this MOU, the parties agreed to consult with each other prior to USAO's exercising its authority under Title 16 to prosecute youth in the adult system. USAO and OAG has since abided by this MOU, consulting with each other numerous times, often after the OAG hotline was called and OAG

determined that the offense was a Title 16 related offense. In each situation, USAO has listened to OAG's input and rendered a thoughtful decision on the matter.

c. Please describe OAG's relationship with the High-Fidelity Wrap Around Program.

RESPONSE: In September 2019, OAG leaders met with Dr. Barbara Bazron and Dr. Chad Tillbrook from the Department of Behavioral Health (DBH) to discuss how both agencies could collaborate to address the needs of youth referred to OAG for prosecution. DBH told OAG about the High-Fidelity Wrap Around Program (HFW). HFW provides coordinated care and wrap around services for children who have complex needs. The services include mental health services, academic support, financial support, and family counseling. A case worker is assigned to each program participant to coordinate care and to ensure that all needed services are provided to the child and family. DBH told OAG that the program was being underutilized, and DBH welcomed the opportunity to partner with OAG to support eligible youth exposed to the justice system. As of December 6, 2022, DBH reported that OAG had made 67 referrals for HFW.

OAG determined in FY23 that HFW was best suited to the needs of youth in our specialty court programs such as HOPE Court. Consequently, delinquency matters are now referred to the ACE Diversion program and less serious matters to Department of Human Services programs, including Parent and Adolescent Support Intensive Case Management (PASS) and the Strengthening Teens Enriching Parents (STEP) program. PASS and STEP are voluntary programs for parents and children focused on early interventions for low-level truancy, curfew violations, and runaway behaviors. They provide supports such as mentoring, tutoring, family-strengthening initiatives, and, if needed, temporary housing for youth.

79. Please provide the number of cases, by top charge, that were petitioned for delinquency by OAG in FY22 and FY23, to date.

RESPONSE: The table below shows juvenile delinquency matters petitioned by OAG, meaning cases for which OAG brought charges. It also includes "re-brings" where OAG first diverted a case but later filed a petition because the youth did not complete the diversion program.

However, it excludes all other matters, including those that were not petitioned, matters pending a decision on petitioning, fugitive cases, and matters presented to OAG but for which the United States Attorney's Office for the District of Columbia assumed jurisdiction (Title 16 cases).

Juvenile delinquency <u>petitioned</u> & <u>re-bring</u> matters by top charge⁴⁴ and fiscal year			
	FY21	FY22	FY23 to date
Crimes Against Persons ⁴⁵	334	452	110
Crimes Against Property ⁴⁶	187	139	43
Weapons Offenses ⁴⁷	107	171	58
Public Order Offenses ⁴⁸	19	10	<10

80. Please describe OAG’s work with MPD to develop policies and procedures governing officers’ interactions with young people, as well as the agency’s reflections on its collaboration with MPD under the recent General Order and any related training provided by OAG to MPD.

RESPONSE: In FY22 and FY23, OAG has continued to work collaboratively with MPD to address interactions with young people. The General Order, which dictates the way police officers in the District interact with children, is still in effect and continues to result in fewer youth being arrested and held in secure detention. Additionally, the OAG Juvenile Hotline (Hotline) established in 2020 remains active and is used daily by police officers from all agencies in the District, ranging from MPD to Metro Transit to federal partners, to consult with OAG Juvenile Section managers when young people are arrested. The ability to consult with police officers in real time allows OAG to make better-informed decisions about the strengths and weaknesses of the case. Through the Hotline, OAG and MPD collaborate routinely on deciding whether a youth should be held in custody, diverted, or released to a parent pending case screening and papering the next day.

In 2022, OAG began weekly meetings with MPD. These meetings, which are held every Wednesday with MPD Assistant Chiefs and personnel at the Juvenile Processing Center, allow OAG and MPD to discuss in detail a multitude of issues, from papered cases to procedure and policy surrounding existing investigations. These meetings have been instrumental in helping OAG proceed expeditiously on serious and complex cases.

OAG continues to partner with MPD to conduct joint trainings and community outreach. OAG and MPD conducted a joint training on MPD Interview Policy and Procedure on July 19, 2022. In the training, detectives from MPD reviewed how they conduct custodial interviews. OAG attorneys were able to ask questions and provide advice to detectives on how interview procedures might be

⁴⁴ Top charges are aggregated due to concerns around confidentiality of juvenile matters. Results of fewer than ten are reported as <10. Date used is date OAG opened matter, not date of offense or arrest, or date petition filed.

⁴⁵ Includes homicide, assault, threats, robbery, kidnapping, carjacking, sex offenses, soliciting a violent crime, and other personal offenses.

⁴⁶ Includes burglary, fraud, theft, receiving stolen property, and other property offenses (e.g., unlawful entry).

⁴⁷ Includes carrying pistol without license, possession of unregistered firearm, possession of ammunition, and possession of BB gun or air rifle.

⁴⁸ Includes obstruction of justice, controlled substances, traffic offenses for youth 15 years old and younger, and other public order offenses.

improved. OAG and MPD also partnered numerous times in 2022 to engage and educate the community on juvenile justice issues.

Finally, it is also worth noting OAG's collaboration with other regional law-enforcement partners that complements OAG's partnership with MPD. During the relevant period, OAG has continued its collaboration with police departments in Maryland through the Multi-Jurisdictional Task Force (Task Force), which was established in 2021 as a joint venture between OAG and the Prince George's County State's Attorney's Office (PGSAO) and expanded to include the Montgomery County State's Attorney's Office (MCSAO) in 2022. Through the Task Force, Maryland was able to create an interstate compact warrant notification system that is still in use today. The Task Force meets twice a month to discuss cases in which the participating jurisdictions have an interest, including cases where youth commit a crime that crosses jurisdictional borders and cases where a young person may have separate cases pending in multiple jurisdictions. The Task Force has resulted in more global pleas, pursuant to which youth have accepted responsibility for their actions in both jurisdictions.

