

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



**ATTORNEY GENERAL
BRIAN L. SCHWALB**

February 21, 2024

The Honorable Brooke Pinto
Chairwoman, Committee on the Judiciary & Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

RE: OAG Responses for FY23-24 Performance Oversight Hearing – February 28, 2024

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 28, 2024. In preparation for that hearing, please see the below responses¹ to the Committee’s written questions. Please let us know if you would like further information on any of these responses.

ORGANIZATION AND OPERATIONS

1. Please provide the agency’s mission statement.

RESPONSE: OAG enforces the laws of the District, provides legal advice to the District’s government agencies, and promotes the interests of the District’s residents. OAG’s goal is to be the nation’s most effective and respected public law office. To accomplish this goal, we focus on 4 key principles:

- Prioritizing public safety and our kids;
- Expanding home rule, advancing statehood, and safeguarding our democracy;
- Diminishing inequity and dismantling practices that harm residents; and
- Building institutional excellence.

We pursue those principles using 5 core values:

- Integrity and independence;
- Excellence and accountability;
- Active listening and constructive engagement;

¹ Unless otherwise noted, the responses cover FY23 and FY24 through December 31, 2023.

- Teamwork and client service; and
- Inclusivity and respect.

Please see **Attachment 1**, “The OAG Mission Statement,” and **Attachment 2**, “Our Core Values,” for a more detailed explanation of these key principles and core values.

2. **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 3**, “Organizational Chart Dec. 2023,” for a copy of the organizational chart, which is current as of December 31, 2023.

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 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 Cannabis 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 on zoning and planning for ANCs, community groups, and residents to ensure that all District residents have the tools to participate fully in the planning and zoning processes. ELU also 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.
- **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. The Section also handles 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, representing the DC Child and Family Services Agency (“CFSA”) in proceedings before the Family Division of the Superior Court. FSD petitions new cases, litigates allegations of neglect, and ensures children exit the foster care system in a timely fashion through reunification with a parent, adoption, or guardianship. FSD leads OAG’s human trafficking initiative, which is designed to educate and train community members to identify, report, and stop human trafficking. FSD handles cases involving unaccompanied refugee minors and cases before the Family Treatment Court and HOPE Court. FSD also provides legal consultation and training to CFSA for non-court involved matters to identify at-risk children and to provide legal guidance to mitigate the need for court involvement.

- **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 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, Chief Deputy Attorney General, First Assistant Attorney General, and Senior Counsels to the 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.
 - **Ethics and Compliance** serves a dual role as both an ethics advisor and the Freedom of Information Act (FOIA) officer for OAG.

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 occasionally 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, 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** investigates and litigates civil rights claims, including discrimination matters related to housing, education, public accommodations, employment, and bias-motivated violence, and investigates and takes civil action to protect elders and vulnerable adults from financial exploitation. The Section also engages in significant community engagement with residents, advocacy organizations, community groups, and relevant agencies to provide resources and public education on these issues.
- **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 tax fraud.

Personnel, Labor, and Employment (PLED) represents District agencies in administrative personnel-related matters before the Office of Employee Appeals, Office of Administrative Hearings, Office of Human Rights, U.S. Equal Opportunity Commission, Metropolitan Police Department Adverse Action Panels, and Fire and Emergency Medical Services Department Fire Trial Boards. PLED conducts legal sufficiency reviews of collective bargaining agreements and serves as OAG's chief negotiator for successor agreements with OAG's 2 labor organizations. PLED provides appellate representation on personnel matters before the Office of Employee Appeals Board, the Compensation Review Board/Department of Employment Services, various Federal Mediation and Conciliation Services arbitrators, the Public Employee Relations Board, and the District of Columbia Superior Court. Lastly, PLED provides training and compliance services to District agencies on privacy and security issues, as needed.

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

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; obtains Extreme Risk Protection Orders; initiates involuntary civil commitment proceedings for those who are likely to injure themselves or others as a result of their mental illness; and obtains court-appointed guardians for incapacitated individuals.

- **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 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. The section 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, as well as the I Belong Here! truancy prevention program in Sousa Middle School and Johnson Middle School.
- **Domestic Violence and Special Victims Section** provides specialized, victim-centered, trauma-informed assistance in 3 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 (ERPO) to remove firearms from the possession of individuals whom law

- enforcement, mental health providers, or family members fear are at risk of harming themselves or others, and partners with other public and private agencies to staff the District's 2 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.
- **Mental Health Section** represents the Department of Behavioral Health (DBH) in litigation in Family Court, Probate Court, Criminal 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 this section also seek ERPOs 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.

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.

a. 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 4**, “Schedule A – Vacant Positions as of 01.10.2024,” and **Attachment 7**, “Q2 & Q4 Positions Listing (Schedule A Report) as of 01.10.24.”

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

Family Services Division (FSD): To enhance the well-being of children and families involved in the child abuse and neglect system, FSD has introduced a fifth Child Protection Section. This newly established section will not only oversee litigation related to child abuse and neglect but will also collaborate with the Child and Family Services Agency (CFSA). The primary focus of this collaboration includes conducting comprehensive case reviews for CFSA-involved children residing in their homes, offering legal consultations for potential litigation, refining existing practices, and coordinating regular training sessions.

Immediate Office (IO): The leadership structure within the Immediate Office underwent a restructuring, introducing the position of First Assistant Attorney General. This new role directly reports to the Attorney General and is responsible for overseeing some of the legal practice and operations of OAG, as well as ensuring alignment with the strategic priorities of

OAG. The First Assistant Attorney General has primary responsibility for overseeing the Public Safety, Family Services, and Child Support Services Divisions.

Additionally, the Immediate Office added an Ethics and Compliance Counsel, who, previously housed in the Legal Counsel Division, serves a dual role as both an ethics advisor and the Freedom of Information Act (FOIA) officer for OAG. Beyond ethical guidance, the Ethics and Compliance Counsel actively contributes to shaping OAG's records management and retention policies.

Personnel, Labor, and Employment Division (PLED): Effective February 13, 2024,² PLED was dissolved. Staff working on personnel and labor relations matters, including representing the District in employment matters before administrative agencies, were transferred to the Civil Litigation Division. Staff working on privacy and confidentiality matters, including providing District-wide guidance on compliance with privacy laws, were transferred to the Legal Counsel Division.

Public Advocacy Division (PAD): Effective January 23, 2024,³ the Social Justice Section of PAD was renamed the Housing and Environmental Justice Section to more specifically reflect the work of the Section.

3. **Please list each new program implemented by the agency during FY 2023 and FY 2024, to date. For each initiative please provide:**
 - a. **A description of the initiative, including when begun and when completed (or expected to be completed);**
 - b. **The funding required to implement the initiative;**
 - c. **Any documented results of the initiative.**

RESPONSE: Please see **Attachment 5**, "FY 2023 Performance Accountability Report," and **Attachment 6**, "FY 2024 Performance Plan." Please also see the highlights provided in response to Question 26 for a list of programming achievements.

In addition to the initiatives listed there, PSD has implemented 2 new programs with local universities. First, the Modern Prosecutors Program at Catholic University of America Columbus School of Law is designed to introduce law students to practices and trends in modern prosecution. The students work directly with OAG prosecutors in handling select juvenile cases pending in the District of Columbia Superior Court. The students learn how to work through cases by shadowing OAG prosecutors and other staff members. They are assigned to specific cases where they are responsible for conducting legal research, drafting motions, requesting discovery, working with witnesses, and any other task necessary for the prosecution of your case. The course is designed to enable the students to analyze juvenile cases through the lens of a modern prosecutor; from charging decisions, to plea negotiations,

² Though this change took place outside the subject period for these questions, we are including it here for completeness and clarity.

³ Though this change took place outside the subject period for these questions, we are including it here for completeness and clarity. This section is referred to as the Social Justice Section, or SJS, in the remainder of this document, as that was the Section's name during the relevant time period.

to trials. In addition to the weekly, in-person, 2-hour class, the students devote 16 hours to work in OAG. The students serve as student counsel on cases OAG's Juvenile Section prosecutes in the Family Division. The class is offered in the fall semester, September through December.

Second, PSD entered into an MOU with Howard University School of Social Work for Howard University to provide a student for additional case management support for the ATTEND Mediation Program. OAG provides planned supervisory conferences with the student at least once a week with discussion time; provides opportunities for the student to develop professional communication skills; provides quality learning experiences for the student that emphasize the breadth and depth of the profession and; accepts ultimate responsibility for quality supervision of the student in providing professional services to clients and/or performing other professional duties. Utilizing the skills acquired, the student is responsible for assisting with case management of parents that are referred to the ATTEND mediation program.

4. **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:**
 - a. **Title of position;**
 - b. **Name of employee or statement that the position is vacant, unfunded, or proposed;**
 - c. **Date employee began in position;**
 - d. **Salary and fringe benefits (separately), including the specific grade, series, and step of position;**
 - e. **Job status (continuing/term/temporary/contract);**
 - f. **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 7**, "Q2 & Q4 Positions Listing (Schedule A Report) as of 01.10.24." This information was collected as of January 10, 2024.

5. **Please provide a list of all memoranda of understanding ("MOU") entered into by your agency during FY 23 and FY 24, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date (if applicable).**

RESPONSE: Monetary MOUs are included in **Attachment 8**, "Interagency Accounting." See below for non-monetary MOUs.

Non-Monetary MOUs

CSSD		
FY23 and FY24	Start	End
Washington Metropolitan Area Transit Authority – Receipt of Notice of Hearing and Order Directing Appearances (NOHODA) for WMATA employees	10/7/14	Continues each FY until terminated by one of the parties
D.C. Superior Court – Operations Support	8/24/23	Continues each FY with written agreement by 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	9/30/26 with option to extend for 2 five-year periods
Department of Human Services – Temporary Aid for Needy Families Sanctions	5/1/23	9/30/23
Department of Health – Access to Vital Records	10/1/15	Continues each FY until terminated by one of the parties
DC Superior Court – Operation of Access & Visitation Center	10/1/22	9/30/23
DC Superior Court – Operation of Access & Visitation Center	10/1/23	9/30/24
Metropolitan Police Dept. – Execution of Warrants/Service of NOHODA	10/1/22	9/30/23 with option to renew yearly in writing

CLD		
FY23 and FY24	Start	End
MOU between DHCF and OAG to pay a portion of the salary of 1 attorney assigned to the Civil Enforcement Section (CES) to enforce the Health Care Assistance Reimbursement Act.	10/1/22	Continues each FY until terminated by one of the parties

HR		
FY23	Start	End
Memorandum of Agreement with the Department of Health Care Finance for staffing support (1 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		
FY23 and FY24	Start	End
District of Columbia Memorandum of Agreement on the Multidisciplinary Response to Child Sex Abuse	1/27/95	6/19 The parties continue to adhere to the terms
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

PAD		
FY23 and FY24	Start	End
MOU between OAG and Department of Aging and Community Living (DACL) – Information sharing	12/1/20	Continues each FY until terminated by one of the parties
MOU between OAG and Office of the State Superintendent of Education (OSSE) concerning nonresident tuition fraud enforcement	1/17/20	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 (FERPA)	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 FERPA	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, Network for Victim Recovery of DC, Legal Counsel for the Elderly, MPD, DAFL 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 the U.S. Department of Labor and OAG concerning enforcement of wage/hour laws	12/30/22	Continues each FY until 12/30/27
MOU between the Federal Communications Commission and OAG concerning telecommunications fraud and abuse	3/25/22	Continues each FY until terminated by one of the parties
MOU between the Consumer Financial Protection Bureau and OAG – Information sharing	8/30/12	Continues each FY until terminated by one of the parties

PSD		
FY23 and FY24	Start	End
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
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 (MOU has not been resigned yet, but is expected to be resigned to cover the remainder of FY24)	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 (MOU with DCPS has not been resigned yet, but is expected to be resigned to cover the remainder of FY24)	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 the Department of Behavioral Health (DBH) – Program Operations for DBH Forensic Fellows to assist with court matters	1/12/23	Continues each FY until terminated
MOU with Howard University School of Social Work and OAG for Howard University to provide a student for additional case management support for the ATTEND Mediation Program	6/23/23	1/27
MOU between DBH and OAG for OAG to represent DBH in Superior Court	8/24/23	Continues each FY until terminated

6. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.
- a. Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - b. 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 272) 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: Roger Scott, President, AFSCME, Local 2401, Program Analyst, Child & Family Services Agency, roger.scott@dc.gov and (202) 727-3362.

AFGE Local 1403

The following CBAs govern OAG's bargaining unit attorneys (approximately 247) and bargaining unit attorneys in subordinate mayoral agencies (approximately 113). The parties began bargaining for both successor agreements in March 2023, however, at this time there is no completion date.

- 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.

7. Please provide the agency's FY 2023 Performance Accountability Report.

RESPONSE: Please see **Attachment 5**, "FY 2023 Performance Accountability Report."

BUDGET AND FINANCE

8. Please provide a chart showing the agency’s approved budget and actual spending, by division, for FY 2023 and FY 2024, 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 9, “FY23-24 Budget to Actual with Variance.”

9. Please list any reprogrammings, in, out, or within, related to FY 2023 or FY 2024 funds. For each reprogramming, please list:
- a. The reprogramming number;
 - b. The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
 - c. The sending or receiving agency name, if applicable;
 - d. The original purposes for which the funds were dedicated;
 - e. The reprogrammed use of funds.

RESPONSE: Please see the tables below.

FY23 Reprogramming

Reprogramming Number	Funding source	Total amount	Original and reprogrammed purpose-within the agency
REPROG-850	Local	\$150,000.00	Reprogrammed litigation support dollars to support expenses related to the newly-elected AG’s transition costs.
REPROG-869	SPR	\$475,000.00	Reprogrammed funding from Professional Services to Grants to support funding for the Returning Citizens Grants.
REPROG-903	Local	\$6,736.47	Re-aligned the budget authority from Fleet to Auto Fuel to support the latter’s expenses.
REPROG-1002	SPR	\$130,000.00	Reprogramming from Supplies and Equipment to Other Services to fund additional litigation support activities.
REPROG-1008	Local	\$29,720.00	Funds for restorative justice inadvertently budgeted to wrong account; reprogramming to redirect funds to correct parent account and account code.
REPROG-1072	Local	\$2,289,000.00	There were unexpected technology costs and higher than expected costs for litigation activities requiring additional non-personnel service funding. The reprogramming shifted local funds from personnel services to cover non-personnel services needs within OAG.

FY24 Reprogramming

Reprogramming Number	Funding source	Total amount	Original and Reprogrammed purpose-within the agency
REPROG-1141	SPR	\$557,730.00	The reallocation supports FY24 litigation activities and support for CARES interagency agreement with Department of Human Services. Reprogramming from Supplies, Professional Services, and Equipment to cover requirement expenses in Grants.

- 10. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2023 and FY 2024, to date, including:**
- a. Buyer agency and Seller agency;**
 - b. The program and activity codes and names in the sending and receiving agencies' budgets;**
 - c. Funding source (i.e. local, federal, SPR);**
 - d. Description of MOU services;**
 - e. Total MOU amount, including any modifications;**
 - f. The date funds were transferred to the receiving agency.**

RESPONSE: Please see **Attachment 8**, "Interagency Accounting." Please note with the implementation of the District's Integrated Financial System there are no longer advances/transfers through the interagency process.

- 11. Please provide a list of all MOUs in place during FY 2023 and FY 2024, to date, that are not listed in response to the question above.**

RESPONSE: Please see response to Question 5 above.

- 12. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2023 and FY 2024, to date. For each account, please list the following:**
- a. The revenue source name and code;**
 - b. The source of funding;**
 - c. A description of the program that generates the funds;**
 - d. The amount of funds generated by each source or program in FY 2023 and FY 2024, to date;**
 - e. Expenditures of funds, including the purpose of each expenditure, for FY 2023 and FY 2024, to date.**

RESPONSE:

FY23

Revenue Source Name and Code: TANF – 1060035

- 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% of its collections to the federal government and keeps the remaining 43.8% 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: \$1,879,834.21.
- Expenditures: \$2,499,714.41
- Purpose of Expenditures: Personal and non-personal services support (supplies, copier lease, contractual services) on behalf of child support enforcement.
- FY23 Fund Balance (uncertified): \$5,018,902.75.

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: \$7,300.00.
- Expenditures: \$0.00.
- FY23 Fund Balance (uncertified): \$33,615.40.

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: \$30,909,215.42.
- Amount of Funds Transferred to the General Fund (uncertified): \$2,101,124.70.
- Expenditures: \$22,457,963.27 (includes the \$5M legislative transfer).
- FY23 Fund Balance (uncertified): \$19,000,000.

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.
- Description of Program Generating the Fund: Litigation actions on behalf of the District and identified claimants.
- Amount of Funds Generated: \$4,323,551.68.
- Expenditures: \$2,981,301.31 (includes \$1.9M legislative transfer).
- FY23 Fund Balance (uncertified): \$4,750,850.28.

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.
- FY23 Fund Balance (uncertified): \$1,188.42.

Revenue Source Name and Code: Tenant Receivership Abatement Restitution Fund – 1060415

- 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.
- FY23 Fund Balance: \$51,708.72.

FY24

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% of its collections to the federal government and keeps the remaining 43.8% 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: \$292,253.31.
- Expenditures: \$713,362.69
- Purpose of Expenditures: Personal and non-personal services support (supplies, copier lease, contractual services) on behalf of child support enforcement.

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: \$1,200.00.
- Expenditures: \$0.00.

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: \$2,642,523.38.
- Expenditures: \$3,994,413.46.

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 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: \$10,000.00.
- Expenditures: \$8,114.31.

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: \$65,000.
- Expenditures: \$0.00.

Revenue Source Name and Code: Tenant Receivership Abatement Restitution Fund – 1060415

- 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.

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

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

RESPONSE: In FY03, the 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 DC 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 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. 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 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, Council approved \$4.57 million in additional funding to continue work on the project. In FY24, Council approved an additional \$2 million. OAG has been able to use that funding to leverage matching 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; the ability to refer cases to other jurisdictions; creating non-monetary obligations; reviewing and approving of income withholding orders; and referring a TANF recipient for non-cooperation. Additionally, the ability for customers to apply online has been implemented.

b. The amount of capital funds available for each project;

RESPONSE: There is approximately \$2.6 million remaining in capital funds available for the DCCSES project.

c. A status report on each project, including a timeframe for completion;

RESPONSE: In Spring 2023, OAG paused the project to reevaluate the current workplan and timeline. As part of this reevaluation, OAG has restructured contracts, identified and selected new government management personnel, and assessed the current functionality of DCCSES 2.0 to determine if the system sufficiently meets business requirements. OAG recently onboarded a new project manager who is responsible for aiding OAG personnel with developing a new project plan and timeline. OAG is working closely with the federal partners to identify a development vendor to complete the project. OAG aims to have a revised plan and timeline in place by October 1, 2024.

d. Planned remaining spending on the project.

RESPONSE: Currently, OAG has \$2.6 million in capital funds available for the project. In addition to these funds, OAG plans to include federal matching funds in the project’s overall budget.

14. Please provide a complete accounting of all federal grants received for FY 2023 and FY 2024, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2023, the amount of any unspent funds that did not carry over.

RESPONSE: The tables below list federal grants for FY23 and FY24, to date, and provide the information requested for each such grant. OAG achieved the purpose of each grant.

Fiscal Year	Grant	Purpose of the Funds	Award Date	Award Amount	Expenditure	Current Balance
2023*	Child Support Enforcement	To administer the State Child Support Enforcement Program	10/1/2022	\$23,841,999	\$22,950,168.87	\$891,830.13
2024	Child Support Enforcement	To administer the State Child Support Enforcement Program	10/1/2023	\$11,677,665	\$3,336,331.32	\$8,341,333.68
2023	Access & Visitation	To support the noncustodial parent access to and visitation with their children	10/1/2022	\$100,000	\$100,000	\$0
2024	Access & Visitation	To support the noncustodial parent access to and visitation with their children	10/1/2023	\$100,000	\$0	\$100,000
TOTAL				\$35,719,664	\$26,386,500.19	\$9,333,163.81

* Funding for the FY23 Child Support Enforcement grant did not lapse. The grant is reimburseable therefore the award will be adjusted to the level of expenditures.

15. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2023 and FY 2024, 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 10**, “FY23-FY24 POs by Amount,” (FY24 begins on page 27) and **Attachment 11**, “FY23-FY24 Procurements,” (FY24 begins on page 12).

16. Please provide the details of any surplus in the agency’s budget for FY 2023, 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 FY23 budget.

Appropriated Fund	Fund Title	Surplus	Comment
1010	Local	\$1,106,118.88	\$753,368.58 of the surplus relates to vacancy savings from attrition. The NPS portion primarily relates to savings in professional services and supplies.
1060	Special Purpose Revenue	\$1,951,808.61	The surplus relates to Restitution Fund and Litigation Support Fund. Litigation Support Fund ended with lower than projected costs in professional services. The timing of restitution payments to recipients contributed to the Restitution Fund surplus. Any fund balance will be

			available the following year.
Total Surplus		\$3,057,926.49	

17. For FY 2023 and FY 2024 to date, please provide the number of contracts and procurements executed by your agency. Please indicate how many contracts and procurements were for an amount under \$250,000, how many were for an amount between \$250,000-\$999,999, and how many were for an amount over \$1 million.

RESPONSE: Please see response to Question 15.

LAWS, AUDITS, AND STUDIES

18. 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 2023 or FY 2024, to date.

RESPONSE:

FY23

- The FY23 annual comprehensive financial report (ACFR) was completed by the independent auditors (McConnell & Jones, LLP).
- Federal Office of Child Support Enforcement (OCSE) FY22 Data Reliability Audit – Audits are conducted annually to assess the completeness, reliability, and security of child support data and to assess child support performance indicators. The FY22 data reliability audit is currently in progress. CSSD anticipates a final report to be issued in early March 2024.
- IRS Safeguards Review – The IRS completed an onsite Safeguards Review for the Child Support Services Division in February 2023. Agencies that receive and store Federal Tax Information are required to undergo a review every 3 years. The review included a physical and technical examination of CSSD offices, CSSD vendor sites, CSSD policies, and CSSD IT Infrastructure. A Safeguards Review Report and a Corrective Action Plan (CAP) were issued in April 2023. CSSD is obligated to respond to the IRS CAP every 6 months until all findings are resolved or the next review takes place.

FY24

- OAG has provided information to the independent auditors (McConnell & Jones, LLP) for the FY24 annual comprehensive financial report (ACFR).

19. Please list any reports the agency is required by Council legislation to prepare and whether the agency has met these requirements.

- a. Are there any required regular reports that the agency believes are unduly burdensome and/or underutilized by the Council or the public? If so, please provide details on each such report and, to the extent feasible, an estimate of the budget and/or person-hours required to prepare each report.**

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 under the Attendance Accountability Amendment Act of 2013, D.C. Act 20-133, D.C. Code § 38-209. OAG is currently in compliance.
- Pursuant to D.C. Code § 2-538(c), OAG prepares an annual report of all FOIA litigation handled by the agency. 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.
- Pursuant to D.C. Code § 2-538(a), OAG compiles statistics on FOIA-related activity conducted during the previous year, including number of requests, resolutions of requests, and bases for withholding any portion of public records. 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.
- Pursuant to the Sexual Harassment Data Collection Act, OAG must annually submit to the Office of Human Rights fiscal year data required to be produced under D.C. Official Code § 1-546.02. OAG is currently in compliance.

20. Please list all lawsuits filed in FY23 or FY24, to date 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:

- ***Bryant v. D.C. Office of the Attorney General***, 2023-CAB-3407 (D.C. Superior Court): Plaintiff made a FOIA request and brought suit, alleging an inadequate production. The District filed a motion to dismiss, which was granted.
- ***Jackson v. D.C. Office of the Attorney General***, 2023-CAB-3712 (D.C. Superior Court): Plaintiff appealed an Office of Employee Appeals final decision upholding his termination for cause. Briefs have been filed and a final decision by the Court is pending.
- ***SmileDirectClub, Inc., v. District of Columbia***, 2023-CAB-001476 (D.C. Superior Court): SmileDirectClub, Inc. (SDC) brought suit against the District, alleging that OAG failed to timely produce records in response to SDC's January 23, 2023, District of Columbia Freedom of Information Act (FOIA) requests for certain public records. The parties settled the matter.

- *Treadwell v. District of Columbia*, 22-CV-03616 (D.D.C.). Plaintiff is an OAG Child Support Services Division employee who sued the District. Plaintiff claims she suffered age discrimination in violation of the Age Discrimination in Employment Act and the D.C. Human Rights Act. The case will proceed to discovery.

21. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2023 or FY 2024, 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

- *SmileDirectClub, Inc. v. District of Columbia*, Case No. 2023-CAB-001476 (D.C. Superior Court): SmileDirectClub, Inc. (SDC) brought suit against the District, alleging that OAG failed to timely produce records in response to SDC’s January 23, 2023, District of Columbia Freedom of Information Act (FOIA) requests for certain public records. The case settled in June 2023. Plaintiff agreed to dismiss its claims with prejudice and abandon its right to receive any additional documents or a Vaughn index in exchange for the District’s agreement to file a signed consent judgment and order in *District of Columbia v. SmileDirectClub, Inc, et al.*, 2022-CAB-005671. There was no monetary payment or consideration paid.
- *Ruth Wilcox v. District of Columbia, et al.*, Case No. 2022 CA 003137 B (D.C. Superior Court): Plaintiff sued the District under the D.C. Whistleblower Protection Act and claimed that her performance improvement plan (PIP), transfer, and failure to promote were unlawful retaliation. The Court granted the District’s motion to compel discovery responses from Plaintiff. The parties entered into a settlement to resolve the District’s claim for reasonable expenses incurred when pursuing and filing its May 18, 2023 Motion to Compel pursuant to the Court’s June 13, 2023 Order. Plaintiff paid \$7,236 to the District.

Non-Litigation Matters

Vendor’s Name	Dates	Amount	Description
Alliantgroup, LP	9/21/23	\$10,050.00	Resolution of litigation costs in the matter of Antitrust Nonprofit Enforcement Section DT Institute/Global litigation case.
Advantage Surveillance	9/27/23	\$150.00	Resolution of litigation in the matter of Planchitta Jones v. ORM and DCPR.
The Capital Forum	3/10/23	\$500.00	Resolution of costs for balance of Capital Forum Subscription.
Saul Ewing, LLC	1/17/23	\$21,217.50	Resolution of litigation costs in the matter of <i>D.C. v. 1620 South Capitol Street, SW</i> .

Giarc Consulting, LLC	10/12/23	\$ 4,350.00	Resolution of litigation costs in the matter of <i>Tyson v. D.C.</i>
Harmon, Curran, Spielberg & Eisenberg, LLP	7/5/23	\$1,367.47	Resolution of litigation costs in the matter of <i>D.C. v. NRA.</i>
Roca Impact Institute	9/12/23	\$9,562.50	Resolution of costs for employees in Cognitive Behavioral Therapy training.
Rust Consulting, Inc.	9/30/23	\$26,081.44	Resolution of costs for claims administration in the matter of <i>D.C. v. Equity Residential Management, LLC.</i>
Dr. Don Schwartz	7/12/23	\$55,789.50	Resolution of litigation costs in the matter of <i>William Sands v. DC.</i>
Signature Science, LLC	3/9/23	\$1,687.50	Resolution of litigation costs in the matter of <i>D.C. v. Stephanie Kennedy.</i>
Veritext, LLC	5/23/23	\$7,595.00	Resolution of litigation costs for transcripts in the matter of <i>B.E.T. Acquisition Corporation v. D.C.</i>
Total		\$138,350.91	

22. Please list any administrative complaints or grievances that the agency received in FY 2023 and FY 2024, 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 2023 or FY 2024, 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 5 administrative complaints filed before the Office of Employee Appeals (OEA) in FY23. OEA ruled in favor of OAG in 1 case. The other 4 matters are pending a final decision by the OEA.

OAG received 4 administrative complaints filed before the Equal Employment Opportunity Commission (EEOC) and/or the Office of Human Rights (OHR) in FY23 by different employees claiming race, age, sex/gender, or disability discrimination. OAG filed its Position Statements on each denying the charge. The EEOC dismissed and issued notices of right to sue in 2 of the matters. The OHR matter was voluntarily withdrawn by the employee. One matter is pending a final decision by the EEOC.

OAG received 1 administrative complaint filed before the D.C. Superior Court (DCSC) appealing an OEA decision upholding a removal for cause. The matter is pending a final decision by DCSC.

Grievances

- **AFSCME, Local 2401**
 - AFSCME filed 1 grievance in FY23, which OAG denied. OAG also resolved 1 previously-filed grievance in FY23.
- **AFGE Local 1403**
 - AFGE did not file any grievances in FY23.
- **Non-Bargaining Unit Employees**
 - OAG did not receive any grievance in FY23 from a non-bargaining unit employee.

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 then has 10 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 issues a 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 a final decision to the grievance filed by AFSCME. OAG also resolved 1 previously-filed grievance in FY23.

WORKPLACE ISSUES AND EQUITY

23. 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 2023 and FY 2024, to date, and whether and how those allegations were resolved.

RESPONSE:

Investigation Procedures

Under OAG's current Policy on Discrimination, Harassment, and Retaliation and Equal Employment Opportunities, which was revised on August 29, 2023, employees, contractors, interns, volunteers, and members of the public can file allegations of discrimination, harassment, or retaliation, including allegations of sexual harassment, assault, or misconduct. They can do so regardless of whether they are the alleged victim of, or a witness of, the alleged discrimination, harassment, or retaliation. Upon receiving a complaint, OAG will promptly commence an investigation into the allegations. Since July 2022, OAG has used an outside vendor to conduct some of these investigations on OAG's behalf. If an investigation ultimately determines that an employee, contractor, intern, or volunteer has violated the agency's prohibitions on discrimination, harassment, or retaliation, OAG will take disciplinary action, up to and including termination. If OAG's investigation determines that an outside party has violated the prohibitions, OAG will take other actions to stop the discrimination, harassment, or retaliation. Such actions may include, for example, terminating a relationship with a vendor or reporting the conduct to the offender's employer. Allegations against certain senior staff are referred to the Office of the Inspector General for investigation. These senior staff include the Attorney General, the Chief of Staff, the Chief Deputy Attorney General, the First Assistant Attorney General, and the Chief Operating Officer. OAG may choose to conduct a concurrent investigation. If either the Inspector General's or OAG's investigation finds a violation of OAG's policy, the Attorney General shall take appropriate disciplinary or other action to address the violation. Moreover, in accordance with D.C. Code 1-301.115a, if the Inspector General determines that misconduct or unethical behavior occurred, the Inspector General must forward the final report to appropriate authorities, which may include, among other authorities, the Board of Ethics and Government Accountability and criminal law enforcement agencies. Once a matter has concluded, OAG provides the complainant with a closeout letter, which briefly summarizes the findings, whether the allegations were substantiated, and whether disciplinary action was taken.

Please see **Attachment 12**, Office Order No. 2023-09, for the complete policy.

Allegations Against Agency or Employee and Resolution

FY23

- Two OAG employees alleged that an OAG employee subjected them to discrimination on the basis of sex. OAG's investigation found no discrimination in 1 case, and OAG closed its internal investigation. OAG's investigation is ongoing in the remaining case.

A written report from OAG's outside EEO vendor is expected in that case in the near future.

FY24

- No new cases.

24. The District defines racial equity as “the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.” What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

RESPONSE: Racial equity is core to the work of every division at OAG. As noted in response to Question 1, using the law to diminish inequity across all aspects of District residents' lives is one of the 4 pillars underpinning OAG's mission statement. This mission pervades some of the key accomplishments discussed elsewhere in these responses, including:

- Investigations and litigation dedicated to improving conditions in and access to affordable housing across the city;
- Advocacy in the District's land use and planning processes to reduce racial disparities in access to housing;
- Enforcement and settlement agreements to further environmental justice, particularly with respect to cleaning up the Anacostia River;
- Litigation and proposed legislation to prevent out-of-state banks from charging usurious interest rates to low-income District residents; and
- Enforcement of human and labor trafficking laws.

25. In FY23 and FY24, to date, what are two ways that your agency has addressed racial inequities internally or through the services you provide?

RESPONSE: In addition to the priority areas listed in response to Question 24, OAG has addressed racial inequities in the following specific projects:

- The Commercial Division's Equitable Land Use (ELU) section worked with the Council to develop legislation to void century-old anti-apartment covenants adopted to enforce racially discriminatory housing segregation. These covenants not only led to chronic underrepresentation of people of color in portions of Ward 3, but also threaten the District's current affordable housing goals.
- ELU also advocates in discretionary zoning approvals, including Planned Unit Developments and Zoning Map amendments, to increase the number of affordable housing units in order to reduce existing racial disparities in access to housing. ELU has intervened both in support of applications providing significant affordable housing (Z.C. Case Nos., 22-32, 22-36, 23-02, and 23-19) and in opposition to applications falling short of their fair share (Z.C. Case Nos. 22-06, 22-11, 22-29, 22-35, and 96-13A). ELU has also proposed 4 amendments to the Zoning Regulations to deepen the

- affordability and number of affordable units required by the Inclusionary Zoning program (Z.C. Case Nos. 21-22 through 21-25).
- In FY23, the Juvenile Specialty Courts Unit in PSD hosted an internal 2-day training session on “Culturally Competent Care for Communities We Serve” consisting of workshops led by Dr. Ayanna M. Lynch, of Bowie State University, and Michael Hyman of Soles of Imagination.
 - Additionally, OAG started an internship program with Howard University School of Social Work to provide additional case management support for the ATTEND program that keeps abreast of industry standards and brings fresh culturally sound perspectives to its service delivery model. In FY24, PSD is exploring expanding this agency-based learning opportunity to other programmatic areas within the division.
 - FSD’s statute reform workgroup is currently analyzing the definitions of abuse and neglect and the disproportionate effects these definitions can have on people of color and those with inequitable access to resources. The workgroup is also examining mandatory reporting requirements to assess how a family’s experience with poverty impacts their interaction with the child welfare system. FSD’s goal is to determine ways to modify practice and policy to account for these disparities.
 - PAD’s Civil Rights & Elder Justice Section has dedicated significant resources to combatting housing discrimination in the District. In FY23, OAG filed *D.C. v. Jerome Bailey, et al.*, 2023 CAB 001487 (D.C. Superior Court) and *ERC, et al. v. Adams Investment Group, LLC, et al.*, 2022 CA 001582 R(RP) (D.C. Superior Court), both to address various types of discrimination based on prospective tenants’ use of vouchers and other subsidies.
 - OAG is also working with Council to introduce and advocate for legislation granting the agency new enforcement authority around illegal dumping, which disproportionately affects neighborhoods of color, polluting the neighborhoods and reducing the safe, green spaces for families and children to enjoy.

AGENCY-SPECIFIC QUESTIONS

26. Please provide brief highlights of the work of each of OAG’s divisions in FY23 and FY24, 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 \$48,292,748 in child support payments in FY23 to help children thrive, CSSD focused on continuous improvement across all aspects of its operations. Highlights include:

Conciliation pilot program: In FY22 CSSD began a pilot program with the D.C. Superior Court and local advocacy groups to resolve child support matters in an expeditious and non-adversarial manner using conciliation conferences. In this program legal advocates are available to join conciliation conferences at a parent’s request; free DNA testing is offered; and consent orders are forwarded to the court for final entry. In addition, this program frees up valuable court dates—which are often scheduled many months out—for other regular and contested child support cases. This conciliation model is based on best-practice approaches from other states and has been very well received by parents, advocates, and the court. Phase 1 of the project, which began in April 2022, focused on genetic testing and adjudications of parentage. In May 2023, CSSD expanded the conciliation program to offer this same non-adversarial approach to parents seeking to resolve financial and medical support concerns. In FY23 the conciliation program successfully achieved an approximate total of 66 consent orders related to parentage and 20 orders related to child support. CSSD plans to continue to offer this exciting program to the families we serve in FY24 and beyond.

Standardized parental education materials: With vendor support, important preparation work was accomplished in FY23 for CSSD’s early intervention efforts. The agency released to the public 3 early-intervention videos, which now appear on the updated CSSD website:

- Orientation 1: New Customer;⁴
- Orientation 2: New Order;⁵ and
- Orientation 3: Change of Circumstances.⁶

Additional work has occurred throughout FY23 and now into FY24 to prepare for the custodial and noncustodial parent versions of the orientation sessions in these 3 areas. Session presentations have been finalized, registration and post-session feedback mechanisms have

⁴ This video can be found at <https://www.youtube.com/watch?v=qfBSMdcoKVI>.

⁵ This video can be found at <https://www.youtube.com/watch?v=hpr5lhXFmoY>.

⁶ This video can be found at <https://www.youtube.com/watch?v=aezuQjNqK2k>.

been created, and planning has begun for pilot sessions. CSSD looks forward to piloting each session in early FY24 and then beginning an ongoing schedule of presentations.

Civil Litigation Division (CLD)

CLD provided unparalleled legal representation for the District before local and federal courts in FY23. This work saved the District \$330,000,000 in potential liability. Highlights include:

In FY23, CLD's general litigation sections obtained defense verdicts in each of its 3 jury trials involving employment discrimination claims against the District: (1) *Murphy v. District of Columbia*, a FMLA and Title VII case in federal court; (2) *Quamina v. District of Columbia*, a family responsibility and race discrimination case in Superior Court; and (3) *Petrus v. District of Columbia*, an American with Disabilities Act and Human Rights Act case in federal court. As a result, the District avoided significant monetary damages and attorney's fees and costs.

CLD's Equity Section has been working to defend the District's common-sense gun laws in the wake of the Supreme Court's decision in *New York State Rifle & Pistol Assoc. v. Bruen*. These cases are particularly important as violent crime in the District is up year-over-year, and MPD is pulling more firearms off the street than ever before. CLD's Equity Section is the District's first line of defense against litigation over our gun laws. In *Angelo v. District of Columbia*, a case seeking repeal of the District's law prohibiting firearms on public transportation, the Equity Section secured the denial of the Plaintiffs' request for a preliminary injunction (PI) in December 2022, and now has a fully dispositive motion pending; 4 months later, the Section secured the denial of the Plaintiffs' PI motion in *Hanson v. District of Columbia*, preserving the immediate future of the District's ban on the possession of large capacity magazines and forcing the matter into the appellate process. The Equity Section continues to defend the District's gun laws in a number of pending cases, and its tenacity and creativity has so far kept the District's core gun laws intact, despite a challenging legal landscape.

The Equity Section also saw success in *United Spinal v. District of Columbia*, a putative class action filed in federal court in fall 2014, alleging that the District's plans for emergency preparedness, response, and recovery failed to account for the unique needs of individuals with disability, access, and functional needs (DAFN). Recognizing the District's overwhelming interest in ensuring access to these important services, Equity Section attorneys, working with the District's Department of Homeland Security and Emergency Management, spent the next 3 years negotiating the substantive and procedural terms of a settlement, which was signed by the City Administrator and Attorney General in April 2019 and recognized in Mayor's Order 2019-038. As a result of the settlement agreement, which the District successfully exited on December 31, 2023, the District has state of the art plans governing its emergency activations; executive level agencies have stable access to ASL interpreters and assistive devices for use during emergency operations; District shelters are prepared to open with fully accessible features; and all District-owned and -operated buildings are equipped with evacuation devices for individuals with mobility impairments.

