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## COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

CHARLES ALLEN, CHAIRPERSON  
FISCAL YEAR 2020  
COMMITTEE BUDGET REPORT



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**TO:** Members of the Council of the District of Columbia

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

**DATE:** May 2, 2019

**SUBJECT:** Report and Recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2020 Budget for the Agencies under its Purview

The Committee on the Judiciary and Public Safety (“Committee”), having conducted performance and budget oversight hearings and received public and government testimony on the Mayor’s proposed operating and capital budgets for Fiscal Year 2020 (“FY20”) for the agencies under its purview, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on several sections of the Fiscal Year 2020 Budget Support Act of 2019, as proposed by the Mayor, and proposes its own subtitles.

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***Reflections on the Committee’s Budget Report and Revisions to its Format***

In recent years, the Committee’s budget report has been extensive, with each agency’s chapter comprehensively reviewing the agency’s performance and budget in the prior fiscal year and the current fiscal year, to date. In so doing, the Committee has interwoven its reflections on each agency’s performance into the chapters, culminating in a series of budget recommendations and policy recommendations for each agency to prioritize in the remainder of that fiscal year and the fiscal year to come. To some extent, each chapter has then served as a useful tool for reviewing that agency’s performance in the next fiscal year. However, it is unclear the extent to which the Committee’s budget report – by virtue of its complexity and length – has (1) been easily digestible to the public or (2) clearly conveyed to the agencies under the Committee’s purview the intentionality with which the Chairperson intends to pursue the Committee’s policy recommendations. In that vein, this year, the Committee has reconsidered the utility of its former committee report structure and will be focusing more concisely and transparently on issuing policy recommendations for each agency to drive change in the year to come.

**I. SUMMARY**

***Introductory Comments on the Committee’s  
Fiscal Year 2020 Budget for the Agencies under its Purview***

This *Report of Recommendations of the Committee on the Judiciary and Public Safety on the FY20 Budget for the Agencies under its Purview* was developed over several months of agency oversight and public and stakeholder engagement. The Committee’s recommended budget:

**Improves Public Safety and Leads on Progressive Criminal Justice Reforms**

- Nearly ***triples funding for violence prevention and intervention programming***, for a total of \$10.6 million
- Extends the Metropolitan Police Department’s ***Senior Police Officer Program***, allowing MPD to retain the expertise of retiring detectives and sergeants, and increases the Department’s hiring capacity
- Strengthens trust in law enforcement by funding a new investigator for the Office of Police Complaints and identifying \$150,000 for an ***independent review of the policing practices of MPD’s specialized units***
- Continues to ***expand alternatives to traditional prosecution by increasing restorative justice staff*** at the Office of the Attorney General
- Closes critical gaps in the District’s criminal justice data by funding the MPD Arrest Data Feed Project at the D.C. Sentencing Commission, enabling the District to follow case outcomes from arrest to sentencing
- Identifies more than \$75 million for immediate ***capital renovations to the D.C. Jail*** to provide a safe and dignified correctional facility
  - \$150,000 to continue the work of the ***planning and community engagement process for a new correctional facility***
- ***Increases funding for returning citizens and reentry services*** by \$1 million, including:
  - \$400,000 for ***grants for community-based reentry services***;
  - \$200,000 for a grant for a social work school and returning citizen “peer navigator” partnership to provide reentry support to returning citizens

- sentenced as teenagers and young adults and released after decades of incarceration;
- \$150,000 for a grant for a criminal, young adult, or juvenile justice policy-focused non-profit organization to support implementation, coordination, and analysis of the Incarceration Reduction Amendment Act of 2016 (“IRAA”)<sup>1</sup>; and
  - \$100,000 in recurring local funds for a grant for a law school clinic to represent and provide legal coordination for individuals seeking to petition for sentence review pursuant to IRAA
  - Transfers administration of the District’s ***automated traffic enforcement system*** from the Metropolitan Police Department to the District Department of Transportation to allow DDOT to use data to better inform safe road design
  - Restores the budget of the Criminal Code Reform Commission to enable the agency to finalize its comprehensive recommendations for reforming the ***District's criminal laws***

### **Supports Victims of Crime**

- Approves more than \$26 million in grants for ***domestic violence housing, sexual assault survivors' services, healthy relationship education, and hospital-based violence prevention programming***
  - Identifies funding for the development of a new ***strategic plan for housing for domestic violence survivors***
- Funds portions of the ***School Safety Omnibus Amendment Act of 2018***<sup>2</sup> to prevent child sexual abuse, sexual harassment and assault, and dating violence in schools
- Approves \$1.6 million for ***three new Place-Based Trauma-Informed Care Services Centers*** in neighborhoods with high rates of violent crime and trauma – these sites will link to existing violence prevention programming and provide trauma supports

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<sup>1</sup> See, section 306(b) of the [Comprehensive Youth Justice Amendment Act of 2016](#), effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), as amended by the [Omnibus Public Safety and Justice Amendment Act of 2018](#) (D.C. Act 22-614), and as proposed to be amended by B23-0127, the “[Second Look Amendment Act of 2019](#)”. Currently, IRAA allows individuals sentenced for a D.C. Code offense committed under age 18 and who have served 20 years and not yet come up for parole, to petition the Superior Court to review their sentence.

<sup>2</sup> School Safety Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-294).

- Increases funding for families of crime victims for ***funeral and burial assistance*** to \$10,000

### **Significantly Expands Legal Advocacy for Vulnerable Residents**

- Identifies \$5.6 million – an increase of \$450,000 – to ***expand access to legal services*** for domestic violence survivors, seniors, consumers, individuals with disabilities, individuals experiencing homelessness and housing instability, and residents with criminal records seeking expungement
- Supports funding for an ***environmental protection attorney*** at the Office of the Attorney General to defend and ensure healthy and clean air, land, and water for District residents by prosecuting violations of environmental laws
- Creates a ***team of elder abuse prosecutors*** at the Office of the Attorney General with the addition of two new attorneys

### **Supports Dignified and Affordable Housing**

- Invests \$4.5 million in ***lawyers for tenants facing eviction*** who cannot afford an attorney
- Funds a new housing and community justice ***attorney at the Office of the Attorney General to focus on housing conditions in properties owned by the D.C. Housing Authority, the District's largest landlord***

### **Invests in Fire, EMS, and 911/311**

- Dedicates \$3.5 million to purchase ***4 new ambulance units*** and an ***additional 45 firefighter paramedics or emergency medical technicians*** to improve emergency medical services in neighborhoods in the East End of the District
  - Funds an increase in total first responder staffing to 2,197 positions
- Invests \$65 million over 6 years to support the Department's ***apparatus needs*** to replace its aging fleet, including:
  - \$43.5 million to advance the ***construction of a new Fleet Maintenance Facility***
  - \$7.45 million to purchase ***five new ladder trucks*** in FY20
  - \$3.9 million to purchase ***ten new ambulances*** in FY20

- Sustains funding for the third year of the “***Right Care, Right Now” Nurse Triage Line***, which reduces 911 misuse for non-emergency healthcare needs

**Promotes Fair Elections and Government Accountability**

- Dedicates \$3.2 million to fully fund the District’s new ***Fair Elections Program*** for publicly-financed elections beginning in the 2020 election
- Moves the District’s ***primary election*** to June 2, 2020, ***expands early voting***, and creates more flexibility for District voters to return their absentee ballots
- Invests \$160,000 in the Board of Elections ***to increase pay for poll workers*** and to hire temporary workers to ***improve the processing of absentee ballots***
- Supports the Office of Open Government by funding a new attorney to enforce the Open Meetings Act and ***promote transparency in District government operations***

**A. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS**

The Committee approves the Fiscal Year 2020 operating and capital budgets of the agencies under its purview, as proposed by the Mayor, with the following modifications:

**BOARD OF ELECTIONS***Operating Budget Recommendations*

1. *Increase CSG 12 (Regular Pay – Other), Program 4000 (Election Operations), Activity 4001 (Voter Registration), by \$100,000 in recurring local funds to hire temporary election workers to process absentee ballots*
2. *Increase CSG 40 (Other Services and Charges), Program 4000 (Election Operations), Activity 4004 (Election Operations), by \$60,000 in recurring local funds to increase the pay for poll workers*

**BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY***Operating Budget Recommendations*

1. *Increase FTEs by 1, and create a new position (Attorney Advisor) in the Office of Open Government with the accompanying recurring local funds as follows:*
  - a. Attorney Advisor: create a new position in Program 1000 (Office of Open Government), Activity 1100 (Office of Open Government): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$77,028 and CSG 14 (Fringe Benefits – Current Personnel) by \$20,972: total PS increase = \$98,000*
2. *Increase CSG 40 (Other Services and Charges), Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics), by \$29,200 in recurring local funds to enhance non-personal services funding for annual software licensing fees in the Office of Government Ethics*
3. *Increase CSG 40 (Other Services and Charges), Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics), by \$33,000 in one-time local funds to enhance non-personal services funding for software licensing costs in the Office of Government Ethics*

**COMMISSION ON JUDICIAL DISABILITIES AND TENURE***Operating Budget Recommendations*

1. *Increase CSG 40 (Other Services and Charges), Program 2000 (Judicial Disabilities Tenure), Activity 2100 (Commission Administration and Support), by \$35,236 in recurring local funds to restore the agency's non-personal services funds*

**CRIMINAL CODE REFORM COMMISSION***Operating Budget Recommendations*

1. *Increase funding for 2.5 FTEs with the accompanying one-time local funds as follows:*
  - a. *Restore 2.5 FTEs in Program 1000 (Criminal Code Reform Commission), Activity 1001 (Criminal Code Reform Commission): increase CSG 11 (Regular Pay – Continuing Full Time) by \$264,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$54,000: total PS increase = \$318,000*
2. *Increase CSG 40 (Other Services and Charges), Program 1000 (Criminal Code Reform Commission), Activity 1001 (Criminal Code Reform Commission), by \$38,000 in one-time local funds to restore funding for non-personal services*

**CRIMINAL JUSTICE COORDINATING COUNCIL***Operating Budget Recommendations*

1. *Increase CSG 11 (Regular Pay – Continuing Full Time), Program 2000 (Collab. and Plng Across Agencies), Activity 2010 (Operational Infrastructure), by \$195,000 in one-time local funds to restore personal services funding*

**DEPARTMENT OF CORRECTIONS***Operating Budget Recommendations*

1. *Reduce CSG 11 (Regular Pay – Continuing Full Time), Program 3600 (Inmate Custody), Activity 3065 (Institutional Security and Control) by \$691,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$309,000 to recognize vacancy savings: total PS reduction = \$1,000,000*

*Capital Budget Recommendations*

1. *Reduce Project No. CGN08C (Heating System Replacement) by \$1,000,000 in FY20 and transfer that amount to the Committee on Recreation & Youth Affairs*

**DEPARTMENT OF FORENSIC SCIENCES***Operating Budget Recommendations*

1. *Reduce CSG 15 (Overtime Pay), Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling), by \$200,000 in recurring local funds to recognize savings in the overtime budget based on current year spending*

**DISTRICT OF COLUMBIA SENTENCING COMMISSION***Operating Budget Recommendations*

1. *Increase FTEs by 1, and create a new position (IT Specialist) with the accompanying recurring local funds as follows:*
  - a. *IT Specialist: create a new position in Program 2000 (Data Collection (AIP)), Activity 2010 (ACS Offense and Offender Database): increase CSG 11 (Regular Pay – Continuing Full Time) by \$89,500 and CSG 14 (Fringe Benefits – Current Personnel) by \$18,526: total PS increase = \$108,026*
2. *Increase CSG 40 (Other Services and Charges), Program 2000 (Data Collection (AIP)), Activity 2020 (Sentencing Guidelines Monitoring), by \$35,000 in one-time local funds to enhance funding for non-personal services*

*Capital Budget Recommendations*

1. *Increase Project No. FZ038C (IT Upgrade – DC IJIS Integration) by \$765,254 in FY20 for the MPD Arrest Data Feed Project*

**FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT***Operating Budget Recommendations*

1. *Reduce CSG 41 (Contractual Services – Other), Program 6000 (Support Services Bureau), Activity 6400 (Risk Management (Dep Chief RMD)), by \$300,000 in recurring local funds to recognize savings in the contractual services budget*

*Capital Budget Recommendations*

1. *Reduce Project No. LC537C (Engine Company 23 Renovation) by \$250,000 in FY20 and transfer that amount to the Committee on Education*
2. *Reduce Project No. LC837C (Relocation of Engine Company 26) by \$150,000 in FY20 and transfer that amount to the Committee on Education*
3. *Reduce Project No. FMF01C (Fleet Maintenance Reserve Facility) by \$750,000 in FY21 and transfer that amount to the Committee on Recreation & Youth Affairs*
4. *Reduce Project No. 206RSC (Rescue Squad Vehicles) by \$1,750,000 in FY20 and transfer that amount to Project No. 206LTC (Ladder Truck Vehicles) in FY20*

**JUDICIAL NOMINATION COMMISSION***Operating Budget Recommendations*

1. *Increase CSG 40 (Other Services and Charges), Program 2000 (Judicial Nomination), Activity 2500 (Commission Administration and Support), by \$7,559 in recurring local funds to enhance nonpersonal services funding*

**METROPOLITAN POLICE DEPARTMENT***Operating Budget Recommendations*

1. *Reduce CSG 11 (Regular Pay – Continuing Full Time), Program 1001 (Patrol Services Bureau North and South), Activity 1500 (Patrol Districts), by \$1,300,000 in recurring local funds to recognize vacancy savings to reflect actual staffing levels*
2. *Reduce CSG 11 (Regular Pay – Continuing Full Time), Program 1001 (Patrol Services Bureau North and South), Activity 1500 (Patrol Districts), by \$853,000 in one-time local funds in FY20 only to recognize vacancy savings to reflect actual staffing levels*
3. *Reduce CSG 40 (Other Services and Charges), Program 100C (Chief of Police), Activity 150C (Strategic Change Division), by \$200,000 in one-time local funds to eliminate the one-time enhancement for a survey tool*

*Capital Budget Recommendations*

1. *Reduce Project No. PEQ22C (Specialized Vehicles – MPD) by \$765,254 in FY20 and transfer that amount to the District of Columbia Sentencing Commission’s Project No. FZ038C (IT Upgrade – DC IJIS Integration) for the MPD Arrest Data Feed Project*

**OFFICE OF THE ATTORNEY GENERAL***Operating Budget Recommendations*

1. *Increase CSG 40 (Other Services and Charges), Program 6100 (Public Safety Division), Activity 6117 (Restorative Justice and Victims’ Service), by \$3,662,278 in one-time local funds for violence prevention programming*
2. *Increase CSG 40 (Other Services and Charges), Program 4000 (Child Support Services Division), Activity 4105 (Policy, Training, & Administrative Affairs), by \$50,000 in one-time local funds to fund an economic analysis of the District’s Child Support Guideline in coordination with the District’s Child Support Guideline Commission*
3. *Increase FTEs by 6, and create new positions with the accompanying recurring local funds as follows:*
  - a. *Elder Abuse Section Chief: create a new position in Program 5200 (Public Interest Division), Activity 5211 (Office of the Division Deputy): increase CSG 11 (Regular Pay – Continuing Full Time) by \$140,000, CSG 14 (Fringe Benefits – Current Personnel) by \$28,980, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$172,480*
  - b. *Elder Abuse Civil Enforcement Attorney: create a new position in Program 5200 (Public Interest Division), Activity 5211 (Office of the Division Deputy): increase CSG 11 (Regular Pay – Continuing Full Time) by \$101,313, CSG 14 (Fringe Benefits – Current Personnel) by \$20,971, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$125,784*
  - c. *Attorney: create a new position to focus on litigation related to housing conditions in District of Columbia Housing Authority properties in Program 5400 (Public Advocacy Division), Activity 5401 (Housing and Community Justice Section): increase CSG 11 (Regular Pay – Continuing Full Time) by \$113,481, CSG 14 (Fringe Benefits – Current Personnel) by \$23,490, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$140,471*

- d. Environmental Protection Attorney: create a new position in Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$121,868, CSG 14 (Fringe Benefits – Current Personnel) by \$25,226, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$150,594*
  - e. Restorative Justice Facilitator: create a new position in Program 6100 (Public Safety Division), Activity 6117 (Restorative Justice and Victims' Service): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$82,327, CSG 14 (Fringe Benefits – Current Personnel) by \$17,041, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$102,868*
  - f. Community Engagement Manager: create a new position in Program 9300 (Office of the Attorney General), Activity 9301 (Immediate Office): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$127,883, CSG 14 (Fringe Benefits – Current Personnel) by \$26,471, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$157,854*
- 4. *Reduce CSG 41 (Contractual Services – Other), Program 1000 (Agency Management), Activity 1015 (AMP Training and Employee Development) by \$100,000 in recurring local funds to recognize savings in contractual services based on the current year budget*
  - 5. *Reduce CSG 20 (Supplies and Materials), Program 1000 (Agency Management), Activity 1015 (AMP IT) by \$150,000 in one-time local funds to recognize savings in IT based on the current year budget*

**OFFICE OF THE CHIEF MEDICAL EXAMINER***Operating Budget Recommendations*

- 1. *Increase FTEs by 1, and create a new position (Forensic Autopsy Technician) with the accompanying recurring local funds as follows:*
  - a. Forensic Autopsy Technician: create a new position in Program 2000 (Death Investigations/Certifications), Activity 2300 (Mortuary Services): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$67,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,679: total PS increase = \$82,014*

**OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT***Operating Budget Recommendations*

1. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Neighborhood Safety and Engagement), Activity 2040 (Violence Intervention), by \$250,000 in recurring local funds for enhanced violence intervention contracts*
2. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Neighborhood Safety and Engagement), Activity 2040 (Violence Intervention), by \$250,000 in one-time local funds for enhanced violence intervention contracts*
3. *Eliminate 27 FTEs and in Program 2000 (Neighborhood Safety and Engagement), Activity 2030 (Roving Leaders), reduce CSG 11 (Regular Pay – Continuing Full Time) by \$1,462,219, CSG 14 (Fringe Benefits – Current Personnel) by \$355,319, CSG 20 (Supplies and Materials) by \$21,202, CSG 40 (Other Services and Charges) by \$64,003, and CSG 70 (Equipment and Equipment Rental) by \$56,364: total reduction = \$1,959,107*

## OFFICE OF POLICE COMPLAINTS

### *Operating Budget Recommendations*

1. *Increase CSG 41 (Contractual Services – Other), Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$150,000 in one-time local funds to fund an independent review of the policing practices of MPD’s Narcotics and Special Investigations Division*
2. *Increase FTEs by 1, and create a new position (Investigator), with the accompanying local funds as follows:*
  - a. *Investigator: create a new position in Program 2000 (Complaint Resolution), Activity 2010 (Investigation): increase CSG 11 (Regular Pay – Continuing Full Time) by \$54,325 and CSG 14 (Fringe Benefits – Current Personnel) by \$11,734: total PS increase = \$66,059*

## OFFICE OF UNIFIED COMMUNICATIONS

### *Operating Budget Recommendations*

1. *Reduce CSG 15 (Overtime Pay), Program 2000 (Emergency Operations (911) Division), Activity 2010 (911 Call Taking), by \$100,000 in recurring local funds to recognize savings in the overtime budget based on current year spending*
2. *Reduce CSG 15 (Overtime Pay), Program 2000 (Emergency Operations (911) Division), Activity 2020 (911 Dispatching), by \$200,000 in recurring local funds to recognize savings in the overtime budget based on current year spending*

*Capital Budget Recommendations*

1. *Reduce Project No. UC304C (911/311 Radio Critical Infrastructure) by \$1,500,000 in FY22 and transfer that amount to the Committee on Recreation & Youth Affairs*

**OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS***Operating Budget Recommendations*

1. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants), Activity 2010 (Justice Grants), by \$850,000 in recurring local funds in the following amounts:*
  - a. \$400,000 in recurring local funds for grants for community-based reentry services;
  - b. \$150,000 in recurring local funds for a grant for a criminal, young adult, or juvenile justice policy-focused non-profit organization to support implementation, coordination, and analysis of the Incarceration Reduction Amendment Act of 2016 (“IRAA”)<sup>3</sup>;
  - c. \$200,000 in recurring local funds for a grant for a social work school and returning citizen “peer navigator” partnership to provide reentry support to IRAA petitioners and individuals released pursuant to IRAA; and
  - d. \$100,000 in recurring local funds for a grant for a law school clinic to represent and provide legal coordination for individuals seeking to petition for sentence review pursuant to IRAA
2. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants), Activity 2010 (Justice Grants), by \$150,000 in one-time local funds to fund a grant to build stakeholder engagement and solicit feedback related to the design and construction of a new correctional facility*
3. *Increase CSG 50 (Subsidies and Transfers), Program 3000 (Access to Justice), Activity 3010 (Access to Justice), by \$450,000 in recurring local funds for Access to Justice grants*

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<sup>3</sup> See, section 306(b) of the [Comprehensive Youth Justice Amendment Act of 2016](#), effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), as amended by the [Omnibus Public Safety and Justice Amendment Act of 2018](#) (D.C. Act 22-614), and as proposed to be amended by B23-0127, the “[Second Look Amendment Act of 2019](#)”.

4. *Increase CSG 50 (Subsidies and Transfers), Program 4000 (Victim Services), Activity 4010 (Victim Services), by \$200,000 in one-time local funds for a grant for the development of a domestic violence housing strategic plan*

**INTER-COMMITTEE TRANSFERS***Operating Budget Recommendations***Committee of the Whole**

1. The Committee *transfers* \$100,000 in one-time local funds to the **Committee of the Whole** to the **Department of Consumer and Regulatory Affairs** to fund the violation system costs of the Repeat Parking Violations Amendment Act of 2018 (D.C. Law 22-298).
2. The Committee *transfers* \$10,000 in recurring local funds to the **Committee of the Whole** to the **Department of Consumer and Regulatory Affairs** to fund the violation system costs of the Repeat Parking Violations Amendment Act of 2018 (D.C. Law 22-298).
3. The Committee *transfers* \$40,000 in one-time local funds to the **Committee of the Whole** to the **Council of the District of Columbia** to fund a designated space for members of the public to privately and securely breastfeed while in the John A. Wilson Building.
4. The Committee *transfers* \$100,000 in recurring local funds to the **Committee of the Whole** to the **Council of the District of Columbia** to fund a student loan repayment assistance program to incentivize staff recruitment and retention.

**Committee on Business & Economic Development**

1. The Committee *accepts* \$3,037,278 in one-time local funds from the **Committee on Business & Economic Development** to fund violence prevention programming at the **Office of the Attorney General**.

**Committee on Education**

1. The Committee *transfers* \$400,000 in recurring local funds to the **Committee on Education** (\$75,875 to the **Office of the State Superintendent of Education** and \$324,125 to the UPSFF) to fund a portion of the School Safety Omnibus Amendment Act of 2018 (D.C. Law 22-294).

**Committee on Facilities & Procurement**

1. The Committee *accepts* \$625,000 in one-time local funds from the **Committee on Facilities & Procurement** to fund violence prevention programming at the **Office of the Attorney General**.

**Committee on Housing & Neighborhood Revitalization**

1. The Committee *accepts* \$125,784 in recurring local funds from the **Committee on Housing & Neighborhood Revitalization** to fund an Elder Abuse Civil Enforcement Attorney FTE at the **Office of the Attorney General**.

**Committee on Recreation & Youth Affairs**

1. The Committee *transfers* \$1,959,107 in recurring local funds and 27 FTEs to the **Committee on Recreation & Youth Affairs** to the **Department of Parks and Recreation** to return the Roving Leaders Program to the agency.
2. The Committee *accepts* \$172,480 in recurring local funds from the **Committee on Recreation & Youth Affairs** to fund an Elder Abuse Section Chief FTE at the **Office of the Attorney General**.
3. The Committee *accepts* \$250,000 in one-time local funds from the **Committee on Recreation & Youth Affairs** to the **Office of Neighborhood Safety and Engagement** to fund violence intervention contracts.

**Committee on Transportation & the Environment**

1. The Committee *transfers* \$8,000 in one-time local funds to the **Committee on Transportation & the Environment** to the **District Department of Transportation** to fund the signage costs of the Repeat Parking Violations Amendment Act of 2018 (D.C. Law 22-298).
2. The Committee *accepts* \$150,594 in recurring local funds from the **Committee on Transportation & the Environment** to fund an Environmental Protection Attorney FTE at the **Office of the Attorney General**.

*Capital Budget Recommendations***Committee on Education**

1. The Committee *transfers* \$400,000 in capital funds to the **Committee on Education** to the **District of Columbia Schools** for Project No. GM121C (Major Repairs/Maintenance – DCPS) as follows:
  - a. \$250,000 in FY20 for Amidon-Bowen Elementary School to improve the flooring in the school's cafeteria and gymnasium. The cafeteria flooring has deteriorated, creating health and safety risks for students and staff.

This funding is needed to replace the flooring and also complete the repairs and repainting of the gymnasium floor; and

- b. \$150,000 in FY20 for fencing surrounding the Walker-Jones Education Campus' two playgrounds. The current fencing surrounding the playgrounds is unstable and beginning to fail. Funds are needed to replace existing fencing and playground gates to improve safety and prevent unauthorized access to the playground area.

### **Committee on Recreation & Youth Affairs**

1. The Committee *transfers* \$3,250,000 in capital funds to the **Committee on Recreation & Youth Affairs** to the **Department of Parks and Recreation** as follows:
  - a. \$1,000,000 in FY20 to Project No. QA5JEC (Joy Evans Field House) to accelerate the renovation of the historic Joy Evans Field House. This funding for the historic Joy Evans Field House – adjacent to the Van Ness Renovation (Project No. YY1VN) – will enable the conversion of the annex into additional classroom space to meet Van Ness Elementary School's projected enrollment. The Field House modernization will provide outdoor classroom space, a garden work station, a prep area, and a small group teaching area.
  - b. \$750,000 in FY21 for a new capital project (17th & C SE Triangle Park Playground) to replace the aging play equipment in the triangle park bounded by 17th Street, S.E., C Street, S.E, and Massachusetts Avenue, S.E. These improvements will better serve the community by aligning with the completion of the redevelopment of the adjacent Eastern Branch Boys and Girls Club site.
  - c. \$1,500,000 in FY22 for a new capital project (Jefferson Field Improvements) to convert the multisport Jefferson Field to turf. Adjacent to Jefferson Middle School, the multisport Jefferson Field will be converted to turf to improve usability and field conditions. This project will also improve seating, lighting, and security.