81. Please provide the following information regarding the Alternative to the Court Experience ("ACE") Diversion Program:

a. A description of the ACE Program, including its structure, staffing, policies and procedures;

RESPONSE: The Alternatives to the Court Experience (ACE) is a diversion program that works in tandem with OAG, MPD, and Court Social Services Division (CSSD) and functions as the single front door for all diversions from the District's juvenile justice entities. Under the appropriate circumstances, referring entities elect to not prosecute and/or charge youth who allegedly commit status offenses (e.g., truancy and running away) and/or low-level delinquency offenses. The overarching goal of ACE is to reduce the number of court-involved youth up to 18 years old by providing youth with services and community supports instead of prosecution.

ACE assesses the needs of diverted youth, links youth and their families with appropriate services, and monitors program participation. The goal of the program is to help youth and their families address the underlying issues causing the negative behaviors, while minimizing the likelihood of reoffending and giving the youth the opportunity to avoid a juvenile record. It is a voluntary program—not probation—although not participating in ACE may lead to prosecution.

Youth who successfully complete the ACE Diversion Program have:

- No court involvement;
- Reduced likelihood of re-offending;
- Assistance addressing the issues causing the negative behaviors;
- Support to reengage in school and meet academic and attendance requirements; and
- Improved functioning at home and in the community.

ACE is staffed by a program manager, a program analyst, a staff assistant, three supervisors (including one bilingual English-Spanish speaker), and 14 case managers and social workers (including two bilingual English-Spanish speakers).

b. The number of cases referred in FY21, FY22, and FY23, to date, broken down by underlying reason for referral (e.g. type of offense, reported runaway, etc.);

RESPONSE: Please see Table 1.⁴⁹

Table 1: Cases referred to ACE by fiscal year and aggregated offense categories.

Delinquent Category ⁵⁰	FY21			FY22				FYTD23 ⁵¹			
	CSSD/OAG	MPD	PPCO/OAG	CSSD/OAG	MPD	OAG	PPCO/OAG	CSSD/OAG	MPD	OAG	PPCO/OAG
Crimes Against Persons ⁵²	54	40	<10	81	56	<10	23	28	14	<10	<10
Crimes Against Property ⁵³	35	25	<10	39	14	<10	<10	26	<10	<10	<10
Public Order Offenses ⁵⁴	<10	<10	<10	<10	<10	<10	<10	<10	<10	<10	<10
Weapons Offenses ⁵⁵	<10	<10	<10	<10	<10	<10	<10	<10	<10	<10	<10
Status Offenses ⁵⁶	<10	<10	<10	<10	<10	13	<10	<10	<10	14	<10

Below is the recidivism analysis broken down by fiscal year for completed cases.

- FY21 92.4 percent of youth did not have any legal involvement
- FY22 94.5 percent of youth did not have any legal involvement
- FY23⁵⁷ 97.2 percent of youth did not have any legal involvement

⁴⁹ ACE is the data source for this response.

⁵⁰ Top charges are aggregated because of a concern for juvenile confidentiality. Results of fewer than ten are reported as <10.

⁵¹ FY23 through January 12, 2023.

⁵² Includes Assault with a Dangerous Weapon, Aggravated Assault, Assault on a Police Officer, Assault, Simple Assault, Attempted Robbery, AWIR, Carjacking While Armed, Child Sex Abuse, Indecent Exposure, Robbery, Robbery Force and Violence, Sex Abuse, and Threats.

⁵³ Includes Arson, Burglary, Destruction of Property, Receiving Stolen Property, Shoplifting, Tampering with Auto, Theft, Unlawful Entry, and Unauthorized Use of Vehicle.

⁵⁴ Includes Consumption of Marijuana, Possession of Marijuana, Possession with Intent to Distribute, Disorderly Conduct, No Permit, and Obstruction of Justice.

⁵⁵ Includes Carrying a Dangerous Weapon, Carrying a Pistol Without a License, Possession of a Destructive Device, and Possession of a Prohibited Weapon.

⁵⁶ Includes runaway and truancy matters.

⁵⁷ FY23 data up to January 12, 2023.

c. For the cases identified in (b), OAG’s recidivism analysis; and

RESPONSE: Out of the total sample of matters for the recidivism analysis provided in response to Question 75, 217 distinct youth were referred to ACE, of which a subset was examined to determine whether they recidivated—that is, generated a subsequent matter opened by OAG—after three, six, nine, and 12 months, respectively.

Of the youth referred to ACE who were included in the recidivism analysis provided in response to Question 75, 11.9 percent (19 of 160 youth) recidivated within 3 months. In addition, 18.1 percent (21 of 116) recidivated within six months, 17.2 percent (15 of 87) recidivated within nine months, and 14 percent recidivated within 12 months. Stated another way, after 12 months, 86 percent had not recidivated.

Note that this recidivism analysis only examines delinquency data and not PINS diversions.

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

RESPONSE: Below are the key performance indicators (KPIs) used to evaluate the ACE program. The three main KPIs are defined as follows:

- I. Percent of youth who completed Youth Services Division (YSD) programs without juvenile justice involvement while they were in the program. This does not include status offenses like truancy (must be delinquency offenses or pre-petition custody orders, which are similar to adult arrest warrants but for juveniles).

	FY21	FY22	FY23
Successful Completions	144	127	39
Percent with No Legal Involvement	92.4%	94.5%	97.2%

II. Percent of youth who completed YSD programs with improved school attendance when truancy was an issue at referral or at closure.

	FY21	FY22	FY23
Youth identified with truancy issues	71	95	29
Percent with Improved School Attendance	47.9%	50.6%	65.5%

III. Percent of youth who completed YSD programs who showed improved functioning at closure as indicated by decline in their Child and Adolescent Functional Assessment Scale scores.