CLD's Civil Enforcement Section (CES) handled 28 summary suspension referrals from D.C. Health for nurses identified as part of a scheme in which certain schools in Florida allowed individuals to pay for fraudulent nursing degrees. As a result of these fraudulent degrees, individuals were practicing as District-licensed Registered Nurses or Licensed Practical Nurses without completing the requisite coursework and clinical hours to safely work with patients and undertake other nursing functions. CES handled the numerous evidentiary hearings that arose in these cases, and to date, the Office of Administrative Hearings has affirmed 27 summary suspensions.

Commercial Division

Equitable Land Use Section (ELU)

Affordable Housing

- Intervened in 7 cases before the Zoning Commission (ZC) where OAG (1) supported 2 Planned Unit Development (PUD) applications for approval based on significant additional affordable housing above the required amount, and (2) challenged 5 PUD applications based on their inadequate affordable housing component.
- Supported a project before the Board of Zoning Adjustment (BZA) because it added affordable housing density along a major transit corridor.
- Proposed an amendment to the Zoning Regulations to incentivize affordable housing by reducing parking requirements for certain projects; the amendment was later included in part in a separate, successful amendment from the Office of Planning.

Equity

- Provided research on best practices in other jurisdictions to assist the ZC in improving its initial racial equity analysis tool.
- Recommended adopted changes to the Zoning Regulations to make zoning procedures more accessible and equitable (ZC Case No. 22-25).

Outreach

- OAG held multiple meetings with, and made presentations to, ANCs and community groups on how planning and zoning works, how they can effectively participate, and on proposed changes to the Zoning Regulations. This has led to increased public participation in ZC Cases.
- OAG worked with Council staff on issues related to land use, zoning, development, and affordable housing, including research on the historical background for invalidating racially discriminatory covenants on the grounds of public policy, as well as on the Congressional bill on the RFK Stadium land.
- OAG researched and answered questions from residents, ANCs, private sector entities, and government agencies on land use issues.

Government Contracts Section (GCS)

- Handled over \$2.4 billion in contract matters in FY23.
- Won in all 17 bid protest actions OAG defended including a challenge to contract awards for (1) multi-space parking meter equipment for approximately 20,000 parking

- meter spaces and 250,000 on-street parking spaces, (2) services to support the District's Medicaid management information system, and (3) hauling and disposal services of municipal solid waste.
- Saved the District \$4,689,689 by settling cases where contractors sought \$5,789,689 for only \$1,100,000.
 - Brought OAG's first affirmative claims litigation against Hughes Group Architects, Inc. for its performance in providing architectural and engineering services for the East Potomac Pool Project.

Land Acquisition and Bankruptcy Section

- Successfully defended DDOT's South Capitol Street Bridge project with the Civil Litigation Division, securing a favorable jury appraisal saving the District \$30+ million. Successful post-trial motions saved the District an additional approximately \$1 million in statutory interest.
- Enforced a settlement agreement with former landowners involving an eminent domain acquisition for a pedestrian bridge project. The enforced settlement saved the District \$400,000.
- Preserved an affordability covenant in a mechanic's lien case against a property with such a covenant.
- Acquired by eminent domain 2 parcels necessary for DDOT's rehabilitation and future maintenance of an alleyway on G Street, NE, and recovered \$37,000 in real property taxes.
- Evicted a One Judiciary Square food court tenant with an expired lease.
- Preserved a DHCD affordability covenant in mortgage foreclosure case, resulting in sale of property to a qualified buyer.
- Resolved a mechanic's lien case against a property that preserved 2 affordable housing units and left the District's affordable housing covenant intact.

Tax and Finance Section

- Closed 639 tax cases (including 552 real property tax appeals) for FY23. The average age for each case at disposition was less than 1.5 years.
- Defended over \$50 billion in assessed value real property cases. Closed 552 real property tax assessment appeals to retain over \$88,239,307 in real property taxes, including \$6,644,593.33 in accrued interest. Petitioners sought to reduce assessed value to over \$39 billion, seeking to collect \$122,439,502 million in refunds.
- Handled 552 appeals, saving on average \$159,853 in taxes for each appeal.
- Successfully defended OTR's longstanding assessment methodology for valuing a fractured condominium regime.
- Obtained dismissal of lawsuit where a District company sought a declaratory judgment that it was legally entitled to a yearly \$2.1 million tax abatement through Tax Year 2030.
- Advised the Office of the Deputy Mayor for Planning and Economic Development on 30 bond issuances totaling \$1,163,198,07 that resulted in District revenues of \$2,093,625 in Public Financing Administrative Program Fees.

Family Services Division (FSD)

FSD supports the Child and Family Services Agency (CFSA) in strengthening families and improving the safety, permanence, and well-being of abused and neglected children in DC. Through the end of FY23, FSD provided legal representation in the exit of 169 children from the foster care system through reunification (85), adoption (62) or guardianship (21). Through January 24, 2024, FSD provided legal representation in the exit of 49 children from the foster care system through reunification (23), adoption (24), or guardianship (2).

In FY23, FSD managers and attorneys provided legal advice and counsel in over 1,156 settings through permanency goal review meetings, community papering, and clinical case consultations. To date in FY24, FSD managers and attorneys provided legal advice and counsel in 541 settings through permanency goal review meetings, community papering and case consultations.

- Permanency goal review meetings occur at the 9-month mark of a case and every 90 days thereafter. The focus is on reviewing the case plan of reunification and determining if an alternate permanency goal should be sought.⁷
- Community papering consults focus on determining if court intervention is needed to effectuate the case plan developed by CFSA to address abuse or neglect.⁸
- Clinical case consultations are opportunities for in-home social workers to discuss challenging cases with FSD to determine next steps for case closure or receive advice on critical steps to make the case ripe for court involvement.⁹

In FY23, FSD focused on paternity establishment in its court-involved families and was successful in ensuring legal fathers were established in 55% of cases petitioned. This outcome allows the District to nurture or facilitate a relationship between a child and a father which could be one path to exiting foster care. In addition, this outcome creates a bigger pool of kin who can be explored for placement and/or permanency as this outcome opens the door to long term connections for a child that might not have been available without the establishment of paternity.

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. In FY23, FSD conducted 13 trainings and reached middle school students, business industry professionals, government agencies, law enforcement, social workers and community-based providers, to educate them on warning signs and risk factors for trafficking. Through January 29, 2024, FSD conducted 10 trainings and reached 570 individuals. In FY23, FSD also co-facilitated 6 meetings of the Citywide Human Trafficking Taskforce with the

⁷ For FY24 through February 8, 2024, OAG conducted 437 permanency goal review meetings.

⁸ For FY24 through January 25, 2024, OAG conducted 31 community papering consults.

⁹ For FY24 through January 31, 2024, OAG conducted 73 clinical case consultations.

United States Attorneys' Office whose membership comprises federal and local government agencies and community-based organizations. Through January 29, 2024, FSD co-facilitated 2 meetings of that Taskforce.

Legal Counsel Division (LCD)

During the relevant period, LCD provided legal sufficiency review for approximately 700 bills and rulemakings and responded to at least 120 confidential requests for legal advice. LCD also finished creating 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 example, OSG secured a major victory from the D.C. Court of Appeals in *Meta v. District of Columbia*, a case raising novel questions about the government's ability to enforce an investigative subpoena against social media companies. As part of an investigation into the veracity of Meta's representations regarding its effort to combat COVID-19 vaccine misinformation on Facebook, the District subpoenaed certain public Facebook posts containing misinformation. Meta argued that the subpoena was unlawful under the federal Stored Communications Act ("SCA") and the First Amendment. In the first decision in the nation to squarely grapple with these questions, the Court of Appeals sided with the District. It held that the SCA did not require the government to obtain a warrant to subpoena otherwise public posts, and that the First Amendment does not preclude an investigation into whether a company is complying with its *own* misinformation policy.

In 2 cases raising questions about the District's transfer and recordation tax scheme, OSG secured major victories that will net the District millions of dollars. First, in *District of Columbia v. Design Center Owner (D.C.) LLC*, 286 A.3d 1010 (D.C. 2022), OSG's victory will recover 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 they also 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. Once proceedings conclude on remand, this case should allow the District to recover millions in unpaid taxes.

Second and relatedly, in *MEPT St. Matthews v. District of Columbia*, 297 A.3d 1094 (D.C. 2023), OSG's victory will recover up to \$2 million in unpaid taxes on a major real estate transaction. In that case, the seller transferred through one deed two interests: (1) a long-term ground lease and (2) a 10-story office building in exchange for the buyer's assumption of the obligation to pay the rent for the ground lease and \$58.8 million in consideration paid. The Court of Appeals held that the District's tax provisions provide that both property transfers are independently taxable, regardless of how the transfer is structured or effectuated. Once remand proceedings are complete, the District will recover up to \$2 million in unpaid taxes. And

together, these 2 cases set the stage for the District to recover millions more in future cases where parties improperly fail to pay transfer and recordation taxes on the transfer of major real estate assets.

Beyond victories in individual cases, OSG has continued its national advocacy to protect voting rights. From October 1, 2022, to December 31, 2023, OSG joined 81 multistate amicus briefs and led 21 briefs. Aside from our Second Amendment and voting-rights work, these briefs covered a wide range of topics, including protections for LGBTQ youth, workers' rights, reproductive rights, climate protection and environmental regulation, consumer protection, data privacy, the First Amendment, the rights of criminal defendants, and healthcare.

Since the 2020 presidential election, states across the country have engaged in unprecedented efforts to suppress the vote. OSG is on the front lines of ensuring that elections nationwide are free and fair. This year, we led amicus briefs in 2 high-profile cases in the United States Supreme Court on this topic. In our brief in *Allen v. Milligan*, joined by 21 Attorneys General, we argued that the Supreme Court should affirm a lower court's ruling that Alabama's congressional district maps violate the Voting Rights Act by diluting the Black vote. The Supreme Court agreed, striking down Alabama's map as an unlawful racial gerrymander. In *Moore v. Harper*, OSG led a coalition of 22 Attorneys General in a brief that criticized the independent state legislature theory, which would have given state legislators the sole, unchecked authority to make election rules at the expense of voters and other state institutions. The brief explained the many ways that such a rule would wreak havoc on centuries of established practice among the states. Not only did the Supreme Court reject the theory, but our brief won the prestigious "Best Brief" award from the National Association of Attorneys General.

In addition, in the wake of the Supreme Court's decision in *New York State Rifle & Pistol Assoc. v. Bruen*, OSG has taken a leading role in defending reasonable gun restrictions against Second Amendment challenges both in the District and around the country. Some examples of these efforts include:

- Coordinating with and assisting trial divisions in litigating a number of lawsuits challenging the District's gun regulations, including the ban on large capacity magazines, the ban on guns in the Metro, and our licensing and registration scheme;
- Leading multistate amicus briefs supporting federal regulations restricting ghost guns, banning bump stocks, and prohibiting unserialized guns in various federal courts;
- Filing multistate amicus briefs defending a number of states' laws prohibiting guns in "sensitive places" like churches, schools, and bars; and
- Co-leading an amicus brief signed by 25 Attorneys General in *United States v. Rahimi*, a Supreme Court case that will decide whether 18 U.S.C. § 922(g)(8), which prohibits the possession of firearms by persons subject to domestic-violence restraining orders, violates the Second Amendment.

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 wins with significant implications for the District.

Liability avoided: In 41 wins in cases for back pay and attorney fees damages, PLED avoided over \$7,332,895 in liability for the District during fiscal year FY23. (This estimate does not include public sector workers' compensation cases because the Office of Risk Management (ORM) does not track or calculate liability avoided.)

Additionally, in a significant arbitration matter for late-paid cost of living increases (COLAs) by MPD, PLED avoided \$38,000,000 in liability for the District in FY23.

Successful litigation: In a matter of first impression for a public sector workers' compensation claim made for COVID-19, the Office of Administrative Hearings (OAH) affirmed ORM's denial of death benefits. The death benefits claim was premised on the assertion that the decedent died from COVID-19 that he contracted at work with the Department of Youth Rehabilitation Services. PLED presented compelling evidence, including testimony from an epidemiology expert, disproving the theory that the decedent contracted COVID-19 at work. Ultimately, in affirming ORM's denial of the death benefits, OAH found that the claimant failed to meet his burden to establish that it was "more likely than not that the disease was contracted from exposure in the workplace and not outside the workplace."

PLED also secured a positive outcome in a termination appeal that prevented a paramedic from returning to rendering medical services to citizens despite being medically unfit to do so. The Office of Employee Appeals upheld FEMS's termination of a paramedic who attempted to return to work from a year-long absence while concealing pertinent medical information from FEMS. Extensive discovery revealed significant admissions from the paramedic's primary care physician, including that the paramedic was unfit to return to work and that she had submitted illegitimate doctor notes to FEMS in her attempt to return to work. These admissions enabled PLED to prevail on a motion for summary judgement thereby saving the expense of an evidentiary hearing.

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:

Holding JUUL accountable for proliferating teen vaping epidemic: In April 2023, PAD—through its Office of Consumer Protection (OCP)—resolved its litigation against JUUL Labs, Inc. (JUUL), in which OCP alleged that JUUL marketed nicotine products to District youth, misled District consumers about the product's highly-addictive qualities, and unlawfully sold those products to youth in the District. The settlement included robust injunctive relief and a payment of \$15.2 million, the largest litigated settlement OAG has ever secured under the

Consumer Protection Procedures Act. Most of those funds will be used on remediation efforts to directly mitigate the public health damages JUUL's products caused. In addition, JUUL must abide by strict advertising restrictions that prevent it from engaging in harmful marketing practices in the future.

Fighting discrimination in rental housing: In FY23, the Civil Rights and Elder Justice Section announced a settlement with 3 real estate firms—DARO Management Services, DARO Realty, and Infinity Real Estate—and several individuals to pay a landmark \$10 million in penalties for illegally discriminating against renters in the District who use Section 8 housing vouchers and other forms of housing assistance. This is the largest civil penalty in a housing discrimination case in U.S. history. DARO also agreed to dissolve its property management business, all parties agreed to a permanent ban from owning a residential real estate management company in the District, and DARO Management President Carissa Barry agreed to forfeit her real estate licenses for 15 years. Housing assistance programs are a key part of the District's response to its ongoing affordable housing crisis, assisting thousands of families with securing safe and affordable housing. The settlement sends a strong message that discrimination against renters based on source of income will not be tolerated.

Securing millions of dollars to clean up the Anacostia River: Also during FY23, the Social Justice Section negotiated a historic settlement with Potomac Electric Power Company (Pepco) requiring the company to pay \$47 million in remediation costs to help clean up the Anacostia River, as well as \$10 million in penalties. This is the largest environmental settlement in District history. An investigation by the Department of Energy & Environment and OAG revealed that Pepco has polluted District land and waterways for decades, resulting in persistent, toxic pollution of the Anacostia River. Pepco also will be required to clean up contamination at its Buzzard Point and Benning Road facilities and investigate the environmental impacts of the company's underground, District-wide system of transformer vaults. Pepco is not solely responsible for the pollution of the Anacostia River, and this landmark settlement will pave the way to hold other responsible parties accountable.

Ensuring construction workers are properly classified as employees: During FY23, the Workers' Rights and Antifraud Section concluded 4 investigations involving misclassification of construction workers, returning over \$1.2 million in stolen wages and benefits to these workers. The 4 companies involved—Manganaro Midatlantic, Maryland Applicators, Prestige Drywall, and T&A Construction—also agreed to compliance measures and monitoring to ensure both their own companies and their subcontractors provide full wages and benefits to their employees. Collectively the 4 companies will pay an additional \$1.1 million in penalties to the District. When workers are misclassified as independent contractors, they are denied rights that they are entitled to as employees, such as minimum wage, overtime, and paid sick leave. Illegal misclassification also deprives the District of tax revenue, unemployment insurance premiums, and workers' compensation contributions. Over the past few years, the Workers' Rights and Antifraud Section has prioritized routing out misclassification in the construction industry, which creates an unfair advantage for contractors who violate the law and makes it difficult for law-abiding contractors to compete on a level playing field.

Protecting the District and its residents against misconduct by nonprofits: In FY23 and FY24 to date, the Antitrust and Nonprofit Enforcement Section initiated and resolved numerous matters stemming from nonprofits and their officers and directors violating the requirements of the Nonprofit Corporation Act and the common law. In resolved matters, OAG returned nearly \$200,000 in misappropriated funds to multiple nonprofits, most recently to the Delta Phi Epsilon Foundation for Foreign Service Education from a former officer now prohibited from serving in any position of control or management in the Foundation. The Section continues to hold nonprofits and their officers accountable in a wide range of matters, from a lawsuit against the NRA Foundation for improperly ceding control of its operations, to the extensive ongoing review of the proposed conversion of Providence Hospital to a for-profit development, to a case against Casa Ruby and its founder, Ruby Corado, for misappropriating District funds and failing to pay employees as required.

Expanding Mediation Program: OAG's Mediation Program receives complaints from consumers and tenants and works to try and resolve those complaints without the need to go to court. In 2023, OAG, in partnership with the MORCA/Georgetown Paralegal Program, added 6 MORCA/Georgetown paralegal graduates to the OAG Mediation team. This partnership provides valuable professional experience to the paralegal graduates, and also increases the number of consumers and tenants OAG Mediation is able to help. In CY23, the program mediated over 3,700 complaints (an increase from 2,800 in CY22) and returned over \$1.2 million dollars to consumers and tenants (an increase from \$586,000 in CY 2022). In 2023, OAG Mediation also partnered with DHS to offer in-person mediation assistance at rotating DHS Service Centers once a week.

Public Safety Division (PSD)

Prosecuting juvenile matters: In FY23, the Juvenile Section handled 25 murder, manslaughter, attempted murder, and assault with intent to murder or kill matters, with a papering rate of 87.5% for murders and manslaughters and an 88.2% papering rate for the remaining offenses described. Fortunately, there has been only 1 matter in this category in the first quarter of FY24. Overall, the Juvenile Section handled more than 2,000 matters in FY23. Of those matters, 140 were prosecutions involving armed carjacking, nearly 100 were prosecutions involving armed robbery, and approximately 190 were prosecutions involving carrying a pistol without a license.

The Juvenile Section continued to collaborate with MPD (through the juvenile hotline and weekly meetings) to improve cases presented to OAG, and with State Attorney Offices in Maryland to coordinate matters and exchange strategies to help solve cross-border offenses. The Juvenile Section also continued to work on diversion for low-level offenses and first-time offenders through Alternatives to Court Experience (ACE). Finally, the Juvenile Section worked closely with Court Social Services and the Department of Youth Rehabilitation Services to help youth reintegrate into the community.

Assisting with opening of the city's Domestic Violence Intake Center in Southeast: Since 1996, OAG has partnered with the court, D.C. SAFE, MPD, the Legal Aid Society, and the United States Attorney's Office in operating the Domestic Violence Intake Center at D.C. Superior

Court to provide victims of domestic violence a single location to access immediate crisis intervention and legal remedies designed to increase their safety. The partners opened a southeast satellite center at United Medical Center in 2002. In 2020, the court secured a new location for the southeast center that offers a much improved experience to those seeking assistance east of the river. That new location is a Domestic Violence Intake Center located in the Anacostia Professional building at 2041 Martin Luther King Jr. Avenue, SE. It finally opened its doors in December 2022 after delays caused by the COVID pandemic. OAG shared supervision and staffing responsibilities for the center throughout 2023 and is proud to be a part of this resource for District residents.

Offering trained courthouse assistance dog to support victims: At the beginning of FY23, OAG hired a new victim-witness specialist who came with an added bonus, Pepper, a [NEADS](#) trained courthouse assistance dog. Throughout 2023, Pepper has provided emotional support and comfort to victims of crime and parties in the adult criminal, juvenile delinquency, and domestic violence courts during all stages of the court process from OAG investigation to sentencing and disposition. Pepper is well known around the courthouse and, because of her overwhelmingly positive effect on case participants, is uniformly welcome in courtrooms throughout the building.