**B. FISCAL YEAR 2020 AGENCY OPERATING BUDGET SUMMARY TABLE**

<b>FUND</b>	<b>FY 2018 Actuals</b>	<b>FY 2019 Approved</b>	<b>FY 2020 Proposed</b>	<b>Committee Adjustment</b>	<b>Committee Approved</b>
<b>Board of Elections</b>					
LOCAL FUND	\$9,019,820	\$10,666,457	\$9,447,581	\$160,000	\$9,607,581
PRIVATE GRANT FUND	\$0	\$0	\$0	\$0	\$0
FEDERAL GRANT FUND	\$1,394,991	\$0	\$0	\$0	\$0
TOTAL	\$10,414,812	\$10,666,457	\$9,447,581	\$160,000	\$9,607,581
<b>Board of Ethics and Government Accountability</b>					
LOCAL FUND	\$2,098,786	\$2,297,706	\$2,464,421	\$160,200	\$2,624,621
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$12,931	\$152,652	\$153,487	\$0	\$153,487
TOTAL	\$2,111,717	\$2,450,358	\$2,617,908	\$160,200	\$2,778,108
<b>Commission on Judicial Disabilities and Tenure</b>					
LOCAL FUND	\$7,886	\$0	\$0	\$35,236	\$35,236
FEDERAL PAYMENTS	\$312,284	\$295,000	\$280,250	\$0	\$280,250
TOTAL	\$320,170	\$295,000	\$280,250	\$35,236	\$315,486
<b>Corrections Information Council</b>					
LOCAL FUND	\$580,953	\$744,054	\$736,360		\$736,360
PRIVATE DONATIONS	\$21,939	\$0	\$0	\$0	\$0
OPERATING INTRA-DISTRICT FUNDS	\$0	\$0	\$0	\$0	\$0
TOTAL	\$602,891	\$744,054	\$736,360	\$0	\$736,360
<b>Criminal Code Reform Commission</b>					
LOCAL FUND	\$645,847	\$723,873	\$367,217	\$356,000	\$723,217
<b>Criminal Justice Coordinating Council</b>					
LOCAL FUND	\$1,216,825	\$1,654,930	\$1,178,627	\$195,000	\$1,373,627
FEDERAL GRANT FUND	\$150,000	\$150,000	\$150,000	\$0	\$150,000
FEDERAL PAYMENTS	\$2,118,903	\$2,150,000	\$1,805,000	\$0	\$1,805,000
PRIVATE GRANT FUND	(\$13,315)	\$0	\$0	\$0	\$0
OPERATING INTRA-DISTRICT FUNDS	\$221,453	\$105,397	\$117,000	\$0	\$117,000
TOTAL	\$3,693,866	\$4,060,327	\$3,250,627	\$195,000	\$3,445,627

<b>FUND</b>	<b>FY 2018 Actuals</b>	<b>FY 2019 Approved</b>	<b>FY 2020 Proposed</b>	<b>Committee Adjustment</b>	<b>Committee Approved</b>
<b>DC Sentencing Commission</b>					
LOCAL FUND	\$1,066,561	\$1,185,927	\$1,124,306	\$143,026	\$1,267,332
<b>Department of Corrections</b>					
LOCAL FUND	\$138,884,334	\$143,916,904	\$154,463,392	(\$1,000,000)	\$153,463,392
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$24,741,876	\$21,020,425	\$25,591,037		\$25,591,037
FEDERAL GRANT FUND	\$100,000	\$0	\$283,022		\$283,022
OPERATING INTRA-DISTRICT FUNDS	\$413,015	\$311,621	\$255,812		\$255,812
<b>TOTAL</b>	<b>\$164,139,225</b>	<b>\$165,248,950</b>	<b>\$180,593,263</b>	<b>(\$1,000,000)</b>	<b>\$179,593,263</b>
<b>Department of Forensic Sciences</b>					
LOCAL FUND	\$25,113,015	\$26,100,720	\$28,257,221	(\$200,000)	\$28,057,221
FEDERAL GRANT FUND	\$467,308	\$459,784	\$460,100	\$0	\$460,100
OPERATING INTRA-DISTRICT FUNDS	\$1,845,722	\$1,480,262	\$1,588,178	\$0	\$1,588,178
<b>TOTAL</b>	<b>\$27,426,045</b>	<b>\$28,040,766</b>	<b>\$30,305,499</b>	<b>(\$200,000)</b>	<b>\$30,105,499</b>
<b>District of Columbia National Guard</b>					
LOCAL FUND	\$4,790,207	\$4,810,037	\$4,942,213	\$0	\$4,942,213
FEDERAL GRANT FUND	\$7,483,510	\$9,179,500	\$9,211,272	\$0	\$9,211,272
FEDERAL PAYMENTS	\$553,768	\$435,000	\$413,250	\$0	\$413,250
<b>TOTAL</b>	<b>\$12,827,486</b>	<b>\$14,424,537</b>	<b>\$14,566,735</b>	<b>\$0</b>	<b>\$14,566,735</b>
<b>Emergency Planning and Security Fund</b>					
FEDERAL PAYMENTS	\$16,404,883	\$12,000,000	\$11,400,000		\$11,400,000
<b>Fire and Emergency Medical Services Department</b>					
LOCAL FUND	\$285,256,685	\$256,480,742	\$279,839,352	(\$300,000)	\$279,539,352
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$527,410	\$1,762,425	\$1,980,810	\$0	\$1,980,810
PRIVATE DONATIONS	\$0	\$0	\$0	\$0	\$0
FEDERAL GRANT FUND	\$2,000,962	\$0	\$0	\$0	\$0
OPERATING INTRA-	\$5,228,985	\$259,213	\$217,135	\$0	\$217,135

<b>FUND</b>	<b>FY 2018 Actuals</b>	<b>FY 2019 Approved</b>	<b>FY 2020 Proposed</b>	<b>Committee Adjustment</b>	<b>Committee Approved</b>
DISTRICT FUNDS					
TOTAL	\$287,785,056	\$258,243,168	\$281,820,161	(\$300,000)	\$281,520,161
<b>Homeland Security and Emergency Management Agency</b>					
LOCAL FUND	\$4,852,215	\$5,153,405	\$5,497,378	\$0	\$5,497,378
FEDERAL GRANT FUND	\$64,774,144	\$137,068,542	\$131,986,293	\$0	\$131,986,293
OPERATING INTRA-DISTRICT FUNDS	\$573,776	\$0	\$0	\$0	\$0
TOTAL	\$69,626,359	\$142,221,948	\$137,483,671	\$0	\$137,483,671
<b>Homeland Security Grants</b>					
OPERATING INTRA-DISTRICT FUNDS	\$5,197,342	\$1,724,516	\$1,323,169	\$0	\$1,323,169
<b>Judicial Nomination Commission</b>					
LOCAL FUND	\$0	\$0	\$0	\$7,569	\$7,569
FEDERAL PAYMENTS	\$229,012	\$270,000	\$256,500	\$0	\$256,500
TOTAL	\$229,012	\$270,000	\$256,500	\$7,569	\$264,069
<b>Metropolitan Police Department</b>					
LOCAL FUND	\$519,364,814	\$510,080,108	\$512,268,932	(\$2,353,000)	\$509,915,932
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$5,718,405	\$8,200,000	\$7,386,000	\$0	\$7,386,000
FEDERAL GRANT FUND	\$2,888,874	\$3,906,873	\$3,662,316	\$0	\$3,662,316
PRIVATE DONATIONS	\$114,130	\$0	\$0	\$0	\$0
OPERATING INTRA-DISTRICT FUNDS	\$42,000,814	\$31,355,802	\$33,104,626	\$0	\$33,104,626
TOTAL	\$528,086,223	\$522,186,981	\$523,317,247	(\$2,353,000)	\$520,964,247
<b>Office of Campaign Finance</b>					
LOCAL FUND	\$2,721,884	\$4,101,184	\$7,532,615	\$0	\$7,532,615
<b>Office of Neighborhood Safety and Engagement</b>					
LOCAL FUND	\$2,394,808	\$5,431,411	\$8,773,500	(\$1,459,107)	\$7,314,393
<b>Office of Police Complaints</b>					
LOCAL FUND	\$2,559,340	\$2,538,132	\$2,574,573	\$216,059	\$2,790,632
<b>Office of the Attorney General for the District of Columbia</b>					

<b>FUND</b>	<b>FY 2018 Actuals</b>	<b>FY 2019 Approved</b>	<b>FY 2020 Proposed</b>	<b>Committee Adjustment</b>	<b>Committee Approved</b>
LOCAL FUND	\$64,926,380	\$67,162,926	\$68,681,500	\$4,312,329	\$72,993,829
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$5,258,072	\$12,819,443	\$12,374,977	\$0	\$12,374,977
FEDERAL GRANT FUND	\$18,320,473	\$23,583,475	\$22,511,963	\$0	\$22,511,963
PRIVATE DONATIONS	\$441,189	\$548,461	\$551,651	\$0	\$551,651
OPERATING INTRA-DISTRICT FUNDS	\$3,867,186	\$3,773,279	\$4,351,012	\$0	\$4,351,012
<b>TOTAL</b>	<b>\$92,813,300</b>	<b>\$107,887,584</b>	<b>\$108,471,103</b>	<b>\$4,312,329</b>	<b>\$112,783,432</b>
<b>Office of the Chief Medical Examiner</b>					
LOCAL FUND	\$11,645,966	\$12,351,940	\$12,863,125	\$82,014	\$12,945,139
PRIVATE GRANT FUND	\$0	\$0	\$0	\$0	\$0
OPERATING INTRA-DISTRICT FUNDS	\$773,128	\$679,296	\$597,790	\$0	\$597,790
<b>TOTAL</b>	<b>\$11,645,966</b>	<b>\$12,351,940</b>	<b>\$12,863,125</b>	<b>\$82,014</b>	<b>\$12,945,139</b>
<b>Office of the Deputy Mayor for Public Safety and Justice</b>					
LOCAL FUND	\$1,330,266	\$1,596,270	\$1,570,602	\$0	\$1,570,602
OPERATING INTRA-DISTRICT FUNDS	\$0	\$0	\$0	\$0	\$0
FEDERAL GRANT FUND	\$0	\$0	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$1,330,266</b>	<b>\$1,596,270</b>	<b>\$1,570,602</b>	<b>\$0</b>	<b>\$1,570,602</b>
<b>Office of Unified Communications</b>					
LOCAL FUND	\$32,352,177	\$34,112,507	\$32,559,712	(\$300,000)	\$32,259,712
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	\$13,179,606	\$14,197,084	\$19,991,418	\$0	\$19,991,418
OPERATING INTRA-DISTRICT FUNDS	\$2,035,526	\$1,047,739	\$984,156	\$0	\$984,156
<b>TOTAL</b>	<b>\$47,567,309</b>	<b>\$49,357,329</b>	<b>\$53,535,286</b>	<b>(\$300,000)</b>	<b>\$53,235,286</b>
<b>Office of Victim Services and Justice Grants</b>					
LOCAL FUND	\$28,749,629	\$34,016,979	\$35,592,331	\$1,650,000	\$37,242,331
SPECIAL PURPOSE	\$1,803,557	\$2,230,544	\$2,821,995	\$0	\$2,821,995

<i><b>FUND</b></i>	<i><b>FY 2018 Actuals</b></i>	<i><b>FY 2019 Approved</b></i>	<i><b>FY 2020 Proposed</b></i>	<i><b>Committee Adjustment</b></i>	<i><b>Committee Approved</b></i>
REVENUE FUNDS ('O'TYPE)					
FEDERAL GRANT FUND	\$9,357,043	\$11,861,581	\$13,300,326	\$0	\$13,300,326
PRIVATE DONATIONS	\$533	\$0	\$0	\$0	\$0
OPERATING INTRA-DISTRICT FUNDS	\$1,036	\$6,561	\$0	\$0	\$0
<b>TOTAL</b>	<b>\$39,910,762</b>	<b>\$48,109,103</b>	<b>\$51,714,652</b>	<b>\$1,650,000</b>	<b>\$53,364,652</b>
<b>Settlements and Judgments</b>					
LOCAL FUND	\$15,959,493	\$21,824,759	\$28,024,759	\$0	\$28,024,759
<b>Uniform Law Commission</b>					
LOCAL FUND	\$38,332	\$60,250	\$60,250	\$0	\$60,250

**C. FISCAL YEAR 2020 AGENCY FULL-TIME EQUIVALENT SUMMARY TABLE**

<b>FUND</b>	<b>FY 2018 Actuals</b>	<b>FY 2019 Approved</b>	<b>FY 2020 Proposed</b>	<b>Committee Adjustment</b>	<b>Committee Approved</b>
<b>Board of Elections</b>					
LOCAL FUND	56.00	49.00	49.00	0.00	49.00
<b>Board of Ethics and Government Accountability</b>					
LOCAL FUND	13.00	15.50	15.50	1.00	16.50
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	0.00	1.00	1.00	0.00	1.00
TOTAL	13.00	16.50	16.50	1.00	17.50
<b>Commission on Judicial Disabilities and Tenure</b>					
FEDERAL PAYMENTS	2.00	2.00	2.00	0.00	2.00
<b>Corrections Information Council</b>					
LOCAL FUND	7.00	8.00	8.00	0.00	8.00
<b>Criminal Code Reform Commission</b>					
LOCAL FUND	5.00	5.00	2.50	2.50	5.00
<b>Criminal Justice Coordinating Council</b>					
LOCAL FUND	3.30	4.27	4.27	0.00	4.27
FEDERAL PAYMENTS	14.90	14.98	15.03	0.00	15.03
PRIVATE GRANT FUND	0.10	0.00	0.00	0.00	0.00
OPERATING INTRA-DISTRICT FUNDS	0.70	0.75	0.70	0.00	0.70
TOTAL	18.30	19.25	19.30	0.00	19.30
<b>DC Sentencing Commission</b>					
LOCAL FUND	6.00	6.00	6.00	1.00	7.00
<b>Department of Corrections</b>					
LOCAL FUND	959.17	1,064.20	1,106.00	0.00	1,106.00
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	231.00	240.00	240.00	0.00	240.00
FEDERAL GRANT FUND	0.00	0.00	3.00	0.00	3.00
OPERATING INTRA-	1.80	1.80	1.00	0.00	1.00

<b>FUND</b>	<b>FY 2018 Actuals</b>	<b>FY 2019 Approved</b>	<b>FY 2020 Proposed</b>	<b>Committee Adjustment</b>	<b>Committee Approved</b>
DISTRICT FUNDS					
TOTAL	1,191.97	1,306.00	1,350.00	0.00	1,350.00
<b>Department of Forensic Sciences</b>					
LOCAL FUND	186.99	207.00	212.00	0.00	212.00
FEDERAL GRANT FUND	5.00	5.00	5.00	0.00	5.00
OPERATING INTRA-DISTRICT FUNDS	7.20	6.25	10.00	0.00	10.00
TOTAL	12.20	218.25	227.00	0.00	227.00
<b>District of Columbia National Guard</b>					
LOCAL FUND	36.23	36.50	36.50	0.00	36.50
FEDERAL GRANT FUND	91.75	94.50	102.50	0.00	102.50
FEDERAL PAYMENTS	0.00	0.00	0.00	0.00	0.00
TOTAL	91.75	131.00	139.00	0.00	139.00
<b>Fire and Emergency Medical Services Department</b>					
LOCAL FUND	2,069.95	2,152.00	2,196.00	0.00	2,196.00
SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	1.00	1.00	1.00	0.00	1.00
TOTAL	2,070.95	2,153.00	2,197.00	0.00	2,197.00
<b>Homeland Security and Emergency Management Agency</b>					
LOCAL FUND	25.98	28.25	30.50	0.00	30.50
FEDERAL GRANT FUND	79.98	90.81	105.50	0.00	105.50
TOTAL	105.96	119.06	136.00	0.00	136.00
<b>Judicial Nomination Commission</b>					
FEDERAL PAYMENTS	2.00	2.00	2.00	0.00	2.00
<b>Metropolitan Police Department</b>					
LOCAL FUND	4,515.92	4,742.50	4,725.00	0.00	4,725.00
FEDERAL GRANT FUND	8.00	8.00	2.00	0.00	2.00
OPERATING INTRA-DISTRICT FUNDS	0.00	5.00	5.00	0.00	5.00
TOTAL	8.00	4,755.50	4,732.00	0.00	4,732.00
<b>Office of Campaign Finance</b>					

<b>FUND</b>	<b>FY 2018 Actuals</b>	<b>FY 2019 Approved</b>	<b>FY 2020 Proposed</b>	<b>Committee Adjustment</b>	<b>Committee Approved</b>
LOCAL FUND	24.98	35.00	35.00	0.00	35.00
<b>Office of Neighborhood Safety and Engagement</b>					
LOCAL FUND	14.01	26.00	57.00	(27.00)	30.00
<b>Office of Police Complaints</b>					
LOCAL FUND	23.01	24.25	24.25	1.00	25.25
<b>Office of the Attorney General for the District of Columbia</b>					
LOCAL FUND	432.10	463.62	459.32	6.00	465.32
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	5.33	21.38	13.24	0.00	13.24
FEDERAL GRANT FUND	112.94	152.23	126.48	0.00	126.48
PRIVATE DONATIONS	8.00	8.00	8.00	0.00	8.00
OPERATING INTRA-DISTRICT FUNDS	24.05	25.32	29.07	0.00	29.07
TOTAL	558.37	645.23	607.04	6.00	613.04
<b>Office of the Chief Medical Examiner</b>					
LOCAL FUND	84.02	91.00	95.00	1.00	96.00
OPERATING INTRA-DISTRICT FUNDS	3.00	4.00	4.00	0.00	4.00
TOTAL	87.02	95.00	99.00	1.00	100.00
<b>Office of the Deputy Mayor for Public Safety and Justice</b>					
LOCAL FUND	8.00	10.00	10.00	0.00	10.00
<b>Office of Unified Communications</b>					
LOCAL FUND	320.01	355.30	325.50	0.00	325.50
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	0.00	7.00	58.00	0.00	58.00
OPERATING INTRA-DISTRICT FUNDS	6.00	6.00	6.00	0.00	6.00
TOTAL	326.01	368.30	389.50	0.00	389.50
<b>Office of Victim Services and Justice Grants</b>					
LOCAL FUND	10.74	13.48	17.80	0.00	17.80

<b>FUND</b>	<b><i>FY 2018 Actuals</i></b>	<b><i>FY 2019 Approved</i></b>	<b><i>FY 2020 Proposed</i></b>	<b><i>Committee Adjustment</i></b>	<b><i>Committee Approved</i></b>
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	1.90	1.95	2.00	0.00	2.00
FEDERAL GRANT FUND	2.25	2.53	2.20	0.00	2.20
OPERATING INTRA-DISTRICT FUNDS	0.00	0.05	0.00	0.00	0.00
<b>TOTAL</b>	<b>14.89</b>	<b>18.01</b>	<b>22.00</b>	<b>0.00</b>	<b>22.00</b>

**D. FISCAL YEARS 2020-2025 AGENCY CAPITAL BUDGET SUMMARY TABLE**

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
<b>HOMELAND SECURITY/EMERGENCY MANAGEMENT (BN0)</b>										
BRM26C	HSEMA EMERGENCY OPERATIONS CENTER RENOVA	Mayor's Proposed FY20 Change	0	4,250,000	0	0	0	0	0	4,250,000
<b>BRM26C Total</b>			<b>0</b>	<b>4,250,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,250,000</b>
<b>BN0 Total</b>			<b>0</b>	<b>4,250,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,250,000</b>
<b>OFFICE OF THE ATTORNEY GENERAL (CB0)</b>										
EN240C	INFORMATION SYSTEMS - CHILD SUPPORT ENFO	Available Balances	381,907	0	0	0	0	0	0	0
<b>EN240C Total</b>			<b>381,907</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
EN601C	OAG-IT INFRASTRUCTURE UPGRADES	Available Balances	658,067	0	0	0	0	0	0	0
<b>EN601C Total</b>			<b>658,067</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
EN701C	OAG - OFFICE EQUIPMENT & FLEET UPGRADES	On Hold	113,845	0	0	0	0	0	0	0
<b>EN701C Total</b>			<b>113,845</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>CB0 Total</b>			<b>1,153,819</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>BOARD OF ELECTIONS (DL0)</b>										
VTS02C	BOARD OF ELECTIONS MANAGEMENT SYSTEM	Available Balances	2,154,721	0	0	0	0	0	0	0
<b>VTS02C Total</b>			<b>2,154,721</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>DL0 Total</b>			<b>2,154,721</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>METROPOLITAN POLICE DEPARTMENT (FA0)</b>										
ATE01C	2850 NY AVE BUILDING	Available Balances	2,940,658	0	0	0	0	0	0	0
<b>ATE01C Total</b>			<b>2,940,658</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
BRM09C	EVIDENCE IMPOUND LOT RENOVATION	Available Balances	3,850,000	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	3,850,000
		Mayor's Proposed FY20 Change	0	0	0	0	0	0	0	(3,850,000)
<b>BRM09C Total</b>			<b>3,850,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
BRM10C	ADA UPGRADES (1D SUB & 4D SUB) MPD STATI	Available Balances	1,670,860	0	0	0	0	0	0	0
<b>BRM10C Total</b>			<b>1,670,860</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
BRM20C	DETENTION AREA RENOVATIONS	Mayor's Proposed FY20 Change	0	1,250,000	1,250,000	1,250,000	0	0	0	3,750,000
<b>BRM20C Total</b>			<b>0</b>	<b>1,250,000</b>	<b>1,250,000</b>	<b>1,250,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,750,000</b>
EPI20C	MPD-DISASTER RECOVERY	Available Balances	1,850,000	0	0	0	0	0	0	0

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
<b>EPI20C Total</b>			<b>1,850,000</b>	<b>0</b>						
<b>FAV01C</b>	MOTOR CYCLES, SCOOTERS & TRAILERS - MPD	Available Balances	321,874	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	332,619	0	885,733	181,731	0	1,744,663
		Mayor's Proposed FY20 Change	0	0	(332,619)	0	(885,733)	(181,731)	0	(1,744,663)
<b>FAV01C Total</b>			<b>321,874</b>	<b>0</b>						
<b>FAV02C</b>	WRECKERS & TRAILERS - MPD	Available Balances	420,845	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	141,667	91,830	236,463	0	966,760
		Mayor's Proposed FY20 Change	0	0	0	(141,667)	(91,830)	(236,463)	0	(966,760)
<b>FAV02C Total</b>			<b>420,845</b>	<b>0</b>						
<b>FAV03C</b>	UNMARKED VEHICLES - MPD	Available Balances	319,305	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	266,998	869,908	513,135	183,836	1,609,487	0	4,107,301
		Mayor's Proposed FY20 Change	0	(266,998)	(869,908)	(513,135)	(183,836)	(1,609,487)	0	(4,107,301)
<b>FAV03C Total</b>			<b>319,305</b>	<b>0</b>						
<b>FAV04C</b>	MARKED CRUISERS - MPD	Available Balances	701,891	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	3,452,253	3,214,722	5,438,128	3,673,306	4,254,643	0	21,395,148
		Mayor's Proposed FY20 Change	0	(3,452,253)	(3,214,722)	(5,438,128)	(3,673,306)	(4,254,643)	0	(21,395,148)
<b>FAV04C Total</b>			<b>701,891</b>	<b>0</b>						
<b>FAV05C</b>	OTHER MARKED VEHICLES - MPD	Available Balances	(685,925)	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	667,573	522,109	1,682,191	995,282	2,167,019	0	7,852,525
		Mayor's Proposed FY20 Change	0	(667,573)	(522,109)	(1,682,191)	(995,282)	(2,167,019)	0	(7,852,525)
<b>FAV05C Total</b>			<b>(685,925)</b>	<b>0</b>						
HRB30C	MPD/CCTV HARDWARE REPLACEMENT	Mayor's Proposed FY20 Change	0	650,000	200,000	200,000	200,000	200,000	200,000	1,650,000
<b>HRB30C Total</b>			<b>0</b>	<b>650,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>200,000</b>	<b>1,650,000</b>
PDB23C	CCTV/SHOTSPOTTER INTEGRATION	Available Balances	950,178	0	0	0	0	0	0	0
<b>PDB23C Total</b>			<b>950,178</b>	<b>0</b>						
PEQ20C	SPECIALIZED VEHICLES - MPD	Available Balances	6	0	0	0	0	0	0	0
<b>PEQ20C Total</b>			<b>6</b>	<b>0</b>						
<b>PEQ22C</b>	SPECIALIZED VEHICLES - MPD	Available Balances	(30,132)	0	0	0	0	0	0	0
		Mayor's Proposed FY20 Change	0	7,500,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	37,500,000
		Committee's FY20 Recommendation	0	(765,254)	0	0	0	0	0	(765,254)
<b>PEQ22C Total</b>			<b>(30,132)</b>	<b>6,734,746</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>36,734,746</b>

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
PER41C	SYNCHRONIZED MAPPING ANALYSIS	Available Balances	3,669	0	0	0	0	0	0	0
<b>PER41C Total</b>			<b>3,669</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
PL110C	MPD SCHEDULED CAPITAL IMPROVEMENTS	Available Balances	2,088,461	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	1,500,000	1,500,000	1,500,000	1,500,000	3,500,000	0	11,500,000
		Mayor's Proposed FY20 Change	0	1,870,000	(1,500,000)	(1,500,000)	(1,500,000)	(3,500,000)	0	(8,130,000)
<b>PL110C Total</b>			<b>2,088,461</b>	<b>3,370,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,370,000</b>
PLT10C	CRIME FIGHTING TECHNOLOGY	Available Balances	429,646	0	0	0	0	0	0	0
<b>PLT10C Total</b>			<b>429,646</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
WAM40C	DATA WAREHOUSE & ANALYTICS MODERNIZATION	Mayor's Proposed FY20 Change	0	375,000	0	0	0	0	0	375,000
<b>WAM40C Total</b>			<b>0</b>	<b>375,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>375,000</b>
<b>FAO Total</b>			<b>14,831,335</b>	<b>12,379,746</b>	<b>7,450,000</b>	<b>7,450,000</b>	<b>6,200,000</b>	<b>6,200,000</b>	<b>6,200,000</b>	<b>45,879,746</b>
<b>FIRE AND EMERGENCY MEDICAL SERVICES (FB0)</b>										
20600C	FIRE APPARATUS	Available Balances	6,400	0	0	0	0	0	0	0
<b>20600C Total</b>			<b>6,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
20630C	FIRE APPARATUS	Available Balances	58,800	0	0	0	0	0	0	0
<b>20630C Total</b>			<b>58,800</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
206AMC	AMBULANCE VEHICLES - FEMS	Available Balances	3,914,991	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	1,256,680	1,165,101	3,354,024	2,615,995	0	0	16,394,241
		Mayor's Proposed FY20 Change	0	2,658,311	3,337,139	0	0	0	0	(2,006,991)
<b>206AMC Total</b>			<b>3,914,991</b>	<b>3,914,991</b>	<b>4,502,240</b>	<b>3,354,024</b>	<b>2,615,995</b>	<b>0</b>	<b>0</b>	<b>14,387,250</b>
206AVC	ADMINISTRATIVE VEHICLES - FEMS	FY19-24 Approved CIP	0	498,410	497,615	746,820	747,615	747,615	0	3,886,008
		Mayor's Proposed FY20 Change	0	(498,410)	385	(248,820)	(249,615)	(249,615)	498,000	(1,396,008)
<b>206AVC Total</b>			<b>0</b>	<b>0</b>	<b>498,000</b>	<b>498,000</b>	<b>498,000</b>	<b>498,000</b>	<b>498,000</b>	<b>2,490,000</b>
206CVC	COMMAND VEHICLES - FEMS	Available Balances	249,998	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	198,230	198,230	277,522	198,230	317,168	0	1,387,610
		Mayor's Proposed FY20 Change	0	354,425	437,323	0	0	0	198,230	791,748
<b>206CVC Total</b>			<b>249,998</b>	<b>552,655</b>	<b>635,553</b>	<b>277,522</b>	<b>198,230</b>	<b>317,168</b>	<b>198,230</b>	<b>2,179,358</b>
206LTC	LADDER TRUCKS - FEMS	Available Balances	5,781,384	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	4,144,962	2,282,440	2,479,387	2,688,150	0	0	14,516,299
		Mayor's Proposed FY20 Change	0	1,636,422	(782,440)	(754,387)	(963,150)	1,725,000	1,725,000	(334,915)
		Committee's FY20 Recommendation	0	1,750,000	0	0	0	0	0	1,750,000

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206LTC Total			5,781,384	7,531,384	1,500,000	1,725,000	1,725,000	1,725,000	1,725,000	15,931,384
206MPC	MP - FLEET VEHICLES - FEMS	FY19-24 Approved CIP	0	620,416	510,047	502,979	904,577	737,284	0	4,077,696
		Mayor's Proposed FY20 Change	0	(620,416)	(510,047)	(502,979)	(904,577)	(737,284)	0	(4,077,696)
206MPC Total			0	0	0	0	0	0	0	0
206PTC	PUMPERS - FEMS	Available Balances	5,728,426	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	4,196,462	3,978,250	4,276,945	4,093,561	0	0	20,975,842
		Mayor's Proposed FY20 Change	0	1,584,346	2,669,679	0	0	0	0	(176,599)
206PTC Total			5,728,426	5,780,808	6,647,929	4,276,945	4,093,561	0	0	20,799,243
206RSC	RESCUE SQUAD VEHICLES - FEMS	Available Balances	4,113,181	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	2,441,810	2,118,118	1,152,709	1,751,871	1,856,983	0	12,096,783
		Mayor's Proposed FY20 Change	0	2,808,190	(1,418,118)	(347,709)	(826,121)	(792,370)	1,224,304	(2,127,116)
		Committee's FY20 Recommendation	0	(1,750,000)	0	0	0	0	0	(1,750,000)
206RSC Total			4,113,181	3,500,000	700,000	805,000	925,750	1,064,613	1,224,304	8,219,667
206RVC	OTHER RESPONSE VEHICLES - FEMS	Available Balances	651,411	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	143,031	0	709,616	0	0	0	3,074,374
		Mayor's Proposed FY20 Change	0	508,380	749,123	(709,616)	0	0	0	(1,673,840)
206RVC Total			651,411	651,411	749,123	0	0	0	0	1,400,534
BRM01C	NEW HARBOR PATROL FACILITY	FY19-24 Approved CIP	0	0	0	0	8,500,000	12,000,000	0	20,500,000
		Mayor's Proposed FY20 Change	0	0	0	0	(8,500,000)	(12,000,000)	0	(20,500,000)
BRM01C Total			0	0	0	0	0	0	0	0
BRM22C	ENGINE COMPANY 7	Mayor's Proposed FY20 Change	0	0	250,000	1,500,000	2,500,000	10,500,000	0	14,750,000
BRM22C Total			0	0	250,000	1,500,000	2,500,000	10,500,000	0	14,750,000
BRM23C	ENGINE COMPANY 15 RENOVATIONS	FY19-24 Approved CIP	0	0	0	0	1,730,000	12,520,000	0	14,250,000
		Mayor's Proposed FY20 Change	0	0	0	0	(1,730,000)	(12,520,000)	0	(14,250,000)
BRM23C Total			0	0	0	0	0	0	0	0
FEP00C	FEMS SAFETY EQUIPMENT PURCHASES	Mayor's Proposed FY20 Change	0	11,540,000	0	0	0	0	0	11,540,000
FEP00C Total			0	11,540,000	0	0	0	0	0	11,540,000
FMF01C	FLEET MAINTENANCE RESERVE FACILITY	Available Balances	1,000,000	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	47,000,000	0	48,000,000
		Mayor's Proposed FY20 Change	0	0	5,500,000	0	10,000,000	(19,000,000)	0	(4,500,000)