	FY 21	FY 22	FY 23
Successful Completions	144	127	39
Percent with Improved Functioning	90.2%	93.7%	94.4%

82. For FY22 and FY23, to date, please provide an update on OAG’s initiative to process civil commitment cases for juveniles found incompetent to stand trial in their juvenile cases if the incompetence is the result of a mental health diagnosis. Include the following information:

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

RESPONSE: In July 2018, OAG began initiating civil commitment proceedings for youth in the delinquency system who need comprehensive mental health services. The goal of this initiative is to provide juveniles whom the Court has found incompetent to stand trial because of a mental health diagnosis with mental health treatment and services that will protect the public and the juvenile from risk of injury, including the risk of rearrest and incarceration. These cases are referred to OAG’s Mental Health Section (MHS) from OAG’s Juvenile Section so that the D.C. Department of Behavioral Health (DBH) can determine whether the juvenile meets the criteria for civil commitment after being found incompetent to stand trial. Civil commitment and court-ordered mental health treatment enable the youth to obtain mental health treatment and services with court oversight. MHS represents DBH in these civil commitment cases, and OAG developed protocols for filing these petitions, ensuring that they follow the juvenile confidentiality statutes.

After petitioning the Court to have a juvenile committed, MHS attends all mental health proceedings before the D.C. Superior Court and the Commission on Mental Health to seek a civil commitment order. DBH has designated two psychologists and one psychiatrist to serve as experts in civil commitment matters involving juveniles. MHS has conducted a training for these three experts on drafting certificates in support of civil commitment, considering several issues that are unique to juveniles (e.g., the variability of certain diagnoses in youth because of adolescent brain development).

- b. The number of youth for whom OAG processed civil commitment cases in FY22 or FY23, to date;**

RESPONSE: No juvenile cases were referred to MHS between October 1, 2021, and January 6, 2023.

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

RESPONSE: Because no cases were referred during the relevant period, this question is not applicable.

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

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

- 83. Please describe any policy or legal initiatives or projects undertaken or in development by OAG relating to truancy and school attendance in FY22 and FY23, to date. Please include information for each policy, legal initiative, program or project regarding referral rates, utilization rates, and outcomes.**

RESPONSE: OAG is actively engaged in reducing truancy and increasing daily school attendance for youth ages five to 17. OAG strongly believes that rather than drawing children and their families into the child welfare and criminal justice systems, the most effective approach to reducing truancy and improving school attendance lies in addressing the underlying obstacles to children's regular and timely school attendance. For that reason, OAG has increasingly focused on referring youth to diversion programs that aim to address their underlying needs and on developing initiatives that can help address their underlying needs.

Approach to Persons-In-Need-of-Supervision (PINS) Cases

OAG seeks to avoid petitioning youth who are 13 to 17 years old and are chronically truant as Persons In Need of Supervision (PINS). OAG seeks instead to ensure these youth and their families have access to community-based services and District resources without having to

engage with the juvenile justice system. Hence, when OAG receives a PINS referral, before petitioning the case, OAG staff contact the caregiver(s) and providers to determine whether they have exhausted all community-based supports. If not and appropriate, OAG will refer the youth to the Department of Behavioral Health’s high-fidelity wrap (HFW) or the Department of Human Service’s Alternatives to the Court Experience (ACE) program in lieu of prosecution.

Since fiscal year 2019, OAG has directly referred 67 youth to HFW in lieu of filing PINS petitions for truancy and/or other status offenses and delinquent conduct.

The table below provides the number of truancy-only PINS cases diverted to ACE during the last several school years:

PINS truancy-only cases diverted to ACE, school years (SYs) 2018-2023

School Year	Diverted (ACE)
SY18-19	178
SY19-20	62
SY20-21	< 10
SY21-22	18
SY22-23 ⁵⁸	<10

Since FY20, OAG has also worked with the Juvenile Justice Advisory Group (JJAG) to review and propose full-service, holistic alternatives to prosecution for PINS cases, including decriminalization of these matters. JJAG prepared a report of recommendations to the Mayor in Spring 2020, and OAG participated in presentations of the report at the close of FY20. During FY22 and FY23 to date, OAG continued to work with JJAG to convert the recommendations into an implementation action plan.

To better evaluate whether to petition or divert PINS cases, OAG would like to improve access to attendance records for the children referred for potential PINS matters. At present, OAG can use a subpoena to acquire the records post-charging, but DCPS is reluctant to verify school records pre-charging. During FY22, OAG continued working with the Deputy Mayor for Education to reach an agreement to allow OAG to have access to certain records pre-charging.

Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND)

Since FY18, OAG’s Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND) program has provided free mediations conducted by trained professionals to parents whose children struggle with school attendance. During mediation, parents have an opportunity to identify the underlying barriers that hinder their children’s daily attendance. ATTEND provides case-management services with linkage to community-based supports through partner agencies and local nonprofits. ATTEND started as a diversion model for parents facing criminal charges for failing to ensure their elementary-school-aged children’s attendance (starting at 15 unexcused absences). In FY20, OAG began a prevention model that shifted ATTEND’s focus and resources to early intervention (after five unexcused absences) and direct services in select

⁵⁸ As of January 6, 2023.

partner schools. Last fiscal year, ATTEND supported three Ward 8 DCPS elementary schools—Turner, Patterson, and Malcolm X. During FY22, OAG also expanded to Simon Elementary School in Ward 8 and extended services to eligible sixth graders identified as newly chronically absent or repeaters at two middle schools—Sousa in Ward 7 and John Hayden Johnson in Ward 8. During FY23, OAG will support a total of six DCPS schools where challenging attendance rates and low grades are prevalent.

