FY 2024 PERFORMANCE PLAN
Office of the Attorney General

MISSION

The Office of the Attorney General (OAG) is the chief legal office of the District of Columbia. OAG enforces the laws of the District and promotes the public interest. OAG's mission is to provide the District government with the highest level of legal advice and service, and to promote the interests of District residents. OAG seeks to be the nation's premier public law office.

SUMMARY OF SERVICES

OAG is responsible for conducting the District's legal business in a manner that is in the public interest. The Attorney General is the chief legal officer of the District of Columbia. The Attorney General's opinions on legal questions have the force of law unless overruled by a court or legislatively by the District of Columbia Council. OAG represents the District in virtually all civil litigation and represents the District in a variety of administrative hearings and other proceedings. OAG prosecutes juvenile and certain adult criminal offenses on the District's behalf. OAG advises the Executive Office of the Mayor, the Council of the District of Columbia, the District of Columbia Courts, and various agencies, boards and commissions. OAG also reviews legislation, regulations, land dispositions, and contracts for legal sufficiency to ensure the legality of the government's actions. OAG provides legal and litigation support in procurement, tax and finance, bankruptcy, land use, and public works. OAG advocates on behalf of children by seeking to establish parentage and create an opportunity for financial stability as well as intervening on behalf of abused and neglected children when their safety and wellbeing is at risk. OAG also takes legal action to protect and promote the public interest. This includes protecting children, seniors, and developmentally disabled adults, bringing affirmative litigation to promote the interests of District consumers, taxpayers, tenants, environment, and workers, and enforcing the District's consumer protection, civil rights, antitrust, false claims, nonprofit, elder financial exploitation, and environmental laws, among others. All told, the Attorney General supervises the legal work of about 330 attorneys and an additional 330 administrative and professional staff.

PERFORMANCE PLAN DIVISIONS AND OFFICES

The purpose of the yearly performance plan is to ensure that each year, the agency evaluates its progress, reflects on its goals, and sets out a path for improvement that can be referenced throughout the year. In this Performance Plan, each of OAG's offices and divisions set forth initiatives that will help them better achieve their specific missions. Unless otherwise specified, the deadline for each initiative is the end of the fiscal year (September 30, 2024). This year's plan includes initiatives for the following offices and divisions:

- Immediate Office
- Child Support Services Division
- Civil Litigation Division
- Commercial Division
- Family Services Division
- Legal Counsel Division

- Office of the Solicitor General
- Public Advocacy Division
- Public Safety Division
- Support Services Division

Immediate Office

The Immediate Office sets the direction for OAG. This includes ensuring that the agency provides high quality legal services to the District government, communicating and engaging with the public, and setting OAG's policy priorities. The Immediate Office seeks to build a best-in-class public law office.

INITIATIVE 1: Update Communications Resources for the Public.

To strengthen community relationships and ensure transparency, the Immediate Office will implement a comprehensive public engagement and communication strategy, including a user-friendly and accessible website redesign. This initiative aims to increase public awareness of OAG's mission, services, and accomplishments, foster proactive engagement on key legal issues, and gather valuable community feedback to inform decision-making. It will be deemed successful if, by September 30, 2024, OAG has refreshed its website with updated materials and repositories of information.

INITIATIVE 2: Build a Policy and Legislative Team.

To strengthen OAG's role in policy leadership and advocacy, the Immediate Office will expand a dedicated policy team to develop a comprehensive policy agenda. This initiative will enable proactive engagement with the Council and Congress, ensure alignment with key legislative and regulatory priorities, and better leverage OAG's role as a thought leader on critical legal and policy issues impacting the District. It will be deemed successful if, by September 30, 2024, OAG has a comprehensive policy agenda and has had regular, at a minimum quarterly, outreach to each Councilmember and committee office and establishes monthly check-ins with the Council and EOM on federal government relations.

Child Support Services Division

CSSD assists families in the District with locating absent parents, establishing paternity, establishing orders for monetary and medical support, collecting ongoing support, and enforcing delinquent child-support orders. CSSD seeks to ensure that District children receive the financial support to which they are legally entitled.

INITIATIVE 1: Increase Training Accessibility.

The purpose of the Training Accessibility initiative is to provide a real-time learning resource for CSSD staff. The Division is creating the "CSSD Resource Corner," which is an online site on which training materials, videos of training sessions, self-paced programming, and similar learning resources will be housed. It is a single location intended to acquaint or remind staff about the wealth of resources available that will provide around-the-clock access to information whether a person is

working in the office or remotely.