Prosecuting vehicular fatalities: The Criminal Section successfully secured convictions in 2 traffic criminal cases that resulted in the death of either a pedestrian or drivers and passengers in other vehicles. Both convictions were secured by a guilty plea to the highest charges. 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 referred 71 individuals to the Superior Court's Drug Court program, with OAG cases making up the majority of all Drug Court participants. Forty-nine of the 71 participants successfully completed the intensive requirements of the program to become "Drug Court Graduates."¹⁰

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 DBH and OAG to allow a DBH clinician to work on OAG cases where clinical expertise could enhance outcomes.

¹⁰ Participants who are referred to Drug Court have pled guilty and agreed to Drug Court as a condition of their plea agreement. If a participant does not successfully complete Drug Court, they are returned to court and sentenced in accordance with their plea agreement.

Collaborating with community partners to improve attendance: During FY23, OAG expanded its ATTEND anti-truancy program mediation services to eligible 6th graders at Sousa Middle School in Ward 7 and John Hayden Johnson Middle School in Ward 8 and expanded to Simon Elementary School in Ward 8. In March 2023, ATTEND conducted mediations for parents with eligible 13-year-olds at Paul Public Charter Middle School. In FY24, ATTEND expanded its support of the public charter school sector by providing mediation services to parents of kindergarten through 6th graders at Center City Public Charter Schools Trinidad/NOMA Campus and community engagement efforts that benefit the entire school community. Through I Belong Here! (IBH!), OAG has provided attendance incentives at Sousa and Johnson. There, IBH! strives to reduce truancy and chronic absenteeism by encouraging school spirit and community through monthly positive reinforcement during in person learning activities with 6th and 7th graders. Through both truancy reduction programs, OAG provides families with connection to resources like free books through Turning the Page during literacy nights, and educational and clothing resources through The Community College Preparatory Academy to address underlying barriers that can affect attendance.

Support Services Division

During the relevant period, the Support Services Division implemented and improved 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 collaborated with building management, and other building tenants, at 400 6th St NW and 200 I St SE, to plan and execute emergency evacuation drills. SSD improved its check-in procedures at assembly areas by using an app where employees scan a QR code to check in. After each drill, the Risk Manager sent a survey to all employees to evaluate the efficacy of the drills and areas where we may improve. The Risk Management team also partnered with the United States Marshal Service to train over 600 employees on how to respond during an active threat situation. SSD procured online driver safety courses for our fleet drivers from the National Safety Council. OAG has its own training portal and can assign trainings to fleet drivers. The training courses include: Defensive Driving Course Online, Defensive Driving Course Online Abridged, Defensive Driving Distracted Driving Online Course, and Defensive Driving Online Module – Speed Management.

Customer Service: The Customer Service team improved 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.

Finance: The Finance team worked to ensure that there were no problematic findings in the FY23 Annual Comprehensive Financial Review.

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 ensured that the agency exceeded its certified business enterprise (CBE) spending goal by regularly reviewing requirements for opportunities for CBE participation and issued several contingency fee contracts in support of the Public Advocacy Division.

Operations: The Operations team collaborated with OAG's Information Technology Section to create a landing page on OAG's intranet webpage to promote employees' easy access to resources, information, and job aides related to services provided by the SSD sections.

27. Please describe OAG's work to combat elder abuse in FY23 and FY24, 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 625 financial exploitation referrals from Adult Protective Services (APS) in FY23 and more than 125 APS referrals in the first quarter of FY24. 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; 20 referrals were received from these additional sources during FY23 and the first quarter of FY24.

On the criminal side, in FY23, PSD filed 34 petitions to obtain guardians and conservators for vulnerable adults who were being abused, neglected, or exploited, or who were self-neglecting, obtained 30 guardians and/or conservators, and conducted 6 hearings to obtain immediate protection for vulnerable adults. PSD has filed 5 such petitions in FY24 to date. In addition to the senior assistant attorney general who has handled this caseload for many years, PSD assigned a junior attorney to assist her and assigned 1 of its senior domestic violence attorneys to assist in cases in which an elder requires a protection order.

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 FY23 and FY24, to date:

- CREJS recently won a judgment against a defendant who financially exploited her disabled daughter—a vulnerable adult—while purporting to serve as her representative payee for veteran and disability benefits. Instead, the defendant used her daughter's money to fund her and her husband's lifestyle, including purchasing cars, property out of state, and paying their household bills. The defendant will be required to pay more than \$75,000 in full restitution and ordered not to serve as a representative payee for anyone other than her husband in the future. An order from the Court awarding civil penalties to the District is pending.

- CREJS won a judgment against a former senior apartment manager who financially exploited 2 seniors living in buildings she managed, stealing more than \$130,000 to purchase luxury cars, handbags, and other expensive items. The defendant was ordered to pay full restitution plus a civil penalty of more than \$62,000, and she is barred from working or volunteering with elderly or vulnerable adults.
- CREJS secured \$22,000 in restitution for a District elder who was emotionally coerced and deceived by his neighbor into paying for his truck and other expenses.
- CREJS filed suit against Curbio, Inc., a Maryland-based company that markets itself as a pre-sale home improvement contracting company that allows homeowners to defer renovation payments until their homes are sold. CREJS alleges that Curbio's contracts are deceptive and fraudulent, and that Curbio misrepresents all aspects of its business to its consumers. In particular, CREJS alleges that Curbio targets these predatory contracts to elderly homeowners. The litigation is ongoing.

OAG also serves as a community resource and has participated in more than 15 local and national events in FY23, engaging with more than 3,600 constituents collectively across the local events. 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.

28. Please describe OAG's work related to wage theft and workers' rights in FY23 and FY24, 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 55 active investigations involving at least 65 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 \$10.5 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.

Resolved Matters:

- ***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 non-compete 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), in January 2023, 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 against Arise. See below.
- ***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. In January 2023, 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.
- ***In re Maryland Applicators:*** Pre-suit settlement in March 2023 worth \$835,000, resolving OAG's allegations of misclassified construction workers, which included \$346,000 in payments to workers and \$489,000 in penalties to the District, as well as injunctive relief.

- ***D.C. 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. OAG obtained: (1) in March 2023, a \$612,500 settlement with B&B Solutions that included \$475,000 in damages to workers and \$137,500 in penalties to the District, as well as injunctive relief; (2) in March 2023, a \$44,500 settlement with Ana’s Cleaning that included \$17,000 in damages to workers and \$27,500 in penalties to the District, as well as injunctive relief; and (3) in June 2023, a default judgment against MJ Flooring and Miguel Quintanilla of \$351,623 that included \$76,923 in restitution for workers and \$274,700 in penalties to the District, as well as injunctive relief.
- ***In re Ace Hardware***: Pre-suit settlement in April 2023 of \$1,000, resolving limited allegations regarding an unlawful sick leave policy.
- ***In re Levy***: Pre-suit settlement in May 2023 resolving OAG’s allegations of sick leave violations, which included the grant of additional leave to workers and \$35,300 in penalties to the District.
- ***In re District Dogs***: Pre-suit settlement in May 2023 worth \$120,159.75, resolving OAG’s allegations of misappropriated tips, which included \$90,159.75 in payments to workers and \$30,000 in penalties to the District, as well as injunctive relief.
- ***In re Fabio Trabocchi Restaurants***: Pre-suit settlement in May 2023 resolving OAG’s allegations of unlawful deductions of wages in connection with Gratshare fees, which included \$64,840.63 in payments to workers.
- ***In re Georgetown***: Pre-suit settlement in June 2023 worth up to \$550,000, resolving OAG’s allegations of off-clock work and overtime, which included up to \$500,000 in funds available to workers in a claims process, and at least \$50,000 in payments to the District.
- ***In re Commercial Real Estate Consulting Group***: Pre-suit settlement in June 2023 worth \$114,109.25, resolving OAG’s allegations of wage violations, which included \$93,109.25 in payments to workers and \$21,000 in penalties to the District, as well as injunctive relief.
- ***In re SPiN***: Pre-suit settlement in June 2023 worth \$18,000, resolving OAG’s allegations of unlawful non-compete clauses, which included \$3,000 in payments to workers and \$15,000 in penalties to the District, as well as injunctive relief.
- ***In re Prestige Drywall***: Pre-suit settlement in August 2023 worth \$604,640.25, resolving OAG’s allegations of misclassified construction workers and the failure to pay overtime, which included \$359,665.25 in payments to workers and \$244,975 in penalties to the District, as well as injunctive relief.
- ***D.C. v. Sentry Security International, Inc., et al.***, 2022-CAB-005725 (D.C. Superior Court): Suit alleging failure to pay security-guard employees minimum wage. Default judgment awarded to the District in August 2023 for \$28,027, with \$20,577 in worker payments and \$7,450 in penalties to the District.
- ***In re Chipotle***: Pre-suit settlement in August 2023 worth \$322,400, resolving OAG’s allegations of child labor violations by the company, with the full amount constituting penalties to the District.
- ***In re T&A Construction***: Pre-suit settlement in September 2023 worth \$225,000, resolving OAG’s allegations of misclassified construction workers, which included

\$100,000 in payments to workers and \$125,000 in penalties to the District, as well as injunctive relief.

- ***In re UP Fitness:*** Pre-suit settlement in October 2023 worth \$450,000, resolving OAG’s allegations of uncompensated work, which included \$254,190.08 in payments to workers and \$195,809.92 in penalties to the District, as well as injunctive relief.
- ***In re Accountable Healthcare Staffing:*** Pre-suit settlement in November 2023 worth \$124,845, resolving OAG’s allegations of unlawful non-compete clauses, which included \$114,845 in payments to workers and \$10,000 in penalties to the District, as well as injunctive relief.
- ***In re 20/20 Vision:*** Pre-suit settlement in November 2023 worth \$168,407.87, resolving OAG’s allegations of worker misclassification and failure to provide paid sick leave, which included \$118,407.87 in payments to workers and \$50,000 in penalties to the District, as well as injunctive relief.
- ***In re H2 Collective:*** Pre-suit settlement in December 2023 worth \$171,063.27, resolving OAG’s allegations of procedural violations concerning the tip pool, which included \$144,094.91 in payments to workers and \$26,968.36 in penalties to the District, as well as injunctive relief.

Matters in Active Litigation:

- ***D.C. v. Arise Virtual Solutions, Inc.,*** 2022 CA 000247 B (D.C. Superior Court): Suit alleging misclassification of call-center employees as independent contractors.
- ***D.C. v. Jan-Pro International, Inc., et al.,*** 2022-CA-003128-B (D.C. Superior Court): Suit alleging misclassification of janitorial employees as independent contractors.
- ***D.C. v. Power Design, Inc., et al.,*** 2022-CA-001977-B (D.C. Superior Court): Suit alleging misclassification of construction employees as independent contractors.
- ***D.C. v. Shipt, Inc.,*** 2022-CA-004909-B (D.C. Superior Court): Suit alleging misclassification of delivery employees as independent contractors.
- ***D.C. v. Amazon.com, Inc., et al.,*** 2022-CAB-005698 (D.C. Superior Court): Suit alleging company unlawfully pocketed money that was solicited as tips.
- ***D.C. v. Gachagwi,*** 2014-CA-001685-B (D.C. Superior Court): Suit alleging failure to pay wages. Currently on appeal following judgment for the District.

Other Workers’ Rights Activities:

- ***Comment Letter to National Labor Relations Board re: Proposed Rulemaking on Standard for Determining Joint-Employer Status.*** In December 2022, 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.
- ***Comment Letter to Federal Trade Commission re: Proposed Rulemaking, Non-Compete Clause Rule.*** In April 2023, OAG co-authored a comment letter to the Federal

Trade Commission (FTC) supporting a proposed rulemaking limiting the use of non-compete agreements for American workers. The FTC’s proposed rule would significantly benefit workers and promote fair competition between businesses. OAG co-authored the comment letter alongside the attorneys general offices of California and New Jersey and 15 other states, which all signed the letter.

Council Funding:

- 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 2023, OAG awarded a total of \$750,000 in grant funds to expand education and legal services programming for District workers, divided across 4 community organizations: Many Languages One Voice, DC Jobs with Justice, First Shift Justice Project, and National Reentry Network for Returning Citizens.
- The Domestic Worker Employment Rights Amendment Act of 2022 established the Domestic Worker Employment Rights Grant Program at OAG in FY24. The purpose is to provide grants to community-based organizations working to develop educational materials for domestic workers and hiring entities, including safety and health information. In September 2023, OAG awarded a total of \$259,999.40 in grant funds divided across 2 community organizations: National Domestic Workers Alliance and Many Languages One Voice.

29. Please describe OAG’s work on consumer protection issues in FY23 and FY24, to date.

RESPONSE: OAG’s Office of Consumer Protection (OCP) has been actively engaged on consumer protection issues. OCP has more than 60 active 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 residents 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 FY23 and FY24 to date, OAG recovered tens of millions of dollars on behalf of District consumers through its formal investigations and litigation matters. For example, OAG’s Mediation Program mediated over 3,700 complaints and recovered more than \$1.2 million for consumers in CY2023—the largest ever annual figure—marking an exponential 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; addressing predatory lending practices and enforcing the District’s

usury laws; 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. JUUL***, 2019 CA 007795 B (D.C. Superior Court): Action alleging JUUL created a teen public health crisis and deceived consumers about e-cigarettes. The April 2023 settlement included robust injunctive relief and a payment of \$15.2 million—the largest litigated settlement OAG has ever secured under the Consumer Protection Procedures Act. Most of those funds will be used on remediation efforts to directly mitigate the public health damages JUUL's products caused. In addition, JUUL must abide by strict advertising restrictions that prevent it from engaging in harmful marketing practices in the future.
- ***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. The litigation resolved in April 2023, with the company agreeing to return over \$200,000 to impacted residents and pay \$425,000 to the District.
- ***D.C. v. SmileDirect Club***, 2022-CAB-005671 (D.C. Superior Court): Lawsuit relating to dental aligner company's practice of forcing consumers who seek a refund to sign onerous non-disclosure agreements (NDAs) that prohibit them from posting negative reviews. As part of the June 2023 settlement, Smile Direct was required to release more than 17,000 consumers across the United States from onerous provisions in its NDAs, change its refund policy for US consumers, and pay the District \$500,000.
- ***D.C. v. Solo Funds***, 2023-CAB-002665 (D.C. Superior Court): Lawsuit alleging that fintech lending platform deceived consumers about the true cost of the loans on its platform and facilitated loans with over 500% APR on average—far exceeding the District's 24% usury cap—through the use of a deceptive donation/tip model. Matter resolved in May 2023 for robust injunctive relief and a \$30,000 payment, encompassing full restitution to consumers and a payment to the District.
- ***D.C. v. Easy Pay Finance***: In July 2023, the District entered into a pre-suit settlement with a fintech lending platform that used a deceptive rent-a-bank scheme to attempt to evade the District's 24% usury cap. The settlement included more than \$150,000 in full restitution to consumers, a \$60,000 payment to the District, and robust injunctive relief.
- ***D.C. v. Adore Me, Inc.***: In July 2023, the District entered into a pre-suit settlement—as part of a multistate coalition—with online underwear retailer Adore Me, Inc., for claims that Adore Me deceptively marketed its membership program, failed to disclose recurring charges, and made it difficult for consumers to cancel memberships once they were enrolled. The settlement included robust injunctive relief, restitution to consumers, and a \$2.35 million payment to the states, of which the District received \$150,000.
- ***D.C. v. Blackbaud, Inc.***: OAG resolved this multistate privacy matter pre-suit against software company Blackbaud, which provides software to nonprofits (primarily charities and schools), for its deficient data security practices and response to a 2020

- ransomware event that exposed the personal information of millions of consumers across the United States, including thousands of District residents. Under the settlement, Blackbaud agreed to overhaul its data security and breach notification practices and pay \$355,210 to the District.
- ***D.C. v. Harrington Housing***: In November 2023, the District entered into a pre-suit settlement with this company that offers short-term furnished rental housing, largely to students and young professionals, for violations of the District’s rent control laws and other tenant protections. The matter was resolved for injunctive relief and a payment of \$80,000, which included full restitution to affected tenants.
 - ***D.C. v. Tempoe, LLC***: The District entered into a multistate, pre-suit settlement with Tempoe, LLC, a third-party financing company, in September 2023 for allegedly deceiving consumers into believing they were signing up to buy products like appliances or furniture on an installment plan, when in reality they were entering into expensive lease agreements. As part of the settlement, the company agreed to cancel more than \$33 million in outstanding lease agreements, is permanently banned from engaging in future leasing activities, and agreed to pay \$1 million to the 41 investigating states (in total).
 - ***D.C. v. Lyft, Inc.***: In December 2023, the District resolved an investigation into Lyft concerning its failure to provide proper notice to consumers about fines the company imposed when scooters were parked improperly. Under the terms of the settlement agreement, Lyft will provide full restitution and return nearly \$90,000 to affected scooter users. Lyft will also pay \$20,000 to the District and has already made changes to its systems to ensure users are notified about DC’s scooter parking rules and notified of any fines imposed for parking violations.
 - ***D.C. v. Liberty Tax*, 2022 CA 004285 B (D.C. Superior Court)**: Litigation concerning tax preparation services relating to possible charges for unnecessary services, as well as deceptive promotions for “free cash.” The matter settled in January 2024, with the company agreeing to pay \$550,000 to more than 7,300 DC residents as well as \$200,000 to the District. The company also agreed to permanently end the deceptive marketing and pricing tactics it used across the US.
 - ***D.C. v. Washington Hebrew Congregation*, 2020 CA 004429 B (D.C. Superior Court)**: 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 (D.C. Superior Court)**: 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 (D.C. Superior Court)**: 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 (D.C. Superior Court)**: 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.

Matters in Active Litigation:

- *D.C. v. Capital Petroleum Group*, 2020 CA 004571 B (D.C. Superior Court): Action against gasoline seller for price gouging at gas stations during COVID-19 pandemic.
- *D.C. v. Bilingual Teacher Exchange*, 2019 CA 002088 B (D.C. Superior Court): Lawsuit against Bilingual Teachers Exchange, a DC-based company that recruits teachers overseas to come to the United States to teach; the company made a series of misrepresentations to those teachers.
- *D.C. v. Precision Contracting Solutions, et al.*, 2019 CA 005047 B (D.C. Superior Court): Litigation against home improvement contractors for shoddy work, failing to use licensed subcontractors, and failing to obtain proper permits.
- *D.C. v. Marriott International, Inc.*, 2019 CA 004497 B (D.C. Superior Court): Lawsuit against Marriott for deceptive and misleading hotel resort fee charges, also known as “junk fees.”
- *D.C. v. Exxon, et al.*, 2020 CA 002892 B (D.C. Superior Court): Litigation alleging misrepresentations and omissions by oil companies relating to risks and dangers of climate change.
- *D.C. v. Meta Platforms, Inc.*, 2023 CAB 006559 (D.C. Superior Court): Lawsuit, filed in coordination with similar lawsuits filed by fellow state attorneys general, for deception and harm related to impact of social media platforms on teen mental health.
- *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, without consent, charged add-ons that offered little to no value to consumers.
- *State of Arizona, et al. v. Michael D. Lansky, L.L.C. dba Avid Telecom*, CV-23-00233-TUC-CKJ (D. Az.): Multistate litigation filed by 50+ states and jurisdictions against company allegedly responsible for illegal robocalls across the country.

30. Please describe OAG’s work on affordable housing and housing equity issues in FY23 and FY24, to date.

RESPONSE: PAD has been actively engaging in affordable housing and housing equity issues during FY23 and FY24, to date. Following is a description of some of PAD’s work during this period.