As a result of the pandemic, during school year 2020-2021, OAG shifted to offering virtual mediations. ATTEND improved its participation rate by allowing parties to appear via Microsoft Teams or telephone. Accordingly, ATTEND will maintain virtual mediations and case-management services with an option for in-person appearances as requested by parents during FY23. From FY18 to FY23 to date, mediation agreements were reached in all but two mediation sessions across all programming.

ATTEND Program Modifications and Outcomes

In FY22, OAG continued its policy shift from enforcement to prevention, focusing on Ward 8. Started in FY21, OAG continued to offer prevention model schools Phase 1 enrollment support and Phase 2 “light touch” contacts by case managers in FY22 and the beginning of FY23. In Phase 1, OAG offers to contact families to determine whether they plan to return to the referring school, transfer to another District school, or withdraw and enroll in a school in another jurisdiction. When parents indicate transferring to another school, OAG confirms the children’s enrollment with the newly identified school. OAG then provides that information to DCPS. For unreachable families, OAG investigators conduct location efforts and wellness checks. ATTEND records a response for each family and relies on the local school completing CFSA referrals.

Table 1: School Enrollment from SY18-19 to SY21-22⁵⁹

Enrollment year	Malcolm X Elementary School	Patterson Elementary School	Simon Elementary School	Turner Elementary School	Johnson Middle School	Sousa Middle School
School Year 19-20	233	394	253	506	337	289
School Year 20-21	216	313	234	479	354	279
School Year 21-22	195	278	223	472	318	233

Phase 2 serves as an early intervention for children not attending school. ATTEND staff participate in attendance team meetings. They may contact referred parents, screen for barriers, and connect them to school-based or community-based supports.

⁵⁹ The school enrollment data for SYs 2019-2022 is from DCPS’s official school audit enrollment numbers at <https://dcps.dc.gov/node/1018342>.

In March 2022, ATTEND expanded its mediation services to eligible sixth graders identified by Sousa staff as newly chronically absent or repeaters to bolster traditional attendance interventions at five or more unexcused absences. In August 2022, ATTEND expanded to Johnson with staff training and supporting its school community at back-to-school events. In FY23 to date, ATTEND conducted parent engagement through a coat drive and holiday basket giveaway. ATTEND opened weekly mediation slots for Johnson’s eligible sixth graders in November 2022.

Table 2: DCPS-ATTEND program, FY22 and FY23							
	Malcolm X Elementary School	Patterson Elementary School	Simon Elementary School	Turner Elementary School	Johnson Middle School	Sousa Middle School	No School ⁶⁰
<i>ATTEND program start</i>	<i>November 2020</i>	<i>March 2020</i>	<i>September 2022</i>	<i>December 2019</i>	<i>September 2022</i>	<i>March 2022</i>	
FY22 Referrals							
Matters	15	<10	<10	67	<10	11	<10
Families	<10	<10	<10	40	<10	<10	<10
Children	15	<10	<10	55	<10	<10	<10
FYTD23 Referrals							
Matters	<10	<10	11	<10	<10	<10	<10
Families	<10	<10	<10	<10	<10	<10	<10
Children	<10	<10	11	<10	<10	<10	<10

In addition to the DCPS prevention model, OAG offers ATTEND for parents referred for criminal prosecution under Family Special Proceedings (FSP) or in matters it has reviewed and deemed the parent primarily responsible for youth referred for PINS cases (FSP Conversion).⁶¹ OAG remains committed to using this approach in FY23 as an off ramp for parents from the criminal justice system. OAG has also expanded its reach to include working with some community members with no truancy mediation referral and linking them to requested services and case-manager support.

⁶⁰ The “No School” category includes referrals from a community member for ATTEND services.

⁶¹ OAG partners with the D.C. Superior Court’s Multi-Door Dispute Resolution Division to conduct this subset of mediations.

Table 3 depicts FY22 and FY23 to date referral outcomes for mediations, both from ATTEND and all FSP matters referred to ATTEND.

Table 3: Mediation Status for DCPS-ATTEND program and FSP/FSP Conversions, FY22 and FY23				
	Mediated	Pending	Ineligible	Non-Mediation Services⁶²
FY22 Referrals				
Matters	79	11	16	<10
Families	48	<10	12	<10
Children	69	10	16	<10
FYTD23 Referrals				
Matters	10	13	<10	<10
Families	10	12	<10	<10
Children	10	13	<10	<10

Another important component of the ATTEND Program is its outreach to school communities. From January 2020 to May 2021, ATTEND offered monthly parent engagement workshops on topics mediation participants identified as barriers, such as housing, rental assistance, employment, and food resources, as well as requests for fun activities for the entire family. Nine of ten were virtual sessions. Due to the COVID-19 pandemic, partner schools increased requests for assistance with daily living needs and access to services like life coaching in order to support overwhelmed parents and guardians. Thus, ATTEND shifted to hosting quarterly, larger-scale events open to the entire school community and surrounding neighborhoods. ATTEND returned to in-person parent engagement events in FY22. Between September 2021 and April 2022, three community events touched more than 230 people.⁶³ These included a Spring Resource Fair at Patterson, which featured criminal records sealing by Rising for Justice, food resourcing by Arcadia Mobile market, and a variety of services by partner agencies.

I Belong HERE! Modifications – Middle School Attendance

OAG receives truancy court referrals for youth ages 14 to 17 alleged to be chronically absent. OAG supports the District’s movement to decriminalize this behavior and instead provide a robust community-based response. OAG launched I Belong HERE! (IBH!) in 2017 as its middle school truancy prevention initiative at Sousa, which educates sixth to eighth grade students, in Ward 7. IBH! started with multiple components to increase school spirit and incentivize students to attend school. OAG selected Sousa for program inception because it had one of the highest truancy rates in the city.