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>	
		Committee's FY20 Recommendation	0	0	(750,000)	0	0	0	0	(750,000)	
<b>FMF01C Total</b>			<b>1,000,000</b>	<b>0</b>	<b>4,750,000</b>	<b>0</b>	<b>10,000,000</b>	<b>28,000,000</b>	<b>0</b>	<b>42,750,000</b>	
LC537C	ENGINE COMPANY 23 RENOVATION	Available Balances	3,750,000	0	0	0	0	0	0	0	
		FY19-24 Approved CIP	0	3,750,000	0	0	0	0	0	7,500,000	
		Mayor's Proposed FY20 Change	0	0	0	0	0	0	0	(3,750,000)	
		Committee's FY20 Recommendation	0	(250,000)	0	0	0	0	0	(250,000)	
<b>LC537C Total</b>			<b>3,750,000</b>	<b>3,500,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,500,000</b>	
LC837C	RELOCATION OF ENGINE COMPANY 26	Available Balances	4,000,000	0	0	0	0	0	0	0	
		FY19-24 Approved CIP	0	4,750,000	0	0	0	0	0	8,750,000	
		Mayor's Proposed FY20 Change	0	2,000,000	0	0	0	0	0	(2,000,000)	
		Committee's FY20 Recommendation	0	(150,000)	0	0	0	0	0	(150,000)	
<b>LC837C Total</b>			<b>4,000,000</b>	<b>6,600,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,600,000</b>	
LE537C	ENGINE 14 MAJOR RENOVATION	Available Balances	319,035	0	0	0	0	0	0	0	
<b>LE537C Total</b>			<b>319,035</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
LE737C	ENGINE 27 MAJOR RENOVATION	Available Balances	388,532	0	0	0	0	0	0	0	
		On Hold	2,000,000	0	0	0	0	0	0	0	
<b>LE737C Total</b>			<b>2,388,532</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
LF239C	FEMS SCHEDULED CAPITAL IMPROVEMENTS	Available Balances	4,621,778	0	0	0	0	0	0	0	
		FY19-24 Approved CIP	0	1,000,000	1,000,000	0	3,500,000	3,500,000	0	11,500,000	
		Mayor's Proposed FY20 Change	0	2,370,000	(50,000)	0	(3,500,000)	(3,500,000)	0	(7,180,000)	
		Funding Swap	0	0	0	0	0	0	0	0	
	SCHEDULED CAPITAL MAINTENANCE	Available Balances	0	0	0	0	0	0	0	0	
<b>LF239C Total</b>			<b>4,621,778</b>	<b>3,370,000</b>	<b>950,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,320,000</b>	
NFB01C	NEW FIRE BOAT-1	FY19-24 Approved CIP	0	0	0	0	12,290,000	0	0	12,290,000	
		Mayor's Proposed FY20 Change	0	0	0	0	(12,290,000)	0	0	(12,290,000)	
<b>NFB01C Total</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>FB0 Total</b>			<b>36,583,936</b>	<b>46,941,249</b>	<b>21,182,845</b>	<b>12,436,491</b>	<b>22,556,536</b>	<b>42,104,781</b>	<b>3,645,534</b>	<b>148,867,436</b>	
<b>D.C. NATIONAL GUARD (FK0)</b>											
NG715C	YOUTH CHALLENGE EDUCATIONAL CAMPUS	Available Balances	62,636	0	0	0	0	0	0	0	
<b>NG715C Total</b>			<b>62,636</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>FK0 Total</b>			<b>62,636</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
<b>DEPARTMENT OF CORRECTIONS (FL0)</b>										
CGN01C	GENERAL RENOVATIONS AT DOC FACILITIES	Available Balances	1,723,876	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	2,000,000
		Mayor's Proposed FY20 Change	0	1,800,000	2,700,000	2,700,000	1,000,000	1,500,000	0	7,700,000
<b>CGN01C Total</b>			<b>1,723,876</b>	<b>1,800,000</b>	<b>2,700,000</b>	<b>2,700,000</b>	<b>1,000,000</b>	<b>1,500,000</b>	<b>0</b>	<b>9,700,000</b>
CGN02C	CTF GENERAL RENOVATION	Available Balances	3,500,000	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	3,500,000
		Mayor's Proposed FY20 Change	0	2,700,000	1,800,000	4,500,000	2,000,000	0	0	7,500,000
<b>CGN02C Total</b>			<b>3,500,000</b>	<b>2,700,000</b>	<b>1,800,000</b>	<b>4,500,000</b>	<b>2,000,000</b>	<b>0</b>	<b>0</b>	<b>11,000,000</b>
CGN08C	HEATING SYSTEM REPLACEMENT	Mayor's Proposed FY20 Change	0	13,187,500	8,967,500	8,967,500	0	0	0	31,122,500
		Committee's FY20 Recommendation	0	(1,000,000)	0	0	0	0	0	(1,000,000)
<b>CGN08C Total</b>			<b>0</b>	<b>12,187,500</b>	<b>8,967,500</b>	<b>8,967,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30,122,500</b>
CR001C	MASTER EQUIPMENT LEASE - FL CORRECTION	Available Balances	350,000	0	0	0	0	0	0	0
<b>CR001C Total</b>			<b>350,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
CR004C	UPGRD CNTRL SECURITY COMD CT	Available Balances	69,998	0	0	0	0	0	0	0
<b>CR004C Total</b>			<b>69,998</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
CR006C	RENOVATION OF DC JAIL SALLYPORT	Available Balances	1,941	0	0	0	0	0	0	0
<b>CR006C Total</b>			<b>1,941</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
CR102C	PLUMBING UPGRADES IN HOUSING AREA	Available Balances	32,189	0	0	0	0	0	0	0
<b>CR102C Total</b>			<b>32,189</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
CR104C	HVAC REPLACEMENT FOR CDF	Available Balances	3,063,306	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	3,000,000	0	0	0	0	0	6,000,000
		Mayor's Proposed FY20 Change	0	(300,000)	3,060,000	1,800,000	0	0	0	1,560,000
<b>CR104C Total</b>			<b>3,063,306</b>	<b>2,700,000</b>	<b>3,060,000</b>	<b>1,800,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,560,000</b>
CRB01C	NEW CORRECTIONAL FACILITY FOR CDT AND CTF	Mayor's Proposed FY20 Change	0	0	0	0	0	0	5,000,000	5,000,000
<b>CRB01C Total</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,000,000</b>	<b>5,000,000</b>
FL4FLC	SUICIDE RISK MITIGATION	Available Balances	123,624	0	0	0	0	0	0	0
<b>FL4FLC Total</b>			<b>123,624</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
MA203C	EXTERIOR STRUCTURAL FINISHING	Available Balances	1,965,800	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	2,000,000
		Mayor's Proposed FY20 Change	0	2,000,000	4,000,000	2,000,000	0	0	0	6,000,000

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
MA203C	MA203C Total		1,965,800	2,000,000	4,000,000	2,000,000	0	0	0	8,000,000
MA220C	EMERGENCY POWER SYSTEM UPGRADES	Available Balances	2,500,020	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	3,000,000	0	0	0	0	0	6,000,000
		Mayor's Proposed FY20 Change	0	0	3,000,000	2,000,000	2,000,000	0	0	4,000,000
MA220C	MA220C Total		2,500,020	3,000,000	3,000,000	2,000,000	2,000,000	0	0	10,000,000
N7001C	INFRASTRUCTURE SYSTEM UPGRADE - DOC	Available Balances	3,396,918	0	0	0	0	0	0	0
N7001C	N7001C Total		3,396,918	0	0	0	0	0	0	0
FL0	FL0 Total		16,727,672	24,387,500	23,527,500	21,967,500	5,000,000	1,500,000	5,000,000	81,382,500
<b>DEPARTMENT OF FORENSIC SCIENCES (FRO)</b>										
DCI16C	DFS CAPITAL IMPROVEMENT PROGRAM	Available Balances	419	0	0	0	0	0	0	0
DCI16C	DCI16C Total		419	0	0	0	0	0	0	0
DCI19C	CAPITAL AND I.T. EQUIPMENT - DFS	Available Balances	838,677	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	1,210,620
		Mayor's Proposed FY20 Change	0	347,036	0	0	0	0	0	(863,584)
DCI19C	DCI19C Total		838,677	347,036	0	0	0	0	0	347,036
DIG19C	FORENSIC EVIDENCE DIGITAL STORAGE	Available Balances	705,017	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	802,629
		Mayor's Proposed FY20 Change	0	2,000,000	0	0	0	0	0	1,197,371
DIG19C	DIG19C Total		705,017	2,000,000	0	0	0	0	0	2,000,000
FLE19C	CRIME SCENE SPECIALIZATION VEHICLES	Available Balances	221,562	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	153,845	0	0	0	0	0	375,407
		Mayor's Proposed FY20 Change	0	0	0	0	0	0	0	(221,562)
FLE19C	FLE19C Total		221,562	153,845	0	0	0	0	0	153,845
FR019C	CAPITAL RENOVATIONS - DFS	Available Balances	207,890	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	250,000
		Mayor's Proposed FY20 Change	0	0	0	0	0	0	0	(250,000)
FR019C	FR019C Total		207,890	0	0	0	0	0	0	0
FR0GRC	DFS CAPITAL GENERAL RENOVATIONS	Available Balances	1,000	0	0	0	0	0	0	0
FR0GRC	FR0GRC Total		1,000	0	0	0	0	0	0	0
HDW02C	LABORATORY & HOSPITAL EQUIPMENT - DFS	Available Balances	42,883	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	80,000	200,000	200,000	200,000	0	0	820,000

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
		Mayor's Proposed FY20 Change	0	0	(200,000)	(200,000)	(200,000)	0	0	(740,000)
	<b>HDW02C Total</b>		42,883	<b>80,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>80,000</b>
LIM01C	DFS LABORATORY INFORMATION MANAGEMENT SY	Available Balances	39,022	0	0	0	0	0	0	0
	<b>LIM01C Total</b>		<b>39,022</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
LIM20C	DFS LABORATORY INFORMATION MANAGEMENT SY	Available Balances	392,304	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	4,000,000	0	0	0	0	0	4,500,000
		Mayor's Proposed FY20 Change	0	(400,000)	0	0	0	0	0	(900,000)
	<b>LIM20C Total</b>		<b>392,304</b>	<b>3,600,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,600,000</b>
	<b>FR0 Total</b>		<b>2,448,774</b>	<b>6,180,881</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,180,881</b>
<b>OFFICE OF THE CHIEF MEDICAL EXAMINER (FX0)</b>										
FX0FRC	OCME FACILITY RENOVATION AT THE CPL	Available Balances	1,475,000	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	1,375,000
		Mayor's Proposed FY20 Change	0	0	0	0	0	0	0	(1,375,000)
	<b>FX0FRC Total</b>		<b>1,475,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
FX0VRC	OCME VEHICLE REPLACEMENT PROGRAM	Available Balances	23,921	0	0	0	0	0	0	0
	<b>FX0VRC Total</b>		<b>23,921</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
FXEERC	EQUIPMENT REPLACEMENT AT THE CFL	Available Balances	1,489,282	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	1,500,000
		Mayor's Proposed FY20 Change	0	500,000	0	0	0	0	0	(1,000,000)
	<b>FXEERC Total</b>		<b>1,489,282</b>	<b>500,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>500,000</b>
VRPVRC	OCME VEHICLE REPLACEMENT PROGRAM	Available Balances	100,000	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	175,000	0	0	0	0	0	275,000
		Mayor's Proposed FY20 Change	0	(175,000)	0	0	0	0	0	(275,000)
	<b>VRPVRC Total</b>		<b>100,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>FX0 Total</b>		<b>3,088,203</b>	<b>500,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>500,000</b>
<b>D.C. SENTENCING COMMISSION (FZ0)</b>										
FZ038C	IT UPGRADE - DC IJIS INTEGRATION	Available Balances	5,206	0	0	0	0	0	0	0
		Committee's FY20 Recommendation	0	765,254	0	0	0	0	0	765,254
	<b>FZ038C Total</b>		<b>5,206</b>	<b>765,254</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>765,254</b>
	<b>FZ0 Total</b>		<b>5,206</b>	<b>765,254</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>765,254</b>

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
<b>OFFICE OF UNIFIED COMMUNICATIONS (UC0)</b>										
AFC02C	IT HARDWARE 911/311 SYSTEMS	FY19-24 Approved CIP	0	800,000	300,000	300,000	300,000	300,000	0	2,000,000
		Mayor's Proposed FY20 Change	0	0	300,000	2,321,000	(300,000)	(300,000)	0	2,021,000
<b>AFC02C Total</b>			<b>0</b>	<b>800,000</b>	<b>600,000</b>	<b>2,621,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,021,000</b>
CERCEC	UCC ELECTRICAL RECONFIGURATION	Available Balances	2,419,507	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	3,000,000
		Mayor's Proposed FY20 Change	0	5,400,000	0	0	0	0	0	2,400,000
<b>CERCEC Total</b>			<b>2,419,507</b>	<b>5,400,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,400,000</b>
DCCUCC	911/311 DISPATCH CONSOLES	Available Balances	3,106,256	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	0	0	0	0	0	0	4,000,000
		Mayor's Proposed FY20 Change	0	0	0	0	0	0	0	(4,000,000)
<b>DCCUCC Total</b>			<b>3,106,256</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
DWB02C	IT SOFTWARE (911/311 APPLICATIONS)	Available Balances	750,000	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	750,000	0	0	250,000	750,000	0	2,500,000
		Mayor's Proposed FY20 Change	0	0	0	0	0	0	0	(750,000)
<b>DWB02C Total</b>			<b>750,000</b>	<b>750,000</b>	<b>0</b>	<b>0</b>	<b>250,000</b>	<b>750,000</b>	<b>0</b>	<b>1,750,000</b>
PL403C	UNDERGROUND COMMERCIAL POWER FEED TO UCC	Available Balances	265,272	0	0	0	0	0	0	0
<b>PL403C Total</b>			<b>265,272</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
UC2TDC	IT AND COMMUNICATIONS UPGRADES	Available Balances	398,624	0	0	0	0	0	0	0
<b>UC2TDC Total</b>			<b>398,624</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
UC302C	MDC REPLACEMENT FOR MPP & FEMS	FY19-24 Approved CIP	0	8,000,000	0	0	0	0	0	8,000,000
<b>UC302C Total</b>			<b>0</b>	<b>8,000,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,000,000</b>
UC303C	MPD/ FEMS RADIO REPLACEMENT	FY19-24 Approved CIP	0	4,000,000	6,200,000	4,493,000	6,750,000	0	0	21,443,000
		Mayor's Proposed FY20 Change	0	(4,000,000)	4,000,000	0	(6,750,000)	0	0	(6,750,000)
<b>UC303C Total</b>			<b>0</b>	<b>0</b>	<b>10,200,000</b>	<b>4,493,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,693,000</b>
UC304C	911/311 RADIO CRITICAL INFRASTRUCTURE	Available Balances	940,011	0	0	0	0	0	0	0
		FY19-24 Approved CIP	0	3,900,000	0	0	0	0	0	5,800,000
		Mayor's Proposed FY20 Change	0	(172,057)	3,600,000	2,000,000	0	0	0	3,527,943
		On Hold	2,727,943	0	0	0	0	0	0	0
		Committee's FY20 Recommendation	0	0	0	(1,500,000)	0	0	0	(1,500,000)

<i>Project No</i>	<i>Project Title</i>	<i>Allotment Scenario</i>	<i>Available Allotments (3-19-19)</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>	<i>6-yr Total</i>
UC304C Total			3,667,954	3,727,943	3,600,000	500,000	0	0	0	7,827,943
UC0 Total			10,607,613	18,677,943	14,400,000	7,614,000	250,000	750,000	0	41,691,943
GRAND TOTAL			87,663,915	114,082,573	66,560,345	49,467,991	34,006,536	50,554,781	14,845,534	329,517,760

**E. TRANSFERS IN FROM OTHER COMMITTEES TABLE**

<i>Sending Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving Agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Program /Activity</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
<i>Business &amp; Economic Development</i>	\$3,037,278	0	Office of the Attorney General	\$3,037,278	0	6100/6117	Enhancement for violence prevention programming	One-time
<i>Facilities &amp; Procurement</i>	\$625,000	0	Office of the Attorney General	\$625,000	0	6100/6117	Enhancement for violence prevention programming	One-time
<i>Housing &amp; Neighborhood Revitalization</i>	\$125,784	0	Office of the Attorney General	\$125,784	1	5200/5211	New Elder Abuse Civil Enforcement Attorney	Recurring
<i>Recreation &amp; Youth Affairs</i>	\$250,000	0	Office of Neighborhood Safety and Engagement	\$250,000	0	2000/2040	Enhancement for violence prevention contracts	One-time
	\$172,480	1	Office of the Attorney General	\$172,480	1	5200/5211	New Elder Abuse Section Chief FTE	Recurring
<i>Transportation &amp; the Environment</i>	\$150,594	1	Office of the Attorney General	\$150,594	1	5400/5402	New Environmental Protection Attorney FTE	Recurring

**F. TRANSFERS OUT TO OTHER COMMITTEES TABLE**

<i>Receiving Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving Agency</i>	<i>Amount</i>	<i>FTEs</i>	<i>Program / Activity / Project</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
<i>Committee of the Whole</i>	\$40,000	0	Council of the District of Columbia	\$40,000	0	2000/0025	Fund the purchase of a lactation pod for members of the public to comfortably breastfeed while in the John A. Wilson Building	One-time operating
	\$100,000	0		\$100,000	0	1000/1101	Fund a student loan repayment assistance recruitment and retention incentive	Recurring operating
	\$100,000	0	Department of Consumer & Regulatory Affairs	\$100,000	0	1000/1040	Fund the one-time violations system costs of the fiscal impact of L22-0298, the Repeat Parking Violations Amendment Act of 2018	One-time operating
	\$10,000	0		\$10,000	0	1000/1040	Fund the recurring violations system costs of the fiscal impact of L22-0298, the Repeat Parking Violations Amendment Act of 2018	Recurring operating
<i>Education</i>	\$400,000	0	UPSFF	\$324,125	0	N/A	Fund a portion of the fiscal impact of L22-0294, the School Safety Omnibus Amendment Act of 2018	Recurring operating
			Office of the State Superintendent of Education	\$75,875	0	E500/E505	Fund a portion of the fiscal impact of L22-0294, the School Safety Omnibus Amendment Act of 2018	Recurring operating
	\$400,000	0	District of Columbia Public Schools	\$250,000	0	Project No. GM121C (Major Repairs – DCPS)	\$250,000 for Amidon-Bowen Elementary School to improve the flooring in the school's cafeteria and gymnasium	Capital in FY20
				\$150,000	0		\$150,000 for fencing surrounding the Walker-Jones Education Campus' two playgrounds	
<i>Recreation &amp; Youth Affairs</i>	\$5,209,107	27	Department of Parks & Recreation	\$1,959,107	27	3600/3641	Transfer 27 Roving Leader FTEs and associated NPS from ONSE to DPR	Recurring operating
		0		\$1,000,000	0	Project No. QA5JEC (Joy Evans Field House)	Accelerate the renovation of Joy Evans Field House	Capital in FY20
		0		\$750,000	0	New Project (17th & C SE Triangle Park Playground)	Replace the aging play equipment in the triangle park bounded by 17th Street, S.E., C Street, S.E., and Massachusetts Avenue, SE	Capital in FY21
		0		\$1,500,000	0	New Project (Jefferson Field Improvements)	Convert the multisport Jefferson Field to turf, and improve seating, lighting, and security	Capital in FY22
<i>Transportation &amp; the Environment</i>	\$8,000	0	Department of Transportation	\$8,000	0	PGDV/0A00	Fund the signage costs of the fiscal impact of L22-0298, the Repeat Parking Violations Amendment Act of 2018	One-time operating

**G. REVENUE ADJUSTMENT TABLE**

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

**H. BUDGET SUPPORT ACT SUBTITLE FUNDING TABLE**

<b><i>Subtitle</i></b>	<b><i>Agency</i></b>	<b><i>Program</i></b>	<b><i>Amount</i></b>	<b><i>FTEs</i></b>
“Criminal Code Reform Commission Amendment Act of 2019”	Criminal Code Reform Commission	<ul style="list-style-type: none"> <li>• CSG 11/Program 1000/Activity 1001: \$264,000 (salary for 2.5 FTEs)</li> <li>• CSG 14/Program 1000/Activity 1001: \$54,000 (associated fringe for 2.5 FTEs)</li> <li>• CSG 20/Program 1000/Activity 1001: \$38,000 (associated NPS)</li> </ul>	\$356,000 (one-time)	2.5
“Office of Neighborhood Safety and Engagement Amendment Act of 2019”	Office of Neighborhood Safety and Engagement -> Department of Parks and Recreation	<ul style="list-style-type: none"> <li>• CSG 11/Program 3600/Activity 3641: \$1,491,794 (salaries for 27 FTEs)</li> <li>• CSG 14/Program 3600/Activity 3641: \$406,655 (associated fringe for 27 FTEs)</li> <li>• CSG 41/Program 3600/Activity 3641 (associated NPS): \$60,658</li> </ul>	\$1,959,107 (recurring)	27
“Subject-to-Appropriations Amendment Act of 2019”	N/A	See table in subtitle chapter	See table in subtitle chapter	See table in subtitle chapter

**I. FUNDING OF BILLS PREVIOUSLY PASSED SUBJECT TO APPROPRIATIONS TABLE**

<b>Law Number</b>	<b>Section</b>	<b>Agency</b>	<b>Program</b>	<b>Amount</b>	<b>FTEs</b>	<b>Notes</b>
L22-235 (Structured Settlements and Automatic Renewal Protections Act of 2018)	301	Department of Consumer & Regulatory Affairs	7000/2075	\$99,913	1	This funding has been identified by the Committee on Transportation & the Environment and transferred to the Committee of the Whole
L22-281 (Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018)	4	Office of Human Rights	2000/2030	\$255,000	3	This funding has been identified by the Committee on Business & Economic Development and transferred to the Committee on Government Operations
L22-296 (Wage Garnishment Fairness Amendment Act of 2018)	3	Recognized revenues	N/A	\$140,000	0	Funds the lost tax recovery revenues of the Wage Garnishment Fairness Amendment Act of 2018; this funding has been identified by the Committee on Labor & Workforce Development
L22-298 (Repeat Parking Violations Amendment Act of 2018)	N/A – no applicability clause	Department of Consumer & Regulatory Affairs	1000	\$100,000	0	Funds the one-time violations system costs; this funding has been identified by J&PS and transferred to the Committee of the Whole
				\$10,000	0	Funds the recurring violations system costs; this funding has been identified by J&PS and transferred to the Committee of the Whole
		Department of Transportation	1000	\$8,000	0	Funds the one-time signage costs; this funding has been identified by J&PS and transferred to the Committee on Transportation & the Environment

## **II. AGENCY FISCAL YEAR 2020 BUDGET AND POLICY RECOMMENDATIONS**

### **A. INTRODUCTION**

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

The Committee on the Judiciary and Public Safety is responsible for matters affecting the judiciary and judicial procedure that are within the authority of the Council; matters affecting decedents' estates and fiduciary affairs; matters affecting criminal law and procedure; juvenile justice; elections; government ethics; campaign finance; matters arising from or pertaining to the police and fire regulations of the District of Columbia; and other matters related to police protection, correctional institutions (including youth corrections), fire prevention, emergency medical services, homeland security, criminal justice, and public safety.<sup>4</sup>

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

The Committee is charged with oversight of the performance and annual operating and capital budgets of the agencies, boards, and commissions listed below. In total, *the Committee oversees 39 government entities, which, in the Mayor's proposed budget for FY20, comprise a total budget of more than \$1.5 billion in gross funds and approximately 10,145 full-time equivalents ("FTEs")*. The District agencies, boards, and commissions that come under the Committee's purview are as follows:

<ul style="list-style-type: none"> <li>• Advisory Committee on Street Harassment</li> <li>• Board of Elections</li> <li>• Board of Ethics and Government Accountability</li> <li>• Child Support Guideline Commission</li> <li>• Clemency Board</li> </ul>	<ul style="list-style-type: none"> <li>• Fire and Emergency Medical Services Department</li> <li>• Homeland Security and Emergency Management Agency/Homeland Security Commission</li> <li>• Judicial Nomination Commission</li> <li>• Metropolitan Police Department/Police Officer Standards and Training Board</li> <li>• Office of Campaign Finance</li> </ul>
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<sup>4</sup> See Rules of Organization and Procedure for the Council of the District of Columbia, Council Period 23, Rule 240, <http://lims.dccouncil.us/Download/41509/PR23-0001-Enrollment.pdf>.

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

The Committee held performance and budget oversight hearings to solicit public and government input on the proposed budgets for the agencies under its purview on the following dates:

<b><i>Performance Oversight Hearings</i></b>	
<b>February 6, 2019</b>	Office of Victim Services and Justice Grants, Office of the Chief Medical Examiner, Office of Unified Communications
<b>February 7, 2019</b>	Criminal Justice Coordinating Council, Office of Police Complaints, Metropolitan Police Department
<b>February 8, 2019</b>	District of Columbia Sentencing Commission, Criminal Code Reform Commission, Deputy Mayor for Public Safety and Justice, Office of Neighborhood Safety and Engagement
<b>February 11, 2019</b>	Fire and Emergency Medical Services Department, Office of the Attorney General
<b>February 15, 2019</b>	Judicial Nomination Commission, Commission on Judicial Disabilities and Tenure, District of Columbia National Guard, Homeland Security and Emergency Management Agency

<b>February 19, 2019</b>	Board of Elections, Office of Campaign Finance, Board of Ethics and Government Accountability
<b>March 1, 2019</b>	Department of Forensic Sciences, Department of Corrections <sup>5</sup>

<b>Budget Oversight Hearings</b>	
<b>March 27, 2019</b>	Deputy Mayor for Public Safety and Justice, Office of Police Complaints, Metropolitan Police Department
<b>April 3, 2019</b>	District of Columbia Sentencing Commission, Criminal Justice Coordinating Council, Criminal Code Reform Commission
<b>April 4, 2019</b>	Office of Victim Services and Justice Grants, Office of the Chief Medical Examiner, Office of Unified Communications
<b>April 10, 2019</b>	Board of Elections, Office of Campaign Finance, Board of Ethics and Government Accountability
<b>April 11, 2019</b>	Office of Neighborhood Safety and Engagement, Department of Forensic Sciences, Department of Corrections, Corrections Information Council
<b>April 22, 2019</b>	Office of the Attorney General
<b>April 24, 2019</b>	Homeland Security and Emergency Management Agency, Fire and Emergency Medical Services Department

The Committee received comments from members of the public and government witnesses during these hearings. Copies of witnesses' testimony from the Committee's oversight hearings have been filed with the Office of the Secretary and are available on the [Legislative Information Management System](#) ("LIMS"). Video recordings of all hearings can be obtained through the Office of Cable Television, Film, Music and Entertainment at <https://entertainment.dc.gov/page/on-demand-2019> or at <http://dccouncil.us/video-archive/>.

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<sup>5</sup> The Corrections Information Council's performance oversight hearing was initially scheduled for this date but was subsequently rescheduled and combined with the agency's April 11 budget oversight hearing.

**B. BOARD OF ELECTIONS****1. AGENCY MISSION AND OVERVIEW**

The Board of Elections (“the Board”) is an independent agency comprised of a three-member Board, an Executive Director, a General Counsel, and support staff. The Board’s mission is to enfranchise eligible residents, conduct elections, and ensure the integrity of the electoral process. The Board is also responsible for rulemaking and adjudication matters related to elections. In addition to the activities related to the actual conduct of an election, the Board maintains the District’s voter registration rolls; identifies polling places; trains poll workers; maintains the District’s voting equipment; operates a website; and maps election district boundaries.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. The Committee recommends that the Board continue to build on its recent successes in conducting voter outreach and registration activities, particularly to historically underrepresented communities in the District.***

In the last two budget cycles, the Board – in coordination with this Committee and FTEs appropriated for this purpose – has significantly expanded its voter outreach and registration activities, particularly among populations who historically exhibit low turnout, such as students, returning citizens, and Ward 7 and 8 residents. The Committee knows that it has a strong partner in the Board regarding this effort but encourages the Board to think creatively about innovative ways to reach unregistered or indifferent voters in advance of the 2020 election cycle, particularly in light of the launch of the new Fair Elections Program. For example, the Board might consider advertising on media platforms more commonly used among students or young adults, or contract with a consultant with experience in this area.