- PAD handles cases and confidential investigations concerning discrimination against residents who receive housing vouchers or subsidies. Notably, in FY23, the District obtained a landmark settlement agreement in *District of Columbia v. Daro Realty, LLC, et al.*, 2020 CA 001015 B (D.C. Superior Court), 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. Also in FY23, OAG partnered with the Equal Rights Center (ERC) as co-plaintiffs in *ERC, et al. v. Adams Investment Group, LLC, et al.*, 2022 CA 001582 R(RP) (D.C. Superior Court), another source-of-income

- discrimination case that involved multiple property managers and a third-party leasing call center telling potential applicants that the Adams View apartment building did not accept subsidies. In December 2023, OAG and ERC reached a settlement in this case that notably requires the third-party leasing service to audit its practices nationwide to ensure voucher holders are accepted in every jurisdiction that protects against source-of-income discrimination. The defendants were also required to pay ERC and the District \$235,000 in restitution, damages, future training and compliance costs, attorney's fees, and civil penalties, with \$15,000 coming to the District as a penalty.
- Following Council's passage of the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, PAD filed *District of Columbia v. Jerome Bailey, et al.*, 2023 CAB 001487 (D.C. Superior Court), for unlawfully discriminating against certain types of voucher holders, and for posting ads stating, "No evictions or payment related court cases," in contravention of the new protections intended to prevent landlords from circumventing the non-discrimination laws. The case is ongoing.
 - OAG 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. Notably, this includes OAG's case against the District of Columbia Housing Authority (DCHA), *District of Columbia v. District of Columbia Housing Authority*, 2022 CA 002667-B (D.C. Superior Court), 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 31, PAD engages community stakeholders to achieve broader affordable housing and housing equity goals. The team has continued to lead monthly stakeholder meetings with the legal services and organizer communities, as well as the Office of the Tenant Advocate. We also meet monthly with Department of Buildings leadership and staff to discuss housing code enforcement, and we respond to requests from and frequently meet with Councilmembers and staff to discuss both individual properties and broader housing enforcement and affordability issues. In FY23, OAG also coordinated several meetings of District agencies working with tenants – including the Department of Behavioral Health, the Department of Buildings, the D.C. Housing Authority, and the Department of Human Services – to discuss interagency strategies. OAG also 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.
 - PAD's housing code enforcement work also advances housing equity for District residents and helps ensure that all tenants are able to live in safe, habitable housing. Under the Tenant Receivership Act and the Consumer Protection Procedures Act, we bring claims against owners of properties with a pattern of neglect involving serious health and safety violations. In those cases, we seek repairs, restitution of rent paid by tenants, and – where necessary – appointment of a receiver to bring a property back into housing code compliance. For example, in *District of Columbia v. MP PPH LLC, et al.*, 2021 CA 002209 B (D.C. Superior Court), OAG sued the owners of the Marbury Plaza Apartments. As part of its suit, OAG was able to get tenants millions of dollars in rent credits and much needed repairs throughout the property. This litigation is

pending, and OAG currently is seeking appointment of a receiver to oversee ongoing repairs. More details about PAD's housing code enforcement work can be found in response to Question 31.

- Please also see the descriptions of the Equitable Land Use Section's work on housing affordability in response to Question 26.

31. Please describe OAG's work to address rental properties with illegal housing conditions in the District. Please list all cases, new and ongoing, brought by OAG for housing code violations or under the Tenant Receivership Act worked on by OAG in FY2023 and FY2024, to date, along with their statuses (including any recoveries or abated conditions). Additionally, please provide the following data regarding these cases:

RESPONSE: PAD's Social Justice Section (SJS) handles OAD's housing conditions work under several statutes, including the Tenant Receivership Act (TRA), the Consumer Protection Procedures Act (CPPA), the Lead-Hazard Prevention and Elimination Act (LHPEA), and the Drug-, Firearm- and Prostitution-Related Nuisance Abatement Act (Nuisance Act).

- Under the TRA, OAG brings cases seeking injunctive relief to bring rental properties into compliance with the housing code, including, where necessary, appointment of a receiver to oversee repairs. The TRA requires a showing that a property has been cited for housing code violations involving serious health and safety issues and the owner has not timely abated the violations *or* that the property has a pattern of neglect for more than 30 days involving serious health and safety issues for tenants.
- In cases brought under the TRA, OAG also seeks restitution of rent paid by tenants, as well as civil penalties paid to the District, by including claims under the CPPA. Where lead paint hazards are present, we also file claims under the LHPEA.
- The Nuisance Act authorizes OAG to file suit when a property is being operated as a nuisance, defined as a property being used to store firearms illegally; for the sale or manufacture of controlled substances; or to facilitate prostitution. To establish a violation of the Nuisance Act, Superior Court judges generally require OAG to present evidence of multiple illegal drug or firearm seizures by MPD at the property and ongoing criminal activity throughout the litigation.

Below is a list of cases in active litigation with TRA and other claims, as well as a list of matters resolved under the TRA and CPPA or with potential claims under those statutes based on housing conditions.

Matters in Active Litigation:

- *D.C. v. Jefferson-11th Street LLC, et al.*, 2017 CA 002837 (D.C. Superior Court); 21-CV-762 (D.C. Court of Appeals): TRA and CPPA case filed against property owner of an apartment building in Ward 1. The court granted summary judgment in OAG's favor in September 2021, but the Defendants appealed. The appeal remains pending before the D.C. Court of Appeals.
- *D.C. v. The Bennington Corp. et al.*, 2018 CA 007253 B; *D.C. v. Astor Place Partnership LLC et al.*, 2019 CA 001845 B; *D.C. v Tavana Corp. et al.*, 2019 CA

- 003718 B (D.C. Superior Court): Consolidated TRA and CPPA cases filed against the same individual owner at properties in Wards 7 and 5. The court granted partial summary judgment in OAG's favor. Two of the 3 cases are open while the court is monitoring ongoing repairs.
- ***D.C. v. 76M Inc., et al.***, 2020 CA 001080 B (D.C. Superior Court): TRA, CPPA, LHPEA case with \$5.4 million judgment entered in September 2022 against the owner of a property in Ward 4. The owner did not pay the judgment amount and then filed for bankruptcy after OAG sought enforcement in Superior Court. OAG is seeking to collect the judgment from the bankruptcy estate.
 - ***D.C. v. EADS LLC et al.***, 2018 CA 5830 B (D.C. Superior Court): TRA, CPPA, LHPEA case that culminated in a bench trial in February 2023, regarding a property in Ward 4. The court awarded OAG a \$1.5 million judgment in February 2024. The owner previously filed for bankruptcy, and OAG will be seeking to collect its judgment from the bankruptcy estate.
 - ***D.C. v. New Bethel Housing Corp. et al.***, 2021 CA 000511 B (D.C. Superior Court): TRA, CPPA, Nonprofit Corporation Act suit against a property Ward 2. The court appointed a receiver under the TRA and a trial is scheduled for October 2024.
 - ***D.C. v. King Housing Inc., et al.***, 2022 CA 000186 B (D.C. Superior Court): TRA, CPPA, LHPEA and Human Rights Act case involving a property in Ward 2. Defendants consented to entry of an abatement plan in November 2022 to address the housing conditions. The court is overseeing repairs while discovery is ongoing.
 - ***D.C. v. MP PPH, LLC et al.***, 2021 CA 002209 B (D.C. Superior Court): TRA, CPPA, and Human Rights Act case against the owners of Marbury Plaza, a Ward 8 property. Defendants failed to comply with a consent abatement plan, and the Superior Court held Defendants in contempt and awarded tenants rent credits in an order issued in April 2023. In February 2024, the Court appointed a receiver with the consent of the Defendants. The owner, MP PPH, LLC, is also in bankruptcy and the property is slated to be sold within the next few months.
 - ***D.C. v. Adolphe Edwards***, 2022 CA 002823 B (D.C. Superior Court): TRA, CPPA, and LHPEA case against Adolphe Edwards for his properties on Missouri Avenue and Alabama Avenue, in Wards 4 and 8, respectively. The Superior Court appointed a receiver in May 2023, and the Defendant then filed for bankruptcy. The Alabama Avenue property has since been sold by the bankruptcy court, while the Missouri Avenue property is slated to be sold in the next few months.

Matters Resolved Post-Litigation:

- ***D.C. v. Solid Brick Ventures LLC, et al.***, 2022 CA 000446 B (D.C. Superior Court): TRA, CPPA, and LHPEA suit filed against the owner of properties in Ward 5. Matter settled in December 2022 for \$1 million; \$717,000 is earmarked as tenant restitution, with a 25-year affordable housing covenant and broad injunctive terms under CPPA and LHPEA.

Matters Resolved Pre-Litigation:

- ***Worthington Woods:*** The owner of this property, located at 4401-4419 3rd Street SE in Ward 8, agreed in December 2022 to resolve an investigation into housing conditions. The owner agreed to take immediate steps to address remaining security concerns and pest infestation, and to report regularly to OAG on any new housing conditions and the progress of planned renovations to the property.
- ***Buena Vista Apartments:*** This property is a 2-building apartment complex in Ward 1. The former owners settled in December 2022 for approximately \$255,000 in penalties and restitution. The restitution award resulted in \$105,000 going to the newly-formed tenant cooperative, established by tenants exercising their TOPA rights to purchase the building. In addition, the former owner agreed to dismiss 19 pending eviction actions and forgive approximately \$350,000 in back rent.
- ***Avamere/Jamie Smith:*** This CPPA and LHPEA investigation involved properties in Wards 7 and 8 located at 1301 Ridge Place SE, 4020 and 4022 First Street SE, and 313 and 315 Anacostia Road SE. In a settlement reached in March 2023, the owners of the properties agreed to provide \$4,111 in rent credits to the affected tenants and \$50,000 in penalties to OAG for violations of the CPPA. The owners also agreed to injunctive terms to abate lead-based paint hazards and housing code violations at the properties.
- ***Atlantic Terrace and Southern Hills:*** This investigation involved 2 HUD subsidized properties in Ward 8 that are owned and managed by WinnResidential, one of the largest affordable housing developers in the U.S. Together, Southern Hills and Atlantic Terrace have over 450 units. In a settlement reached in September 2023, Winn agreed to pay \$1.15 million in penalties, with the tenants receiving approximately \$850,000 in rent credits. Winn also agreed to abate all remaining violations cited by the Department of Buildings and lead-based paint hazards, to repair or replace exterior doors, lighting, and security cameras, and to report regularly to OAG on future housing conditions.

a. The number of cases with a claim(s) under the Drug, Firearm, or Prostitution-Related Nuisance Amendment Act.

RESPONSE: During FY23 and FY24, SJS investigated nearly 200 nuisance complaints and settled one nuisance case, while continuing to litigate 2 ongoing cases pending in D.C. Superior Court. One of those pending nuisance cases had been appealed to the D.C. Court of Appeals and more recently was remanded back to D.C. Superior Court, following a win by OAG at the appellate level. Prior to filing a nuisance action, the law requires OAG to provide notice to a property owner and an opportunity to abate the nuisance activity. In the vast majority of our nuisance investigations, owners abate the nuisance activity before OAG files a suit.

b. The number of cases with a claim(s) under the Tenant Receivership Act.

RESPONSE: During FY23 and FY24 to date, OAG brought 1 new TRA case and continued litigating 8 previously filed cases under the TRA. During that time, OAG has inspected nearly 350 units and sent over 20 pre-suit demand letters in matter that are being actively investigated under the TRA.

In addition to our filed cases, OAG has settled 2 matters with landlords involving properties with housing code violations.

- Sherman Ave is a 2-building apartment complex in Ward 1. The former owners settled for approximately \$255,000 in penalties and cash restitution. The restitution award resulted in \$105,000 going to the newly formed tenant cooperative, established by tenants exercising their TOPA rights to purchase the building. In addition, the former owner agreed to dismissal of 19 eviction actions and forgiving approximately \$350,000 in back rent.
- Southern Hills and Atlantic Terrace are 2 HUD subsidized properties in Ward 8 that are owned by WinnResidential, one of the largest affordable housing developers in the U.S. Together, Southern Hills and Atlantic Terrace have over 450 units. OAG's settlement resulted in \$1.15 million in penalties, with the tenants receiving approximately \$850,000 in rent credits that could be used to pay back rent. In addition to the monetary terms, the landlord agreed to abate all violations cited by the Department of Buildings and lead-based paint hazards.

c. The number of cases with a Consumer Protection claim(s) against a landlord.

RESPONSE: All 9 of our pending TRA cases have a corresponding claim under the CPPA seeking restitution for rent paid by tenants, based on tenants having paid rent while living with serious housing code violations, as well as claims for penalties payable to the District.

d. The total amount in damages, restitution, or other monies recovered for tenants in FY2022, FY2023, and FY2024, to date.

RESPONSE: During FY22, OAG, recovered \$105,000 in tenant restitution. In FY23, OAG recovered approximately \$2.8 million in rent credits or restitution for tenants. There are no recoveries to date for FY24.

e. The number of rental units in which repairs were made or housing conditions were abated for tenants.

RESPONSE: Our pending cases under the TRA and CPPA, in which we are actively litigating and monitoring repairs, involve rental properties with a total of 1,092 units across 4 wards – 5320 8th Street, NW (39 units in Ward 4), Astor Place Apartments (16 units in Ward 7), Bennington Apartments (36 units in Ward 7), Concord Gardens (70 units in Ward 4), Foster House Apartments (76 units in Ward 2), Garfield Court (52 units in Ward 8), King Towers (129 units in Ward 2), and Marbury Plaza (674 units in Ward 8).

OAG also settled cases during FY23 with agreements requiring or providing money for repairs covering an additional 573 units in 3 Wards – Atlantic Terrace (196 units in Ward 8), Hawaii-Webster (88 units in Ward 5), Southern Hills (255 units in Ward 8), and Sherman Avenue (34 units in Ward 1).

f. The total amount in monetary penalties paid to the District in FY2022, FY2023, and FY2024, to date.

RESPONSE: During FY22, SJS collected \$332,200 in monetary penalties in our housing cases. In FY23, SJS collected \$2,546,022.70 in monetary penalties. There are no recoveries to date for FY24.

32. Please describe OAG's work on enforcing environmental protections in the District and promoting environmental justice in FY23 and FY24, 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:

- ***Chesapeake Bay Foundation (CBF) et al. v. U.S. EPA et al.***, 1:20-cv-2530 (CJN)/1:20-cv-2529 (CJN) (consolidated cases in D.D.C.): 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.) In a settlement agreement reached in April 2023, EPA has agreed to take steps to compel Pennsylvania to revise its plans, including looking for ways to reduce agriculture and stormwater runoff from urban and suburban land and prioritizing its efforts in counties that contribute the most pollution to local rivers and streams. EPA also committed to increase compliance and enforcement efforts to ensure permits are up to date.
- ***D.C. v. Potomac Electric Power Company***, 23-cv-2935-RJL (DDC); 2023-CAB-006108 (D.C. Superior); 1:11-cv-00282-BAH (D.D.C. existing): In November 2023, OAG announced a historic settlement with Potomac Electric Power Company (Pepco) requiring the company to pay \$47 million in remediation costs to help clean up the Anacostia River, as well as \$10 million in penalties. The 2 cases filed by the District are based on Pepco's pollution of District land and waterways over a period of decades, resulting in persistent, toxic pollution of the Anacostia River. Pepco also will be required to clean up contamination at its Buzzard Point and Benning Road facilities and investigate the environmental impacts of the company's underground, District-wide system of transformer vaults.
- ***D.C. v. Velsicol***, 2022 CA 004711 B (Superior); No. 23-12544 (ND Ill. (bankruptcy) (D.C. Superior Court; U.S. Bankruptcy Court, N.D. Ill.): In 2022, OAG hired outside counsel to investigate and represent the District regarding contamination caused by per- and polyfluoroalkyl substances (PFAS) and chlordane. 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.

- Velsicol subsequently filed for bankruptcy, and outside counsel is litigating the District's claims in the federal bankruptcy case as well.
- ***D.C. v. 3M Company and DuPont De Nemours, Inc., et al.***, 2023–CAB–004322 (Superior); then transferred to 2:18-mn-2873-RMG (D.S.C.)(D.C. Superior Court; U.S. District Court, S.C.): In July 2023, OAG filed suit against over 25 chemical companies, including The 3M Company (3M) and DuPont De Nemours, Inc. (DuPont), for manufacturing, marketing, distributing, and selling products containing dangerous PFAS chemicals which now pollute the District's natural resources. The complaint alleges that, despite knowing that their products were associated with serious health effects, including increased risk of cancer and birth defects, 3M and DuPont – as well as the other defendants – falsely maintained that their products were safe. The District opted into a settlement with DuPont in a pending federal multidistrict litigation. The District's claims against 3M and the other defendants remain pending.
 - ***D.C. v. Rodgers Brothers Custodial Services, Inc.***, 2021 CA 000109 B (D.C. Superior Court): OAG brought this case for violations of the Water Pollution Control Act based on illegal discharges into District waters. The parties reached a consent order early in the litigation to ensure no further discharges should occur. In January 2023, the Court granted in part the District's Motion for Summary Judgment, finding Rodgers Brothers liable for the violations. The case will proceed to trial shortly for the Court to determine civil penalties and to decide whether the owner of the company, George Rodgers, will be held individually liable for the violations.
 - Before the Public Service Commission (PSC), SJS is involved in 9 active matters. Many of these cases involve OAG representing the District Government's environmental interests in these pending cases, and we do this work in close coordination with DOEE and the Office of the People's Counsel. During FY23 and FY24, SJS filed a motion to enforce the terms of a merger agreement between AltaGas and WGL, under which AltaGas had agreed to develop 10MW of solar energy in the District by June 2023. AltaGas missed this deadline, and OAG is requesting that AltaGas pay a penalty. The issue is fully briefed and pending before the PSC. Likewise, OAG attorneys filed a complaint before the PSC in FY22 against Pepco for mishandling the Community Renewable Energy Facilities (CREF) program, and in May 2023 the PSC issued an order for Pepco to come into compliance with the CREF regulations. The PSC is currently monitoring Pepco's compliance. Also in FY22, OAG intervened in WGL Holdings' rate increase request. WGL sought to increase District consumers gas rates by \$53 million per year, a total of \$313 million over nearly 6 years. Based in part on the work of OAG attorneys, the PSC issued a final order in December 2023 approving only a \$24.6 million revenue increase, 54% lower than WGL's request, saving District consumers millions of dollars.
 - 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 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.
 - 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. While our settlement with Pepco provided funds to implement the interim remedy, the District still seeks to recover its investigation costs, natural resources damages, and any future monitoring and additional remediation costs from Pepco and other responsible parties.

On the policy front, OAG: (1) 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 also has joined a coalition of states in preparing numerous rule comments and legal challenges to federal rulemaking and policy initiatives, including: (1) a comment letter to a federal administrative agency to close information gaps between railroads and first responders by giving first responders real-time, accurate information concerning hazardous materials on trains passing through their jurisdictions; (2) comments to the Environmental Protection Agency advocating for stronger risk evaluations under the Toxic Substances Control Act that provides a framework for evaluating whether a chemical substance presents an unreasonable risk of injury to health or the environment; and (3) a letter to the White House supporting a Presidential veto of the Department of Labor's rule permitting fiduciaries of retirement investments to disregard environmental, governance, and social factors.

In addition to joining more than 30 multistate comments, OAG has led or co-led the drafting of multistate submissions. For instance, in May 2023, OAG was the principal author for comments to the Consumer Product Safety Commission on its request for information on gas stove hazards and potential solutions to those hazards. Our comments highlighted the increased risk of asthma and other health impacts from exposure to gas stove emissions, particularly for children and individuals in lower-income households. In January 2023, OAG was also one of the principal authors on a multistate comment letter to the Department of Defense, General Services Administration, and National Aeronautics and Space Administration's proposed rule requiring certain federal contractors to disclose their greenhouse gas emissions and climate-related financial risks and set science-based targets to reduce their greenhouse gas emissions. For FY24, OAG is the primary drafter on a comment letter to the General Services Administration that seeks to reduce the federal government's acquisition of single-use plastic packaging. 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.