⁶² Non-Mediation Services encompasses Phase 1 and 2 services and referrals for services other than mediation.
⁶³ These included a Spring Resource Fair at Patterson, which featured criminal records sealing by Rising for Justice, food resourcing by Arcadia Mobile market, and a variety of services by partner agencies. They also included two community-wide events arising from OAG’s partnership with Jenkins Donelson Foundation (JDF) of Virginia and New Image Community Baptist Church (NICBC) located in Southeast, D.C. For the first event, JDF donated nearly a thousand items consisting of basic daily needs, clothing, toys, bicycles, and household appliances, which ATTEND and NICBC distributed at a fun, outdoor event at Turner. For the other event, ATTEND conducted a Thanksgiving basket giveaway at Malcom X. ATTEND donated turkeys and obtained donations from the Salvation Army, JDF, and Arcadia Mobile Market.

In FY22, IBH! provided virtual lesson plans to a small cohort identified by Sousa staff. IBH! provided monthly individual “improved attendance” and quarterly individual “best attendance” incentives using gift cards. OAG also introduced ATTEND’s core components of mediation and OAG-led case management to eligible sixth graders identified by Sousa as newly chronically absent or repeating the sixth grade. In FY23 to date, IBH! continued to make available ATTEND mediations and case-management services for families of referred sixth graders. In the second semester, IBH! plans to launch an attendance incentive program for seventh- and eighth-grade homerooms and an inspirational speaker series for eighth graders.

84. Please provide the number of juveniles by school that were referred to OAG for truancy in FY22 and FY23, to date. Additionally, please provide the number of juveniles by school that were referred to Court Social Services (“CSS”) for truancy in FY22 and FY23, to date. Please disaggregate by race, ethnicity, and gender.

RESPONSE: In FY22, CSS referred 418 cases to OAG. In FY23 to date, CSS referred 51 cases to OAG. OAG petitioned no truancy matters in FY22 and FY23, to date. The tables below reflect results of referrals to OAG by school system and school. To comply with confidentiality laws, OAG has consolidated results of fewer than ten referrals.

OAG does not track grade, disability status, or whether the absence was from virtual learning. See below for results by gender and race.

Truancy referrals presented to OAG, by school system and school for FY22	
School System and School	FY22
DCPS	<10
Consolidated: Eastern SHS, Jackson-Reed SHS, MacFarland MS, Phelps SHS, Roosevelt SHS, Wheatley EC	<10
PCSB	392
Cesar Chavez PCS for PP-Parkside High School	25
D.C. International School	18
Friendship PCS – Collegiate Academy	180
Goodwill Excel Center	10
KIPP DC – College Preparatory PCS	101
Thurgood Marshall Academy PCS	11
YouthBuild PCS	16
Consolidated: E.L. Haynes PCS – High School, Kingsman Academy PCS, LAYC Career Academy PCS, Maya Angelou PCS – Evans High School, Paul PCS – International High School, St. Coletta Special Education PCS, Washington Leadership Academy	31
OTHER (OSSE/Private Placement) Consolidated: Accotink Academy, High Road Academy PG, Lt. Joseph P. Kennedy Institute, New Beginnings Vocational Program, The Pathways School	17

Truancy referrals presented to OAG, by school system and school for FY23 to date	
School System and School	FY23 to date
DCPS	33
Roosevelt SHS	14
Consolidated: Ballou SHS, Eastern SHS, Jackson-Reed SHS, Woodson SHS	19
PCSB Consolidated: D.C. International School, Goodwill Excel Center, KIPP DC – College Preparatory PCS, Paul PCS – Middle School, St. Coletta Special Education PCS, Washington Leadership Academy, YouthBuild PCS	16
OTHER (OSSE/Private Placement) The Foundation School	<10

Truancy referrals presented to OAG, by gender for FY22	
Gender	FY22
Female	18
Male	35
Unknown	365

Truancy referrals presented to OAG, by race for FY22	
Race	FY22
African/American	12
Hispanic/Latino	<10
Other	<10
Unknown	400

Truancy referrals presented to OAG, by gender for FY23 to date	
Gender	FY23 to date
Female	<10
Male	14
Other	<10
Unknown	30

Truancy referrals presented to OAG, by race for FY23 to date	
Race	FY23 to date
African/American	<10
Hispanic/Latino	<10
Other	<10
Unknown	35

85. Please provide the number of juveniles by school that were referred as runaways to OAG in FY22 and FY23, to date. Please disaggregate by race, ethnicity, and gender.

RESPONSE: In FY22 and FY23 to date, a total of 40 runaway referrals were sent to OAG, of which 19 were petitioned. OAG does not track referred students’ grade or disability status.

Runaway referrals by gender for FY22 and FYTD23		
Gender	By referral/matter	By youth
Female	*	28
Male	<10	<10

Runaway referrals by race for FY22 and FYTD23		
Race	By referral/matter	By youth
African American	*	36
Hispanic/Latino	<10	<10

* Results of 10 or more that would nevertheless unveil data related to fewer than ten matters are redacted (*).

86. Please provide the number of youth arrests at schools papered by OAG in FY22 and FY23, to date. Please disaggregate by race, ethnicity, and gender.

RESPONSE: OAG does not systematically track arrests that occurred at schools. Therefore, to respond to this question, the following procedure was used: for all petitioned matters opened by OAG from FY22 to FY23 to date (October 1, 2021, to January 6, 2023), the arrest address was identified.⁶⁴ These arrest addresses were then matched to a compiled list of schools in the District, including DCPS and charter schools, private schools, and non-public day schools.⁶⁵ This list of potential school arrests was then restricted to those that occurred during school hours, defined as Monday to Friday between 7:00 AM and 6:00 PM. These arrests were then individually reviewed to confirm whether they did, in fact, occur at a school.

The table below shows total petitioned matters where the arrest was identified as occurring at a school address during school hours, disaggregated by year opened by OAG.⁶⁶

Petitioned matters where arrest occurred at school by fiscal year	
FY22	FY23 to date
<10	<10

⁶⁴ For 2.2 percent of these matters, arrest location data was unavailable.