**Policy Recommendation:**

- 2. The Committee recommends that the Board continue to keep it updated on each stage of the development of the new voter registration and election management database system.***

The Board’s current voter registration system is more than twenty years old and has experienced serious issues in recent years. In June 2016, the Office of the District of Columbia Auditor released a report finding that the voter file contained

inaccuracies as a result of improper voter file maintenance.<sup>6</sup> The report found that the Board lacked effective policies and procedures to ensure the removal of deceased voter records, duplicate voter records, and voter records with inaccurate birth dates from the District's voter file, as required. The report recommended that the Board improve its voter file maintenance by using new information systems, as well as improved communications with the District's voter registration agencies.

Fortunately, in May 2017, the Executive made a significant investment in the system's improvement when it reprogrammed \$3 million in capital funds authority from various agencies to the Board to "solicit proposals for the development, implementation, data conversion, testing, and installation of a new centralized, integrated citywide voter registration and election management database system". The Office of Contracting and Procurement's ("OCP") review of the request for proposals took much longer than anticipated, as did the progress on its execution since the agency's last oversight hearings. The Committee is heartened that a contract has finally been executed, and progress can begin.

**Policy Recommendation:**

- 3. The Committee recommends that the Board consider whether it and the Office of Campaign Finance could streamline any of their operations to identify efficiencies and collaborate in anticipation of the 2020 primary and general elections.***

Since the last election cycle, the Board has clearly made an effort to ramp up its communications activities and improve its overall accessibility and branding – in short, to professionalize the Board. For example, the Board now has an excellent website that presents information clearly to a variety of stakeholders in an appealing format. The Committee recommends that these assets might be shared with the Office of Campaign Finance to both promote financial savings but also streamline visual identity and content.

**Policy Recommendation:**

- 4. The Committee recommends that the Board reevaluate the voting equipment it has available for the most attended precincts, such as Eastern Market.***

It is the Committee's understanding that the Board has already learned from the issues that arose with malfunctioning voting equipment and long lines at some

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<sup>6</sup> Office of the District of Columbia Auditor, *The District of Columbia Voter File: Compliance with Law and Best Practices* (June 7, 2016), [http://www.dcauditor.org/sites/default/files/The%20District%20of%20Columbia%20Voter%20File%20Compliance%20with%20Law%20and%20Best%20Practices\\_0.pdf](http://www.dcauditor.org/sites/default/files/The%20District%20of%20Columbia%20Voter%20File%20Compliance%20with%20Law%20and%20Best%20Practices_0.pdf).

polling precincts in the November 2018 general election – such as at Eastern Market – but the Committee requests more frequent updates from the Board as to how it will avoid this challenge in advance of the 2020 primary election.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 operating budget for the Board of Elections as proposed by the Mayor, with the following modifications:

1. *Increase CSG 12 (Regular Pay – Other), Program 4000 (Election Operations), Activity 4001 (Voter Registration), by \$100,000 in recurring local funds to hire temporary election workers to process absentee ballots*
2. *Increase CSG 40 (Other Services and Charges), Program 4000 (Election Operations), Activity 4004 (Election Operations), by \$60,000 in recurring local funds to increase the pay for poll workers*

**C. BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY****1. AGENCY MISSION AND OVERVIEW**

The Board of Ethics and Government Accountability (“BEGA”) comprises two offices: the Office of Government Ethics (“OGE”) and the Office of Open Government (“OOG”). The OGE administers and enforces the District’s Code of Conduct. The OGE issues *sua sponte* and requested advisory opinions relating to the Code of Conduct and the District’s Ethics Manual, provides ethics training to District government employees, receives and reviews public financial disclosure statements from officials and certification statements from Advisory Neighborhood Commissioners, and receives and audits lobbyist registration forms and activity reports. The OOG enforces the Open Meetings Act (“OMA”), monitors the District’s compliance with the Freedom of Information Act (“FOIA”), and resolves disputes between agencies and the public regarding access to government records. OOG works to ensure that government operations are transparent, open to the public, and promote civic engagement.

**2. COMMITTEE BUDGET RECOMMENDATIONS****Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends approval of the FY20 operating budget for the Board of Ethics and Government Accountability, as proposed by the Mayor, with the following modifications:

1. *Increase FTEs by 1, and create a new position (Attorney Advisor) in the Office of Open Government with the accompanying recurring local funds as follows:*
  - a. Attorney Advisor: create a new position in Program 1000 (Office of Open Government), Activity 1100 (Office of Open Government): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$77,028 and CSG 14 (Fringe Benefits – Current Personnel) by \$20,972: total PS increase = \$98,000*
2. *Increase CSG 40 (Other Services and Charges), Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics), by \$29,200 in recurring local funds to enhance non-personal services funding for annual software licensing fees in the Office of Government Ethics*
3. *Increase CSG 40 (Other Services and Charges), Program 2000 (Board of Ethics), Activity 2010 (Board of Ethics), by \$33,000 in one-time local funds to enhance non-personal services funding for software licensing costs in the Office of Government Ethics*

**D. COMMISSION ON JUDICIAL DISABILITIES AND TENURE****1. AGENCY MISSION AND OVERVIEW**

The Commission on Judicial Disabilities and Tenure (“CJDT”) comprises seven members: two lay persons, four attorneys, and one federal judge. One member is appointed by the President of the United States; two are appointed by the Board of Governors of the Bar; two are appointed by the Mayor; one is appointed by the Council; and one is appointed by the Chief Judge of the United States District Court for the District of Columbia. All terms are for six years, except for the presidential appointee’s term, which is a five-year term. An Executive Director and an Executive Assistant handle CJDT’s operational and administrative needs.

CJDT has the authority to remove a judge for willful misconduct in office, for willful and persistent failure to perform judicial duties, and for conduct prejudicial to the administration of justice. CJDT also has the authority to retire a judge involuntarily if it determines that the judge suffers from a mental or physical disability which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of the judge’s duties. CJDT may, under appropriate circumstances, publicly censure or reprimand a judge. Finally, CJDT conducts fitness and qualification reviews of retiring and senior judges as well as performance evaluations of associate judges eligible for reappointment.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. CJDT should continue to investigate complaints efficiently and thoroughly.***

CJDT met 12 times during FY18 for scheduled meetings. The Commission’s staff also responded to more than 100 requests for information from the Bar and the public. During the Committee’s performance oversight hearing, CJDT’s Chair, Jeannine Sanford, noted that in FY18, the agency received 70 complaints. Of these complaints, the Commission determined that no further inquiry was warranted in 35 cases. CJDT dismissed 23 matters for lack of jurisdiction and 12 matters for lack of merit. The Commission investigated 35 matters and then dismissed 33 complaints when it determined no further action was warranted. One complaint was disposed of through an informal conference with the judge, and the final complaint was dismissed when the complainant failed to provide the additional information CJDT requested. There were no complaints pending at the end of the fiscal year. CJDT continues to monitor health-related issues concerning two judges at the Superior Court.

Since the beginning of FY19, CJDT has received 13 complaints and conducted six misconduct investigations. In seven cases, the Commission determined after the initial review that no further inquiry was warranted, and it dismissed three complaints for lack of jurisdiction and four complaints for lack of merit. Of the six matters investigated, four complaints were dismissed after investigation for lack of merit. Two complaints are currently pending.

**Table 1: Commission on Judicial Disabilities & Tenure Activities, FY18 and FY19, to Date (As of February 6, 2019)**

<i><b>Case Type</b></i>	<i><b>FY18</b></i>	<i><b>FY19, to Date</b></i>
Judicial Misconduct Complaints Reviewed	70	13
Judicial Misconduct Complaints Investigated	35	6
Senior Judge Fitness Reviews Completed	16	4
Associate Judge Reappointment Evaluations	4	0
Involuntary Retirement Proceedings	0	0

*Source: Commission on Judicial Disabilities & Tenure*

**Table 2: Complaint Disposition Summary, FY17, FY18, and FY19, to Date (As of February 6, 2019)**

<i><b>Complaint Summary</b></i>	<i><b>FY17</b></i>	<i><b>FY18</b></i>	<i><b>FY19, to Date</b></i>
Complaints Received	70	70	13
Complaints Investigated	30	35	6
Dismissed for Lack of Jurisdiction	30	33	3
Dismissed for Lack of Merit	28	33	7
No Further Action Warranted/Matter Moot	4	3	1
Length of Time Under Review			
a. 30 Days	42	50	10
b. 60 Days	19	9	1
c. 90 Days	5	8	0
d. 120 Days	1	3	0
e. > 120 Days	3	0	0
Resulted in Disciplinary Action	0	0	0
Disposed of Informally (Conference or Letter to Judge)	5	1	0
Pending	3	0	2

*Source: Commission on Judicial Disabilities and Tenure*

**Policy Recommendation:**

2. ***CJDT should proactively engage the Committee if it begins to experience budgetary challenges during a fiscal year.***

CJDT's budget is fully funded by federal payments. In FY18, CJDT's budget was reduced from \$310,000 to \$295,000, a reduction of 5% of the agency's total budget. This reduction created drastic spending pressures for the agency. One of CJDT's core functions is to utilize legal and investigative services to examine allegations against a judge, if warranted. In FY18, the Commission's budget included \$26,000 for these services. However, investigations into serious allegations against a judge led the agency to spend \$35,288 for these services. The Committee assisted CJDT with securing a reprogramming of \$20,000 in local funds to cover the deficiency.

CJDT's FY19 budget remained consistent from the FY18 level. However, its budget for legal and investigative services was cut by \$6,000 to cover the deficit in the personal services budget created by cost of living increases for CJDT's employees. As of February 2019, CJDT had already spent \$9,222 of its \$20,000 budget for legal and investigative services, which must last for the remainder of the fiscal year. CJDT cannot anticipate what type of investigative services will be necessary, and therefore spending pressures are uncertain. However, if the level of spending so far this fiscal year is any indication, the agency is likely to encounter additional deficits. The Committee recommends that CJDT keep the Committee apprised of its expenditures for legal and investigative services for the remainder of FY19.

The Mayor's proposed FY20 budget includes another 5% cut to CJDT's operating budget, bringing the total to \$280,250. The Committee is concerned about the fiscal stability of the agency and has identified funding to cover the reduction. Going forward, the Committee recommends that CJDT consider the Committee a partner in proactively identifying sufficient funds to support the agency's operations.

**3. COMMITTEE BUDGET RECOMMENDATIONS****Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Commission on Judicial Disabilities and Tenure, as proposed by the Mayor, with the following modifications:

1. *Increase CSG 40 (Other Services and Charges), Program 2000 (Judicial Disabilities Tenure), Activity 2100 (Commission Administration and Support), by \$35,236 in recurring local funds to restore the agency's non-personal services funds*

**E. CORRECTIONS INFORMATION COUNCIL****1. AGENCY MISSION AND OVERVIEW**

The Corrections Information Council (“CIC”) is an independent monitoring body mandated by the U.S. Congress and the Council to inspect, monitor, and report on the conditions of confinement at facilities where District residents are incarcerated for D.C. Code violations. These facilities include all Federal Bureau of Prisons (“BOP”) facilities, Department of Corrections (“DOC”) facilities, and contract facilities where District residents are incarcerated. CIC reports its findings and recommendations to the Mayor, the Council, the Bureau of Prisons, the Department of Corrections, and the community. CIC also liaises with inmates, their family and friends, and BOP facilities to resolve complaints and concerns.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:****1. *CIC’s board members should expand their engagement in the agency’s activities, particularly with respect to its strategic planning.***

Now that the Board is fully constituted, the Committee recommends that its members – both new and existing – recommit to developing and implementing a strategic vision for the agency in partnership with the agency’s new Executive Director, Donald Isaac. This vision should prioritize mission reevaluation, branding, community engagement to bring its work to District residents where they are, a commitment to strengthening relationships with the Council and the Deputy Mayor for Public Safety and Justice, and strategies for leveraging inspection report findings. At the same time, the Board should continue to respect the role of the CIC’s new Executive Director in managing and improving the agency’s daily operations, staffing, and morale.

**Policy Recommendation:****2. *CIC should continue to inspect BOP facilities, with the goal of producing timely thematic reports of concerning conditions of confinement. CIC should reconsider how it shares these findings, as well as what follow-up actions it will take following the reports’ release.***

In FY19, CIC inspected USP Hazelton (WV); USP Lee (VA); and FCI McDowell (WV). CIC also plans to visit Corrections Institute Rivers (NC) in June 2019, Secure Female Facility Hazelton (WV) in August 2019, and Hope Village Residential Reentry Center (“RRC”) (DC) in October 2019. In the second half of FY19, CIC issued reports

on its inspections of Federal Medical Center (“FMC”) Carswell (TX), Volunteers of America Chesapeake RRC (MD), USP Florence ADMAX (CO), and USP Atwater (CA). The salient and disturbing findings from these reports are as follows:

FMC Carswell Inspection Report<sup>7</sup>:

1. Federal Medical Center Carswell is the only federal medical center for female offenders, focusing on inmates with medical needs at the highest end of BOP’s classification system. Carswell is located on Naval Air Station Joint Reserve Base Fort Worth, Texas—approximately 1,300 miles from the District. It houses 17 D.C. Code offenders (1.4% of the prison’s population).
2. A major complaint from inmates was delayed medical care. One D.C. inmate with multiple sclerosis reported being at the facility for nine months and only receiving medication for her condition two days prior to CIC’s visit. Another D.C. inmate who has been diagnosed with a mental health condition and had requested psychiatry and mental health assistance “did not receive any help until she overdosed on pills.” A majority of interviewed D.C. inmates reported being very unsatisfied or unsatisfied with dental care. Of D.C. inmates who were interviewed, 75% reported a diagnosed mental illness, but nearly 60% reported never receiving an evaluation while at FMC Carswell.
3. Inmates also reported lack of services—including educational classes and regular rounds from medical and mental health staff—while in the secure housing unit (“SHU”), which is designed to separate inmates from the general population. Inmates in the SHU also reported bullying by guards and problems with receiving mail, including staff opening legal mail and removing documents related to filing grievances.
4. FMC Carswell offers a Residential Drug Abuse Program, but no D.C. inmates are in the program, and only one is on the waiting list to be interviewed for eligibility. CIC’s report recommends that BOP reevaluate its eligibly requirements for the program to ensure that D.C. inmates are included.
5. Many inmates reported that meals are not healthy enough, that their units are not clean enough, and that items in the commissary are overpriced compared to other prisons—feminine hygiene products, in particular. One inmate reported spending \$50 per month on feminine hygiene products.
6. Of D.C. inmates who responded to questions about their safety, more reported being harassed, threatened, or abused by staff—including “remarks regarding DC residency status and race or ethnic origin”—than reported being harassed, threatened, or abused by other inmates.
7. A majority of D.C. inmates reported difficulty in receiving visits—all cited the distance visitors must travel as the main reason.

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<sup>7</sup> FMC Carswell Inspection Report – July 6, 2018, <https://cic.dc.gov/node/1342446>.

Volunteers of America Chesapeake RRC Inspection Report<sup>8</sup>:

8. Volunteers of America Chesapeake RRC (“VOAC”) is a residential re-entry center that houses inmates who are within 17-18 months of release. At the time of CIC’s inspection, 26 of 130 residents, and one of 45 residents on home confinement, had been sentenced in D.C. Superior Court.
9. A major complaint from D.C. residents at VOAC was a lack of D.C.-specific services. Staff reportedly only provide assistance obtaining Maryland health insurance, and residents report a lack of “information about or help finding DC jobs.” D.C. residents are not allowed to look for a job in D.C. unless they can provide an address in D.C. as their intended release location. Only 8 of the 79 service providers provided in the VOAC Resource Guide are located in D.C.
10. Transportation between D.C. and the VOAC site in Baltimore was a particular concern for D.C. residents. D.C. residents were not provided additional travel time to come to D.C. to meet with service providers or work before returning to VOAC. There were no additional resources provided for public transportation to and from D.C.
11. The VOAC director admitted that VOAC “does not keep track of grievances and handles them informally by speaking with residents,” which conflicts with the VOAC Resident Handbook.
12. One D.C. resident at VOAC reported being transferred from a BOP facility 500 miles away and being told that unless he paid his own way, his transfer would be delayed by two months.
13. Multiple residents reported feeling “greater freedom while in a BOP facility”, and VOAC is the only halfway house in D.C., Maryland, and Virginia that uses GPS tracking of residents. One resident reported being tracked by GPS for 60 days after being told tracking would only last 40.
14. Residents who attend mental health programs for individuals who were convicted of committing sex offenses report poor quality, including reports that one of the programs is run out of a personal residence. Residents do not feel comfortable in this setting.
15. Case managers report little in-person communication with CSOSA prior to D.C. residents’ release. One case manager reported that “a number of DC residents end up being released from [VOAC] and living at homeless shelters.”

USP Florence ADMAX Inspection Report<sup>9</sup>:

1. USP Florence ADMAX (“Florence”) is a maximum-security facility located in Florence, Colorado, 1,682 miles from D.C. At the time of CIC’s inspection,

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<sup>8</sup> Volunteers of America Chesapeake RRC Inspection Report – October 25, 2018,  
<https://cic.dc.gov/node/1364866>.

<sup>9</sup> USP Florence ADMAX Inspection Report – October 31, 2018, <https://cic.dc.gov/node/1365866>.

Florence held 35 D.C. Code inmates, or 8.2% of its total population. Most inmates spend 22-23 hours per day in solitary confinement, and 92% of inmates are referred to Florence because of disciplinary issues at other BOP facilities. Half of the D.C. inmates who responded to CIC's survey reported being at Florence for more than 5 years, and 3 of 24 respondents reported being at Florence for more than 20 years.

2. Many D.C. inmates reported "feeling stigmatized because they are from DC." D.C. inmates generally described their experience at Florence as having little to no rehabilitative value. Half of respondents to CIC's survey reported being harassed, threatened, or abused by staff at least once. Most "involved insulting remarks, religious discrimination, racial or ethnic motivated treatment, and DC residency status."
3. Five D.C. inmates made 11 requests for placement in the Florence Step-Down Program—a program designed to prepare inmates to function in a less-restrictive facility in the future—and only one of the 11 requests was granted. Similarly, only one D.C. inmate was currently participating in Florence's Steps Toward Awareness, Growth, and Emotional Strength Program ("STAGES"), designed to "reduce disruptive behavior of incarcerated men with mental illness . . . and a history of self-harm, to enable them to move to general population."
4. CIC's review of the files of inmates experiencing mental illness showed missing information that could improve care for the inmates. CIC recommended an independent review of inmates' current level of functioning.
5. One D.C. inmate with a disability reported that he does not shower because Florence does not have a handicapped shower. Another inmate reported that "[t]here are no handicap facilities" at Florence.
6. D.C. inmates reported long wait times for medical and dental care.
7. Florence is in a very isolated area of Colorado with limited hotel options. There is no video visitation, and inmates have no access to email. Inmates are allowed two 15-minute phone calls per month. One D.C. inmate reported not having seen family since 2003 and another since 2007.

USP Atwater Inspection Report<sup>10</sup>:

1. USP Atwater is a high-security facility located in Atwater, CA, 2,828 miles from D.C. At the time of CIC's inspection, 30 of 1,290 inmates were D.C. Code offenders. (The facility is rated for a capacity of 1,008.)
2. Inmates who do not make payments required under the Inmate Financial Responsibility Program ("FRP") have their accounts frozen, limiting their monthly spending at the commissary. D.C. inmates report having much higher FRP fees at USP Atwater than at other BOP facilities and having FRP payments deducted from money that inmates' families send.

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<sup>10</sup> USP Atwater Inspection Report – February 19, 2019, <https://cic.dc.gov/node/1386586>.

3. A number of USP Atwater inmates reported concerns that “their unit team do[es] not understand their DC sentences, and therefore do[es] not provide adequate opportunities to participate in programs that would assist in their chances of being granted parole.” Some inmates sentenced to indeterminate sentences before 2000 report that their case managers can only see the “back number” when looking up sentences. (That is, if a sentence was 20 years to life, the case manager will only see life.) Some reported few opportunities to meet with the U.S. Parole Commission.
4. Records show frequent lockdowns at USP Atwater—9 in 2017 and 4 in the 8 months prior to CIC’s inspection. During lockdowns, inmates are unable to access work and educational programming, recreational activities, and communication.
5. D.C. inmates report having had contact information deleted from their phone and email lists.

The Committee remains extremely concerned with the treatment of District inmates in BOP facilities. In its reports, CIC issued numerous recommendations to improve the conditions of confinement at these facilities. However, because of the District’s lack of oversight over federal facilities, the District has no control over its own residents housed in these facilities. This situation makes it extremely difficult to provide District inmates with resources and support to assist them while incarcerated and once they are preparing to return home. The Committee is strongly of the opinion that the District must regain control over its criminal justice system to be able to provide meaningful services and oversight over its incarcerated residents. That said, there may be ways in which CIC could enhance its follow-up on issued findings or use those findings to more strategically improve the conditions of confinement and make the case for local control.

**Policy Recommendation:**

3. ***CIC should execute a Memorandum of Understanding with the Department of Corrections as soon as possible, while maintaining the agency’s position as an independent monitor of the conditions of confinement for D.C. inmates.***

During last year’s oversight hearings, then-Director Bonner testified that CIC had proposed a memorandum of understanding (“MOU”) to DOC, similar to CIC’s MOU with BOP to govern inspections, reporting, and information sharing. However, there is still no MOU in place. The Committee has heard anecdotal evidence that CIC is not always provided the level of access to DOC facilities that the Committee feels is necessary, and an MOU would help to clarify what access should be allowed and under what circumstances.

At DOC's FY18-19 performance oversight hearing, DOC Director Booth noted that DOC had subsequently offered some changes to the proposed MOU. At CIC's budget oversight hearing, CIC Director Isaac said that CIC is reviewing DOC's changes and confirmed that, shortly after DOC's performance oversight hearing, DOC had reached out to CIC about the status of the MOU. The Committee encourages CIC to continue to work with DOC to reach an agreement on an MOU that will provide CIC the access to DOC facilities that it needs, while preserving the CIC's status as an independent monitor. While the Committee wants the process to move quickly, it should not do so at the risk of compromising the CIC's independence or mission.

**Policy Recommendation:**

4. *CIC, in drafting its annual report on the conditions of confinement of and programming provided to District “youth offenders” in BOP custody, should consult with the Committee and the Criminal Justice Coordinating Council to ensure that the report’s contents help advance the reforms of the Youth Rehabilitation Amendment Act of 2018.*

In FY19, the Committee funded a new Policy Analyst position at CIC to analyze conditions of confinement and programming provided to D.C. “youth offenders” in BOP custody, as required by B22-0451, the “Youth Rehabilitation Amendment Act of 2018.”<sup>11</sup> At the agency’s budget oversight hearing, Director Isaac discussed the position and his desire to fill the vacancy with a returning citizen. The Committee is pleased with the individual selected, and the Committee commends CIC for engaging returning citizens in defining its work. As this individual drafts the report and collects relevant data, the Committee encourages CIC to consult with the stakeholders who were actively involved in analyzing the Youth Rehabilitation Act during the Committee’s reform – such as the Committee and the Criminal Justice Coordinating Council – to optimize the report’s contents and utility.

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<sup>11</sup> See B22-0451, the “Youth Rehabilitation Amendment Act of 2018”, <http://lims.dccouncil.us/Download/38766/B22-0451-SignedAct.pdf>.

**Policy Recommendation:**

5. ***CIC should conduct a review of sentencing documents for D.C. Code offenders in BOP facilities and include questions on its future BOP facility inspection surveys to identify all D.C. Code offenders in BOP facilities who may be eligible for sentence modification pursuant to the Incarceration Reduction Amendment Act of 2016 (“IRAA”). CIC should also take every opportunity to provide D.C. Code offenders in BOP facilities with information about the opportunity for sentence modification pursuant to IRAA.***

In addition to the BOP facility inspections reports, CIC also released one thematic report during FY19 examining the conditions of confinement for inmates who have been transferred to DOC custody while awaiting a sentencing modification hearing pursuant to IRAA (“IRAA inmates”).<sup>12</sup> IRAA currently<sup>13</sup> provides an opportunity for sentence review for individuals who have served twenty years for a D.C. Code offense they committed before age 18, and who are not yet eligible for parole.<sup>14</sup> The report makes three main findings. First, IRAA inmates feel more vulnerable while in the CDF rather than in the CTF, because part of their sentencing review includes a consideration of whether they have “complied with the rules of the institution to which he or she has been confined”<sup>15</sup> and “demonstrated maturity, rehabilitation, and a fitness to reenter society.”<sup>16</sup> IRAA inmates report that other inmates know they are “walking on eggshells,” and, consequently, IRAA inmates feel both targeted for violence and fear that they will be punished if they defend themselves. Second, IRAA inmates are in a much more transient, unfamiliar environment in the CDF to which they are unaccustomed, which causes additional stress. Third, most IRAA inmates are housed in the CDF, where there is a lack of programming that would help prepare IRAA inmates for reentry, and very few are admitted to the GED Unit—one of the few opportunities in the CDF for structured programming. Based on these findings, CIC recommends – and the Committee concurs – that all IRAA inmates should be housed in the CTF.

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<sup>12</sup> Corrections Information Council, Thematic Report: IRAA Inmates in DOC Custody – February 7, 2019,

<https://cic.dc.gov/sites/default/files/dc/sites/cic/publication/attachments/IRAA%20DOC%20Report%20final%20FINAL%20%282.7.2019%29.pdf>

<sup>13</sup> Amendments to IRAA reducing the number of years one must have served to be eligible and removing the parole exemption are projected to take effect this month. See section 16 of B22-0255, the “Omnibus Public Safety and Justice Amendment Act of 2018”, <http://lims.dccouncil.us/Download/37976/B22-0255-SignedAct.pdf>.

<sup>14</sup> Amendments to IRAA lowering the number of years required to be served and removing the parole exemption will take effect next month; see the Omnibus Public Safety and Justice Amendment Act of 2018, enacted on January 30, 2019 (D.C. Act 22-614; 66 DCR 1627), <http://lims.dccouncil.us/Download/37976/B22-0255-SignedAct.pdf>.

<sup>15</sup> D.C. Official Code § 24-403.03(c)(3).

<sup>16</sup> *Id.* at § 24-403.03(c)(5).

In its report, CIC also notes that it “wishes to coordinate a quarterly education session for all IRAA [inmates] in order to provide updates, answer any questions, and connect individuals with resources specific to their needs.” The Committee heartily endorses this plan. In addition, the Committee believes that CIC, because of its MOU with BOP, is in a strong position to be able to identify all BOP inmates who might be eligible for sentence modification pursuant to IRAA and to ensure that all eligible inmates understand the opportunities available to them under IRAA. As CIC noted in its inspection report for USP Atwater, BOP inmates and case managers who are far from D.C. are not likely to fully understand sentences issued for D.C. Code violations—particularly indeterminate sentences issued prior to 2000—and, therefore, may not make D.C. residents in BOP facilities aware of opportunities for sentence modification. CIC should take advantage of opportunities to collect data from D.C. inmates in BOP facilities during inspections to gather information about inmates’ potential eligibility for IRAA sentence modification and to provide inmates with information about how review pursuant to IRAA works.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Corrections Information Council, as proposed by the Mayor.

**F. CRIMINAL CODE REFORM COMMISSION****1. AGENCY MISSION AND OVERVIEW**

The mission of the Criminal Code Reform Commission (“CCRC”) is to prepare comprehensive recommendations for the Council and Mayor on how to revise the District’s criminal laws to be clear, consistent, and proportionate. CCRC is an independent agency that began operation on October 1, 2016. Prior to that date, CCRC’s work was performed by the Criminal Code Revision Project within the District of Columbia Sentencing Commission.

CCRC’s enabling statute establishes ten requirements for criminal code reform recommendations, which include using clear and plain language, reducing unnecessary overlap and gaps between criminal offenses, and adjusting the penalties and gradation of offenses to improve their proportionality.<sup>17</sup>

CCRC, composed of five attorneys, analyzes District law and gathers information on District criminal justice practices, criminal justice practices in other jurisdictions, and best practices recommended by criminal law experts. Based on these sources, CCRC develops draft recommendations which are circulated to its statutorily-designated Criminal Code Revision Advisory Group (“Advisory Group”). The seven-member Advisory Group is comprised of designees from the Office of the Attorney General for the District of Columbia, the United States Attorney for the District of Columbia, the Director of the Public Defender Service for the District of Columbia, the Deputy Mayor for Public Safety and Justice, the Chairperson of the D.C. Council committee with jurisdiction over CCRC, and two D.C. Council appointees from established organizations – including institutions of higher education – devoted to the research and analysis of criminal justice issues.<sup>18</sup> The Advisory Group has a minimum of one month to provide comments on all CCRC’s draft recommendations. CCRC’s final recommendations will be based on the Advisory Group’s comments and must receive at least majority approval by the Advisory Group.