33. Please provide an update on OAG's lawsuit against RealPage and 14 landlord companies for alleged violations of antitrust law through artificial inflation of rent prices.

RESPONSE: In November 2023, OAG filed a lawsuit against RealPage, Inc. and 14 of the largest residential landlords in the District for colluding to illegally raise rents for tens of

thousands of DC residents by collectively delegating price-setting authority to RealPage, which used a centralized pricing algorithm to inflate prices, costing renters millions of dollars. The case is *District of Columbia v. RealPage, Inc. et al.*, 2023 CAB 6762 (D.C. Superior Court). Three of the 15 defendants have filed motions to dismiss the District's complaint. The litigation process will be moving forward with the other 12 defendants while the parties await a ruling on the motions to dismiss.

34. Regarding child support:

a. How many child support petitions were filed in FY23 and FY24, to date?

RESPONSE: CSSD filed 813 petitions in D.C. Superior Court in FY23 and 222 petitions to date in FY24.

b. How many motions to modify child support has the Child Support Services Division (CSSD) received in FY23 and FY24, 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 FY23, CSSD received 265 motions to modify from non-custodial parents. In response, CSSD filed 129 written oppositions, 10 praecipes of no opposition, and 8 praecipes indicating that the government takes no position. In FY24 to date, CSSD received 57 motions to modify and has filed 19 written oppositions. CSSD attorneys also argue oppositions on the record if the matter arises in court, but CSSD does not track these oral oppositions.¹¹

c. How many motions for contempt has CSSD filed in FY23 and FY24, 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 FY23, CSSD filed 181 new motions for contempt. In FY24 to date, CSSD has filed 25 new motions for contempt.

35. 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 FY23 and FY24, to date, including the source and amount;**
- c. A description of any changes made to the program in FY23 and FY24, to date, and/or any planned changes to the program in FY24;**

¹¹ The number of motions received and number of oppositions listed do not correspond on a 1-to-1 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.

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

OAG's Restorative Justice Program is an innovative approach to addressing crime and conflict in the juvenile justice system. 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.¹² 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 having youth who offend accept true accountability for their misconduct, recognizing that shame and isolation are among the top drivers of violence.¹³ 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 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 reduced recidivism when used for serious crimes.¹⁴ 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

¹² This may take the form of a plea offer to reduced charges or the offer of a Deferred Disposition Agreement.

¹³ 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.

¹⁴ 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).

with both victims and those charged with crime and their respective family 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, with support of the Council and a 3-year DOJ grant awarded to OAG in 2020, RJP maintained its size and currently has 12 restorative justice facilitators, 2 program assistants, a social worker, 1 section chief and 1 assistant chief. Council and DOJ funding continues to provide financial support for the Institute for Emotional Regulation to provide group sessions of CBT to youth charged with serious crime who participate in restorative justice.

OAG 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. 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.

- d. The number and types of cases referred in FY22, FY23, and FY24, 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 subparts d. through h.

	FY22	FY23	FY24Q1
Cases referred for restorative justice ¹⁵	184	214	51
Total number victim declines ¹⁶	56	46	<10
Total number “other” reasons to return to prosecutor ¹⁷	90	98	<10
Total number of youth with RJ pending ¹⁸	0	30	29
Total number of youth who participated in an RJ Conference ¹⁹	38	40	<10
Total number of RJ Conferences that were successful ²⁰	37	38	<10
Total number of RJ Conferences that were unsuccessful ²¹	1	2	<10

i. Any additional evaluation of outcomes or information about recidivism outcomes.

RESPONSE: OAG’s recidivism analysis for youth who participated in the restorative justice program is included in the answer to question 37.

36. Please provide an update on the evaluation of the restorative justice program being conducted by the Urban Institute. When are the results of the evaluation expected?

RESPONSE: OAG is undergoing a qualitative evaluation of its restorative justice process to gain better insight into the most effective methods for changing criminal behavior and reducing

¹⁵ Referrals made in the fiscal year. Includes all referrals made through OAG, including juvenile and adult.

¹⁶ Victim declines from referrals made in the fiscal year.

¹⁷ 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.

¹⁸ Total pending cases from referrals made in the fiscal year.

¹⁹ Total number of Restorative Justice Conferences held in the fiscal year (some conferences arose from case referrals in the previous fiscal year).

²⁰ 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.

²¹ 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.

recidivism. The evaluation is being 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 includes surveys administered by researchers, 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 by the end of 2024.

- 37. 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.**
- a. For how long does OAG track recidivism for youth participants in the restorative justice program?**

RESPONSE: The fiscal year used for this analysis is based on the fiscal year in which the conference was successfully completed, which may be a different fiscal year than when the matter was opened by OAG or when the matter was referred to the restorative justice program. Of the youth who successfully completed the restorative justice program in FY23 and FY24Q1, 8 of 59 youth (14%) have been subsequently rearrested for a new charge, and of those 8, 6 have been rearrested and papered. As this analysis includes youth who completed their conference between FY23 and FY24Q1, many of these youth have not been observed for the length of time included in the analysis for Q55 (3, 6, 9, and 12 months).

Among the youth who successfully completed the restorative justice process since the program started in 2016 (261 youth), 80 (31%) were arrested for an offense subsequent to their successful restorative justice conference. Of those, 61 were subsequently rearrested and papered for an offense.

OAG tracks recidivism for youth participants in the restorative justice program until they turn 18. For some of these respondents, depending on the date of their conference, as many as 7 years have passed, and many have likely since aged out of the juvenile justice system.

- 38. Please provide the following information regarding OAG's Cure the Streets program:**
- a. A description of the program, including its structure, staffing, and polices and procedures;**

RESPONSE: Cure the Streets (CTS) is a public safety program launched by OAG aimed at reducing gun violence. It operates in certain high violence neighborhoods using a data-driven, public-health approach to gun violence, treating it as a disease that can be interrupted, treated, and stopped from spreading. OAG awards and manages grants to 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 neighborhoods in which they work. Specifically, the program operates primarily through CTS outreach workers and violence interrupters who de-escalate

conflicts, attempt to resolve them through mediation, and avert potentially fatal shootings. They work to 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. After mediating a conflict, the violence interrupters remain engaged with the participants, in part to ensure the mediation results in a lasting peace, and to help connect the person with services and to help them live non-violent lives.

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 4-month pilot program in FY18, with no funding committed to OAG to continue the pilot beyond FY18. During FY19, OAG identified funding, using both its internal budget and a private donation, to operate for 1 full year. In FY20, the Council allocated one-time funds to continue the expanded CTS program for a second year, increasing the number of sites to 6. Thereafter, OAG primarily funded CTS through its Litigation Support Fund (LSF). In FY22, OAG received additional funding from the Council to expand the program to 4 additional sites. In FY23, OAG again received additional funding from the Council to support the 10 CTS sites. In FY24, OAG assumed sole financial responsibility for the CTS program through the LSF.

Fiscal Year	Budget/Allocation	Fund Source (program/activity/CSG)	Expended	Unexpended
2018	\$360,000.00	Local (6100/6113/50) Local (9300/9301/40) Local (4000/4002/50)	\$360,000.00	\$0.00
2019	\$1,000,919.00	Local (1000/1040/40) Local (5400/5402/40) Private Donation (6100/6113/40)	\$1,000,919.00	\$0.00
2020	\$5,213,848.00	Local (6100/6101/40) Local (6100/6122/40) LSF (9300/9301/40) LSF (9300/9301/41) Private Donation (6100/6113/40)	\$4,652,617.00	\$561,231.00
2021	\$5,729,132.00	LSF (9300/9301/40) LSF (9300/9301/41) Local (9300/9301/50)	\$5,456,228.00	\$272,904.00
2022	\$9,950,509.00	Local (9300/9301/40) Local (9300/9301/50) LSF (9300/9301/50) ARPA (9300/9301/50)	\$6,661,662.69	\$3,288,846.31
2023	\$9,764,607	Local (9300/9301/40) Local (9300/9301/50) LSF (9300/9301/50)	\$7,667,340.37	\$2,097,266.63

		ARPA (9300/9301/50)		
2024	\$9,072,607	LSF (100178/713100C/50)	\$1,836,601.33	\$7,236,005.67 (in current Fiscal Year – expenditures are ongoing)

c. Any private funding obtained by OAG for the program in FY23 and FY24, to date, including the source and amount; and

RESPONSE: OAG has not received any private funding for CTS in FY23 or FY24.

d. A description of any changes made to the program in FY23 and FY24, to date, and/or any planned changes to the program in FY24.

RESPONSE: In FY23, the Women in H.E.E.L.S. grant for the Congress Heights site transitioned to a new award recipient, the National Association for the Advancement of Returning Citizens (NAARC). NAARC received funding to support the staff and maintain operations at the Congress Heights site for the remainder of FY23. They successfully applied and secured funding for the site again in FY24, ensuring continued program delivery.

39. Please discuss OAG’s process for selecting Cure the Streets sites.

RESPONSE: CTS sites were chosen through a comprehensive process that analyzed both quantitative and qualitative data to pinpoint areas with the greatest potential for reducing retaliatory gun violence.

OAG’s Violence Reduction Unit (VR Unit) examined data from various sources, including from the Criminal Justice Coordinating Council and Metropolitan Police Department, to identify the District’s areas with the highest rates of gun violence. They also gathered community intelligence from residents and leaders to gain a deeper understanding of the nature of gun violence and neighborhood conflicts in these respective areas. By analyzing both statistical and human-centric data, the VR Unit identified areas with persistent gun homicides and shootings, often stemming from neighborhood or crew-related conflicts. Finally, the VR Unit scouted potential program locations to assess their suitability for violence interruption initiatives.

This multi-faceted approach, aligned with the CTS model, ensured programs were strategically placed to make the most significant impact in communities struggling with gun violence.

40. 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 **Attachment 13**, “Cure the Streets Sites.”

- 41. Please describe the Cure the Streets program’s safe passage work in FY2023 and FY2024, to date.**

RESPONSE: Cure the Streets has not conducted safe passage work in FY23 or FY24.

- 42. Please describe any training in which Cure the Streets staff participate relating to gender-based violence or healthy masculinity.**

RESPONSE: Twenty-three CTS staff completed the Peace Academy, a 12-week training program offered by Peace 4 DC. This comprehensive program provides training on both gender-based violence and healthy masculinity, equipping participants with valuable skills and knowledge to further their work in the community.

- 43. What metrics does OAG use to measure the program’s success?**

RESPONSE: CTS relies on data analysis to inform both its implementation and public reporting. However, evaluating community-based violence intervention programs presents inherent challenges. Recognizing this, in FY24 OAG partnered with Johns Hopkins University to begin a multi-year evaluation to effectively assess the program’s impact.

Despite the inherent challenges in evaluation, there are indicators that CTS is positively impacting the targeted geographic areas based on the following metrics OAG employs:

- **Community Responses to Shootings Organized by CTS:** 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.
- **Mediations by CTS Staff:** 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 help to 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.
- **Number of Program Participants:** Relatively few residents in any neighborhood are actively involved in gun violence. As people with roots in the target neighborhoods, CTS staff know or can learn of 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 1 year are counted in each year.

44. How has the program modified its operations or services since March 2020?

RESPONSE: In response to the COVID-19 pandemic, OAG and CTS implemented safety measures and adhered to public health protocols beginning March 2020. During this period, program staff focused on community support by distributing personal protective equipment (PPE) and meals to residents in targeted areas. As restrictions eased, CTS transitioned back to in-person operations, with staff expected to resume on-site duties.

45. What metrics does OAG use to assess the success of Cure the Streets grantees?

RESPONSE: OAG employs a comprehensive assessment framework to ensure grantees effectively manage and achieve program objectives. This framework evaluates adherence to the executed grant agreement, grant policy manual, and program guidelines listed in the Request for Application (RFA). Specific metrics within this framework encompass:

- Timely submission of required information and reports
- Attendance at mandatory OAG meetings
- Maintaining eligibility for OAG grant funding
- Proper documentation and expenditure of program funds
- Submission of accurate invoices
- Effective implementation of the Cure the Streets program, including adherence to personnel management guidelines, compliance with OAG and CTS written policies, and implementation of incident reporting procedures

a. Please explain how OAG selected the metrics. Were they developed in coordination with Cure Violence Global?

RESPONSE: OAG established these performance metrics in alignment with established written policies and expectations for CTS grantees. This development process involved close collaboration with both the Grant Management Unit and Legal Counsel Division within OAG, ensuring compliance and adherence to relevant regulations and best practices. Moreover, OAG actively engages with Cure Violence Global, which provides supplementary assistance and feedback during the creation or revision of program policies and procedures.

b. How does OAG ensure that grantees are collecting data in a consistent fashion?

RESPONSE: OAG has implemented a standardized reporting system to ensure consistency in grantees' performance tracking. Each grantee utilizes a designated reporting template to submit monthly progress updates and detail activities undertaken at their respective program sites. Additionally, program staff are responsible for inputting essential data into the centralized

CommCare database. This standardized platform ensures comparable information is captured across all sites. By actively monitoring database activity, OAG can proactively identify potential reporting discrepancies or anomalies, fostering accuracy and consistency in data collection.

46. Please provide a table, broken down by site, including the following information regarding outcomes for the Cure the Streets program for FY22 through FY24:
- 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 subparts a. to d.

Site	Grantee	Community Responses to Shootings Organized by CTS (FY23)	Mediations by CTS Staff (FY23) ²²	Program Participants (FY23)
Ward 5 – Trinidad/Arboretum	NAARC	3	382	25
Ward 8 – Trenton Park/Wahler Place	NAARC	5	222	49
Ward 5 – Eckington/Truxton Circle	NAARC	0	51	45
Ward 8 – Washington Highlands	ACM	0	230	25
Ward 7 – Marshall Heights/Benning Terrace	ACM	8	47	47
Ward 8 – Bellevue	Father Factor	3	24	24
Wards 5&6 – Sursum Corda/Ivy City	Father Factor	0	105	21
Ward 8 – Historic Anacostia/Fairlawn	Father Factor	3	23	26
Wards 4&1 – Brightwood Park/Petworth/Columbia Heights	ICC	0	54	39
Ward 8 – Congress Park/MLK	NAARC	10	23	49

²² We do not gather separate data on informal truces or mediations. However, comparable information is included in the mediation outcomes that our violence interrupters track.

47. Please provide a table, broken down by site and fiscal year, listing the number of incidents of gun violence (assault with deadly weapon, homicides) in Cure the Streets target areas, in FY22 through FY24, to date.

Important notes on the data below:

- 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) priority areas.
- Note that because these metrics involve relatively small numbers, the percentage change in incidents is especially sensitive to small fluctuations from year to year. (For instance, an increase in the number of incidents at a given CTS site from 1 to 2 would constitute a 100% increase in incidents). Therefore, percentage changes should be viewed with caution.
- 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.
- Finally, as 4 sites launched mid-FY22, incident data is presented for both the initial 6 sites (full year) and all 10 sites (including the 4) OAG began collecting data this way before the 4 new sites came online, so total incidents occurring in CTS sites are presented for the 6 initial sites only, in addition to all 10 sites.

ADW Gun	FY22		FY23		FY24 to date*
	#	%Change	#	%Change	#
Cure the Streets TOTAL	194	10%	165	-15%	30
Cure the Streets TOTAL (Excluding 4 newest sites)	77	3%	66	-14%	11
Sites Launched FY18 (July 2018)					
Trinidad and Arboretum	23	28%	14	-39%	2
Trenton Park & Wahler Place	14	8%	10	-29%	1
Sites Launched FY20 (October 2019)					
Bellevue	12	50%	11	-8%	1
Eckington/Truxton Circle	17	-11%	11	-35%	5
Marshall Heights	5	67%	6	20%	1
Washington Highlands	6	-57	14	133%	1
Sites Launched FY22 (May 2022)					
Brightwood Park/Petworth	40	14%	24	-40%	5
Congress Heights	40	48%	38	-5%	4
Historic Anacostia/Fairlawn	17	0%	15	-12%	6
Sursum Cord/ Ivy City	20	-13%	22	10%	4
Rest of the District	701	-5%	739	5%	165

Rest of the District (Excluding 4 newest sites)	818	-3%	838	2%	184
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* FY24 to date is through December 31, 2023.

* Data displays all incidents reported in FY22, including the 8 months before expansion sites were officially launched.

Gun Homicide	FY22		FY23		FY24 to date*
	#	%Change	#	%Change	#
Cure the Streets TOTAL	37	0%	39	5%	7
Cure the Streets TOTAL (Excluding 4 newest sites)	17	13%	18	6%	2
Sites Launched FY18 (July 2018)					
Trinidad and Arboretum	5	400%	1	-80%	0
Trenton Park & Wahler Place	1	-67%	3	200%	0
Sites Launched FY20 (October 2019)					
Bellevue	3	50%	2	-33%	0
Eckington/Truxton Circle	5	67%	1	-80	1
Marshall Heights	0	-100%	3	300%	0
Washington Highlands	3	-25%	8	167%	1
Sites Launched FY22 (May 2022)					
Brightwood Park/ Petworth	5	0%	5	0%	4
Congress Heights	5	-55%	4	-20%	1
Historic Anacostia/Fairlawn	7	40%	9	29%	0
Sursum Cord/ Ivy City	3	200%	3	0%	0
Rest of the District	144	7%	161	12%	46
Rest of the District (Excluding 4 newest sites)	164	4%	182	11%	51

* FY24 to date is through December 31, 2023.

* Data displays all incidents reported in FY22, including the 8 months before expansion sites were officially launched.

48. Please describe the agency’s efforts to coordinate with the Office of Neighborhood Safety and Engagement and its violence intervention initiative, in FY23 and FY24, to date, with regard to Cure the Streets.

RESPONSE: OAG’s Violence Reduction Unit attends the weekly Joint Violence Intervention Partner Strategy meeting hosted by ONSE. The goal of these meetings is to foster communication and collaboration between the CTS and ONSE violence interruption teams.

In these meetings, the teams discuss any gun violence incidents that have occurred over the past 7 days and report on the resources and coverage provided by CTS or ONSE. The purpose

of this is to avoid duplicating efforts and to ensure that any gaps in service areas or needs are identified. Action items arising from these meetings are assigned to CTS and ONSE frontline staff. These action items may involve following up with a victim, gathering additional information, or developing a strategic response to prevent further violence related to an incident. Also, OAG staff have taken additional steps to share resources and information discussed in the meetings with all CTS staff across all sites.

49. Does Cure the Streets coordinate with OVSJG’s hospital-based violence interruption program? If so, please explain how.

RESPONSE: Cure the Streets attends the monthly ProjectChange meeting, including leadership program staff and members of OAG’s Violence Reduction Unit. This meeting is coordinated by OVSJG’s hospital-based violence interruption program and includes the 6 participating hospitals as well as community partners in the community violence interruption space.

OAG has also been in discussion with the hospital-based violence interruption program to develop a formal information-sharing and coordination agreement between Cure the Streets and the HVIPs. This agreement has not been finalized, and there are many considerations that must be thought through, including HIPAA.

50. Please provide data regarding OAG’s prosecution of juvenile matters:

- a. **How many juvenile matters were presented to OAG in FY23?**
- b. **Of those, how many involved an alleged violent crime?**
- c. **How many juvenile matters did OAG petition in FY23?**
- d. **Of those, in how many did the top charge involve a “crime of violence” (as defined by D.C. Code §23-1331(4))?**
- e. **How many included a gun possession charge?**
- f. **How many juvenile matters did OAG decline to petition in FY23?**
- g. **Of those, in how many did the top charge involve a “crime of violence” (as defined by D.C. Code §23-1331(4))?**

RESPONSE: All data points below refer to OAG’s top recorded charge and to the fiscal year in which OAG opened the matter,²³ not necessarily the year in which it was petitioned or declined.