⁶⁵ A list of schools serving the District and their addressees was compiled from OSSE, the Association of Independent Schools of Greater Washington (AISGW), and the Archdiocese of Washington.

⁶⁶ Results of fewer than ten are reported as <10.

The petitioned matters include probable cause arrests and arrests on pre-petition custody orders. They do not include arrests on extraditable warrants from other jurisdictions. Matters are included in the fiscal year in which OAG opened the case, which is either the date an arrest was presented to OAG or the date OAG opened a request for a pre-petition custody order. Note that the results presented show matters rather than distinct respondents. Therefore, it is possible that multiple matters could be generated from a single arrest.

OAG does not track grade or disability status. See below for results by gender, race, and ethnicity.

Petitioned matters where arrest occurred at a school, by gender		
Gender	FY22	FY23 to date
Female	<10	<10
Male	<10	<10

Petitioned matters where arrest occurred at a school, by race		
Race	FY22	FY23 to date
Black	<10	<10
White	<10	<10
Multiple/Other	<10	<10

Petitioned matters where arrest occurred at a school, by ethnicity		
Gender	FY22	FY23 to date
Hispanic or Latino	<10	<10
Not Hispanic or Latino	<10	<10
Unavailable	<10	<10

Petitioned matters where arrest occurred at a school, by school	
Fiscal Year	Schools
FY22	Anacostia High School, Ballou High School, Browne Education Campus, Friendship PCS Collegiate Academy, Idea PCS
FY23 to date	Eastern High School, The Children’s Guild PCS

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

RESPONSE: OAG has partnered with the following local and federal agencies on criminal justice or juvenile justice issues:

D.C. Superior Court

- **Drug Court:** The D.C. Superior Court Drug Intervention Program (Drug Court) is a treatment court designed to handle non-violent misdemeanor and felony offenses. It is a voluntary substance use disorder treatment and supervision program that offers participants a comprehensive approach to addressing their addiction or dependency. Drug Court includes supervision, drug testing, treatment services, and immediate sanctions and incentives. It is a collaborative effort among the D.C. Superior Court, OAG, Public Defender Service for the District of Columbia, Court Services and Offender Supervision Agency (CSOSA), Pretrial Services Agency, and the defendant. Although the OAG and the Court determine eligibility, participation in the Drug Court program is voluntary, and the defendant must determine whether to take advantage of this option. OAG primarily refers Driving Under the Influence cases to Drug Court as either a diversion option or as an amended sentencing agreement in which mandatory jail time would be waived upon successful completion of the program.
- **Mental Health Community Court:** The D.C. Superior Court Mental Health Community Court (MHCC) is a voluntary treatment court for people who have been diagnosed with serious and persistent mental illness or with mental illness and co-occurring substance abuse disorders, who are charged with certain misdemeanor or low-level felony offenses, and who otherwise qualify for the MHCC program. OAG generally considers all criminal charges for MHCC if the person falls within the eligibility guidelines, which balance an individual's need for treatment with victim and public safety concerns. OAG extends diversion agreements and non-diversion agreements to participants in MHCC and has also referred cases to MHCC in collaboration with CSOSA.

Criminal Justice Coordinating Council (CJCC)

- **GunStat:** GunStat is a citywide effort that began in 2008. It focuses on deterring and preventing repeat offenders from future offenses through a coordinated interagency effort guided by information sharing, regular contact with and engagement of law enforcement in communities, swift sanctions, and risk-appropriate pre- and post-trial supervision. GunStat tracks cases as they progress through the criminal justice system and identifies trends, strengths, and weaknesses of the process.
- **Combating Violent Crime:** The purpose of this workgroup is to evaluate and enhance the District of Columbia's strategic and systemic efforts to combat violent crimes, with an emphasis on gun crimes. One of the priority areas for the workgroup is to improve the District's submissions to the Federal Bureau of Investigation's National Instant Criminal Background Check System, Interstate Identification Index (III), and the National Crime Information Center. This workgroup consists of local and federal partners with efforts

focusing on process level and legislative enhancements to improve reporting to all three of the aforementioned entities.

Department of Health Services

- **Alternatives to the Court Experience Diversion Program:** The Alternatives to the Court Experience (ACE) is a diversion program that works in tandem with the OAG, the MPD, and Court Social Services Division, and functions as the single front door for all diversions from the District's juvenile justice entities. Under the appropriate circumstances, referring entities elect to not prosecute or charge youth who allegedly commit status offenses (*e.g.*, truancy and running away) or low-level delinquency offenses. The overarching goal of ACE is to reduce the number of court-involved youth up to 18 years old by providing youth with appropriate services and community supports instead of prosecution.

Metropolitan Police Department

- **OAG Juvenile Section's Juvenile Hotline:** Police officers from all agencies in the District use this hotline daily to consult with OAG Juvenile Section managers when young people are arrested. This real time consultation allows OAG to make informed decisions about the strengths and weaknesses of the case. Through the Hotline, OAG and MPD routinely collaborate to decide whether a youth should be held in custody, diverted, or released to a parent pending case screening and papering the next day.

Montgomery County State's Attorney's Office (MCSAO) and Prince George's County State's Attorney's Office (PGSAO)

- **The Multi-Jurisdictional Task Force (Task Force):** This is a three-party partnership related to juvenile and criminal cases spanning jurisdictional lines across Washington, D.C., and Montgomery and Prince George's Counties in Maryland. The Task Force was established in 2021 between OAG and PGSAO. Through the Task Force, Maryland created an interstate compact warrant notification system that remains in use. OAG and PGSAO meet twice a month to discuss cases in which both jurisdictions have an interest. This includes cases in which a young person commits a crime that crosses jurisdictional borders and instances when a young person has separate cases pending in multiple jurisdictions. The Task Force has resulted in more global pleas, where youth have accepted responsibility for their actions in both jurisdictions. In 2022, MCSAO joined the Task Force, enabling broader collaboration with OAG.