The Division made important progress on this initiative during FY23. Supported by technology partners, CSSD identified and tested a platform on which to host the CSSD Resource Corner. CSSD has since started adding learning and policy materials onto the site. Completing this initiative remains at the forefront of Division leadership's emphasis on continuous improvement. Accordingly, this initiative is being carried over into FY24. It will be deemed successful if, by September 30, 2024, the Division is able to upload additional materials and can demonstrate the CSSD Resource Corner is being utilized as an ongoing part of staff orientation, remediation, and professional development.

INITIATIVE 2: Early Intervention Initiative.

Educating and supporting the parents involved in child support cases is critical. Research demonstrates that families are more likely to be successful when they have accurate and timely information about their paternity and child support cases. Accordingly, in FY22, CSSD began developing a customer orientation program series in which CSSD provides information about the child support process. CSSD worked with consultants to create session guides for the first three sessions, including talking points for the presenter and a short video outlining core content for the session topic. The CSSD Early Intervention Initiative was substantially completed in FY23.

In the final phase of this initiative, CSSD will hold educational sessions for custodial and non-custodial parents. The sessions were demonstrated to CSSD managers in December 2023. The next step is to test the presentations with a focus group of custodial and non-custodial parents, with CSSD observers, to elicit feedback on the content and messages. This will be deemed successful if, by September 2024, these educational sessions are provided to CSSD customers and recorded sessions are available on the CSSD website.

INITIATIVE 3: Procure a Replacement RV for CSSD's Outreach Activities.

CSSD seeks to replace the RV previously used for community outreach, which was vandalized in 2020. The CSSD outreach team utilized the RV to go into the community to educate the public about CSSD's services. The team will assist those interested in applying for IV-D services, establishing paternity through genetic testing, and executing Acknowledgements of Paternity. This initiative will be deemed successful if, by September 2024, an RV is procured for outreach activities.

Civil Litigation Division

The Civil Litigation Division (CLD) represents the District, its agencies, and its employees in civil actions brought in the Superior Court of the District of Columbia and the United States District Court for the District of Columbia. The Division also represents District agencies in matters enforcing rules and regulations. CLD seeks to provide sound counsel to the District, its agencies, and its employees, including devising strategies for representing them in civil actions and minimizing liability.

INITIATIVE 1: Develop Referral Policies for Labor and Employment Matters.

CLD's Personnel and Labor Relations Section (PLRS) represents District of Columbia agencies in labor and employment matters, including matters relating to (1) disciplinary actions; (2) public sector

workers' compensation claims; (3) charges of discrimination; and (4) reductions in force. PLRS attorneys practice before several administrative forums and provide representation in administrative appeals in the Superior Court of the District of Columbia. To ensure that PLRS's resources are focused on work that provides the most benefit to the District, CLD will develop referral policies for the workstreams identified above to ensure maximum efficiency. This initiative will be considered successful if those policies are developed and implemented by September 30, 2024.

INITIATIVE 2: Create a New General Litigation Section.

CLD will create a new general litigation section (Section V) to balance the increasing workload across all general litigation sections. Section V will handle the types of cases litigated by CLD's four other general litigation sections, including constitutional tort, employment, and personal injury matters. The creation of this new section will allow greater flexibility in staffing cases and enhance case management and supervision across the Division. This initiative will be considered successful if the new section is created and fully integrated with a section chief, line attorneys, and professional support staff by September 30, 2024.

Commercial Division

The Commercial Division provides legal services, advice, and advocacy related to numerous core governmental functions, including the procurement of goods and services, the acquisition of real estate, the support of economic development projects and government property management, the financing of government operations through the issuance of bonds, the collection of taxes, and the collection of debts from individuals and entities in bankruptcy. The Division also determines the legal sufficiency of major contracts and land dispositions, and advocates on behalf of the public interest in zoning matters to ensure housing affordability and racial equity. The Commercial Division seeks to provide legal support to District agencies to maximize and protect the District's commercial assets.

INITIATIVE 1: Create Public Education Materials on Land Use Processes.

As part of its mission to better explain the District's land use processes to District residents, ELU will finalize a page to be included in OAG's website that will contain (i) details of ELU's interventions in the District's land use processes; (ii) explanations of the District's land use processes; and (iii) links to maps, documents, and other resources relevant to understanding and participating in the District's land use processes. This initiative will be considered successful if ELU completes a final page by September 30, 2024, for inclusion in OAG's website.

INITIATIVE 2: Train Advisory Neighborhood Commissions on Land Use Processes.

As part of its mission to explain the District's land use processes, ELU will conduct outreach to ANCs. This initiative will be considered successful if ELU is able to present to representatives from at least 10 individual ANCs by September 30, 2024.

Family Services Division

The Family Services Division (FSD) works on behalf of the District's most vulnerable residents:

abused and neglected children. The Division prosecutes civil child abuse and neglect cases and represents the Child and Family Services Agency (CFSA) in all stages of permanency planning, including proceeding to terminate parental rights when necessary. FSD seeks to provide quality representation to CFSA on child abuse and neglect cases.