Matters included are those that have a final papering decision. Excluded are fugitive matters, delinquency matters pending a decision on petitioning, and delinquency matters presented to OAG but for which the United States Attorney’s Office for the District of Columbia assumed jurisdiction under D.C. Code §16-2301(3). Petitioned matters include “re-brings” where OAG

²³ Each juvenile matter presented to OAG is generally catalogued as a distinct incident involving a distinct individual. For example, 3 youths charged for the same incident would typically generate 3 separate matters. Therefore, a single incident may result in the initiation of multiple matters. A single matter can also be multiple interrelated incidents involving a distinct individual. For example, 2 different crimes involving the same suspect that are interrelated (such as close in time and distance) could be catalogued by OAG as a single matter.

initially declined to petition a matter but later filed a petition, such as when a matter was diverted but the youth did not complete the diversion program.

	FY23
a. Delinquency matters	
All	2,001
Crime of violence	742
Gun possession	250
b. Petitioned delinquency matters	
All	1,063
Crime of violence	425
Gun possession	203
c. Not petitioned delinquency matters	
All	938
Crime of violence	317
Gun possession	47

51. Regarding carjackings specifically:

RESPONSE: All data points below refer to matters with any petitioned carjacking charge, not just the top charge, and to the fiscal year in which OAG opened the matter, not necessarily the year in which it was petitioned or declined.

a. Please provide data on the number of juveniles charged by OAG with carjackings in FY23.

RESPONSE: See table below.

Youth charged with carjacking, by fiscal year matters opened

	FY23
Number of youths charged with carjacking	87
Number of matters involving youth charged with carjacking	119

b. What percentage of juveniles charged with carjackings in FY23 had previously been charged with carjacking? With another violent crime? With any crime?

RESPONSE: The table below shows the number and percentage of matters and youth for which OAG petitioned a charge of carjacking in FY23. It also shows the number of youth who

were previously charged with carjacking, a crime of violence²⁴ other than carjacking, and/or any crime, respectively.²⁵

Youth charged with prior carjacking, crime of violence, or any crime²⁶

	FY23
Number of youths with carjacking charge	87
Youth previously charged with carjacking	<10
Youth previously charged with some other crime of violence	13 (15%)
Youth previously charged with any crime	32 (37%)

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.

c. How many juveniles charged with carjacking have been referred to the restorative justice program in FY23?

RESPONSE: A referral to the Restorative Justice Program 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 and only then is the restorative justice process used. For matters that were opened in FY23, 36 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. An additional fewer than ten youth from FY23 have pending cases, meaning that it has not yet been determined whether their cases will go to conference.

52. How many juveniles did OAG charge with unauthorized use of a vehicle in FY23 or FY24, to date?

RESPONSE: All data points below refer to matters with any OAG charge of unauthorized use of a vehicle (UUV), not just the top charge, and to the fiscal year in which OAG opened the matter, not necessarily the year in which it was petitioned or declined.

For matters opened in FY23, OAG charged 246 youth with UUV in a total of 326 matters. For matters opened in FY24Q1, OAG charged 85 youth with UUV in a total of 95 matters. There were 12 youth who were charged in both FY23 and FY24Q1.

²⁴ Crime of violence as defined by D.C. Code §23-1331(4).

²⁵ Prior crimes may include matters opened prior to the carjacking offense but not petitioned until after the carjacking offense.

²⁶ To maintain juvenile confidentiality, results of fewer than 10 are reported as <10.

Any UUV charge	FY23	FY24Q1
Matters	326	95
Youth	246	85

When matters that also include a charge of carjacking or armed carjacking are excluded (i.e., the matter included both a charge of carjacking or armed carjacking and a charge of UUV), OAG charged 192 youth with UUV in a total of 240 matters opened in FY23 and charged 64 youth with UUV in 72 matters opened in FY24Q1. There were less than 10 youth who were charged in both FY23 and FY24Q1.

Any UUV charge without carjacking charge*	FY23	FY24Q1
Matters	240	72
Youth	192	64

*Excludes matters containing a charge of carjacking.

53. To OAG’s knowledge, how many juveniles has the United States Attorney’s Office for D.C. (“USAO-DC”) brought charges against under Title 16 in FY23 and FY24, to date?

RESPONSE: OAG does not track how many youths USAO-DC brings charges against under Title 16.

However, OAG does track the number of matters presented to OAG for which it ultimately determined it did not have jurisdiction to prosecute. In FY23, there were 37 such matters, and in FY24 to date, there have been 18 such matters. OAG did not have jurisdiction to prosecute because USAO-DC exercised its jurisdiction under Title 16 or because a youth previously prosecuted by USAO-DC under Title 16 was arrested on a subsequent crime.

54. Please describe OAG’s engagement with USAO-DC regarding USAO’s prosecution of juvenile crime. Is OAG’s MOU with USAO-DC regarding Title 16 cases still in place?

RESPONSE: OAG currently has an MOU with USAO regarding Title 16 cases wherein USAO will consult with OAG before papering a juvenile as an adult. USAO will consider the factors in D.C. Official Code § 16-2307(e) and place on the record at arraignment that prior to charging the person as an adult, USAO consulted with OAG and will describe why the factors weigh in favor of charging the child as an adult. USAO will contact OAG on every juvenile prosecuted as an adult prior to charging the juvenile.

55. Please provide updated versions of the tables provided on page 145 of your FY22-23 pre-hearing performance oversight questions regarding juvenile recidivism rates.

RESPONSE: OAG measures juvenile recidivism rates in 2 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”). 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.²⁷

Recidivism for each respondent was examined at 4 specific time points: 3, 6, 9, and 12 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 population used to measure recidivism at that time point.

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 2 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 1 matter and not considered recidivism.²⁸ 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.

To preserve confidentiality, matters were aggregated into 4 types of offenses based on “top charge” (the most serious OAG charge): Crimes Against Persons,²⁹ Crimes Against Property,³⁰ Public Order Offenses,³¹ and Weapons Offenses.³² A total of 2,044 distinct respondents were observed for all matters opened between October 1, 2021, and December 31, 2023 (FY22 to FY24Q1). However, Public Order Offenses were excluded because the number of respondents was small,³³ so 1,998 distinct respondents were included in the final analysis. With each successive time frame, the number of respondents that could be observed for both measures

²⁷ 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.

²⁸ 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 2,044 respondents with matters opened from FY22-FY24Q1, 20% (413) had a prior matter opened by OAG. Juveniles who were committed were also included in the analysis because most committed youth are not incapacitated. Therefore, the inclusion of youth who were incapacitated should not substantively affect the recidivism rate.

²⁹ This category could include homicide, assault, threats, robbery, kidnapping, carjacking, sex offenses, soliciting a violent crime, and other personal offenses.

³⁰ This category could include arson, burglary, fraud, criminal writing, theft, receiving stolen property, and other property offenses (e.g., unlawful entry).

³¹ This category could include contempt, obstruction of justice, bribery, controlled substances, traffic offenses for youth 15 years old and younger, and other public order offenses.

³² This category could include carrying pistol without license, possession of unregistered firearm, possession of ammunition, and possession of BB gun or air rifle.

³³ Due to the small population size, all observed periods of recidivism for youth charged with Public Order Offenses included less than 10 youth who recidivated.

decreased,³⁴ which makes the recidivism rate more sensitive to small fluctuations in recidivism.

Table 1 shows recidivism rates at the 4 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). Using this measure, 13.3% who could be observed during the period of interest recidivated within 3 months, 21.7% recidivated within 6 months, 25.8% recidivated within 9 months, and 30.1% recidivated within a year.

Table 2 shows recidivism rates at each of the 4 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. A total of 1,167 distinct respondents were observed for matters opened between October 1, 2021, and December 31, 2023 (FY22 to FY24Q1) and subsequently papered. As with the prior analysis, this count excludes individuals who were charged with Public Order Offenses due to the small population size. Based on this definition, 16.2% recidivated within 3 months, 28.1% within 6 months, 35.7% within 9 months, and 39.3% within a year.

³⁴ A youth would be excluded from observation at a point of interest if they either turned 18 before then or if the date of the point of interest had not yet passed when the analysis was run (e.g., a youth who had their observed matter opened on October 1, 2023 would be excluded from the analysis at the 1 year mark as this analysis was completed before 1 year had passed).

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	124	988	12.6%	164	842	19.5%	152	687	22.1%	150	557	26.9%
Crimes Against Property	71	414	17.1%	94	351	26.8%	88	284	31.0%	73	212	34.4%
Weapons Offenses	27	273	9.9%	47	214	22.0%	54	169	32.0%	49	134	36.6%
Total			13.3%			21.7%			25.8%			30.1%

Table 2: Prosecuted 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	89	520	17.1%	125	433	28.9%	119	333	35.7%	105	274	38.3%
Crimes Against Property	48	210	22.9%	64	166	38.6%	55	124	44.4%	39	85	45.9%
Weapons Offenses	17	218	7.8%	27	169	16.0%	36	132	27.3%	37	101	36.6%
Total			16.2%			28.1%			35.7%			39.3%

56. Does OAG continue to hold weekly meetings with MPD at the Juvenile Processing Center to discuss issues with juvenile cases?

RESPONSE: OAG’s Juvenile Section management meets weekly with the command staff of MPD in charge of the Juvenile Processing Center to discuss issues related to juvenile cases. This includes logistic and procedural issues as well as substantive issues dealing with school and community issues, community safety issues, papering procedures, arrest procedures, evidence, charges, investigations, detention decisions, the judicial system, and numerous other issues related to juvenile accountability and rehabilitation.

57. Please provide the following information regarding the Alternatives to the Court Experience (“ACE”) Diversion Program:

a. A brief description of the ACE Program;

RESPONSE: The Alternatives to the Court Experience (ACE) is a diversion program operated by Department of Human Services (DHS), that works in tandem with OAG, MPD, and Court Social Services (CSS), 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, 3 supervisors (including 1 bilingual English-Spanish speaker), and 14 case managers and social workers (including 2 bilingual English-Spanish speakers).

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

Offense Category ³⁵	FY22				FY23			
	CSS/OAG ³⁶	MPD ³⁷	OAG ³⁸	PPCO/OAG ³⁹	CSS/OAG	MPD	OAG	PPCO/OAG
Crimes Against Persons	78	58	<10	20	73	70	<10	<10
Crimes Against Property	35	11	<10	<10	67	30	<10	<10
Public Order Offenses	<10	<10	<10	<10	<10	37	<10	<10
Weapons Offenses	<10	<10	<10	<10	<10	<10	<10	<10
Status Offenses ⁴⁰	<10	<10	13	<10	<10	<10	40	<10

c. For the cases identified in (b), OAG’s recidivism analysis.

RESPONSE: Of the youth included in the recidivism analysis provided in response to Question 55, OAG prosecuted 931 distinct respondents and diverted 270 distinct respondents. As with the answer to Question 55, youth who committed Public Order Offenses were excluded because the number of respondents was small.⁴¹ Recidivism for each respondent was examined at 4 specific time points: 3, 6, 9, and 12 months after OAG opened the initial matter. With each successive time frame, the number of respondents that could be observed for both measures decreased,⁴² which makes the recidivism rate more sensitive to small fluctuations in recidivism.

As shown in the table below, total respondents with a diverted matter have a considerably lower rate of new matter recidivism than those with a prosecuted matter at all points of interest. After 6 months, 14.6% of diverted respondents recidivated, compared to 32.4% of prosecuted respondents. After 12 months, 27.2% of diverted respondents recidivated, compared to 44.4% of prosecuted respondents.

³⁵ ACE is the data source for this response. Top charges are aggregated because of a concern for juvenile confidentiality. Results of 0-9 are reported as <10.

³⁶ CSS/OAG includes matters where the youth was diverted at arrest based on consultation between OAG and Court Social Services.

³⁷ MPD includes matters where MPD diverted the youth prior to arrest.

³⁸ OAG includes matters where OAG diverted youth for status offense cases, such as truancy or runaway.

³⁹ PPCO/OAG includes matters where OAG diverted youth before the custody order (Pre-Petition Custody Order).

⁴⁰ Includes runaway and truancy matters.

⁴¹ Due to the small population size, all observed periods of recidivism for youth charged with Public Order Offenses included less than 10 youth. Also note that this recidivism analysis only examines delinquency data and not PINS diversions.

⁴² A youth would be excluded from observation at a point of interest if they either turned 18 before then or if the date of the point of interest had not yet passed when the analysis was run (e.g., a youth who had their observed matter opened on October 1, 2023 would be excluded from the analysis at the 1 year mark as this analysis was completed before 1 year had passed).

In interpreting these results, it is important to keep in mind 2 considerations. 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. For example, if 5 youth are observed at a point of interest, 1 youth who recidivated would make the recidivism rate go from 0% to 20%. 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. Additionally, 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.

Rates of New Matter Recidivism by Top Charge and Status of Initial Case for Youth with Diverted Cases and Prosecuted Cases

	3 months		6 months		9 months		12 months	
	Diverted Case (n = 243)	Prosecuted Case (n = 758)	Diverted Case (n = 205)	Prosecuted Case (n = 608)	Diverted Case (n = 169)	Prosecuted Case (n = 469)	Diverted Case (n = 136)	Prosecuted Case (n = 372)
Crimes Against Persons	5.7%	21.0%	12.9%	33.3%	15.8%	40.6%	25.0%	45.3%
Crimes Against Property	13.2%	27.8%	18.8%	41.4%	26.2%	46.7%	34.9%	46.3%
Weapons Offenses	16.7%	10.5%	0.0%	22.4%	0.0%	34.5%	11.1%	40.7%
Total	9.1%	19.8%	14.6%	32.4%	18.9%	40.3%	27.2%	44.4%

58. Please describe any policy and/or legal initiatives or projects undertaken or in development by OAG relating to delinquency in FY23 and FY24, to date. Please include information for each policy, legal initiative, program or project regarding referral rates, utilization rates, and outcomes.

RESPONSE: OAG has several programs dedicated to addressing delinquency. The agency runs 2 different truancy prevention programs, ATTEND and I Belong Here!, both of which are discussed in more detail in response to Questions 26 and 60. OAG also pioneered a restorative justice program, which is discussed in more detail in response to Questions 35-37. In addition to these initiatives, OAG also offers the Right Direction Awards, the Do the Write Thing Challenge, and the Safety and Justice Council/High School Advisory Council.

- **Right Direction Awards:** Recognizing youth overcoming challenges, OAG held the 7th Annual Awards in FY23. With a record 60 applicants, 29 individuals (ages 14-24) were selected for their positive impact on the community despite facing hardships like involvement in the justice system, homelessness, or teen pregnancy.

- Do the Write Thing Challenge: Encouraging youth to tackle violence through writing, this initiative saw increased student participation in FY23. The initiative empowers middle school students to analyze the root causes and impact of violence, fostering safer communities. Two students annually represent the District at the national event and have their work archived in the Library of Congress. Plans for increasing middle school participation are underway for FY24.
- Safety and Justice Council/High School Advisory Council: Partnering with DC Mikva Challenge, OAG launched the inaugural Safety and Justice council in FY23. Over 30 high schoolers meet weekly at OAG to discuss policy issues impacting District youth and craft recommendations for the Attorney General. This initiative aligns with the High School Advisory Council, where 12-18 students work on policy issues during summer months, interacting with OAG attorneys, judges, and advocates to learn about OAG’s work and civic engagement.

a. Please provide an update on the operation and outcomes of the Juvenile Hotline in FY23 and FY24. How many calls did the Juvenile Hotline receive in FY21, FY22, FY23 and FY24, to date?

RESPONSE: Table 1: Juvenile Section hotline calls from February 2021 – December 2023.

Fiscal year	Hotline calls
FY21 (partial)	392
FY22	803
FY23	651
FYTD 24	67

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

RESPONSE: OAG currently has an MOU with USAO regarding Title 16 cases wherein USAO will consult with OAG before papering a juvenile as an adult. USAO will consider the factors in D.C. Official Code § 16-2307(e) and place on the record at arraignment that prior to charging the person as an adult, USAO consulted with OAG and will describe why the factors weigh in favor of charging the child as an adult. USAO will contact OAG on every juvenile prosecuted as an adult prior to charging the juvenile.

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

RESPONSE: The Juvenile Specialty Courts Unit utilizes High-Fidelity Wrap Around Program for Person In Need of Supervision cases that are neither petitioned nor referred to ACE on a case-by-case basis.

59. The CJCC’s new Public Safety and Justice Reports dashboard shows that only 52% of youth referred to the ACE Diversion Program actually started the program. Please provide OAG’s perspective on this data.

a. What steps does OAG take to seek to ensure that youth referred to the program actually start and complete it?

RESPONSE: OAG obtains information from the Department of Human Services (DHS), Family Services Administration (FSA) regarding the Alternatives to the Court Experience (ACE) program. FSA provides information to OAG when there are early closures of referrals if youth do not appear for the start of the program. The notice of closure may be months after the date of the referral. Historically, OAG relied on DHS to alert it if a youth referred to ACE did not complete the program. Starting FY24, OAG and DHS established a protocol to review the status of youth referred on a monthly basis.

b. How does OAG track youths' participation in the program?

RESPONSE: DHS/FSA provides a case closure report to OAG regarding ACE. FSA emails information when there are early closures of referrals for various reasons, including if youth do not appear for the start of the program. FSA also provides information on successful completions of the program to OAG on an ongoing basis.

c. What action does OAG take when it learns a youth has not begun the program?

RESPONSE: OAG is implementing new procedures to ensure that youth diverted to ACE participate in the diversion program or get referred back to OAG for potential prosecution. Previously, because ACE representatives were not guaranteed to be at the courthouse during the juvenile's initial appearance, when OAG diverted the juvenile to ACE, that youth would be connected to ACE after leaving court. That process has changed. Now, ACE will provide a case manager to work with OAG every day to meet with referred youth and their family on the day of the initial hearing and the diversion. This way, the ACE worker will have the initial meeting with the youth and family in person, immediately after they've been arrested and delivered to Court, hopefully increasing the likelihood of establishing early, solid commitment from the youth and their family to participate in the ACE program.

Additionally, OAG and ACE will meet to discuss youth and families who are not engaged after 30 days. At that time, OAG will, jointly with the ACE case worker, reach out to the family to encourage their participation. At 45 days, if a youth still has not engaged, OAG will consider whether to pursue the underlying delinquency matter. OAG may still decide to no-paper the case if there is insufficient evidence to pursue the matter in court.

If a youth is re-arrested on other charges after being diverted, on a case-by-case basis, the youth may not be eligible for another opportunity at ACE diversion.

ACE workers attempt to engage the family directly without OAG involvement. If ACE's efforts are unsuccessful and a youth and/or parent declines to participate, ACE closes the matter early and sends OAG's Juvenile Section notification. OAG typically does not prosecute the youth for the underlying delinquency matter after failing to start the diversion program.

For PINS cases, OAG’s Juvenile Specialty Courts Unit (JSCU) makes ACE referrals directly to DHS. JSCU receives notifications of early closures. In instances where DHS was unable to locate a youth, JSCU forwards that information to OAG’s Investigations Section to locate and contact the family. Upon successful contact, the family often lets the Investigations Section know they are interested. As needed, JSCU may speak with the parent or guardian of the youth to explain the program, provide a brochure, and reconnect the family with ACE. Prior to FY24, an extended period of time may have elapsed between the administrative case closure and notification to OAG. Starting in December 2023, OAG and DHS agreed to meet monthly to review the status of PINS referrals to improve response time and outcomes. During FY24, OAG and DHS are working on protocols with the goal of real time participant engagement.