United States Attorney's Office (USAO)

- **Memorandum of Understanding (MOU):** In June 2021, OAG entered into an MOU with USAO concerning the prosecution of persons under the age of 18 as adults pursuant to Title 16 of the D.C. Code. Under this MOU, the parties agreed to consult with each other prior to USAO's exercising its Title 16 authority to prosecute youth in the adult system. USAO and OAG have since abided by this MOU, consulting with each other numerous times, often after the OAG Juvenile Hotline was called, and OAG determined that the offense was a Title 16 related offense. In each situation, USAO considered OAG's input and rendered a thoughtful decision on the matter.

Department of Justice – Office of Juvenile Justice Delinquency and Prevention

- The OAG Restorative Justice Section receives a federal Department of Justice Office of Juvenile Justice Delinquency and Prevention grant for its work using restorative justice in connection with crimes committed by juveniles. The three-year Juvenile Justice Systems Reform grant funds two restorative justice staff positions and funds cognitive behavioral therapy services to youth in the program.

Show Up Stand Out

- During FY22 to FY23 to date, OAG’s ATTEND Program began exploring a potential partnership with “Show Up, Stand Out”—a truancy reduction program administered by the District’s Office of Victim Services and Justice Grants to coordinate direct services to parents participating in ATTEND case management and parent engagement events at both the elementary and middle school levels.

88. Please describe OAG’s work bringing extreme risk protection order cases in D.C. Superior Court in FY22 and FY23, to date, including a brief description of each case (whether successful or unsuccessful) (e.g. self-harm, domestic violence, community violence).

RESPONSE: OAG handled 15 ERPO cases between October 1, 2021, and January 6, 2023. The table below includes matters resolved or initiated during the relevant time period. Ten have resolved, and five are pending.

Date filed	Petitioner type	Poses harm to	Ex parte granted	Final outcome	Outcome date
4/28/2021	Family member	Self and others	Y	Granted	12/16/2021
10/20/2021	Mental health professional	Others	Y	Granted	12/13/2021
11/9/2021	Cohabitant	Others	Y	Granted	11/23/2021
12/20/2021	Intimate partner	Others	Y	Dismissed based on entry of civil protection order following resolution of associated criminal case	1/19/2023
1/31/2022	Family member	Others	Y	Dismissed by petitioner	4/5/2022
2/14/2022	Intimate partner	Others	Y	Granted	3/7/2022
2/25/2022	MPD	Self and others	Y	Granted	9/9/2022
5/27/2022	MPD	Self and others	Y	Denied	10/26/2022
5/27/2022	Mental health professional	Self and others	Y	Granted	6/10/2022
6/28/2022	Intimate partner	Others	Y	Dismissed based on entry of civil protection order	8/8/2022

Date filed	Petitioner type	Poses harm to	Ex parte granted	Final outcome	Outcome date
8/15/2022	MPD	Self and others	Y	Dismissed, unable to serve	12/13/2022
11/4/2022	MPD	Self and others	Y	Granted	2/16/2023
12/9/2022	Intimate partner	Others	Y	Dismissed based on entry of civil protection order	1/5/2023
12/13/2022	MPD	Self and others	Y	Pending	N/A
12/14/2022	MPD	Self and others	Y	Pending	N/A

89. How many *qui tam* actions have been brought pursuant to the False Claims Amendment Act of 2020 in FY22 and FY23, to date?

RESPONSE: Thus far, two *qui tam* complaints have been brought under the FCA. In the matter that is now public, OAG has intervened and is litigating its case against Michael Saylor and MicroStrategy. *See District of Columbia ex rel. Tributum v. Saylor, et al.*, 2021 CA 001319 B. OAG has additional investigations under the FCA that do not involve *qui tam* complaints, but rather are brought independently by OAG without any relator. OAG has also sued the owners of a vacant property located at 1000 C Street, NE for vacant property fraud. *See District of Columbia v. 1000 C Street, et al.*, 2022 CA 002054 B.

a. In how many of these claims did OAG seek to intervene? Of those, how many were dismissed?

RESPONSE: Of the *qui tam* claims brought to date, only one is not under seal: *District of Columbia ex rel. Tributum v. Saylor, et al.*, 2021 CA 001319 B. OAG has intervened and is actively litigating this case.

90. How many claims were filed against the District pursuant to the District of Columbia Whistleblower Protection Act in FY22 and FY23, to date? Please indicate which agency was involved in the litigation and the status of each complaint. Please also provide a brief description of the allegations in the case.

RESPONSE: The following cases were filed in FY22 and FY23 to date.

Case Name and Number	Agency Involved	Summary of Allegations	Case Status
<i>Andelman v. District of Columbia, et al.</i> , 2022 CA 001613 B	MPD	Plaintiff claims he suffered retaliation after reporting an alleged violation of an MPD General Order and D.C. law relating to a vehicular pursuit.	Open. Defendants' motion to dismiss was denied on December 15, 2022. Defendants' answer to the Complaint was filed on January 19, 2023. A scheduling order for discovery has been entered.
<i>Andrews v. District of Columbia</i> , 2020 CA 003438 B	DCNG	Plaintiff alleges he suffered retaliation following disclosure of purported noncompliance issues at a facility, including mismanagement of hazardous waste.	Open. This case is in discovery. The Superior Court granted defendants' motion to dismiss on January 13, 2021. Plaintiff appealed that decision, and the D.C. Court of Appeals affirmed in part and reversed in part and remanded the case in July 2022.
<i>Brinkley, et al. v. District of Columbia, et al.</i> , 1:21-cv-1537 (RBW)	MPD	Plaintiffs claim they suffered retaliation for filing EEOC charges and making disclosures to MPD supervisors about alleged racial discrimination.	Open. Defendants' partial motion to dismiss the Second Amended Complaint is pending.
<i>Bundy v. District of Columbia</i> , 2021 CA 002217 B	MPD	Plaintiff claims that MPD threatened to remove him from the Capital Area Regional Fugitive Task Force after he allegedly made disclosures about MPD's Homicide Unit.	Open. The District's motion to dismiss was denied on February 4, 2022. The case is in discovery.
<i>Carson, et al. v. MPD</i> , 1:21-cv-3208 (RBW)	MPD	Plaintiffs allege racial discrimination and retaliation by their IAD supervisor.	Open. Defendant's partial motion to dismiss is pending.
<i>Carter, et al. v. District of Columbia</i> , 1:22-cv-426 (JMC)	MPD	Plaintiffs claim retaliation for reporting alleged retaliatory actions by MPD's EEO Department.	Open. The District's partial motion to dismiss is pending.