The Fiscal Year 2019 Budget Support Act of 2018 extended CCRC’s sunset date from October 1, 2018 to October 1, 2019.<sup>19</sup> The act also extended the date by which CCRC must submit its final criminal code reform recommendations from October 1, 2018 to September 30, 2019. The Mayor’s proposed Fiscal Year 2020 Budget Support Act of 2019 now proposed extending the due date for CCRC’s criminal code reform

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<sup>17</sup> D.C. Official Code § 3-152(a).

<sup>18</sup> The designee for the Chairperson of the Council committee with jurisdiction over the Commission and the designee for the Deputy Mayor for Public Safety and Justice are non-voting members of the Advisory Group.

<sup>19</sup> Fiscal Year 2019 Budget Support Act of 2018, effective October 30, 2018 (D.C. Law 22-168), <http://lims.dccouncil.us/Download/39944/B22-0753-SignedAct.pdf>.

recommendations to March 31, 2020, and would also extend CCRC’s sunset date to April 1, 2020.

## **2. COMMITTEE POLICY RECOMMENDATIONS**

### **Policy Recommendation:**

#### ***1. CCRC should finalize its comprehensive criminal code reform recommendations through the end of FY20.***

CCRC currently operates with a budget of \$723,873 and five full-time employees. The Mayor’s proposed FY20 budget reduces CCRC’s operating budget by \$357,000 – or 49.3% – for a total operating budget of \$367,217. This reduction to the agency’s operating budget is comprised of a \$318,000 reduction to personal expenses, a \$39,000 reduction to non-personal expenses, and a \$2,000 reduction to supplies and materials. Furthermore, the Mayor’s proposed FY20 budget would eliminate 2.5 of CCRC’s 5 FTEs.

Per its statutory mandate, CCRC continues to issue recommendations for code reform in the form of reports to the Council and Mayor.<sup>20</sup> In calendar year 2018, CCRC issued new recommendations for “general provisions” – that is, provisions that would apply to all reformed criminal statutes, regardless of the specific criminal offense at issue. Topics covered in these recommendations include:

- a. Solicitation;
- b. Renunciation defense to attempt, conspiracy, and solicitation;
- c. Accomplice liability;
- d. Liability for causing crime by an innocent or irresponsible person;
- e. Merger of related offenses;
- f. Exceptions to general inchoate liability; and
- g. De minimis defense.

CCRC has also issued new draft recommendations for dozens of specific offenses, including offenses related to homicide, abuse of minors or vulnerable adults, public order, sexual assault, commercial sexual exploitation, and interference with law enforcement activities.<sup>21</sup> At the time of CCRC’s budget oversight hearing on April 3, 2019, Executive Director Richard Schmeichel testified about plans to release “a cumulative update to its earlier draft recommendations that will incorporate changes

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<sup>20</sup> The Commission’s annual reports, quarterly reports, Council hearing testimony, draft recommendations, and advisory group comments are available at <https://ccrc.dc.gov/page/ccrc-documents>.

<sup>21</sup> See CRIMINAL CODE REFORM COMMISSION, FY 2019 FOURTH QUARTER REPORT 3–5 (2018).

based on feedback from its Advisory Group and further staff review.”<sup>22</sup> That cumulative update has now been released to the Advisory Group, who will, in turn, review that document and submit further comments. For the remainder of FY19, CCRC plans to release draft recommendations concerning imprisonment penalties and fines for all offenses reviewed.

At the agency’s budget oversight hearing, Director Schmechel requested that the “Council provide full funding for the CCRC’s expected costs in FY20, increasing the Mayor’s proposed funding level by \$367,000 to a total of approximately \$734,000.”<sup>23</sup> In support of his request, Director Schmechel identified what the agency would be able to accomplish in FY20 at full funding:

Full funding for FY 20 will allow the agency to provide additional criminal code reform recommendations for a range of serious offenses (e.g. obstruction of justice, bribery, and public corruption) and a number of minor but common offenses (e.g. failure to appear in court, prostitution) that stand in need of revision. Details of the sequence in which the agency is targeting crimes for revision were provided in the agency’s Work Plan and Schedule, provided to the Committee as Appendix C to the agency’s 2019 performance oversight responses to this Committee. Critically, full funding in FY 20 will also allow the agency to develop recommendations for general defenses (e.g. self-defense) that, despite their importance to the criminal justice system, have never been legislatively codified in the District.

[ . . . ]

. . . [T]he agency would have sufficient time and staff resources to be able to: 1) incorporate the Advisory Group comments on the cumulative update; 2) add the new draft recommendations for penalties, defenses, weapon, drug, and other offenses developed by staff this spring, summer, and fall; 3) submit a penultimate set of draft recommendations to the Advisory Group this coming winter; and 4) in late winter or early spring (March – May) of 2020, hold an Advisory Group vote and submit to the Council and Mayor the agency’s final recommendations for revision of most District criminal statutes that are currently prosecuted.<sup>24</sup>

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<sup>22</sup> *Criminal Code Reform Commission Budget Oversight Hearing before the Committee on the Judiciary & Public Safety*, 3 (April 3, 2019) (written testimony of Richard Schmechel, Executive Director, Criminal Code Reform Commission),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4966](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4966).

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

Finally, full funding for the agency in FY20 would also provide CCRC with time “to work on the details of a bill to enact a revised Title 22 that incorporates the agency’s recommendations, continue development of supplemental recommendations on a variety of minor offenses, and be available to respond to Council and Mayor inquiries about the agency’s recommendations.”<sup>25</sup>

In contrast, Director Schmechel discussed how the CCRC’s draft recommendations would be adversely affected if the agency’s FY20 operating budget were not restored:

For example, the agency may not be able to develop recommendations concerning obstruction of justice, bribery, and public corruption. Similarly, the agency likely would be unable to develop recommendations for codifying the District’s general defenses. At half-funding, the agency in FY 20 would focus principally on finishing out and delivering recommendations for matters addressed in its three years of prior operation. Because the agency’s budget almost entirely goes to staff salaries, any significant reduction in funding in FY 20 will mean laying off staff and losing their unique expertise with the subject-matter areas addressed in the agency’s recommendations.<sup>26</sup>

The Committee is pleased with CCRC’s continued progress towards finalizing a set of comprehensive criminal code reform recommendations. The Committee also appreciates that the Mayor has proposed extending CCRC’s sunset date to April 2020. However, based on the testimony provided by Director Schmechel, the Committee is concerned that the Mayor’s proposed reductions in funding for FY20 will compromise the quality and scope of these recommendations. Thus, the Committee recommends extension of CCRC’s authorization to October 1, 2020 in the proposed subtitle introduced by the Mayor. To ensure that the agency can operate with its current, full complement of staff, the Committee also recommends restoring CCRC’s budget to its FY19 levels.

Looking forward, the Committee’s top priority regarding the CCRC is that it finalize its comprehensive criminal code recommendations in in FY20. As mentioned earlier, the Committee is recommending that the CCRC’s sunset date be extended to October 1, 2020. The Committee expects that CCRC’s draft recommendations will be completed by that time, and the Committee is pleased with the schedule outlined by Director Schmechel at the agency’s budget oversight hearing.

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<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 4.

**Policy Recommendation:**

- 2. *CCRC should continue to provide comments to the Committee on criminal legislation introduced in Council Period 23.***

In addition to its work on comprehensive criminal code reform recommendations, CCRC provided testimony to the Committee at two public hearings in FY19. On July 11, 2018, Executive Director Schmechel testified on behalf of CCRC at a public hearing for B22-0472, the “Protection from Sexual Extortion Amendment Act of 2017”. On October 4, 2018, Executive Director Schmechel provided testimony on B22-0877, the “Protecting Immigrants from Extortion Amendment Act of 2018”. Given the agency’s core mission of evaluating the District’s criminal code and recommending updates to specific offenses, the Committee has benefitted greatly from CCRC’s insights. CCRC was able to share with the Committee shortcomings it had already identified with how the District defined the offense of blackmail, as well as possible revisions to the offense that would improve its clarity. The Committee looks forward to receiving continued guidance from CCRC on any future criminal measures referred to the Committee in FY20.

**3. COMMITTEE BUDGET RECOMMENDATIONS****Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Criminal Code Reform Commission, as proposed by the Mayor, with the following modifications:

- 1. Increase funding for 2.5 FTEs with the accompanying one-time local funds as follows:**
  - a. Restore 2.5 FTEs in Program 1000 (Criminal Code Reform Commission), Activity 1001 (Criminal Code Reform Commission): increase CSG 11 (Regular Pay – Continuing Full Time) by \$264,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$54,000: total PS increase = \$318,000**
- 2. Increase CSG 40 (Other Services and Charges), Program 1000 (Criminal Code Reform Commission), Activity 1001 (Criminal Code Reform Commission), by \$38,000 in one-time local funds to restore funding for non-personal services**

**G. CRIMINAL JUSTICE COORDINATING COUNCIL****1. AGENCY MISSION AND OVERVIEW**

The mission of the Criminal Justice Coordinating Council (“CJCC”) is to serve as the forum in which public safety agencies and the criminal and juvenile justice systems of the District of Columbia can identify issues, propose solutions, and coordinate responses to improve the lives of District residents.

CJCC operates through the following four programs:

**(1) *Research, Analysis, and Evaluation*:** collects and analyzes data to advise policymakers and inform strategic planning.

**(2) *Collaboration and Planning Across Justice Agencies*:** provides a framework for joint operations by District and federal agencies involved in the criminal and juvenile justice systems.

**(3) *Integrated Information Sharing System*:** connects criminal and juvenile justice agencies through technology to share public safety information and to improve interoperability among criminal justice and law enforcement agencies.

**(4) *ASMP Information Management*:** administers the criminal and juvenile justice information-sharing system for various agencies and jurisdictions.

CJCC plays a vital role in the coordination of resources and programmatic decisions amongst the various criminal justice entities in the District. The cornerstones of CJCC’s operations are enhancing public safety information sharing, conducting actionable research, issuing policy guidance, and providing technical assistance and training. The CJCC’s goals for CY18 through CY20 are to (1) prevent and reduce violent crime; (2) limit criminal and juvenile justice exposure; and (3) improve the quality and availability of timely information and data.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. *CJCC should continue informing the Committee of legislative barriers to information sharing that limit the District’s ability to monitor justice system trends.***

As the District’s hub for information sharing among federal and local law enforcement and criminal justice agencies, CJCC is uniquely positioned to comment on legislative barriers to that information sharing. Most recently, CJCC has worked

closely with the Committee to identify information sharing challenges CJCC has encountered while completing its study into the root causes of youth crime. By way of background, the Comprehensive Youth Justice Amendment Act of 2016 requires that CJCC:

“[S]ubmit a report to the Mayor and the Council containing an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth, such as housing instability, childhood abuse, family instability, substance abuse, mental illness, family criminal involvement, or other factors deemed relevant by the CJCC.”<sup>27</sup>

As CJCC reviewed existing research regarding the root causes of youth crime, it identified a number of factors that would be relevant to the analysis. Specifically, CJCC believes obtaining student enrollment data, diagnosis and treatment data related to mental health or substance abuse, and household income as factors to be analyzed in its report. Much of this information is housed with agencies – such as the Office of the State Superintendent of Education, the Department of Health Care Finance, and the Department of Human Services – outside the law enforcement and criminal justice cluster, and CJCC does not have information-sharing agreements with these agencies for the information needed. Many of these agencies have, therefore, been reluctant to disclose this information with CJCC absent affirmative statutory language granting CJCC access. In response, CJCC has begun working closely with the Committee to identify legislative solutions to these information sharing barriers so that the final report provided by the CJCC is as comprehensive as possible.

The Committee takes the position that improving our criminal and juvenile justice systems should be a data-driven process. While CJCC’s request for a legislative remedy was, in this case, associated with a statutorily mandated function, the Committee will continue to look to CJCC for guidance on other legislative barriers to information exchanges that can improve the administration of justice in the District.

**Policy Recommendation:**

**2. *CJCC should continue engaging with District agencies regarding its Risk Terrain Modeling work.***

Risk terrain modeling “is a predictive crime modeling tool which, based on mathematical relationships between places and past crime patterns, identifies where

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<sup>27</sup> Comprehensive Youth Justice Amendment Act of 2016, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 22-4234(b-3)).

a crime is most likely to happen in the future.”<sup>28</sup> The model is based on the assumption that “certain places (e.g., parks, bars, blighted properties, liquor stores, etc.) have particular features that, when combined in certain groupings, create an environment in which crime becomes more likely to occur.”<sup>29</sup> In 2018, CJCC partnered with Rutgers University to produce a risk terrain model for the District. The initial model mapped the risk of robberies throughout the District. An important caveat is that the risk assessment given by the model is relative – that is, the model identifies certain areas as “above-average risk places,” “highest risk places,” and “priority” places” compared to other locations in the District that present a lower risk of robbery. These findings are presented in the form of a heat map where the above-average risk, highest risk, and priority areas are highlighted. CJCC has used its Combating Violent Crime workgroup – chaired by Chairperson Allen – to update local and federal criminal justice system actors about progress on the model. The risk terrain model for robberies in the District has been validated by the CJCC multiple times, which suggests that its predictions are accurate.

The Committee believes the risk terrain model can be a valuable tool in the District’s crime prevention efforts. However, the Committee believe the central value of risk terrain modeling is the framework it provides for understanding the relationship between environmental features and the risk of crime. This can, in turn, inform how the District prioritizes addressing the removal or alteration of those features. For example, blighted properties have been identified as a risk factor for robberies. The Office of Attorney General could, therefore, leverage information provided by the risk terrain model to guide its nuisance abatement enforcement actions. Risk terrain modeling also makes clear that agencies outside the traditional public safety and law enforcement cluster have an important role to play in crime prevention strategies. The presence of transportation infrastructure, schools, and parks have been identified as possible risk factors, suggesting that the work of the Department of Parks and Recreation, the Office of the State Superintendent of Education, the District Department of Transportation, and the Washington Metro Area Transit Authority’s work could be informed by risk terrain modeling.

The Committee was pleased to host a briefing for the Council on December 6, 2018, provided by CJCC, on the value of risk terrain modeling. The Committee encourages CJCC to continue socializing the model with District agencies, the Council, and the community at large.

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<sup>28</sup> Criminal Justice Coordinating Council, *Public Safety, Justice and Community – The Fabric of a Safer DC – Annual Report 2018* (Mar. 1, 2019), [https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page\\_content/attachments/CJCC\\_Annual\\_Report\\_2018.pdf](https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/CJCC_Annual_Report_2018.pdf).

<sup>29</sup> *Id.*

**Policy Recommendation:**

- 3. CJCC should continue to focus on coordinating justice system responses to firearm-related crimes.***

At CJCC's Strategic Planning Session held on December 19, 2018, CJCC principals were tasked with revising the three-year Strategic Framework developed in 2018. Ultimately, principals agreed that reducing the number of shootings in the District by 50% was an ambitious but desirable goal for 2019. Since that time, the CJCC has been increasingly focused on understanding firearm-related crime trends, brainstorming solutions to gun violence, and reporting out efforts being undertaken by criminal justice and law enforcement agencies. For example, the CJCC now requests that each CJCC principal submit a monthly report on current efforts to reduce firearm-related crimes, which are then compiled and reported back out to all principals in the form of a Monthly Principals' Report. Additionally, the Combating Violent Crime workgroup has begun exploring using the risk terrain model – originally used to map the risk of robberies – to instead focus on shootings in the District. The Committee commends the CJCC for its efforts to focus its principal and workgroup members to the important task of reducing the number of shootings in the District.

**Policy Recommendation:**

- 4. CJCC should identify more opportunities to involve Councilmembers in its operations and programming.***

CJCC's organic act designated both the Chairman and the Chairperson of the Council's Committee on the Judiciary and Public Safety as CJCC members.<sup>30</sup> The Committee finds the inclusion of Councilmembers on CJCC's membership is a mutually beneficial arrangement – the information and data shared among partner agencies may inform legislation referred to the Committee, which can in turn affect agency operations. While the Committee oversees many of the District agencies that are represented on CJCC, there are several important agencies that fall outside the Committee's purview. The Committee on Recreation and Youth Affairs, chaired by Councilmember Trayon White, Sr., oversees the Department of Youth Rehabilitation Services ("DYRS"), and Councilmember Robert White's Committee on Facilities and Procurement oversees the Commission on Re-Entry and Returning Citizen Affairs and the Office on Returning Citizen Affairs. The Committee, therefore, recommends that the CJCC engage other members of the Council with oversight over criminal and juvenile justice-related agencies. The Committee has been pleased to learn that CJCC has already reached out to these Members.

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<sup>30</sup> See D.C. Official Code § 22-4233.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Criminal Justice Coordinating Council, as proposed by the Mayor, with the following modifications:

1. *Increase CSG 11 (Regular Pay – Continuing Full Time), Program 2000 (Collab. and Plng Across Agencies), Activity 2010 (Operational Infrastructure), by \$195,000 in one-time local funds to restore personal services funding*

**H. DEPARTMENT OF CORRECTIONS****1. AGENCY MISSION AND OVERVIEW**

The mission of the Department of Corrections (“DOC”) is to provide a safe, secure, and orderly environment for the confinement of pretrial detainees and sentenced inmates, while affording those in custody meaningful rehabilitative opportunities that will assist them in constructively re-integrating into the community. DOC operates the Central Detention Facility (“CDF”) and, as of February 2017, the Correctional Treatment Facility (“CTF”), the operations of which had previously been contracted out to the Corrections Corporation of America (“CCA”). CDF houses an all-male population comprised of individuals awaiting adjudication of their cases or who are sentenced to misdemeanor offenses. It is also a holding space for inmates sentenced for felonies and awaiting transfer to a federal prison. CTF is a specialized medium-security institution, which houses females and juveniles charged as adults. Both facilities are accredited by the American Correctional Association and the National Commission on Correctional Healthcare.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. DOC should seek outside analysis about how to reduce overtime costs and should provide the Committee with an actionable plan.***

As shown in Table 1, DOC’s overtime costs have been increasing every year since FY13. The increase in overtime costs was especially sharp in FY16, when actual costs began to significantly outstrip the approved budget. In FY18, actual overtime costs were almost \$20 million more than the approved overtime budget. This year, as of April 10, DOC had spent \$8.9 million on overtime—already exceeding the approved overtime budget of \$8.6 million. The Committee estimates DOC’s full-year overtime spending will be \$17.4 million in FY19. While that represents a decrease from FY18, DOC likely will still spend more than twice its budgeted amount for overtime in FY19. In FY20, the Executive proposed an overtime budget of \$12 million.

**Table 1: DOC Overtime Use:  
Actual Expenditures Compared to Approved Budgets, FY19 – FY13**

<i>Fiscal Year</i>	<i>Approved Budget</i>	<i>Actual Expenditures</i>
FY19	\$8,621,956	\$8,905,030 as of 4/10
FY18	\$2,728,472	\$22,285,000
FY17	\$2,515,745	\$15,888,083
FY16	\$2,699,996	\$9,746,086
FY15	\$2,500,000	\$4,354,237
FY14	\$2,500,000	\$3,862,209
FY13	\$2,500,000	\$2,145,775

To address overtime costs, the Committee recommended a budget in FY19 that included \$8.62 million for overtime (including a one-time enhancement of \$2.6 million), as well as 65 new correctional officer FTEs. DOC indicated in oversight hearings that 30 of those 65 correctional officer FTEs were funded in the FY18 budget supplement. At DOC’s budget oversight hearing on April 11, DOC indicated that there were still 10 unfilled positions. However, DOC indicated that of the positions considered filled, 31 were still in training—scheduled to graduate the day after the hearing—and 25 had yet to start their training. And despite all of the new hires, DOC is still on pace to spend more than double the approved budget for overtime pay.

DOC will likely show a small decrease in overtime spending in FY19 compared to FY18, and DOC indicated in oversight hearings that the agency is no longer “drafting” corrections officers for overtime (that is, all overtime is now voluntary). These are promising steps forward. However, despite these measures to address overtime costs, the Committee remains concerned that DOC will again significantly exceed its overtime budget in FY20, despite an increase in the budget.

At the Committee’s budget oversight hearing for DOC, Director Booth noted that DOC is in “conversation phase” with Deputy Mayor Donahue to hire an overtime consultant. The Committee urges DOC to seek outside input about how to reduce overtime costs and to provide the Committee with an actionable plan to reign in overtime costs. Such massive spending on overtime beyond the approved budget is not sustainable for the agency.

**Policy Recommendation:**

- 2. *DOC should provide the Committee with a month-by-month breakdown of separations, listed by cause.***

The Committee has heard, anecdotally, that many staff feel unsafe and that staff believe DOC management is unresponsive to concerns about safety. These concerns include many inmate-on-staff assaults that are not reported or that DOC does not respond to in a manner that some staff feel is appropriate. Some staff also do not believe there is adequate mental health treatment, and they allege that staff experience severe mental health challenges due to the nature of the job. Many staff who have reached out to the Committee believe that morale is at an all-time low. At the Committee's budget oversight hearing, representatives of the corrections officers' union noted that understaffing in particular causes staff to feel unsafe. The union representatives even noted that changes over the years to the uniform policy leave staff with fewer new uniforms than in the past; while this may appear to be a small issue, it is illustrative of feelings that staff are not valued.

At both oversight hearings, Director Booth listed a number of initiatives that DOC has undertaken to ensure that staff are healthy and feel valued. Two years ago, the agency started a staff wellness committee, headed by uniformed and non-uniformed staff together, that examines many areas. The agency holds a wellness fair every year, bringing together partners with whom DOC's human resources department works, to ensure that staff understand what services they have access to—everything from healthy eating tips to negotiating the grieving process. DOC has partnered with experts in the field of trauma and mental health to provide resources for staff. DOC recently held a college and career fair, providing both professional development and demonstrating to staff the career ladder that exists at DOC. DOC also offers staff workout space and fitness classes.

The Committee does not doubt DOC's commitment to its employees' health and well-being. However, there is no question that many positions at DOC are inherently dangerous and expose staff to traumatic experiences. In its pre-hearing responses, DOC noted that change of career is the most frequent reason that staff leave the agency, but in the agency's performance oversight hearing, Director Booth acknowledged that many staff leave because the stress of the job, and the trauma they experience on the job in particular, is too much to bear.

At DOC's performance oversight hearing, Chairperson Allen asked DOC to provide the Committee with a month-by-month breakdown of separations, listed by cause. Director Booth agreed to provide such a report. Other agencies under the Committee's oversight provide a similar report, and the Committee will provide DOC with a format for the report. Examining why staff are leaving is a good start to determining whether DOC can do more to address working conditions for staff.

**Policy Recommendation:**

3. ***DOC should continue to work collaboratively with stakeholders to ensure that the Council for Court Excellence's Jails and Justice Task Force regarding the planning for new D.C. Jail results in swiftly-issued recommendations that DOC will support.***

No one disagrees that the current CDF and CTF are old, aging buildings that do not meet DOC's current needs—and that the facilities must be replaced. The only question is when. In FY19, the Committee provided the Office of Victim Services and Justice Grants with \$150,000 to issue a grant to conduct a study, with stakeholder engagement, on the vision for a new jail. The grant was awarded to the Council for Court Excellence (“CCE”), which has created the Jails and Justice Task Force to run the study.

In addition, the Office of the District of Columbia Auditor (“ODCA”) released an Audit Report on DOC, which confirmed that the D.C. Jail is in disrepair and needs significant investments in capital dollars for upkeep.<sup>31</sup> ODCA highlighted numerous environmental and structural concerns that the Department of Health (“DOH”) has included in its statutorily required reports, including water leaks in the roof, mold on the walls, HVAC and heating issues, nonfunctioning toilets and showers, and inadequate lighting.

The Capital Improvements Plan (“CIP”) for FY20-25 includes a large increase in funding for DOC projects at the CDF and CTF. Overall, there is \$82.3 million in the CIP—only \$6 million of which was in the CIP for FY19-24, approved last year. However, ODCA reported that DOC in the past had requested an average of \$65 million per year for repairs and upkeep, compared to approved budgets of about \$6.3 million on average. This year’s proposed CIP includes just over \$20 million in spending for DOC over each of the next three fiscal years—or approximately one-third of what ODCA claims DOC has traditionally identified as its actual need. In FY23-25, there is only \$11.5 million budgeted in total, and \$5 million of that is in FY25 for the design and planning of the new D.C. Jail.

At DOC’s performance oversight hearing, Director Booth said that DOC has taken no steps toward planning for a new D.C. Jail, other than a meeting with CCE about what DOC can do to help with CCE’s process. Director Booth also noted that preventative maintenance is always ongoing at the CDF and CTF, and that DOC has always addressed all issues that DOH has raised in its reports.

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<sup>31</sup> Office of the District of Columbia Auditor, *Poor Conditions Persist at Aging D.C. Jail; New Facility Needed to Mitigate Risks* (Feb. 28, 2019), <http://dcauditor.org/report/poor-conditions-persist-at-aging-d-c-jail-new-facility-needed-to-mitigate-risks/>.

At the Committee's oversight hearings, Chairperson Allen pointed out that it is difficult to determine how much should be spent on the current facility when there is no plan to replace it. The Committee is encouraged to hear that DOC has met with CCE and appears eager to assist with the study on construction of a new D.C. Jail. The Committee urges DOC to continue to engage with stakeholders.

**Policy Recommendation:**

4. ***DOC should continue to work with other agencies to ensure that all District residents returning to the community have access to services through the READY Center that will allow them to reintegrate successfully. DOC should also hire returning citizens to serve clients reentering through the READY Center.***

In FY18 and FY19, the Committee provided funding for a re-entry “portal” to provide support for returning citizens as they leave DOC’s custody. This included 15 FTEs in other agencies to provide services—including housing and employment assistance, educational opportunities, and assistance in applying for vital documents and benefits—as well as 6 FTEs in DOC. The portal opened on October 1, 2018 as the Resources to Empower and Develop You Center (“READY Center” or “Center”). DOC’s pre-hearing responses indicate that the Center has engaged 279 participants.

At DOC’s performance oversight hearing, lawyers who work with returning citizens pointed out that citizens returning directly from the federal Bureau of Prisons (“BOP”) do not have access to the services provided at the READY Center. The advocates noted that BOP, in general, provides fewer resources for returning citizens than does DOC and suggested that those returning from BOP custody were in even more need of the services that the READY Center provides than those released from DOC custody. Director Booth confirmed that, at that time, only those who returned from BOP and were released from DOC custody would have access to the READY Center. He noted that the Mayor’s Office on Returning Citizen Affairs (“MORCA”) has done some work to provide citizens released directly from BOP custody with services like those available at the READY Center. The Executive then announced the next day that the READY Center would begin serving BOP-released inmates, which this Committee has recommended in the past and wholeheartedly supports. The Committee commends the Executive and DOC for following these recommendations to expand the READY Center’s services.

At DOC’s performance oversight hearing, Chairperson Allen suggested that DOC consider hiring a peer navigator at the READY Center—someone who has experience with incarceration and returning to the community and who could provide first-hand advice to returning citizens. Chairperson Allen suggested that someone who is released under the terms of the Incarceration Reduction Amendment Act would be a prime candidate for this role. At the Committee’s budget oversight

hearing, Director Booth indicated that DOC is seeking candidates who were recently released from either DOC or BOP custody who could fill current vacancies. The Committee commends DOC for seeking peer navigators and encourages the agency to continue to consider how formerly-incarcerated District residents can assist those returning.

**Policy Recommendation:**

- 5. *DOC should send the Committee a monthly report of its outdoor recreation time logs.***

In February 2019, media reports and a Corrections Information Council report indicated that some inmates at CTF had not received outdoor recreation time for as long as 8 months. At DOC's performance oversight hearing, Director Booth said that outdoor time is available to inmates at both the CDF and CTF, weather permitting; heavy rainfall or snow would typically prevent outdoor time. Director Booth said that DOC received one grievance related to a lack of outdoor time in FY18 and no grievances in FY19, and he claimed that fewer than five informal complaints came to guards or other staff about a lack of outdoor time. Director Booth said that DOC will work to improve its logs of outdoor time, and Chairperson Allen requested that DOC send the Committee a monthly report of the outdoor time logs. The Committee believes that information about this incident was poorly communicated to the Committee and the public, and the Committee recommends that DOC continue to improve its communications and legislative affairs responses in the future (*see Policy Recommendation #6 below*).

**Policy Recommendation:**

- 6. *DOC should execute an MOU between CIC and DOC to ensure that CIC has access to DOC facilities pursuant to CIC's mandate and that the communication between the agencies is prompt and fulsome.***

The Corrections Information Council ("CIC") is an independent monitoring body mandated by Congress and the Council to inspect, monitor, and report on the conditions of confinement at facilities where District residents are incarcerated for D.C. Code violations, including BOP and DOC facilities. During last year's oversight hearings, then-CIC Director Bonner testified that CIC had proposed to DOC a memorandum of understanding ("MOU"), similar to CIC's MOU with BOP, to govern inspections, reporting, and information sharing. However, there is still no MOU in place. The Committee has heard anecdotal evidence that CIC is not always provided the level of access to DOC facilities that the Committee feels is necessary, and an MOU would help to clarify what access should be allowed.