60. Please describe any policy or legal initiatives or projects undertaken or in development by OAG relating to truancy and school attendance in FY23. 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 5 to 17. OAG believes that rather than drawing children and their families into the child welfare and juvenile 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 – 13–17-Year-Olds

Youth who are 13 to 17 years old and are chronically truant are referred to as Persons In Need of Supervision (PINS). OAG’s priority is to ensure these youth and their families have access to community-based services and District resources before engaging them in 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 if appropriate, OAG will refer the youth to the Department of Behavioral Health’s high-fidelity wrap (HFW) or to ACE 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.

In FY23, OAG diverted 61 truancy-only PINS cases to ACE.

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 5 unexcused absences) and direct services in select partner schools. During FY23, ATTEND supported 4 Ward 8 DCPS elementary schools (Malcolm X, Patterson, Simon, and Turner) and 2 middle schools (Sousa in Ward 7 and John Hayden Johnson in Ward 8). During FY23 OAG expanded its prevention model to the public charter school sector. ATTEND supports eligible 13-year-olds or 6th graders at Paul Public Charter Middle School and kindergarten through 6th graders at Center City Public Schools Trinidad/NOMA Campus.

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. ATTEND maintained virtual mediations and case-management services with an option for in-person appearances as requested by parents during FY23. From FY18 to FY24 to date, mediation agreements were reached in all but 2 mediation sessions across all programming.

OAG offers prevention model schools Phase 1 enrollment support and Phase 2 “light touch” contacts by case managers. 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 entrusts the school with completing any appropriate referrals to CFSA.

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.

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).⁴³ 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.

DCPS-ATTEND program, FY23 Referrals							
	Malcolm X Elementary School	Patterson Elementary School	Simon Elementary School	Turner Elementary School	Johnson Middle School	Sousa Middle School	No School ⁴⁴

⁴³ OAG partners with the D.C. Superior Court’s Multi-Door Dispute Resolution Division to conduct this subset of mediations.

⁴⁴ The “No School” category includes referrals from a community member for ATTEND services.

Matters	14	16	26	18	21	13	<10
Families	10	11	21	16	17	11	<10
Children	14	16	25	18	17	11	<10

The table below depicts FY23 referral outcomes for mediations, both from ATTEND and all FSP matters referred to ATTEND.

Mediation Status for DCPS-ATTEND program, PCS-ATTEND program,⁴⁵ and FSP/FSP Conversions, FY23 Referrals				
	Mediated	Pending	Ineligible	Non-Mediation Services⁴⁶
Matters	94	17	30	<10
Families	80	15	24	<10
Children	89	16	29	<10

I Belong HERE! Modifications – Middle School Attendance

OAG launched I Belong HERE! (IBH!) in 2017 as its middle school truancy prevention initiative for 6th to 8th grade students at Sousa Middle School 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.

In FY23, OAG continued ATTEND’s core components of mediation and OAG-led case management to eligible 6th graders identified by Sousa as newly chronically absent or repeating the 6th grade started in FY22. Additionally, IBH! launched an inspirational speaker series for 8th graders. In the first quarter of FY24, IBH! resumed monthly in person lesson plans to a small cohort of 6th and 7th graders identified by Sousa staff and expanded to Johnson, reaching more than 60 students.

- 61. Please provide the number of juveniles by school that were referred to OAG for truancy in FY23. Additionally, please provide the number of juveniles by school that were referred to Court Social Services (“CSS”) for truancy in FY23. Please disaggregate by race, ethnicity, and gender.**

RESPONSE: In FY23, CSS referred 295 cases to OAG. 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 10 referrals. See below for results by gender and race/ethnicity.

⁴⁵ PCS-ATTEND refers to referrals from Public Charter Schools.

⁴⁶ Non-Mediation Services encompasses Phase 1 and 2 services and referrals for services other than mediation.

Truancy referrals presented to OAG, by school system and school for FY23	
School System and School	FY23
DCPS	163
Ballou SHS	37
Cardozo EC	22
Dunbar SHS	12
Eastern SHS	17
Jackson-Reed SHS	13
Roosevelt SHS	22
Woodson SHS	20
Consolidated: Anacostia SHS, Duke Ellington School of the Arts, Eliot-Hine MS, Ida B. Wells MS, MacFarland MS, McKinley Technology SHS, Phelps SHS, Ron Brown College Preparatory HS, Stuart-Hobson MS, and Walker-Jones EC	20
PCSB	116
D.C. International School	25
KIPP DC – College Preparatory PCS	16
Maya Angelou PCS - Evans High School	21
Paul PCS - Middle School	11
Washington Leadership Academy	16
Consolidated: E.L. Haynes PCS – High School, Friendship PCS – Collegiate Academy, Goodwill Excel Center, LAYC Career Academy PCS, Mary McLeod Bethune Day Academy PCS, Paul PCS - International High School, St. Coletta Special Education PCS, and YouthBuild PCS	27
OTHER (OSSE/Private Placement) Consolidated: Accotink Academy, High Road Academy of Prince George’s County, Lt. Joseph P. Kennedy Institute, New Beginnings Vocational Program, Ridge School of Montgomery County, The Foundation School, The Foundation School of Montgomery County, The Pathways School – Edgewood, and The Pathways School – Horizons	16

Truancy referrals presented to OAG, by gender for FY23	
Gender	FY23
Female	57
Male	55
Unknown or Other*	183

*There were less than 10 results for Other, so those results were combined with Unknown.

Truancy referrals presented to OAG, by race/ethnicity for FY23	
Race	FY23
African/American	63
Hispanic/Latino	14
Asian, Caucasian, or Other*	13
Unknown	205

*Results of less than 10 consolidated.

62. Please provide the number of juveniles by school that were referred as runaways to OAG in FY23. Please disaggregate by race, ethnicity, and gender.

RESPONSE: In FY23, a total of 35 runaway referrals were sent to OAG, of which 12 were petitioned.

Runaway referrals by gender for FY23		
Gender	By referral/matter	By youth
Female	*	24
Male	<10	<10

*Results of 10 or more that would nevertheless unveil data related to fewer than 10 matters are redacted.

Runaway referrals by race for FY23		
Race/Ethnicity	By referral/matter	By youth
African American	*	32
Hispanic/Latino	<10	<10

*Results of 10 or more that would nevertheless unveil data related to fewer than 10 matters are redacted.

63. Please provide an update on the AboutFace program. Your FY22-23 pre-hearing responses noted that this program was being wound down. Has that happened? What has the program been replaced with?

a. How many youth did AboutFace or its successor program serve in FY23?

RESPONSE: OAG did not refer any cases to DYRS’s AboutFace in FY23. The program has been discontinued and there is no successor.

64. How many extreme risk protection order (“ERPO”) cases has OAG handled in FY23 and FY24, to date? Please include a brief description of each case (including the petitioner type and whether the case was successful or unsuccessful).

RESPONSE: OAG handled 28 ERPO cases between October 1, 2022, and December 31, 2023. The table below includes matters resolved or initiated during the relevant time period. Twenty-four have resolved, and 4 are pending.

Date filed	Petitioner type	Poses harm to	Ex parte ⁴⁷ granted	Final outcome	Outcome date
5/27/2022	MPD	Others	Y	Denied	10/26/2022
8/15/2022	MPD	Both ⁴⁸	Y	Dismissed no Service	12/13/2022
12/9/2022	Individual - IPV ⁴⁹	Others	Y	Dismissed for CPO ⁵⁰ entry	1/5/2023
12/13/2022	MPD	Both	Y	Granted after trial	1/12/2023
12/20/2021	Individual - IPV	Others	Y	Dismissed for CPO entry	1/19/2023
1/20/2023	Individual - IPV	Both	Y	Granted by consent	2/3/2023
1/31/2023	MPD	Self	Y	Granted by consent	2/14/2023
11/4/2022	MPD	Both	Y	Granted after trial	2/16/2023
12/14/2022	MPD	Both	Y	Granted after trial	3/7/2023
2/15/2023	Individual - IPV	Others	Y	Dismissed for CPO entry	3/13/2023
2/14/2023	Individual - Family	Both	Y	Dismissed by Petitioner	3/31/2023
2/23/2023	Individual - IPV	others	Y	Granted by default	4/3/2023
3/22/2023	MPD	Both	Y	Granted by consent	4/5/2023
2/14/2023	Individual - IPV	Others	Y	Dismissed by Petitioner - criminal case proceeding	5/12/2023
1/12/2023	MH ⁵¹	Others	Y	Granted by consent	5/19/2023
5/18/2023	MPD	Both	Y	Dismissed for lack of evidence	5/26/2023
5/5/2023	MH	Self	N/A ⁵²	Granted by consent	5/31/2023
6/5/2023	MH	Both	Y	Granted by consent	8/3/2023
8/22/2023	MPD	Self	Y	Granted by consent	9/18/2023
10/10/2023	MPD	Others	Y	Granted by consent	10/23/2023
10/23/2023	Individual - IPV	Others	Y	Granted by default	11/20/2023
11/1/2023	MPD	Others	Y	Granted by consent	11/20/2023

⁴⁷ An ex parte order is a temporary ERPO sought by the petitioner and ruled on the day they are filed. If granted, they are effective until the hearing on the final order, which is typically up to 14 days.

⁴⁸ Both means the person posed harm to both themselves and to others.

⁴⁹ IPV means Intimate Partner Violence.

⁵⁰ CPO means Civil Protection Order. CPO's bar the subject person from possessing weapons, obviating the need for an ERPO.

⁵¹ MH means mental health professional.

⁵² The petitioner in this case did not seek an ex parte order.

Date filed	Petitioner type	Poses harm to	Ex parte ⁴⁷ granted	Final outcome	Outcome date
9/20/2023	MPD	Others	Y	Granted after trial	12/14/2023
7/21/2023	MPD	Both	Y	Granted by consent	12/15/2023
8/18/2023	MPD	Others	Y	Pending	N/A
11/2/2023	MPD	Others	Y	Pending	N/A
11/20/2023	Individual - IPV	Others	Y	Pending	N/A
12/21/2023	Individual - IPV	Others	Y	Pending	N/A

65. Please discuss OAG’s work in FY23 and FY24, to date, to increase public awareness of the District’s ERPO law.

RESPONSE: OAG staff conducted 7 trainings with professionals able to incorporate ERPO advice into their client advice, including the Domestic Violence Fatality Review Board, domestic violence advocates, medical professionals, police officers, court staff, private sector attorneys, and attorneys on the court’s child abuse panel. In August, OAG engaged in media and public awareness campaign providing the public updated materials, disseminating information on social media, and providing a press interview for an article that ran in the Washington Post.

Additionally, OAG incorporates discussion of ERPOs into the routine training sessions it holds for the Mental Health Section (MHS) client agency, DBH, and MPD. As a result, the ERPO process is referenced in the MHS section’s biweekly ‘DBH Officer Agent Training’ sessions and its monthly presentations to MPD’s Crisis Intervention Officer candidates. Incorporating ERPO discussion into these trainings has had the effect of spotlighting the ERPO process for hundreds of mental health professionals and police officers in the District during the course of FY23. OAG also regularly discusses the ERPO process with community stakeholders. For example, ERPO was discussed as part of the MHS training held with the District Group Home ‘Woodley House’ on October 5, 2023. Similar presentations were held for District outpatient mental health organizations including Prestige Healthcare Resources, MBI Health Services, Hillcrest Children and Family Center, and Pathways to Housing.

66. Please provide OAG’s current IV-D State Plan.

RESPONSE: OAG’s IV-D State Plan is officially hosted on the U.S. Department of Health and Human Service’s Office of Child Support Services’ website at: <https://ocsp.acf.hhs.gov/stateplan/welcome.htm>.⁵³

⁵³ OAG submits its IV-D State Plan to OCSS, which then removes any non-public information, standardizes the format of the responses to be consistent with other states, and then publishes the official public versions for every state on their website. At the time these responses were due, OCSS’s website was temporarily unavailable; therefore, we have included screenshots of the plan as Attachment 14, “State Plan for Support Collection and Establishment of Paternity Under Title IV-D.”

67. How much in child support collections in FY23 and FY24 did OAG direct to the federal government?

RESPONSE: OAG directed \$2,287,056 to the federal government in FY23. So far for FY24, OAG has directed \$362,100 to the federal government.

68. How much did OAG reimburse the federal government in FY23 and FY24 to date for child support collections that were “passed through” to families receiving TANF with only one child?

RESPONSE: In FY23, OAG reimbursed the federal government \$74,537 for collections that were over the excepted portion of \$100. So far for FY24, OAG has reimbursed the federal government \$15,380, pursuant to Section 457(a)(6)(B) of Title IV-D of the Social Security Act (the Federal act that governs Child Support Agencies).

69. In FY23 and in FY24 to date, how much is owed to the District government in TANF arrears?

RESPONSE: For FY23, \$53,463,089 is currently owed to the District in TANF arrears. So far in FY24 the amount of TANF arrears owed to the District is \$53,831,555.

a. How much of these TANF arrears accrued more than twelve years ago (prior to January 1, 2012)?

RESPONSE: Approximately \$31,723,810 of the current outstanding TANF arrears balance of \$53,831,555 accrued prior to January 1, 2012.

70. Over the last five fiscal years, what percentage and dollar amount of OAG’s budget came from TANF child support collections? How were those dollars spent?

RESPONSE:

Year	TANF Collections	Percentage of Budget/Expenditures
FY19	\$2,133,947.00	7.73%
FY20	\$3,813,916.00	10.63%
FY21	\$3,258,574.00	9.23%
FY22	\$2,993,330.00	7.35%
FY23	\$2,740,279.00	6.66%

The TANF Collections figures include the District’s share of overall TANF collections plus the amount of TANF collections that are passed through at the excepted portion level of \$100 or less. The collections that are passed through at the excepted portion level are considered program income. The TANF collections were used to fund some CSSD staff salaries and to cover some CSSD information technology expenses.

71. Does OAG take any steps to verify whether a noncustodial parent is receiving any means-tested benefits before requesting an order based on imputed income?

RESPONSE: CSSD utilizes local and federal databases such as District of Columbia Access System, Federal Parent Locator Service, State Services Portal, the child support case record, parent interviews, parent supplied documentation, etc., to assess whether a parent receives means-tested benefits.

D.C. Code § 16-916.01(d)(6), provides a listing of means-tested benefits which includes Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, General Assistance for Children, Supplemental Security Income, or Food Stamps. CSSD considers programs enumerated in this statute as means-tested benefits programs.

a. Does OAG consider SNAP (food stamps) to be a means-tested benefit? If not, why not?

RESPONSE: Yes, under D.C. Code § 16-916.01-(d)(6).

b. Does OAG consider Medicaid to be a means-tested benefit? If not, why not?

RESPONSE: OAG has previously not interpreted D.C. Code § 16-916.01-(d)(6) to include Medicaid as a means-tested benefit for purposes of determining the amount of support payments; however, OAG is currently reviewing that interpretation in response to community feedback and recent court decisions.

c. Does OAG consider SSI to be a means-tested benefit? If not, why not?

RESPONSE: Yes, under D.C. Code § 16-916.01-(d)(6).

d. Does OAG consider SSDI/SSI received in combination to be a means-tested benefit? If not, why not?

RESPONSE: SSI is considered means-tested benefit under D.C. Code § 16-916.01-(d)(6). SSDI is not a means-tested benefit.

72. What is OAG's role when a custodial parent seeks to obtain child support through a CPO case?

RESPONSE: OAG readily helps Civil Protection Order petitioners obtain a child support order. Specifically, when a parent asks for child support during the Domestic Violence Intake Center (DVIC) interview, an advocate provides the parent with a Domestic Violence Customer Contact Form for Child Support Services. The DVIC advocate emails or faxes the form to a designated OAG Child Support Services Division supervisor. The supervisor assigns the case a dedicated CSSD domestic violence case management specialist. The case management

specialist contacts the parent to obtain the needed information to prepare a petition for child support. The attorney reviews, signs, and files the petition at court.

a. Is there a designated OAG attorney or paralegal who handles CPO cases involving child support?

RESPONSE: In addition to the designated case management specialist, there are 3 designated attorneys assigned to review child support petitions in CPO cases. If the information necessary to complete a petition is provided or able to be obtained timely, these petitions are typically reviewed, signed, and filed by the attorney within 48 hours of receipt.

b. Does OAG have a policy regarding assisting CPO Petitioners with obtaining child support within a CPO order vs. in a separate support proceeding?

RESPONSE: OAG CSSD attorneys appear in Courtroom 119 to help custodial parents obtain orders in domestic violence cases. When a child support order is included in a CPO matter, OAG CSSD attorneys will ask the judge to transfer the obligation from the CPO matter and put it into the support matter filed by the government. Child support orders in CPO matters lapse in 1 year. It is more productive and efficient for CSSD to work with parents to obtain permanent support orders by filing petitions in Family Court. Transferring the child support order to the Parentage and Support case enables the child support order to remain ongoing.

c. How many CPO cases in FY23 and in FY24 to date has OAG assisted in obtaining a support order within the CPO?

RESPONSE: OAG does not assist in obtaining a child support order within the CPO. That has not been a practice for OAG, as the court can and does order monetary support within the CPO that expires in 1 year. Instead, OAG assists DV petitioners who ask for child support services. Those cases are filed in Family Court where the orders entered become permanent child support orders.

73. How many requests for assistance were received by or on behalf of Petitioners in a Civil Protection Order matter?

RESPONSE: In FY23, OAG received 23 requests for assistance from parents in CPO matters to file a child support case in Family Court. To date in FY24, OAG has received 7 such requests for assistance and filed 6 petitions and 1 motion to reinstate.

a. In FY23 and in FY24 to date, how many cases was OAG able to expedite the filing of a separate petition for support to enable service at the CPO hearing?

RESPONSE: OAG was able to expedite the filing of a petition for support for 23 parents with CPO cases in FY23. To date in FY24, there have been 6 cases filed in Family Court for parents with a CPO case.

- b. What policies does OAG have regarding expediting the filing and service of support petitions for CPO Petitioners? How have these policies changed over the last five fiscal years?**

RESPONSE: CSSD has a written process to facilitate a streamlined approach for seeking support for CPO petitioners. This process has changed within the last 5 fiscal years to accommodate remote case processing due to the pandemic.

- c. Does OAG have a designated attorney or paralegal to work on requests for expedited petitions and service for CPO Petitioners? Who are these individuals, and how can CPO Petitioners or advocates for Petitioners contact them? If these roles no longer exist or are currently vacant, when did positions become vacant, and what efforts are being taken to fill them? What has caused OAG to stop prioritizing helping CPO Petitioners obtain child support to assist in their efforts to achieve safety and independence from their abusers?**

RESPONSE: OAG has not stopped prioritizing helping CPO petitioners. OAG has a long-standing history of providing dedicated resources to help those experiencing domestic violence obtain child support. Specifically, OAG has supervisors, a case management specialist, and 3 dedicated attorneys to prepare, sign, and file child support petitions. The attorneys are Ms. Diandra Bosch, Mr. Matthew LaFratta, and Ms. Evann O'Donnell. OAG investigators or MPD serve petitions upon respondents. OAG Child Support Services Division Section Chief and supervisors are members of the Domestic Violence Intake Center Supervisors (DVIC) group and attend the monthly meetings. OAG provided the DVIC Supervisors and advocates the Domestic Violence Customer Contact Form for Child Support Services and the contact information, so that customers can start the process to obtain a permanent child support order within Family Court.

Advocates can fax the completed Domestic Violence Customer Contact Form to Child Support Services Division (CSSD) at 202-585-0312 or email it to deborah.brevard-davis@dc.gov. CPO petitioners can access the CSSD application portal at <https://cssd.dc.gov/service/opening-child-support-case> to apply for services in either English or Spanish. In addition, parents can call the CSSD Customer Service line at 202-442- 9900, for assistance.