Case Name and Number	Agency Involved	Summary of Allegations	Case Status
<i>Jackson-King, et al. v. District of Columbia</i> , 2022 CA 000495 B	DCPS	Plaintiffs allege that DCPS retaliated against them for making disclosures about DCPS's alleged discriminatory practices related to its partnership with Relay Graduate School of Education.	Open. The District's motion to dismiss is pending.
<i>Johnson v. District of Columbia</i> , 2022 CA 003594 B	DCPL	Plaintiff alleges she suffered retaliation after reporting that documentation was missing in connection with the MLK Central Renovation project.	Open. The Court partially granted the District's motion to dismiss. The scheduling order has not yet been issued.
<i>Lee v. District of Columbia</i> , 2022 CA 001102 B	DCPS	Plaintiff alleges he was terminated in retaliation for filing an official agency complaint reporting a workplace assault and violation of D.C. Code § 22-407.	Open. The pretrial conference is scheduled for February 28, 2023.
<i>Leger v. District of Columbia</i> , 2022 CA 004303 B	DBH	Plaintiff alleges he suffered retaliation after he submitted an incident report to the Office of Accountability, resulting in an investigation into Plaintiff's nursing license and credentials.	Open. The District's motion to dismiss is pending.
<i>Lockerman v. District of Columbia, et al.</i> , 2022 CA 003023 B	MPD	Plaintiff alleges that she was denied a promotion as retaliation for filing her claims in the <i>Brinkley</i> putative class action lawsuit.	Open. Defendants' motion to dismiss is pending.

Case Name and Number	Agency Involved	Summary of Allegations	Case Status
<i>Magid-Lewis v. District of Columbia</i> , 2022 CA 003362 B	OCTO	Plaintiff, a former accountant at OCTO, alleges that she suffered retaliation after refusing to falsify a fund sheet and that she was subsequently terminated after reassignment to another agency.	Open. The scheduling order has not yet been issued.
<i>McIntosh, et al. v. District of Columbia, et al.</i> , 1:22-cv-1186 (JMC)	MPD	Plaintiffs allege that their employment was terminated because they participated in an investigation into misconduct.	Open. Defendants' motions to dismiss are pending.
<i>McKay v. District of Columbia</i> , 2022 CA 001389 B	DOC	Plaintiff alleges she suffered retaliation after reporting conditions at the D.C. Jail and complaining about the requirement that staff work in-person during the COVID-19 pandemic.	Open. The case is in discovery.
<i>Ruffin, et al. v. District of Columbia, et al.</i> , 1:22-cv-02341 (JEB)	DPW	Plaintiffs allege they were subject to adverse actions after complaining about favoritism by DPW management.	Open. The District's motion to dismiss is pending.
<i>Walraven v. District of Columbia</i> , 2022 CA 003010 B	DFS	Plaintiff alleges she was terminated for cooperating in an investigation conducted by the District of Columbia Office of the Inspector General.	Open. The District's motion to dismiss was partially granted. A motion for reconsideration seeking full dismissal is pending.

Case Name and Number	Agency Involved	Summary of Allegations	Case Status
<i>Wilcox v. District of Columbia</i> , 2022 CA 003137 B	OAG	Plaintiff, an OAG CSSD employee, brings suit against the District and two OAG managers, claiming she was placed on a performance improvement plan in retaliation for allegedly engaging in protected activity.	Open. The case is in discovery.

91. Regarding child support:

a. How many child support petitions were filed in FY22 and FY23, to date?

RESPONSE: CSSD filed 975 petitions in D.C. Superior Court in FY22 and 227 petitions to date in FY23.

b. How many motions to modify child support has the Child Support Services Division (CSSD) received in FY22 and FY23, to date? How many of these motions has CSSD opposed? How many has CSSD consented to?

RESPONSE: CSSD does not formally consent to motions to modify child support orders; rather, it files motions of opposition or files praecipes indicating no opposition or no position. In FY22, CSSD received 279 motions to modify from non-custodial parents. In response, CSSD filed 130 written oppositions, six praecipes of no opposition, and eight praecipes indicating that the government takes no position. In FY23 to date, CSSD received 65 motions to modify and has filed 15 written oppositions. CSSD attorneys also argue oppositions on the record if the matter arises in court, but CSSD does not track these oral oppositions.⁶⁷

c. How many motions for contempt has CSSD filed in FY22 and FY23, to date?

RESPONSE: Motions for contempt are filed when a non-custodial parent fails to pay required child support and are based on a case-by-case evaluation of factors such as the custodial parent's need for support and evidence of the non-custodial parent's ability to pay. In FY22, CSSD filed 119 new motions for contempt. In FY23 to date, CSSD has filed 25 new motions for contempt.

⁶⁷ The number of motions received and number of oppositions listed do not correspond on a one-to-one basis because not all motions to modify are met with formal motions or praecipes. Instead, some motions to modify are withdrawn after filing, some motions are moot because the matter has already been resolved or separate relief granted by the court nullifies the request, some motions are responded to orally in court, and some motions are dismissed for want of prosecution.