At DOC's performance oversight hearing, Director Booth noted that DOC had proposed some changes to the proposed MOU, but because of leadership changes at CIC, it was not clear if CIC would accept DOC's proposed changes. At CIC's budget oversight hearing, CIC Director Isaac said that CIC is reviewing DOC's changes and confirmed that, shortly after DOC's performance oversight hearing, DOC had reached out to CIC about the status of the MOU. The Committee encourages DOC to continue to be proactive in moving a robust MOU between the agencies to completion.

At DOC's performance oversight hearing, Chairperson Allen questioned DOC about several emails from CIC to DOC raising concerns about inmates' access to outdoor recreation time. These emails were sent on October 29, 2018, December 10, 2018, and January 10, 2019, and CIC did not receive a substantive response to any of the emails. DOC could only account for the December 10 email, and noted that DOC's lack of response to the December 10 email was merely an oversight. Director Booth testified that DOC has identified one single point of contact for CIC in the future so that communications are not missed again. The Committee is troubled that DOC not only failed to provide a timely response to issues raised by CIC but also appears to have lost emails. The Committee strongly encourages DOC to review its record-keeping policies as it relates to communications to and from CIC to ensure that all communications are, at a minimum, accounted for and that communication between the agencies is prompt and fulsome.

**Policy Recommendation:**

- 7. DOC should expand the YME program and use the lessons learned in the YME Unit to inform programs for inmates in other units.***

The "Young Men Emerging" ("YME") program is a housing unit dedicated to young adult male inmates aged 18-25. YME offers programming geared toward the unique developmental needs of young people, blending counseling, structure, and a measure of self-governance. The YME includes a classroom and a computer lab, as well as a meditation room, a self-expression room, and a laundry room. It is staffed and supported by mentors – men currently in DOC's custody on writs from BOP pending the Superior Court's consideration of their Incarceration Reduction Amendment Act petitions. DOC's goal with the YME is to create a restorative community that incorporates age-appropriate programming and maximizes reentry outcomes. Programming focuses on education, behavioral health, wellness, life skills development, entrepreneurial learning, financial literacy, and workforce development. There are several considerations for admission to the program: age, exhibiting a positive attitude and willingness to participate, and the inmate's custody level.

Last year, the Committee commended DOC for developing the YME program and expressed interest in hearing reports on the program's success. Throughout the

year, Chairperson Allen and Committee staff have visited the YME unit and have seen the difference it is making in the lives of young men in DOC custody. At DOC's performance oversight hearing, Director Booth testified that YME participants are engaged in educational programs and have much lower incidence of disciplinary actions. The Committee repeats its commendation to DOC for developing the YME and encourages the agency to consider how the lessons learned in the YME unit can inform programs for inmates in other units. The Committee also recommends that DOC use the YME as an example of innovative, developmentally-appropriate corrections policy.

**Policy Recommendation:**

8. ***DOC should review materials it provides to inmates to ensure that all inmates can easily understand their rights to file a grievance, and DOC should prioritize hiring sufficient staff who can communicate with native-Spanish speaking inmates with limited English proficiency.***

At DOC's performance oversight hearing, a representative of the Washington Lawyers' Committee for Civil Rights and Urban Affairs testified that DOC's process for allowing inmates to file a grievance is unwieldy and confusing for inmates and rarely results in a response to the inmate's concern. The Committee has heard the same from other attorneys who represent inmates in DOC custody; in particular, some attorneys note that because the grievance process is so unreliable, many inmates just give up. For example, the prisoner handbook doesn't make the process for appealing a decision of a grievance clear. Very few Spanish speakers with limited English proficiency get any response to grievances. An attorney who work with inmates in DOC custody testified that in some cases the only translation or interpretation available for Spanish-speaking inmates, who represent as much as 5% of inmates in DOC custody, is through Unity Health Care staff who happen to speak Spanish.

The Committee is concerned that inmates in DOC custody feel as if they do not have meaningful avenues to direct their concerns about how they are treated and the environment in which they are housed. The Committee encourages DOC to review materials it provides to inmates to ensure that all inmates—including those without attorneys and those with limited- or no English language proficiency—can easily understand their rights. The Committee further encourages DOC to prioritize hiring staff who can communicate with native-Spanish speaking inmates with limited English proficiency.

**Policy Recommendation:**

- 9. *DOC should ensure that it is using all tools at its disposal to address the impact of the opioid crisis on inmates, including ensuring compliance with all legislation the Council has adopted.***

At DOC's performance oversight hearing, Unity Health Care ("Unity") President and CEO Vincent A. Keane testified that Unity is adopting trauma-informed care across all its services. Mr. Keane noted the numerous challenges to providing quality health care in DOC facilities, including that over half of intakes have a history of mental illness or substance abuse. To address these issues, Unity is ensuring implementation of the most effective strategies to combat opioid addiction among inmates. For example, Unity has a waiver from DOH to use methadone treatment at DOC, and Unity is working with DOC to use long-acting naltrexone. The Committee is encouraged by the new services that will be part of the new contract with Unity and encourages DOC and its partners to remain on the cutting edge of efforts to combat the opioid crisis. DOC should also ensure that complies with all legislation that the Council has adopted to give District agencies tools, including the Opioid Overdose Treatment and Prevention Omnibus Act of 2018,<sup>32</sup> passed by the Committee.

**Policy Recommendation:**

- 10. *DOC should ensure that all eligible employees are aware of the District Government's Employer-Assisted Housing Program ("EAHP"), and DOC should encourage employees to take advantage of the program.***

EAHP – managed by the Department of Housing and Community Development – offers eligible District government employees who are purchasing their first home a deferred 0% interest loan and matching grants for down payments and closing costs. As housing costs skyrocket in the District, EAHP makes it possible for District government employees to live in the communities they serve. Because of the popularity of the program, the Mayor has proposed increasing the EAHP budget from \$2.1 million in FY19 to \$4.4 million in FY20. To allow more employees an opportunity to live in the District, DOC should ensure that all employees are aware of EAHP and its eligibility requirements and should encourage employees to take advantage of the program.

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<sup>32</sup> <http://lims.dccouncil.us/Download/38775/B22-0459-SignedAct.pdf>.

**3. COMMITTEE BUDGET RECOMMENDATIONS****a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Department of Corrections, as proposed by the Mayor, with the following modifications:

1. *Reduce CSG 11 (Regular Pay – Continuing Full Time), Program 3600 (Inmate Custody), Activity 3065 (Institutional Security and Control) by \$691,000 and CSG 14 (Fringe Benefits – Current Personnel) by \$309,000 to recognize vacancy savings: total PS reduction = \$1,000,000*

**b. Fiscal Years 2020-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20-25 capital budget for the Department of Corrections, as proposed by the Mayor, with the following modifications:

1. *Reduce Project No. CGN08C (Heating System Replacement) by \$1,000,000 in FY20 and transfer that amount to the Committee on Recreation & Youth Affairs*

**I. DEPARTMENT OF FORENSIC SCIENCES****1. AGENCY MISSION AND OVERVIEW**

The mission of the Department of Forensic Sciences (“DFS”) is to produce high-quality, timely, accurate, and reliable forensic science with the use of the best available technology and practices, unbiased science, and transparency, and with the overall goal of enhancing public health and safety. DFS provides independent analysis of evidence and samples submitted by agencies within the District and by its federal partners.

The ***Forensic Science Laboratory Division*** provides independent scientific examinations and analysis to stakeholders submitting physical evidence in criminal cases. This division contains the following activities: the Forensic Biology Unit, which analyzes blood and other tissue samples for identification; the Latent Fingerprint Unit, which analyzes latent fingerprints for the identification, exclusion, or elimination of known persons; the Firearms Examination Unit, which analyzes firearms and ammunition; the Forensic Intelligence Unit, which analyzes forensic data to link together crime scenes and evidence; and the Digital Evidence Unit, which analyzes digital evidence from crime scenes.

The ***Public Health Laboratory Division*** tests biological and chemical samples that relate to public health and safety, such as infectious diseases, hazardous chemicals, or biological contamination. This division contains the following activities: the Microbiology Unit, which analyzes microbial pathogens that are infectious to people, such as diseases or food-borne illnesses; the Molecular Diagnostic Unit, which analyzes DNA to identify infectious organisms or biological threats; the Virology/Immunology Unit, which tests for outbreaks of virus-based diseases, like West Nile and influenza; the Accessioning Unit, which includes sample acceptance, accounting, and transfer; and the Forensic Chemistry Unit, which analyzes samples for the presence of illegal substances.

The ***Crime Scene Sciences Division*** provides the collection, analysis, processing, and preservation of evidence found at crime scenes. This division includes the Crime Scene Sciences Unit and the Central Evidence Unit.

The ***Agency Management Division*** supports the work of the entire agency through strategic direction; training; quality assurance; research; recruitment and hiring of personnel; information technology; data management; fleet management; procurement; and other administrative support services.

## **2. COMMITTEE POLICY RECOMMENDATIONS**

### **Policy Recommendation:**

- 1. *DFS should continue to ensure the unbiased, timely, and efficient delivery of forensic science services to all criminal justice stakeholders. The agency should be particularly vigilant in maintaining the appearance and actuality of independence as it provides forensic science services to law enforcement and prosecutorial agencies in the District.***

When DFS was created by the Council in 2011, it was with the statutory charge of “provid[ing] high-quality, timely, accurate, and reliable forensic science services with [...] a focus on unbiased science.”<sup>33</sup> As an Executive agency with both law enforcement and prosecution stakeholders and defense stakeholders, this can be a delicate balance. The Committee underscores the critical need – essential to DFS’ legitimacy – that all stakeholders view DFS as an impartial, scientific body, rather than as a traditional public safety cluster agency. Department leadership must set this tone in all areas of DFS’ work, including in the complaint process and applicable regulations, DFS’ engagement with members of the Stakeholder Council, in its staff management, and in the actual provision of forensic science services. For example, DFS must be cautious when it participates in public safety cluster programming and messaging to ensure that it does not appear to be aligned with law enforcement or the prosecution. The Committee has included clarifying amendments to DFS’ organic act in Title III, Subtitle F, of the Budget Support Act, to make these core values more explicit.

During the Committee’s budget oversight hearing on the agency, Director Jenifer Smith spoke to this broader mission of the Department. She stated that DFS’ mission goes beyond what forensic science agencies in other jurisdictions often do, in that DFS supports many agencies across the law enforcement spectrum. This includes the Metropolitan Police Department, the United States Attorney’s Office, the Public Defender Service, the Department of Health, and the Office of the Attorney General. Director Smith referred to DFS’ work as a broad application of forensic science, where DFS generates information that is relevant to key decisionmakers on law enforcement, national security, and public health matters. The Committee views Director Smith as an able partner in maintaining this delicate balance – both in its appearance and its practice – and asks the Department to reflect on this recommendation in the remainder of FY19 and in FY20.

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<sup>33</sup> D.C. Official Code § 5-1501.02(b)(2).

**Policy Recommendation:**

- 2. *DFS should continue to collaborate with public safety and justice cluster and health cluster agencies to address the District's opioid crisis.***

DFS has already partnered with the Office of the Chief Medical Examiner to test syringes that are found at the scene of an opioid overdose and with MPD to test drug samples. Since 2017 when these initiatives began, DFS has discovered eight new strains of synthetic opioids. It is critical that DFS remain engaged in combating the opioid crisis in the District through surveillance and data collection. Classifying these new and increasingly dangerous strains of synthetic opioids will help the District identify and remove these deadly substances from the drug supply.

**Policy Recommendation:**

- 3. *DFS should continue its progress in reducing its caseloads and eliminating backlogs.***

***Forensic Science Laboratory (“FSL”) Division:*** The FSL includes the Forensic Biology Unit (“FBU”), the Latent Fingerprint Unit (“LFU”), and the Firearms Examination Unit (“FEU”). In recent years, DFS has reduced backlogs, increased entries and verifications associated with intelligence databases, and ensured appropriate turn-around times. All the units within the FSL also improved participation in three national intelligence databases in FY18 and FY19, to date: the National Integrated Ballistic Information Network (“NIBIN”), the Automatic Fingerprint Identification System (“AFIS”), and the Combined DNA Index System (“CODIS”).

DFS worked on revising its protocol in the FBU to streamline the processes of the unit, add new technology, decrease backlogs, and ensure timely results. As of February 2019, the FBU did not have a backlog in testing for physical evidence recovery kits (“PERKs”). In FY18, the FBU received 268 PERKs for sexual assault cases, and the average turnaround time to process each kit was 65 days, which is below the statutory requirement of 90 days.

In FY18, the LFU established a dedicated processing team to work directly on evidence processing, which was originally a part of the Crime Scene Sciences Unit. The LFU also modified its processing worksheets to reflect accreditation standards and developed and implemented a new training program to train examiners. At the end of FY18, the LFU had completed 2,971 latent examination cases, with an average turnaround time of 11.25 days without a backlog. In FY19, the evidence processing services of the LFU became available. So far in FY19, the LFU has completed 348 evidence handling cases with an average turnaround time of 15 days.

In FY18, DFS developed an employee retention plan for FEU personnel. There is a national shortage of qualified individuals for these positions, making it difficult to hire and retain FEU employees. To create a retention plan, DFS researched current retention programs and existing incentives offered to agencies within the public safety and justice cluster. DFS met with the Department of Human Resources to address recruitment challenges and is working with the Office of the City Administrator to refine its firearms personnel retention plan. The FY20 budget supports the FEU by adding funding to maintain 5 FTEs – four of which are contract positions, and one of which is a position detailed from the Metropolitan Police Department. To create a pipeline of talented firearms examiners, in FY19, DFS is working to develop a forensic firearms minor curriculum in partnership with the University of the District of Columbia (“UDC”). This will be the first forensic minor program offered at UDC. Despite all efforts to support this unit, an average backlog of 701.25 cases remained within the FEU in FY18. The Committee supports DFS’ efforts to find ways to support and bolster the capabilities of the FEU.

***Public Health Laboratory (“PHL”):*** The PHL performs diagnostic and environmental tests and acts as the “local extension” of testing capabilities provided by the Centers for Disease Control and Prevention (“CDC”). The PHL provides services that include diagnostic testing for infectious diseases, surveillance for influenza and foodborne outbreaks, and rabies testing. The PHL also tests for bioterrorism and chemical terrorism.

In FY18, DFS prioritized the newly-established Forensic Chemistry Unit (“FCU”), which receives, processes, and tracks forensic requests for examination of drug evidence in submitted samples from MPD and other stakeholders. The FCU became accredited to perform qualitative drug analysis on February 18, 2018. After the lab was fully accredited, DFS worked with the Drug Enforcement Administration to regain responsibility for analyzing drug samples. This includes analyzing evidence, issuing laboratory reports of findings, and providing expert testimony in court.

The PHL also works with the Department of Health on the District’s mosquito surveillance program to test for West Nile, dengue, chikungunya, and Zika viruses. In FY17, DFS worked hard to improve quality assurance and protocols in order to provide accurate test results. DFS is conducting Zika molecular testing but has yet to resume Zika serology testing in-house. DFS paused Zika serology testing in December 2016, when the PHL Director noticed that the testing had produced a higher than anticipated number of negative results, and the quality controls in place started to fail more regularly. At that time, serology testing was outsourced to the CDC. Ultimately, the number of Zika testing requests plummeted as FY18 progressed. Due to the drastic reduction in requests for Zika testing, DFS determined that keeping the current protocol of sending samples to the CDC would be the best practice until a better method for serological identification could be found.

**3. COMMITTEE BUDGET RECOMMENDATIONS****a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Department of Forensic Sciences, as proposed by the Mayor, with the following modifications:

1. *Reduce CSG 15 (Overtime Pay), Program 4000 (Crime Scene Sciences), Activity 4020 (Evidence Handling), by \$200,000 in recurring local funds to recognize savings in the overtime budget based on current year spending*

**b. Fiscal Years 2020-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20-25 capital budget for the Department of Forensic Sciences, as proposed by the Mayor.

**J. DEPUTY MAYOR FOR PUBLIC SAFETY AND JUSTICE****1. AGENCY MISSION AND OVERVIEW**

The mission of the Office of the Deputy Mayor for Public Safety and Justice (“DMPSJ”) is to provide direction, guidance, support, and coordination to the District’s public safety agencies. DMPSJ oversees the performance of the Metropolitan Police Department; Fire and Emergency Medical Services Department; Office of Unified Communications; Department of Corrections; Office of Victim Services and Justice Grants; Homeland Security and Emergency Management Agency; Office of the Chief Medical Examiner; Office of Neighborhood Safety and Engagement; and Department of Forensic Sciences. DMPSJ operates through one program: Administrative Management.

**2. COMMITTEE BUDGET RECOMMENDATIONS****Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Deputy Mayor for Public Safety and Justice, as proposed by the Mayor.

**K. DISTRICT OF COLUMBIA NATIONAL GUARD****1. AGENCY MISSION AND OVERVIEW**

The District of Columbia National Guard (“DCNG”) services both federal and District missions. Joint Force Headquarters – District of Columbia (“JFHQ-DC”) maintains and provides trained and ready DCNG units, personnel, and equipment, supports the District of Columbia Emergency Response Plan, and develops community programming. JFHQ-DC facilitates the integration of federal and state activities to provide expertise and situational awareness to the District of Columbia and the Department of Defense.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

1. *The Committee recommends that the Guard continue to promote the Youth ChalleNGe Academy within the District, work with the Deputy Mayor for Education to resolve any issues related to transferring credits from the Academy, maintain security updates on the residential campus, and continue to seek funding for capital improvements to the Oak Hill Facility.*

The DCNG maintains its strong commitment to the Youth ChalleNGe Academy. The community-based program, chartered by Congress, teaches and mentors at-risk 16- to 18-year-olds to become positively engaged with their communities. Youth ChalleNGe uses a quasi-military model and emphasizes academics, physical training, and discipline. The program includes a 22-week residential phase followed by a one-year, non-residential phase. The Youth ChalleNGe Academy has increased its visibility within the District by partnering with other District agencies who serve at-risk disengaged youth, including the Deputy Mayor for Education, the Office of the State Superintendent for Education, District of Columbia Public Schools, and the Department of Youth Rehabilitation Services. The Guard is still working with the Deputy Mayor for Education to resolve issues related to transferring credits from the program.

The Guard continuously endeavors to increase the recognition of the program and enrollment. In FY18, the Guard received a total of 169 applications for the program and in FY19, to date, the Guard has received 94 applications. More than 70% of participating youth complete the 22-week residential phase of the program. The Committee continues to be supportive of the Academy and the Guard’s increased recruitment and retention efforts.

DCNG continues to prioritize security upgrades for the Youth ChalleNGe residential campus. DCNG installed an electronic lock and key management system to increase security by enabling the Academy to ensure all doors are locked and secured 24/7. The system also allows the Guard to monitor when a building or room was entered and who entered. DCNG hopes to one day have security guards to cover the main entrance to the campus who serve to deter unwelcomed visitors. The agency determined that the estimated cost of security guards would be approximately \$500,000 per year for six guards and one supervisor. The Committee recommends that the Executive invest in security measures for the Youth ChalleNGe Academy campus.

The Guard continues to seek a dedicated capital investment for its Oak Hill Facility. In the proposed FY19 budget, local funding for the Oak Hill Facility decreased by \$344,000 when the one-time funding that the Committee identified in the FY18 budget for this purpose lapsed. The Guard was not able to make any improvements to the facility in FY19. The Committee recommends that a capital investment in the Oak Hill Facility would solve problems the Guard is facing with regard to updating and improving the Oak Hill Facility. The Committee was disappointed to see that no such project was included in the Mayor's proposed FY20 capital budget. The agency estimates that it would need approximately \$18 million for facility improvements and renovations over the six-year capital plan.

### **3. COMMITTEE RECOMMENDATIONS**

#### **Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the District of Columbia National Guard, as proposed by the Mayor.

**L. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT****1. AGENCY MISSION AND OVERVIEW**

The mission of the Fire and Emergency Medical Department (“FEMS” or “Department”) is to promote health and safety through excellent pre-hospital treatment and transportation, fire prevention, fire suppression, rescue activities, and homeland security awareness. FEMS is led by a Chief, and the agency’s Medical Director directs the emergency medical services program. Within the Department are eight programs:

- 1) Chief of Fire and Emergency Medical Services;
- 2) Operations Bureau;
- 3) EMS Operations Bureau;
- 4) EMS Medical Director;
- 5) Support Services Bureau;
- 6) Technical Services Bureau;
- 7) Agency Financial Operations; and
- 8) Agency Management.

Additionally, FEMS provides fire and safety inspections, education, and intervention programs to District residents through community presentations, smoke alarm installations, health status/disease prevention screenings, car seat installations, and CPR instruction. FEMS also provides services for special events unique to the District, such as demonstrations and public gatherings. Additionally, the agency provides fire suppression and emergency medical protection for presidential motorcades and helicopter landings.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

1. *The Committee recommends the agency enhance its efforts to change the culture in the District surrounding the misuse of emergency medical services for non-emergent issues and continue to improve its dispatching practices to ensure it is sending the proper resources on calls.*

The District has the highest per capita emergency medical services (“EMS”) call volume in the country. This is due, at least in part, to the culture surrounding the use of emergency medical services in the District. Some District residents frequently call 911 for non-emergent situations, thereby straining the Department’s limited resources. In the FY18 budget, the Committee approved a proposed budget of \$1 million in recurring local funds to establish a Nurse Triage Line (“NTL”) to divert

low-acuity calls from the Department, and the resulting contract was awarded to American Medical Response (“AMR”) for \$800,000.

On April 19, 2018, the Department launched the Right Care, Right Nurse Triage Line. The goal of the NTL is to improve patients’ health outcomes and to preserve critical FEMS resources for patients with life threatening injuries and illnesses. The program also aims to free up beds in the District’s crowded emergency rooms. Under the NTL, individuals who call 9-1-1 may be transferred to a nurse if they call in with non-emergency injuries or illnesses. The nurse then asks the caller questions and talks through the symptoms the caller is experiencing to determine what type of care is needed. The aim is to divert the caller to a community care clinic or urgent care clinic in the caller’s neighborhood, or to self-care.<sup>34</sup> Medicaid and DC Healthcare Alliance enrollees are provided with free transportation to and from the clinic. The registered nurses hired through AMR are located at the Office of Unified Communications.

In the NTL’s first year, the Department worked closely with the Lab@DC to collect data on the rollout of the program and has adjusted the program based on its observations. For example, when it first launched, the NTL was active from 7 a.m. to 11 p.m., seven days per week. However, after noticing that a large portion of NTL-eligible calls were made during the overnight hours, the Department expanded the line to 24 hours per day. Between April 19, 2018 and January 19, 2019, a total of 337 callers were referred to a clinic, and 323 callers were referred to self-care.<sup>35</sup> Of these calls, the average time it took for nurses to answer calls transferred from 911 was six seconds.<sup>36</sup> On average, patients spoke to the nurses for approximately six minutes.<sup>37</sup> For patients who utilized non-emergency transportation to the clinic, the average wait time for the vehicle was 13 minutes, and the average time from dispatch to arrival at the clinic was 37 minutes.<sup>38</sup> The program includes follow up measures as well, with the nurses calling 100% of patients back within 24 hours of their initial call to 911. The Department has now entered a new phase of the program. Beginning in March 2019, on a pilot basis, the Department has instructed field providers in the second and fourth battalions to refer patients to the nurses if the provider arrives on scene and deems the patient’s symptoms non-emergent.

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<sup>34</sup> A list of participating clinics can be found here: <https://fems.dc.gov/page/frequently-asked-questions-right-care-right-now> and a map here: [https://www.google.com/maps/d/viewer?mid=1XbMs3wuguxsJKjh27gYp\\_IIVWw752fRG&ll=38.90691\\_1621911306%2C-77.04447374890134&z=12](https://www.google.com/maps/d/viewer?mid=1XbMs3wuguxsJKjh27gYp_IIVWw752fRG&ll=38.90691_1621911306%2C-77.04447374890134&z=12).

<sup>35</sup> Fire and Emergency Medical Services Department, FEMS FY19 Performance Oversight Pre-Hearing Responses, (Feb. 10, 2019), <http://dccouncil.us/wp-content/uploads/2019/02/JPS-Performance-Oversight-Responses-2019-FEMS.pdf>.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

To raise public awareness about this program, the Department's leadership attended community meetings across the District. They worked with the participating managed care organizations and clinics to create unified messaging around the program and launched a public advertising campaign to promote it. The Committee commends FEMS for a well-planned and executed campaign. The Committee understands that changing the entrenched culture of some residents' EMS use is no easy feat. The Committee recommends that in the second year of the program, the Department focus on scaling up the overall impact of the program by aiming to divert a higher volume of calls. The Committee will continue to work collaboratively with the Department in support of the NTL and ways to improve its impact on the agency's call volume. The Department's goal of using the NTL to free up beds in District emergency rooms is especially critical given the upcoming closure of Providence Hospital. To illustrate the type of impact this closure will have, between April and September 2018 alone, AMR transported 3,659 patients to Providence Hospital, a statistic that does not include the number of runs made by FEMS providers.<sup>39</sup> As other area emergency rooms prepare to accept the higher volume of patients resulting from the closure, it is critical that the Department address the structural problems that persist related to EMS misuse.

Anecdotally speaking, the Committee has heard from members of the Department that they regularly run calls for minor non-emergencies such as a "lift assist", wherein a resident is seeking assistance in being carried into their home twice per day. It is a structural inefficiency when members of the public come to rely on FEMS for non-emergency services such as a lift assist, however, these types of callers are not captured under the NTL. The Committee would like to see the Department think through what types of partnerships it may forge with other District agencies in order to divert these types of callers away from using 911 services.

Finally, in FY18, the Department successfully transitioned to a Criteria Based Dispatching ("CBD") system for its calls. CBD is a call taking protocol that gives call takers more latitude in call management by not requiring them to adhere strictly to a script. This enhances the efficiency of the dispatch process, reduces caller frustration due to more common sense-based caller interviewing, and allows for more relevant triage of medical calls. The Department reported that CBD has been very successful at better matching all types of EMS calls with the right resources. Prior to launching CBD, approximately 50 percent of EMS dispatches were Basic Life Support ("BLS") dispatches and 50 percent were Advanced Life Support ("ALS") dispatches, although only 30 percent of transports are ALS transports. Between April 19, 2018 and December 31, 2018, 68 percent of dispatches were BLS and 32 percent were ALS. The Committee is very supportive of this transition to CBD and would like to see the Department work on additional measures to ensure its resources are properly deployed.

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<sup>39</sup> American Medical Response, *AMR Biannual Performance Report (April 1- September 30, 2018)* (on file with the Committee).

**Policy Recommendation:**

- 2. *The Committee recommends the Department properly invest in apparatus, including by course-correcting in the current fiscal year, and recommends supporting proper implementation of the fleet maintenance reserve facility capital project.***

The Department has long recognized that the excessive wear and tear on its aging fleet presents barriers to operations. In 2013, FEMS contracted with BDA Global to conduct an assessment of its fleet. This assessment uncovered the dire need for the Department to follow a consistent schedule to spread purchasing acquisitions over time to improve its overall fleet operations. The Department plans to contract with BDA Global to provide an updated assessment of its fleet, given that the 2013 report is now outdated.<sup>40</sup> However in the meantime, the 2013 report continues to provide guidance as to where the Department should be in terms of purchasing and delivering apparatus. In the following evaluation, the Committee will focus on the most commonly used types of apparatus – ladder trucks, ambulances, and engines, which are also known as pumper. The Committee will continue to engage critically in the conversation about apparatus purchasing to ensure the Department and its members have the apparatus necessary to be successful and to safely respond to the constantly growing needs of residents and visitors to the District. The Committee will continue to press the Executive and the Department to make informed, strategic investments in its fleet.

Following the Department's responses during the Committee's performance and budget oversight hearings, the Committee is most concerned about the Department's purchasing plans as it relates to ladder trucks. In its performance oversight prehearing responses, the Department conceded that it has faced the biggest challenges with ladder trucks. These are the Department's most complicated apparatus to design and purchase, and even once they are ordered there is an 18-month wait period for the apparatus to be delivered. The Department currently has a frontline fleet of 16 ladder trucks, and a reserve fleet of 10.<sup>41</sup> However, not one of the Department's reserve ladder trucks is actually compliant for use based on National Fire Protection Association ("NFPA") standards and thus cannot be placed in service when a frontline ladder truck is out of service for maintenance. As a result,

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<sup>40</sup> Committee on the Judiciary and Public Safety, *Fire and Emergency Medical Services Department Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 24, 2019) (oral testimony of Chief Gregory Dean, Chief of the Fire and Emergency Medical Services Department), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=5013](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=5013).

<sup>41</sup> Committee on the Judiciary and Public Safety, *Fire and Emergency Medical Services Department Performance Oversight Hearing before the Committee on the Judiciary & Public Safety* (February 11, 2019) (oral testimony of Chief Gregory Dean, Chief of the Fire and Emergency Medical Services Department), [http://dc.granicus.com/MediaPlayer.php?view\\_id=&clip\\_id=4842&caption\\_id=10269285](http://dc.granicus.com/MediaPlayer.php?view_id=&clip_id=4842&caption_id=10269285).

on several occasions in the past year, neighborhoods have been left extremely vulnerable when this critical apparatus is out of service.