INITIATIVE 1: Track Outcomes for Youth in Parental Rights Termination Cases.

District law (D.C Code §16-2354(b)(3)(A)) requires the District of Columbia government to file a motion to terminate parental rights if the child has been in court-ordered custody under the responsibility of the District for 15 of the most recent 22 months unless a compelling reason exists. FSD has processes in place to comply with this mandate in individual cases but needs to develop a data tracking system for all youth where a compelling reason is applied. FSD will track outcomes for all youth from October 1, 2023, through September 30, 2024. This measure will be successful if a tracking system is developed and maintained.

INITIATIVE 2: Educate the Public about Child Abuse and Neglect Laws.

FSD will participate in community engagement at least once a quarter with the goal of educating the community about child abuse and neglect laws as well as issues that mandated reporters and concerned citizens should consider in providing support to children and families in the District of Columbia. This initiative will be successful if at least four community events are held over the course of the fiscal year.

INITIATIVE 3: Expand Lunch and Learn Sessions to New Areas of Practice.

In FY23, FSD partnered with managers in CFSA who supervise foster care youth in peer learning and support sessions known as Chat and Chew. This forum has increased partnership and provided an opportunity for educational exchanges around issues such as changes in case law and visitation requirements and writing more effective court reports. In this initiative, FSD will engage the managers who oversee Child Protective Services as well as In-Home administration in a similar forum so that additional peer learning exchanges can occur with those areas of practice. In FY23, FSD was able to do these Chat and Chews for two of the four quarters. For FY24, FSD will aim to have these sessions more regularly. This measure will be successful if a session occurs in each quarter of FY24, or at least four times during the fiscal year.

Legal Counsel Division

The Legal Counsel Division (LCD) provides legal research and advice to the Attorney General, the Executive Office of the Mayor (EOM), District agencies, and the Council of the District of Columbia. In addition, LCD determines the legal sufficiency of legislation, rulemakings, inter-agency MOUs; and assists with drafting statutes and regulations for the EOM, OAG, and District agencies. The Division also prepares formal opinions, legal memoranda, legal advice letters, and Office Orders for the Attorney General and serves as an attorney-advisor to the Advisory Neighborhood Commissions.

INITIATIVE 1: Conduct Training for District Employees.

The Legal Counsel Division includes several experienced attorneys who often provide training on a

variety of subjects, which are open to all District employees. These training address recurring issues concerning what District law requires as well as best practices. Common training topics include rulemaking, legislation, and appropriations. This initiative will be considered successful if five trainings are conducted by September 30, 2024.

INITIATIVE 2: Prepare White Papers on Significant Legal Issues.

LCD is often asked to opine on complex questions of law involving the District's Home Rule Act, Administrative Procedure Act, separation of powers, and others. LCD intends to begin preparing white papers on significant and recurring legal issues affecting the District government. This initiative will be considered successful if LCD produces three such white papers by September 30, 2024.

Office of the Solicitor General

The 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. OSG seeks to provide top-flight legal services in handling the District's litigation in the appellate courts.

INITIATIVE 1: Develop and Deliver Trainings Targeted at the Needs of Particular Divisions.

In addition to litigating appeals, OSG also assists trial divisions by providing feedback on written work product and offering advice on case strategy. Part of that collaboration involves facilitating trainings on brief writing and on creating appeal-proof records. To that end, OSG will produce tailored trainings that are targeted toward the needs of two divisions with which OSG works closely—the Public Safety Division and the Personnel, Labor, and Employment Division. This initiative will be successful if OSG attorneys create and deliver two trainings—one for each of the aforementioned Divisions—on issues relevant to their work by September 30, 2024.

INITIATIVE 2: Coordinate Efforts Among States to Protect and Advocate for Voting Rights.

As part of its substantial multistate and amicus docket, OSG plays a leadership role among states on issues concerning voting rights. This fiscal year, with a presidential election on the horizon, OSG will continue those efforts by leading, drafting, and filing additional amicus briefs on voting rights issues. This initiative will be successful if OSG leads at least two multistate amicus briefs concerning voting rights by September 30, 2024.

Public Advocacy Division

The Public Advocacy Division promotes the rights of District residents through civil enforcement actions—with a particular emphasis on protecting marginalized and disadvantaged communities. The Division is focused on civil rights, workers' rights, consumer protection, housing conditions, antitrust, antifraud, non-profit enforcement, environmental enforcement, and protecting elders and vulnerable adults from financial exploitation.

INITIATIVE 1: Revise Financial Disclosure Form.