Even when these units are in service, they are posing serious threats to the safety of members and the greater District community due to their poor condition. In October 2018, when responding to a three-alarm fire at the Arthur Capper Senior Apartment building, a ladder truck became stuck, almost trapping the providers who were fighting the fire aerially.<sup>42</sup> A member on the ground was able to conduct a manual override, bringing the aerial providers to safety, however, this malfunctioning apparatus nearly made a dangerous situation far more catastrophic.<sup>43</sup> Then, in November 2018, a firefighter recruit at the Training Academy was injured after being thrown off a malfunctioning ladder truck.<sup>44</sup> These are just two examples profiled in the media, however, they are illustrative of the scope of this problem.

The Department did not receive any ladder trucks in FY18 but will receive three in FY19, in addition to one tower truck, and will be purchasing four more with FY19 dollars.<sup>45</sup> These units will all be replacing units in service in the frontline fleet. The units they are replacing will be assessed for capacity to be part of the reserve fleet, but given the posture of the current frontline apparatus, the Department does not expect this level of investment will build a meaningfully useful reserve fleet, which according to BDA Global, is a reserve of five ladder trucks.<sup>46</sup> It is a priority for the Committee that the Department invest properly in ladder trucks in order to create a reserve fleet, and unfortunately, the Committee did not see this priority reflected in the Mayor's proposed capital budget for apparatus in FY20. This budget invests \$5.7M in FY20, \$1.5M in FY21, and \$1.7M in each of the following years. At this level of funding, the Department will be able to order three ladder trucks in FY20 and one in each of the following years.<sup>47</sup> Given the extensive lead time between designing, purchasing, and receiving ladder trucks, the Committee strongly urges the Executive to course-correct during FY19 to reprogram funding toward purchasing

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<sup>42</sup> Julia Airey, *D.C. firefighter breaks leg in training exercise*, WASH. TIMES (Nov. 11, 2018) <https://www.washingtontimes.com/news/2018/nov/4/fire-departments-washington-dc-uses-run-down-truck/>.

<sup>43</sup> *Id.*

<sup>44</sup> Julia Airey, *'I've never been so scared': D.C. fire crews forced to serve on run-down rigs*, WASH. TIMES (Nov. 4, 2018), <https://www.washingtontimes.com/news/2018/nov/11/dc-firefighter-breaks-leg-in-training-exercise/>

<sup>45</sup> *Supra*, note 8.

<sup>46</sup> BDA Global, *An Audit and Assessment of the DC Fire and Emergency Medical Services Department's Fleet Inventory and Fleet Maintenance Operations to Further Improve Fleet Management* (Nov. 25, 2013), <https://fems.dc.gov/sites/default/files/dc/sites/fems/publication/attachments/FEMS%20Apparatus%20Division%20-%20Audit%20and%20Assessment%20Report%20FINAL%20112513%20--%20Double-sided%20printing.pdf>.

<sup>47</sup> *Supra*, note 7.

this critical apparatus. In the interim, the Committee is funding this urgent need to allow the Department to purchase five ladder trucks in FY20.

The Committee was pleased to learn that the Department is in a good place with its fleet of ambulances. FEMS' frontline fleet of ambulances consists of 39 vehicles, its Special Event fleet consists of 20 vehicles, and its reserve fleet includes 16 equipped "ready reserve" vehicles and 11 unequipped reserves.<sup>48</sup> The Department informed the Committee that it has a full fleet of reserve ambulances.<sup>49</sup> Ambulances are run frequently and thus have a short useful life, with a replacement schedule of every three-four years.<sup>50</sup> The Department has 30 ambulances on order from FY17 and FY18 and expects to receive all of them by the end of FY19. Ambulances are funded by the capital plan such that the Department will be able to purchase ten ambulances in FY20, eleven to twelve in FY21, eight to nine in FY22, and six in FY23. The Committee commends the Department for placing ambulance ordering on track to maintain a healthy frontline fleet and a full reserve.

The Committee is also very supportive of the Department's decision to add four new units in service in Wards 7 and 8, recognizing the needs that exist in areas previously overwhelmed by a lack of adequate coverage. The Department invested \$3.5 million in operating dollars to procure 4 new ambulance units and hire an additional 45 firefighter paramedics or emergency medical technicians. The Department has informed the Committee that these new units will use ambulances that are currently in the reserve fleet.<sup>51</sup> However, the Committee is confident that the Department will continue to purchase ambulances at a level adjusted to account for these additions.

The Committee has learned that between FY15 and FY18, the Department received 26 new engines. Thus far in FY19, the Department has received eight new engines and is in the process of procuring six additional engines, which it expects to receive in about one year. The BDA Global report recommends a frontline fleet of 33 engines and a ready reserve of twelve. The Department has informed the Committee that it has a reserve fleet of ten to fourteen units, depending on the day. The Committee is supportive of the Department's continued investment in engines.

The Committee recommends the Department engage critically with its decision-making process surrounding apparatus purchasing. Beginning in the FY19 budget cycle, the Department began to use the District government's Capital Asset Replacement Scheduling System ("CARSS") to determine its replacement schedule. It attempted to reconcile CARSS with its own fleet management software, "FASTER", but ended up reprogramming \$7.1M between the various types of apparatus in

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<sup>48</sup> *Supra*, note 13.

<sup>49</sup> *Supra*, note 2.

<sup>50</sup> *Supra*, note 8.

<sup>51</sup> *Supra*, note 7.

January 2019. The Committee would like to see the Department ensure the CARSS recommended level of funding is consistent with the recommendations that BDA Global provides in its updated fleet assessment. Until CARSS is on track to better reflect the Department's actual needs, the Committee would like to see the Department provide justification for its purchasing plans outside of the explanation that it is following CARSS' recommended funding levels.

The Fleet Maintenance Reserve Facility capital project involves the design and construction of a new, modern maintenance facility for the agency's fleet and equipment needs. The Committee prioritized this project in the FY19 budget by reallocating \$1 million to the project to allow the Department to begin the first two phases of design. The Department hired an Architect-Engineer to develop a drawing for the project at DC Village. The request in FY20 is to fund the completion of the Contract Drawings and Specifications and to fund the construction of the project in subsequent years. The current capital improvement project allotment is sufficient to begin, and the Executive will have a better estimate of project costs to build in FY21. The Engine Company 7 project is closely associated with the construction of a new Fleet Maintenance facility because the existing location is physically adjacent to the Fleet Maintenance facility. Additionally, the relocation of the new facility will allow the District to move forward in the planning and redevelopment efforts for the adjacent Greenleaf Housing project. Funding begins FY21. The Committee would like to see the Department prioritize proper and on-time implementation of these projects.

**Policy Recommendation:**

- 3. The Committee recommends that the Department prioritize training opportunities for its members and improve the availability and accessibility of these opportunities.***

In FY18 and FY19, to date, FEMS members and apparatus have been involved in several high-profile collisions. This includes one deadly collision in which the FEMS provider was found to be at least partly at fault. In FY18, there were 302 vehicular collisions involving FEMS apparatus, 26 more than in FY17 (see chart below). These statistics, coupled with a lagging commitment to driver training, was very concerning to the Committee, which it made clear during the Department's performance oversight hearing.<sup>52</sup> The Committee was pleased to learn that the Department issued a bulletin on March 22, 2019 informing members of its plan to provide an emergency vehicle operations course, which will include both classroom and apparatus movement field training. The Committee hopes this commitment to training curbs collisions.

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<sup>52</sup> *Supra*, note 8.

**Table 1: Collisions with FEMS Vehicles,  
FY18 and FY19 (As of January 31, 2019)**

<i><b>Collisions with FEMS Vehicles, FY18</b></i>		
<i><b>Vehicle Unit</b></i>	<i><b>Number</b></i>	<i><b>Percentage</b></i>
Engine	67	22%
Ambulance	60	20%
Rescue Squad	8	3%
Truck	44	15%
Fleet	44	15%
Medic Unit	71	23%
Leased (GSA)	8	3%
<b>Total</b>	<b>302</b>	<b>100%</b>

<i><b>Collisions with FEMS Vehicles, FY19 (10/1/18 – 1/31/19)</b></i>		
<i><b>Vehicle Unit</b></i>	<i><b>Number</b></i>	<i><b>Percentage</b></i>
Engine	18	26%
Ambulance	20	29%
Rescue Squad	1	1%
Truck	9	13%
Fleet	7	10%
Medic Unit	12	17%
Leased (GSA)	2	3%
<b>Total</b>	<b>69</b>	<b>100%</b>

*Source: Fire and Emergency Medical Services Department*

It is critical that the Department continually work to improve the Training Academy in order to enhance the skills and quality of new recruits. In FY18, the Department created a comprehensive training calendar for Department personnel to help improve its strategic planning in this arena. In its performance oversight prehearing responses, the Department also indicated its priority to standardize the recruit training curriculum in FY19 by developing and implementing new manuals for the recruit training program that will allow for more consistent teaching and instruction. In the FY19 budget, the Committee approved funding for three new positions in the Training Academy. As of February 2019, the Department had only hired for one of these positions and one had not even been posted. The Committee would like to see the Department fill the remaining two positions before FY19 ends.

Finally, subtitle G of the FY17 Budget Support Act, the “Fire and Emergency Medical Services Apparatus Maintenance Requirements and Training Program Establishment Amendment Act of 2016”, imposed training requirements on fleet maintenance staff. This legislation requires that by October 1, 2019, all fleet maintenance staff must maintain qualifications and training in accordance with National Fire Protection Association (“NFPA”) standards. Thus far, the Department has not made sufficient training opportunities available to members to achieve these qualifications by the stated deadline. While the Committee will work with the Department to extend the deadline in the coming months, it is critical that the Department make these training opportunities available for members to ensure all members are in compliance with training standards as soon as possible.

**Policy Recommendation:**

**4. *The Committee recommends that the Department prioritize measures that promote the health and wellbeing of its members.***

The Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act<sup>53</sup> established a presumption that FEMS personnel who are diagnosed with diseases enumerated in the act have an occupational disease that was suffered in the line of duty and are thus entitled, upon meeting certain qualifications, to work in a limited-duty status or to non-chargeable medical leave and administrative pay.<sup>54</sup>

In FY17, FEMS issued a bulletin to describe the law and how the Department’s membership should utilize the services provided. Each covered employee is seen at the Police and Fire Clinic for an annual and promotional physical. As of February 2019, three cases of illness covered under the statute have been confirmed, including two cases in FY18 and one case in FY19.<sup>55</sup> Investing in healthcare for FEMS personnel has been a consistent priority for the Committee, and the Committee would like to see the Department continue to ensure that the presumptive disability law is properly implemented, including via widely-disseminated information to personnel.

Anecdotally speaking, the Committee has heard from members of the Department about the poor conditions within some of the firehouses. This has

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<sup>53</sup> See <http://lims.dccouncil.us/Download/13452/B19-0616-ENROLLMENT.pdf>.

<sup>54</sup> This bill was passed in 2012 but was unfunded until FY17. In the FY17 budget, the Committee on Transportation and the Environment transferred \$562,872 in recurring local funds to this Committee to pay for the cancer treatment portion of the law. In the FY18 budget, the Committee on Transportation and the Environment again transferred \$817,652 in recurring local funds to the Committee to pay for the communicable disease treatment, pre-employment screening, personnel exposure tracking, and Police and Fire Clinic contractor costs. In the FY19 budget, the Committee on Transportation and the Environment transferred \$2,202,000 in recurring local funds for the remaining chronic disease treatment, retirement plan cost increase, and funds for a clinic FTE.

<sup>55</sup> *Supra*, note 2.

included stories of broken heating systems during the winter months and broken cooling systems during the summer months, mold, rat infestations, and more. These firehouses function as a home for members while they are in service, and it is critical that the Department make the capital improvement investments necessary to ensure these spaces are comfortable and properly maintained. It is similarly critical that the Department make the proper investments to ensure that every single member has two sets of personal protective equipment (“PPE”) and a uniform in the correct size.

The Committee would also like to see the Department invest in the wellbeing of its members through full funding of the 02X Human Performance program in FY21. The 02X Human Performance program “offers a comprehensive approach to maximizing individual and department-wide performance by combining physical conditioning, injury prevention, nutrition, sleep, stress management, and resilience.”<sup>56</sup> Body composition screening efforts by 02X found that only 8.73% of members were within a “healthy range”. High levels of obesity among members puts them at risk for cardiac disease, which is the leading cause of death for fire service providers.<sup>57</sup> The Boston Fire Department invested in the 02X program and experienced a \$6.3 million dollars overall cost savings.<sup>58</sup> In the FY20 budget, the Department funded this program at \$250,000. The Committee would like to see the Department invest an additional \$750,000 in the FY21 budget to take full advantage of this program.

Finally, the Committee believes it is critical that first responders live where they serve, but housing affordability is a significant barrier to increasing District residency among personnel. In the Fiscal Year 2018 Budget Support Act of 2017, the Committee and the Committee on Housing and Neighborhood Revitalization recommended a new subtitle based on legislation introduced by Chairperson Allen<sup>59</sup> to encourage the recruitment and retention of first responders, including firefighters, paramedics, and EMTs. The subtitle and related appropriation provided an enhancement of \$1.1 million for the Department of Housing and Community Development’s Employer-Assisted Housing Program to recruit and retain police officers, firefighters, emergency medical technicians, and correctional officers through targeted homeownership assistance. The Committee encourages the Department to further share information about the program with uniformed and civilian personnel.

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<sup>56</sup> Committee on the Judiciary and Public Safety, *Fire and Emergency Medical Services Department Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 24, 2019) (oral testimony of Dabney Hudson, President of IAFF Local 36), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=5013](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=5013).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> B21-0105, the “First Responders Housing Incentive Program Amendment Act of 2017”, <http://lims.dccouncil.us/Download/37358/B22-0105-Introduction.pdf>.

**Policy Recommendation****5. *The Department should strengthen its collaborative efforts with other District agencies in combatting the opioid crisis.***

As emergency medical responders and likely the first on the scene of an overdose, FEMS providers are on the frontline of the District's response efforts to the opioid crisis. This means the Department is uniquely positioned to help reverse the staggering overdose trends in the District. While the Committee knows that the Department does not provide long-term care to residents, the Committee has also heard from Department members who have become familiar with known users in the neighborhoods they serve. The Committee would like to see the Department use these relationships to help connect known users to additional services and resources. A recent article in the *Washington City Paper* highlighted the Heroin Screening, Brief Intervention, and Referral to Treatment ("Heroin SBIRT") program that the Department of Behavioral Health piloted in the summer of 2015 in concert with FEMS. As the article describes:

*Whenever Emergency Medical Services responded to a suspected opioid overdose, rather than resuscitating the person and forgetting about them, the first responders would pass the person's name and information over to DBH. Within a week, DBH would send outreach workers to find that person and offer to clear whatever obstacles they could—anything that was keeping the person from getting treatment.<sup>60</sup>*

This program allowed public health workers to make meaningful connections with opioid-addicted individuals with limited labor from the Department. Forging stronger partnerships between FEMS and the District's health agencies is mutually beneficial. Successful interventions resulting from the SBIRT program allow the Department to make fewer runs to respond to the same caller, freeing up resources for other callers and easing the strain on the Department's supply of naloxone, the drug used to reverse opioid overdoses.

Anecdotally, the Committee has heard from members that the Department's supply of naloxone is not always sufficient to cover its needs. At the agency's budget oversight hearing, Department leadership stated that the agency's FY20 budget for naloxone has increased by \$100,000, which the Committee hopes represents a level of dedicated funding that more closely matches the Department's needs. The Committee would like to see the Department forge a partnership with the Metropolitan Police Department ("MPD") to ensure that none of MPD's supply of naloxone expires before it can be used. On January 18, 2019, the Executive

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<sup>60</sup> Joshua Kaplan, *Why Did D.C. End an Innovative Program to Treat Opioid Addiction?*, WASH. CITY PAPER (Jan. 31, 2019), <https://www.washingtoncitypaper.com/news/article/21045472/why-did-dc-end-an-innovative-program-to-treat-opioid-addiction>.

announced that it would be equipping MPD officers with naloxone, beginning with officers who patrol in areas where opioid use is common. In March of 2019, DC Health gave 15,000 kits to MPD, each of which has two naloxone nasal spray devices. The drug's limited shelf life provides reason to ensure that plans are in place to prevent waste at the outset. FEMS' frequent use of naloxone makes the agency a fitting recipient of any unused supply at risk of expiring before use.

**Policy Recommendation:**

6. *The Committee recommends that FEMS work on expanding its waterfront capabilities and prioritizing implementation of the suggestions found within the BDA Global report entitled "Recommendations and Strategies for Improving the Marine Firefighting Unit."*

The Committee was frustrated to learn that the Executive chose not to fund the New Fireboat 1 and the New Harbor Patrol Facility projects in the six-year Capital Improvements Plan. The District continues to enjoy and grow along its waterfront, and the Department must prepare to keep pace with emerging threats and a higher volume of emergency response needs in the waterfront area.

Fireboat 1, the John H. Glenn Jr., lacks the speed, command platform capabilities, and air draft clearance needed to perform effectively and efficiently. Fireboat 1 was initially commissioned by the New York City Fire Department in 1962. The District purchased it in 1977, and then updated it in 1984 to strengthen the hull to give it limited ice-breaking capability.

FEMS hired BDA Global to assess the D.C. Port Region to identify the District's needs for the Marine Firefighting Unit ("MFU") and a new Fireboat 1, given the significant economic development taking place, and planned, on the waterfront, in addition to security and hazard risks. The assessment was completed in October 2016, and the report was transmitted to the Committee. BDA Global recommended replacing Fireboat 1. The report noted that the MFU is the only 24/7 marine emergency response organization in the Port of Washington.<sup>61</sup> Accordingly, the Committee believes that it is critical to properly invest in resources that will bolster the capabilities of this Unit. The Committee will continue to advocate for federal appropriations to support the MFU but would like to see the District government make dedicated investments as well (See the Committee's recommended language for the Fiscal Year 2020 Federal Portion Budget Request Act of 2019 later in this report).

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<sup>61</sup> *Supra*, note 13.

**3. COMMITTEE BUDGET RECOMMENDATIONS****a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Fire and Emergency Medical Services Department, as proposed by the Mayor, with the following modifications:

1. *Reduce CSG 41 (Contractual Services – Other), Program 6000 (Support Services Bureau), Activity 6400 (Risk Management (Dep Chief RMD)), by \$300,000 in recurring local funds to recognize savings in the contractual services budget*

**b. Fiscal Years 2020-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20-25 capital budget for the Fire and Emergency Medical Services Department, as proposed by the Mayor, with the following modifications:

1. *Reduce Project No. LC537C (Engine Company 23 Renovation) by \$250,000 in FY20 and transfer that amount to the Committee on Education*
2. *Reduce Project No. LC837C (Relocation of Engine Company 26) by \$150,000 in FY20 and transfer that amount to the Committee on Education*
3. *Reduce Project No. FMF01C (Fleet Maintenance Reserve Facility) by \$750,000 in FY21 and transfer that amount to the Committee on Recreation & Youth Affairs*
4. *Reduce Project No. 206RSC (Rescue Squad Vehicles) by \$1,750,000 in FY20 and transfer that amount to Project No. 206LTC (Ladder Truck Vehicles) in FY20*

**M. HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY****1. AGENCY MISSION AND OVERVIEW**

The mission of the Homeland Security and Emergency Management Agency (“HSEMA”) is to support and coordinate homeland security and emergency management efforts, ensuring that the District’s all-hazards emergency operations are prepared to protect against, plan for, respond to, and recover from natural and human-made hazards.

HSEMA coordinates all planning and preparedness efforts, training and exercises, and homeland security grants, and facilitates a common operating procedure during events to enable good decision-making and response. The agency is comprised of five major divisions:

- The Mission Support Division is responsible for the agency’s information technology, human resources, financial management, and procurement program;
- The Grants Division serves as the State Administrative Agent for the federal homeland security grant programs;
- The Preparedness Division conducts planning, training and exercising, and disaster recovery, to promote resiliency in government agencies, our communities, and critical infrastructure;
- The Operations Division provides situational awareness, logistical support, resource support, and a field command operation to coordinate critical incident response, mitigation, and recovery to emergencies, severe weather conditions, disasters, and other major events impacting the city; and
- The Intelligence Division provides tactical and strategic intelligence (collection, analysis, and dissemination) to support District law enforcement agencies, other first responders, homeland security, emergency management, public health, and the private sector.

The agency also has a Special Events Bureau, which manages the Mayor’s Special Events Task Group and oversees the coordination for all special events, including national special security events, and a Communications Bureau, which oversees the agency’s public information and community outreach.

## **2. COMMITTEE POLICY RECOMMENDATIONS**

### **Policy Recommendation:**

- 1. HSEMA should use its after-action reporting on the fire at the Arthur Capper Senior Apartment building as a tool for updating its response efforts to community emergency events, especially those involving District residents with mobility issues or other vulnerabilities.***

On September 19, 2018, a three-alarm fire broke out at the Arthur Capper Senior Apartment building, causing irreparable damage to the building and permanently displacing approximately 200 senior residents. HSEMA was one of the lead agencies tasked with assisting the seniors in the immediate aftermath of the fire. On October 25, 2018, the Committee held an oversight roundtable on “The District’s Response to the September 19, 2018 Fire at the Arthur Capper Senior Apartments.”<sup>62</sup> During this hearing, and again in the agency’s performance oversight pre-hearing responses, HSEMA discussed its response efforts, outlining areas of success as well as areas for improvement.

The Committee recognizes that HSEMA has made improvements to its internal procedures based on what it learned from responding to the Capper Fire, including seeking feedback from the Committee during HSEMA’s after action report process. HSEMA has implemented additional initiatives, including establishing more structured assignments for the senior leadership team during large-scale events and implementing a disability integration initiative to promote accessibility within emergency management. The agency has also implemented full scale exercises in the aftermath of the fire to further improve its response efforts.

### **Policy Recommendation:**

- 2. HSEMA should work with the District agencies involved with the Mayor’s Special Events Task Group (“MSETG”) to keep the costs associated with holding an event in the District at a reasonable level.***

The mission of the MSETG is to support the District’s public safety planning efforts for events requiring interagency coordination and to provide interagency reviews and assessments of the operational, public safety, and logistical components of proposals for special events. During the Committee’s performance oversight hearing, Chairperson Allen again raised the issue of the fees associated with permitting through the MSETG and the burden these fees place on small non-profits that want to organize events in the District. High fees, in addition to burdensome and

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<sup>62</sup> Public Oversight Roundtable: The District’s Response to the September 19, 2018, Fire at the Arthur Capper Senior Apartments” (October 25, 2018), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4702](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4702).

poorly-communicated logistical restrictions, have become increasingly problematic for local event organizers. Heavy security measures are making it extremely difficult for organizers to get community and Advisory Neighborhood Commission support for their events. The Metropolitan Police Department’s “Clear Routes” initiative, which requires race event organizers (marathons, 5k’s, etc.) to pay the costs associated with removing all vehicles parked along the race route, has been burdensome for small-scale event planners.

While the Committee certainly supports all security measures necessary to keep District residents safe, it also recognizes the importance of avoiding security measures that are not tailored to the threat or clearly communicated, at the detriment of events that support charitable causes. The MSETG has a Community Events Fund that is budgeted at \$120,000 in FY20, which is available to assist community-based special events processed through the MSETG that are free of charge for participation or attendance and that are not fundraisers. These criteria, however, exclude events like small races that benefit local charities or District agencies. Accordingly, in the FY19 budget, the Committee added \$50,000 specifically for small fundraising events that benefit a District of Columbia agency, such as the District of Columbia Public Schools.

The Committee was frustrated to learn that in FY19, HSEMA transferred this funding and its administration to the Mayor’s Office of Community Affairs (“MOCA”). HSEMA is the agency that convenes the MSETG, and it also manages the current Community Events Fund. The special event process is administered through HSEMA, and thus it is unclear to the Committee why event organizers are forced to go to a different agency to apply only for this grant funding. Housing this funding within a different agency makes the process of applying more complicated for event organizers. The Committee recommends that the agency transfer the funding for special event fundraisers that benefit District agencies back from MOCA or change the eligibility requirements for the MSETG’s Community Events Fund to allow financial assistance for these types of events. The Committee has learned that as of April 30, 2019, MOCA has not yet dispersed any of the \$50,000 from the fund now named the “Public Space Security Assistance Fund”. At least three groups have already applied for this funding, and the Committee urges HSEMA to ensure that these groups, and others, have access to these funds as the Committee intended.

**Policy Recommendation:**

3. ***HSEMA should continue to engage in outreach efforts to promote emergency response preparedness among District residents, improve its communication with Councilmembers, and encourage safety measures among religious groups.***

HSEMA uses two communication tools to share information: the National Capital Region Regional Situational Dashboard (“Dashboard”) and the Everbridge Alerting System. Dashboard helps to improve real-time situational awareness in the District and among National Capital Region partners. The Everbridge alert system sends out internal District government, public, and regional alerts. The internal alerts are used to activate emergency personnel and quickly disperse information. The public system is called AlertDC and is the official District communications system used to send out emergency alerts, notifications, and updates to subscribers.

In FY18, the agency experienced a nearly 400% increase in new subscribers, with 14,700 new subscribers. This is a significant accomplishment; in FY17, the agency gained only 3,600 new subscribers. In FY18, the system sent out 8,318 alerts to the public on topics such as severe weather, power outages, policy activity, traffic, and more. HSEMA also used the same technology to set up a private group for the Capper Senior Apartment residents to provide text updates relevant to only this group.

HSEMA also continued its ReadyDC campaign, a personal preparedness campaign funded through federal dollars. The core of this campaign consists of engaging residents with four calls to action: be aware, make a plan, build an emergency kit, and stay informed. In FY18, the community outreach team conducted 205 events to promote these campaigns. HSEMA continues to advertise the campaign through social media, paid advertisements on the radio and public transit, and through presentations at Advisory Neighborhood Commission meetings.

In FY18, HSEMA collaborated with the Mayor’s Office of Religious Affairs to create an Interfaith Preparedness and Advisory Group (“IPAG”). The goal of this group is to encourage faith-based organizations in the District to exchange information on security best practices and protective measures related to the safety and security of their congregations and facilities. The group began meeting in February 2019 and will continue to meet quarterly. HSEMA has grant funding available to these groups, and the agency will provide analytic support and conduct intelligence briefings.

**Policy Recommendation:**

4. *HSEMA should enhance the agency's cybersecurity capabilities by leveraging the expertise on the Homeland Security Commission ("HSC"), and by forging a stronger partnership with OCTO to respond to threats of cybersecurity and promote situational awareness in the District.*

The HSC was established by the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006. The core function of the HSC is to make recommendations for improvements in security and preparedness in the District. Over the past few years, the Committee has confirmed several nominees to the Commission, all of whom are experts in the field. The current cohort offers expertise in cybersecurity, transportation, security, risk assessment, public health, and terrorism. The HSC is equipped to thoroughly analyze and provide recommendations relating to the District's most pressing homeland security challenges. The topic for the Commission's next annual report will be the District's cybersecurity and cyber-preparedness posture. The Committee recommends that HSEMA implement the suggestions found within the annual report and work with other District agencies implicated by the report to incorporate the suggestions into their practices.

While the Office of the Chief Technology Officer ("OCTO") is the lead agency with sole jurisdiction over cybersecurity planning, HSEMA plays a role in disseminating information about threats and promoting situational awareness. In FY18, HSEMA hired a Cyber Program Manager tasked with the creation of the new National Capital Region Threat Intelligence Consortium ("NTIC") Cyber Center to expand the NTIC's cyber threat analysis, preparation, outreach, and training capabilities. In FY18, the NTIC produced and disseminated four cyber security awareness bulletins. These efforts will help make the District and surrounding jurisdictions more resilient to cyber threats and attacks by sharing analyses of current and emerging threats, promoting the widespread adoption of best practices, and encouraging incident reporting. The Committee would like to see this new Cyber Program Manager strengthen the agency's partnership with OCTO.

**3. COMMITTEE BUDGET RECOMMENDATIONS****a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Homeland Security and Emergency Management Agency, as proposed by the Mayor.

**b. Fiscal Years 2020-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20-25 capital budget for the Homeland Security and Emergency Management Agency, as proposed by the Mayor.

**N. JUDICIAL NOMINATION COMMISSION****1. AGENCY MISSION AND OVERVIEW**

The Judicial Nomination Commission (“JNC”) is comprised of seven members appointed pursuant to D.C. Code § 1-204.34(b)(1). One member is appointed by the President of the United States; two members are appointed by the Board of Governors of the Bar; two members are appointed by the Mayor (one cannot be a lawyer); one member is appointed by the Council (cannot be a lawyer); and one member is a federal judge appointed by the Chief Judge of the United States District Court for the District of Columbia. All Commissioners are appointed for six-year terms, except the Commissioner appointed by the President (a five-year term). An Executive Director and an Executive Assistant handle JNC’s operational and administrative needs.