In some of the enforcement investigations and litigation cases initiated by PAD, targets and defendants claim lack of financial resources as a reason they are unable to pay penalties, restitution, or fees. PAD relies in part on information provided on a standard Financial Disclosure Form to judge claims of inability to pay. PAD will consult with financial experts to revise this standard form to ensure it effectively requests relevant and timely information and more effectively confirms inability to pay. This initiative will be successful if PAD completes a revision of its Financial Disclosure Form by September 30, 2024.

INITIATIVE 2: Create Division-Wide Working Group on Bankruptcy Issues

In a growing number of enforcement investigations and litigation cases initiated by PAD, targets and defendants file for bankruptcy to avoid paying full restitution and penalties. PAD attorneys currently work alongside an attorney from our Commercial Division who specializes in bankruptcy law to represent the District's interests in these cases. PAD personnel would benefit from additional training and coordination to promote best practices and a consistent approach to bankruptcy issues. This initiative will be successful if PAD forms a working group on bankruptcy issues with representatives from across PAD's sections and begins regular discussions on relevant topics by September 30, 2024.

Public Safety Division

The Public Safety Division (PSD) prosecutes criminal and civil matters to enhance public safety in the District of Columbia. The Division advances this work through six sections: the Criminal Section, the Domestic Violence and Special Victims Section, the Juvenile Section, the Mental Health Section, the Public Corruption Section and the Restorative Justice Section. PSD prosecutes all juvenile offenses, certain misdemeanor adult offenses, including some offenses related to illegal conduct of public officials, represents survivors of domestic violence in securing protection orders and monitoring compliance with such orders, and represents the District's interests in providing appropriate mental health services to those who are a danger to themselves or the community. PSD work includes developing and implementing innovative alternatives to traditional prosecution, including restorative justice and truancy-prevention programs.

INITIATIVE 1: Intrafamily Conflict Intervention Program – CARES Program.

Intrafamily conflicts involving children in the District of Columbia often cause children to be removed from their home, arrested, and held in custody overnight because families and law enforcement do not have alternatives to this process. When verbal disputes escalate to physical confrontation or destruction of property, parents often feel they have no choice but to call 911 and ask for their child to be arrested. In many instances, after the child spends the night in custody, the case is dismissed because the emergency has ended and the parent does not wish to proceed with prosecution. Sometimes the cycle repeats. When this occurs, the family never gets support or services to address the root causes of the conflict, and the child suffers the traumatic consequences of being needlessly pulled into the juvenile justice system. PSD has developed a conflict intervention plan whereby Metropolitan Police Department (MPD) will respond to 911 calls for incidents of domestic violence involving a young person under eighteen years of age. MPD will assess whether the situation requires mandatory arrest or to be transported to Sasha Bruce. OAG Juvenile Managers will assist

MPD in making this determination through the Juvenile Hotline. This initiative will be considered successful if it is implemented and ten (10) interventions are made by September 30, 2024.

INITIATIVE 2: Reduce Rehospitalizations of Mental Health Consumers.

This initiative is aimed at reducing the "revolving door" effect (frequent rehospitalizations) of certain mental health consumers. The Office of the Attorney General will approach Dr. Shepherd, the Department of Behavioral Health, Chief Clinical Officer, and the Office of General Counsel about a "three strikes" system for consumers who are hospitalized three or more times in a six-month period. The third hospitalization would automatically result in 1) a referral for a community integration team (CIT) meeting and discussion about an off-the-street petition for commitment, unless the consumer is already committed as an outpatient, and 2) connecting the consumer with an Assertive Community Treatment (ACT) team, unless they are already connected to one. This initiative will be considered successful if the program is launched and one (1) automatic CIT meeting and off-the-street petition for commitment is achieved after a third hospitalization by September 30, 2024.

Support Services Division

The Support Services Division (SSD) provides the staff, investigative, financial, logistics, and customer service support that enables the rest of OAG to provide high-level legal services to the District. SSD's Procurement Unit is responsible for processing and approving all requests for good and services to enable OAG to fulfill its mission. SSD seeks to provide exemplary operational and logistical support to OAG divisions.

INITIATIVE 1: Introduce More Constituent-Friendly Call Management Platform.

SSD's Customer Service Section will improve the experience of customers and constituents who call OAG's main line by transitioning to a platform that will allow callers to select from a menu of options to more quickly connect with an OAG professional who can assist them. The new platform will also enable SSD to improve customer service by analyzing call data to inform future policy decisions. This initiative will be successful if SSD transitions to the new platform by September 30, 2024.

INITIATIVE 2: Create a New Security Policy for Employees.

SSD's Risk Manager will collaborate with the Operations Section to draft an OAG security policy to promote a safe and secure work environment and guide employees on the agency's security practices and procedures, including responding to active threats. This initiative will be successful if SSD issues the security policy by September 30, 2024.