JNC screens, selects, and recommends candidates to the President for his or her consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia. JNC also appoints the chief judges of both courts. The agency advertises judicial vacancies; solicits applications; conducts background investigations; carefully reviews investigative materials; reads briefs and other application materials; interviews applicants; solicits and considers input from the bench, bar, and public regarding applicants’ fitness to serve; and carefully evaluates each candidate’s application and background.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. JNC should partner with the Council and the Executive to explore strategies to educate the public about the effects of judicial vacancies on the administration of justice.***

As of February 2019, there were 13 vacancies on the District’s Courts: two on the Court of Appeals and eleven on the Superior Court. JNC is also aware of two additional vacancies that will occur in 2019. The Committee is extremely concerned that it is seeing the consequences of these vacancies manifest in other areas of the District’s justice system, and particularly the criminal justice system. Chief Judge Robert Morin has responded by rotating judges out of the civil division, leading to increased caseloads within this division. Whereas typically judges in the civil division have a caseload of 250, caseloads are now nearing 400.<sup>63</sup> The Committee calls on the Office of White House Counsel and the Senate Committee on Homeland Security and Governmental Affairs to act swiftly to fill all vacancies. The Committee

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<sup>63</sup>Martin Austermuhle, *D.C.’s Top Judges Say Vacancies On Court Are ‘Slowing Down The Wheels Of Justice’*, WAMU (Apr. 12, 2019), <https://wamu.org/story/19/04/12/d-c-s-top-judges-say-vacancies-on-court-are-slowing-down-the-wheels-of-justice/>.

also recommends that JNC work closely with the Committee to raise the profile of this issue in the remainder of FY19 and in FY20.

**Table 1: Judicial Vacancies on the District of Columbia Court of Appeals and the Superior Court of the District of Columbia (As of April 24, 2019)**

<i>Vacancy (Court/Year)</i>	<i>JNC Recommendation Date</i>	<i>Nominee &amp; Date of Nomination and/or Renomination</i>	<i>Senate Action</i>	<i>Senate Status</i>
Oberly (DCCA/2013)	12/18/13	Todd S. Kim (nominated 2/14/14 and renominated 4/30/15)	PN1470-113 Returned to POTUS  PN425-114 Returned to POTUS 1/3/17	N/A
Washington (DCCA/2016)	5/10/17	Joshua A. Deahl (nominated 6/29/2017)	PN 727-115 returned to POTUS 1/4/19	N/A
Macaluso (DCSC/2015)	5/15/16	Jason D. Tulley (nominated 6/29/16)  Judge Rainey R. Brandt (nominated 9/7/17 and renominated 3/11/19)	PN1589-114 Returned to POTUS 1/3/17  PN995-115 Returned to POTUS 1/4/19  PN 507-116 Referred to Committee	AT COMMITTEE
Wright (DCSC/2016)	8/1/16	Deborah J. Israel (nominated 9/27/16 and renominated 9/7/17)	PN1792-114 Returned to POTUS 1/3/17  PN996-115 Returned to POTUS 1/4/19	N/A
Winston (DCSC/2016)	8/1/16	Julie R. Breslow (nominated 9/30/16)	PN1791-114 Returned to POTUS 1/3/17	N/A
Nash (DCSC/2016)	8/1/16	Carmen G. McLean (nominated 9/30/16)	PN1793-114 Returned to POTUS 1/3/17	N/A
Satterfield (DCSC/2016)	10/5/16	Rainey R. Brandt (nominated 11/5/16)	PN1805-114 Returned to POTUS 1/3/17	N/A
Bush (DCSC/2017)	12/7/2017	Judge Shana Frost Matini (nominated 2/5/2018 and renominated 3/11/19)	PN1547 Returned to POTUS 1/3/19	AT COMMITTEE

			PN 508-116 Referred to Committee	
Weisberg (DCSC/2017)	1/8/2018	Judge Rahkel Bouchet (nominated 3/19/18, by JNC)	(no PN because not a presidential nomination) Referred to Committee 3/20/18	TBD
Canan (DCSC/2017)	3/14/18	Melissa Zappala (nominated 5/25/19, by JNC)	(no PN because not a presidential nomination) Referred to Committee 6/4/18	TBD
Mott (DCSC 2018)	11/27/18	Jason Park (nominated 1/24/19)	PN 265 Referred to Committee; hearing held 4/2/19	AT COMMITTEE
Holeman (DCSC/2018)	11/27/18	James Crowell (nominated 1/24/19)	PN 264 Referred to Committee; hearing held 4/2/19	AT COMMITTEE

*Source: Judicial Nomination Commission*

**Policy Recommendation:**

2. ***JNC should continue its outreach to diverse prospective applicant pools and consider additional efforts to support the development of a pipeline of individuals who could, one day, be prospective applicants.***

JNC discussed outreach, application modernization efforts, and judicial vacancies during the agency's FY18-19 performance oversight hearing before the Committee. In terms of outreach, JNC shared that it "engaged in a robust series of outreach activities" within the local legal community in FY18 continuing into FY19, and the Committee has noticed its increased activities. JNC released an informational brochure outlining the judicial nomination process, and it continues to use social media to inform the public of judicial vacancies. JNC has also conducted various in-person outreach events with District law schools, voluntary bar associations, institutional litigants, and other interested organizations from within the legal community. JNC's Executive Director regularly holds "open conference calls" to provide information about the nomination process to prospective applicants. JNC also sponsored a panel at the 2019 District of Columbia Judicial and Bar Conference in order to expand its reach to a broader audience.

**3. COMMITTEE BUDGET RECOMMENDATIONS****Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Judicial Nomination Commission, as proposed by the Mayor, with the following modifications:

1. *Increase CSG 40 (Other Services and Charges), Program 2000 (Judicial Nomination), Activity 2500 (Commission Administration and Support), by \$7,559 in recurring local funds to enhance nonpersonal services funding*

**O. METROPOLITAN POLICE DEPARTMENT****1. AGENCY MISSION AND OVERVIEW**

The mission of the Metropolitan Police Department (“MPD” or the “Department”) is to safeguard the District of Columbia and protect its residents and visitors with the highest regard for the sanctity of human life. MPD is the primary law enforcement agency in the District. The Department provides crime prevention and response services through its seven bureaus.

- ***Patrol Services Bureaus North and South*** coordinate crime prevention and reduction efforts across the District by providing patrol services and responding to calls for service. Patrol Services North is comprised of the Second, Third, Fourth, and Fifth Police Districts. Patrol Services South is comprised of the First, Sixth, and Seventh Police Districts.
- The ***Investigative Services Bureau*** investigates and solves crimes to bring offenders to justice.
- The ***Homeland Security Bureau*** integrates intelligence and operational functions to ensure the District is protected from threats and critical incidents.
- The ***Professional Development Bureau*** manages the Department’s human capital through recruiting, hiring, training, and personnel services. This division includes the Metropolitan Police Academy and Police Cadet Corps.
- The ***Corporate Support Bureau*** oversees the major administrative, technical, and business functions of the Department, including fleet management, equipment and supply, and evidence and property control. This division also provides medical support for the Department’s sworn personnel.
- The ***Internal Affairs Bureau*** conducts investigations related to officer misconduct and uses of force, monitors the Department’s compliance with employment laws, and serves as the liaison to the Office of Police Complaints.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

1. ***MPD should continue to analyze the characteristics of violent crime in the District and report its findings transparently to the public at large.***

Population and crime trends are two metrics often used to determine the effectiveness of public safety strategies in the District – public safety strategies of which the Metropolitan Police Department is one component. In terms of population, the District reached a historic milestone in 2018: “Washington, D.C., reached a population of 702,455 in July 2018, surpassing 700,000 for the first time since

1975.”<sup>64</sup> During roughly this same period, the District witnessed a reduction in crime across nearly every major category of crime. There is, however, one notable exception to this trend: homicides. There were 160 homicides in the District in 2018, a 38% increase over 2017.

**Table 1: Violent Crime Totals for Calendar Years 2008–2019<sup>65</sup>**

<i>Violent Offense</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
<b>Homicide</b>	186	144	132	108	88	104	105	162	135	116	160	54
<b>Sex Abuse</b>	156	134	141	174	259	302	319	346	345	295	275	60
<b>Robbery</b>	4,402	4,394	4,026	4,256	4,304	4,085	3,296	3,447	2,983	2,179	2,034	579
<b>Assault with a Dangerous Weapon</b>	2,843	2,625	2,621	2,213	2,312	2,323	2,490	2,432	2,276	1,859	1,676	466

**Table 2: Property Crime Totals for Calendar Years 2008–2019<sup>66</sup>**

<i>Property Offense</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>
<b>Burglary</b>	3,751	3,673	4,221	3,968	3,689	3,375	3,182	2,547	2,125	1,530	1,423	420
<b>Motor Vehicle Theft</b>	5,328	4,862	4,133	3,414	2,871	2,682	3,132	2,972	2,700	2,416	2,401	661
<b>Theft from Motor Vehicle</b>	8,968	8,605	6,999	9,302	9,502	10,166	11,406	11,610	12,176	10,288	11,648	3,423
<b>Theft (Other)</b>	9,031	9,266	9,104	10,870	12,515	12,938	14,666	14,365	14,570	14,512	14,255	4,360
<b>Arson</b>	44	58	44	44	35	35	26	18	6	5	5	2

*Source: Metropolitan Police Department*

The District has wrestled both with explanations for this trend and solutions to the problem. Deputy Mayor Donahue offered the following account at his office’s February 8, 2019 performance oversight hearing:

“We finished last year with almost the exact same number of homicides as we had in 2015, when we had our last major spike. Yet in 2018, we had 2,200 fewer violent crimes than we did in 2015. So we looked closer,

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<sup>64</sup> U.S. Census Bureau, *Nevada and Idaho Are the Nation’s Fastest-Growing States* (December 19, 2018), <https://www.census.gov/newsroom/press-releases/2018/estimates-national-state.html?CID=CBSM+POP18>.

<sup>65</sup> The Calendar Year 2019 data is current through April 30, 2019.

<sup>66</sup> The Calendar Year 2019 data is current through April 30, 2019.

examining more narrowly how many shootings we had each year in the city. When we did this, we found the number of people shot remains largely unchanged and the number is significant: a little over 500 people are shot in the District annually. This reality has stubbornly not declined, even when other crimes throughout the city have. What did change about this trend, however, was the lethality of gunshots. In 2018, about 23% of people shot died of their injuries. This is a jump from 16% the prior year. This change alone, which may seem like a small number, has profound consequences when you apply it to over 500 people who were shot last year.”<sup>67</sup>

Deputy Mayor Donahue provided some possible explanations for the rise in lethality. For example, the increasing occurrences of multiple gunshot wounds, gunshot wounds to the neck and head, daytime shootings, and close-range shootings reflect “a growing intentionality by shooters to kill the people they are shooting.”<sup>68</sup> The Committee supports the Deputy Mayor’s efforts to closely analyze homicide patterns and factors at play in individual cases. The Committee encourages MPD to continue collecting and analyzing information related to the characteristics of violent crime. This analysis should include a discussion of the kinds of weapons and accessories used in violent crime and the relationship, if any, between the victim and offender, and the offender and social services touch points.

**Policy Recommendation:**

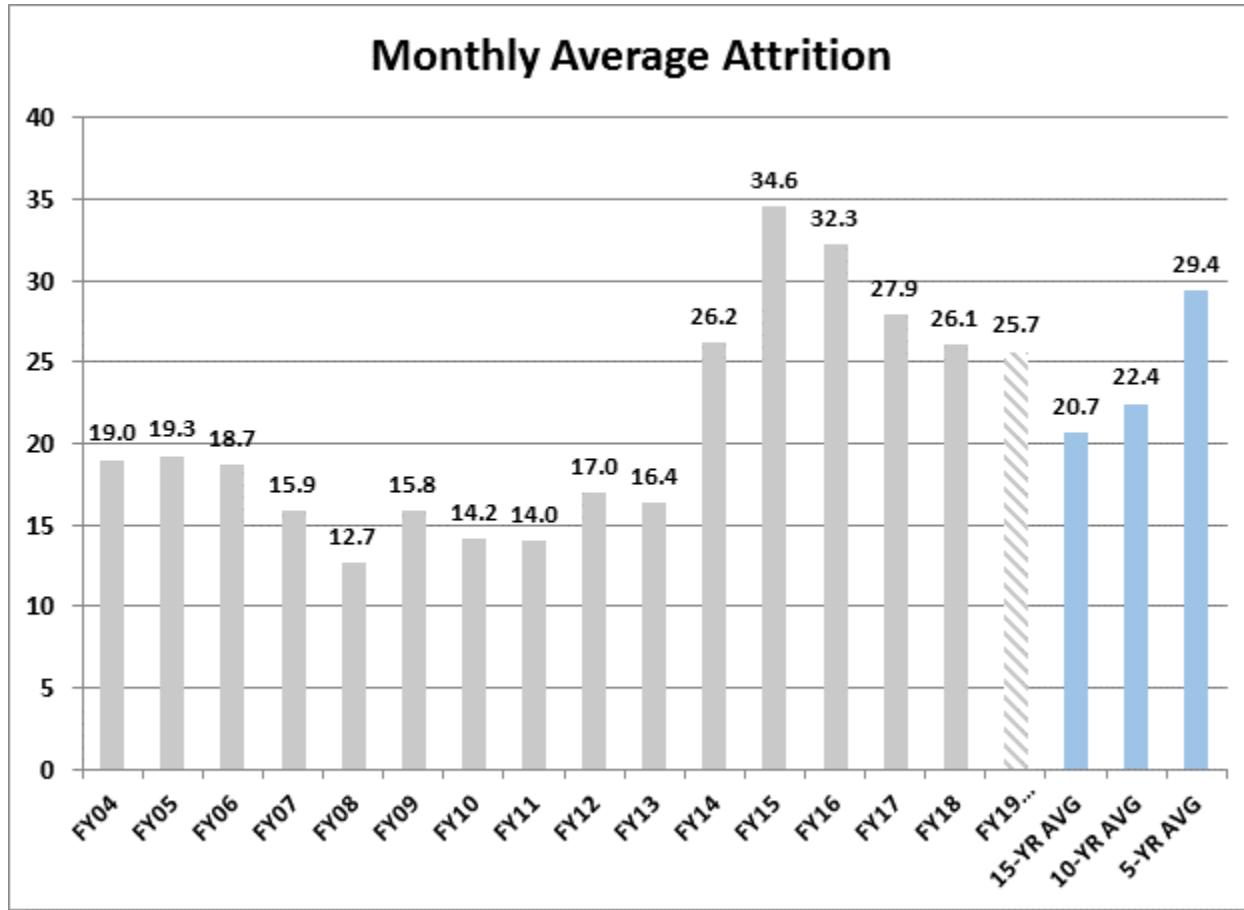
- 2. *MPD should continue to address staff separation issues from a variety of programmatic perspectives, including recruitment and retention incentives.***

For several years, MPD was experiencing a large number of sworn separations. The number of annual separations has, thankfully, been declining since FY15, when a total of 414 officers left the Department. The number of sworn personnel leaving the Department fell to 387 in FY16, 335 in FY17, and 313 in FY18. The reduction in total annual departures has translated into corresponding reductions in monthly average attrition. Monthly average attrition peaked at 34.6 departures per month in FY16 but slowed to 26.1 departures per month in FY18. As of March 31, 2019, the monthly average attrition for FY19 was 25.7 departures per month. While this is still higher than MPD’s 15-year average of 20.7 departures per month, the slowdown of officer attrition is a welcome trend.

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<sup>67</sup> *Office of the Deputy Mayor for Public Safety and Justice: Performance Oversight Hearing before the Committee on the Judiciary & Public Safety* (February 8, 2019) (written testimony of Kevin Donahue, Deputy Mayor for Public Safety and Justice for the District of Columbia).

<sup>68</sup> *Id.*

**Table 3: Average Monthly Employee Attrition (As of March 31, 2019)**

Source: Metropolitan Police Department

**Table 3: MPD Sworn Separation, FY17-FY19 (As of March 1, 2019)**

**MPD Sworn Separation  
FY17 - FY19**

<b>FY17</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Total</b>
Death	0	0	1	0	0	0	0	0	0	0	1	1	3
Disability	0	0	1	2	0	0	0	1	0	0	2	0	6
Resignation	14	8	12	9	11	11	9	5	11	8	7	9	114
Retirement	14	14	18	27	15	15	17	25	15	7	16	14	197
Termination	0	0	0	0	0	1	2	0	0	0	1	1	5
Separation-Other*	0	0	0	2	1	3	1	1	1	1	0	0	10
<b>Total</b>	<b>28</b>	<b>22</b>	<b>32</b>	<b>40</b>	<b>27</b>	<b>30</b>	<b>29</b>	<b>32</b>	<b>27</b>	<b>16</b>	<b>27</b>	<b>25</b>	<b>335</b>
<b>FY18</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Total</b>
Death	0	2	0	0	0	1	1	0	0	0	0	0	4
Disability	0	0	1	0	0	0	1	1	2	2	3	0	10
Resignation	7	12	9	9	10	9	6	13	17	11	11	8	122
Retirement	11	16	20	11	10	12	9	10	13	9	15	12	148
Termination	0	0	0	1	0	1	0	3	3	0	1	0	9
Separation-Other*	0	0	0	1	0	14	2	1	0	0	0	2	20
<b>Total</b>	<b>18</b>	<b>30</b>	<b>30</b>	<b>22</b>	<b>20</b>	<b>37</b>	<b>19</b>	<b>28</b>	<b>35</b>	<b>22</b>	<b>30</b>	<b>22</b>	<b>313</b>
<b>FY19</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Total</b>
Death	0	0	0	0	0								0
Disability	0	1	0	1	2								4
Resignation	12	11	9	15	6								53
Retirement	8	14	16	10	13								61
Termination	1	1	1	0	2								5
Separation-Other*	0	1	0	0	0								1
<b>Total</b>	<b>21</b>	<b>28</b>	<b>26</b>	<b>26</b>	<b>23</b>								<b>124</b>

\*Includes Senior Police Officers reaching the end of their contract, or members removed during their probationary period

*Source: Metropolitan Police Department*

Reasons for sworn separation in FY18 were consistent with trends observed in FY17. In FY17 and continuing into FY18, the overwhelming majority of sworn separations were due to either resignation or retirement. 122 officers resigned from the Department in FY18, a slight increase from the 114 resignations in FY17. However, only 148 officers retired from the Department in FY18 – 49 fewer retirements than FY17. As of March 12, 2019, 53 officers have resigned from the Department, and 61 officers have retired from the Department.<sup>69</sup> To ensure the Department maintains adequate force levels, the Committee recommends that MPD analyze reasons that officers resign from the Department and report its findings to the Committee. The Committee can, in turn, use this information to inform legislation designed to retain officers.

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<sup>69</sup> For a discussion of the Senior Police Officer Program, see the Committee's discussion of the Mayor's related proposed subtitle.

**Policy Recommendation:****3. *MPD should enhance its traffic enforcement but should not operate the Automated Traffic Enforcement Program.***

The Mayor's proposed FY20 budget proposal includes a transfer of \$1,794,536 and 22 civilian FTEs from MPD to the District Department of Transportation ("DDOT") to support the Automated Traffic Enforcement Program. Furthermore, under the Mayor's proposed FY20 budget, \$9,582,262 was transferred out of MPD's contractual services budget, \$6,000,000 to the Department of Motor Vehicles ("DMV") "to support the ticket processing program, and \$3,852,262 to DDOT "to support Automated Traffic Enforcement operations."

Following this transfer, MPD would no longer have an active, formal role in the administration of the Automated Traffic Enforcement system. MPD will still have an informal role in the program. For example, if MPD receives a request from a resident regarding the placement of a camera, MPD will forward that request to DDOT.<sup>70</sup> Furthermore, MPD's Traffic Division will continue to partner with DDOT. MPD will continue to, for example, receive grant funding through DDOT for traffic enforcement programs and handheld ticket writing.<sup>71</sup>

**Policy Recommendation:****4. *MPD must immediately and transparently address its racially disparate use of force.***

The Office of Police Complaints ("OPC") published its first report on the use of force on January 23, 2018.<sup>72</sup> On March 19, 2019, OPC published its second report.<sup>73</sup>

<sup>70</sup> Committee on the Judiciary and Public Safety, *Metropolitan Police Department Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (March 27, 2019) (oral testimony of Peter Newsham, Chief of Police, at 6:14:30),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4947](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4947).

<sup>71</sup> Committee on the Judiciary and Public Safety, *Metropolitan Police Department Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (oral testimony of Leeann Turner, Chief Operating Officer, at 6:14:30),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4947](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4947).

<sup>72</sup> Office of Police Complaints, *Report on Use of Force by the Washington, D.C. Metropolitan Police Department Fiscal Year 2017* (Jan. 23, 2018),

<https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Final.pdf> [hereinafter *FY17 Report on the Use of Force*].

<sup>73</sup> Office of Police Complaints, *Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018* (Mar. 19, 2019),

[https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018\\_Final\\_1.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf) [hereinafter *FY18 Report on the Use of Force*].

The reports have highlighted a number of issues regarding the use of force in the District, as well as how use of force data is collected and maintained. Additionally, each report has provided MPD with recommendations OPC believes would improve its use of force policies and data collection

One of the most alarming findings in the report is that there were 1,242 reported use of force incidents in 2018 – a 20% increase over 2017 and an 83% increase over 2015.<sup>74</sup> The report also revealed significant racial disparities in the use of force. Even though only “48 percent of District residents are black . . . black community members were the subjects of approximately 90 percent of all reported uses of force in 2018.”<sup>75</sup> Furthermore, the “most frequent officer-subject pairings were white officers using force on black subjects, which accounted for 41 percent of the uses of force in 2018.”<sup>76</sup> “Black officers using force on black subjects” was the next most frequent pairing, accounting “for 37 percent of reported uses of force in 2018.”<sup>77</sup>

These racial disparities revealed in the report cannot be examined in a vacuum. Overpolicing of the black community has been a consistent theme at hearings convened by the Committee.<sup>78</sup> Dr. Sharita Jacobs-Thompson and Dr. Bernard Demczuk – professors of African American History and Culture at the University of the District of Columbia – were invited by MPD to co-teach a course for officers on African American history and culture, police history, and law enforcement’s relationship with African American communities. They offered the following picture at MPD’s performance oversight hearing:

“Stop and Frisk, police shootings of unarmed Black[ people], enforcing drugs laws that target Black[ people] and ignore a larger more hidden drug use and abuse in white communities, police have been on the wrong side of history targeting Black people and over-criminalizing them. . . . Black men in particular have been viewed in our white supremacist society as predators from day one when they arrived on the shores of Point Comfort in Newport News, Va. in 1619, 400 years ago this coming August.”<sup>79</sup>

The Committee supports the Department’s adoption of a curriculum focused on the history of policing in black communities and recommends that the Department identify additional opportunities for members to learn about the intersection of structural racism, implicit biases, and policing. Drs. Jacobs-Thompson and Demczuk argue that “[u]nderstanding our history and our culture leads directly to a better

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practices. The Committee encourages MPD to work expeditiously towards the full implementation of these policies. In this report, the Committee will highlight what it believes are the most urgent recommendations.

<sup>74</sup> *FY18 Report on the Use of Force* at 12.

<sup>75</sup> *Id.* at 18.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> See, e.g., *Public Oversight Hearing before the Committee on the Judiciary & Public Safety: Policing and Public Safety in Wards 7 and 8* (July 12, 2018),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4626](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4626).

<sup>79</sup> Dr. Sharita Jacobs-Thompson & Dr. Bernard Demczuk, *Testimony to DC City Council on Performance Oversight Hearing for DC Metropolitan Police Department* (February 7, 2019). February 7, 2019

understanding of implicit biases, the knee-jerk predisposition of the escalation of police violence, and to the distrust of police in the Black community.”

**Policy Recommendation:**

**5. *Use of force data should be collected electronically and stored in an exportable file format.***

MPD officers record data regarding the use of force on two forms: a Use of Force Incident Report (“UFIR”) and the Reportable Incident Form (“RIF”). Information recorded on UFIRs and RIFs is then recorded into the Personnel Performance Management System (“PPMS”), “MPD’s electronic database for tracking adverse incidents and personnel performance . . .”<sup>80</sup> Historically, “officers completed hard copies of UFIRs and RIFs, and the information from those forms was then entered into PPMS by the officer, their supervisor, or an administrator.”<sup>81</sup> In OPC’s FY17 report on the use of force, OPC found that this practice “leads to officers and supervisors submitting incomplete UFIR and RIF forms.”<sup>82</sup> For example, “[o]fficers routinely did not complete fields such as their height, weight, age, date of birth, and officer and subject injury.”<sup>83</sup> Furthermore, “[s]upervisors routinely failed to correct inaccurate or incomplete UFIR and RIF forms.”<sup>84</sup> OPC, therefore, recommended that MPD begin collecting all use of force data electronically.

To its credit, on January 2, 2018, MPD issued Executive Order 18-001, which states that “[b]eginning January 3, 2018, members shall complete UFIRs and RIFs online in the Personnel Performance Management System (PPMS).”<sup>85</sup> The order requires that supervisory officials “upon receiving notification of a completed UFIR or RIF, review and approve UFIRs and RIFs in PPMS prior to the end of their shift.”<sup>86</sup> Furthermore, the order requires that District and element watch commanders, upon receiving notification of an approved UFIR or RIF, review and approve the UFIR or RIF in PPMS.”<sup>87</sup>

There is, however, still significant room for improvement in MPD’s use of force data collection processes. OPC has noted that although certain data elements are now entered electronically, the data elements are not exportable in form:

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<sup>80</sup> *Id.* at 8.

<sup>81</sup> *Id.*

<sup>82</sup> *FY17 Report on the Use of Force* at 33.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> METROPOLITAN POLICE DEPT., *Executive Order 18-001* (January 2, 2018),

[https://go.mpdconline.com/GO/EO\\_18\\_001.pdf](https://go.mpdconline.com/GO/EO_18_001.pdf).

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

Following the implementation of the PPMS enhancements in January 2018, MPD indicated that the fields from the UFIRs/RIFs that could not be exported as data in 2017 – including the type of force used by the officer; subject and officer injuries; ground and lighting conditions; subject behavior; subject activity; and more – were still not exportable as data in 2018, despite all UFIRs/ RIFs now being entered electronically.<sup>88</sup>

The Committee agrees with OPC’s assessment that MPD should collect and store these data elements in an electronic data format “that allows the data to be analyzed and exported in an Excel document, a comma-separated values (CSV) file, or a spreadsheet in a similar format consistent with accepted data standards.”<sup>89</sup> It is troubling that data elements that bear directly on the question of whether the force deployed was excessive – e.g., the subject’s behavior, the type of force used, and the injuries sustained – are not yet stored in an easily exportable format. Storing of data in an exportable format facilitates the analysis of that data which should, in turn, lead to an improved understanding of trends regarding the use of force.

**Policy Recommendation:**

**6. MPD should collect use of force data on a single form.**

As discussed above, MPD requires officers to complete one of two forms when documenting a use of force incident: UFIRs and RIFs. OPC believes that “maintaining two different force reporting forms is confusing to officers – at least 115 reports were completed as RIFs in 2018 when they should have been completed as UFIRs.”<sup>90</sup> In defense of maintaining the two forms, MPD relayed to OPC that “[t]he creation of the RIF to document pointing firearm incidents was negotiated with and approved by the Department of Justice (DOJ) more than a decade ago as part of our Memorandum of Agreement (MOA) on use of force.”<sup>91</sup> Furthermore, the Department argues that its “rationale for implementing a more concise form was to enable officers to quickly return to service when a full administrative investigation is not required.”<sup>92</sup>

OPC has not found this latter rationale persuasive, noting that “the only differences in the forms are that the UFIR includes ground and lighting conditions, body diagrams to illustrate injuries, and the officer’s race, sex, date of birth, height, and weight.”<sup>93</sup> The Committee agrees with OPC’s assessment and believes that

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<sup>88</sup> *FY18 Use of Force Report*, at 33.

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at 32.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

merging the data captured by the UFIR and RIF into a single form will streamline the documentation of use of force incidents.

OPC's report did not respond to MPD's assertion that, because the RIF was developed in consultation with the Department of Justice, revisions to use of force data collection are unnecessary or improper. The Committee will be asking that MPD clarify its position on this issue to determine if the MOA between MPD and DOJ affirmatively prohibits modifications to use of force data collection procedures.

### **Policy Recommendation:**

#### **7. *MPD should immediately create an electronic form that captures all data elements required under the NEAR Act's reporting requirements.***

The Neighborhood Engagement Achieves Results Amendment Act of 2016,<sup>94</sup> among other things, requires that MPD keep "records of stops," including basic incident information (e.g., the time and location of the stop), demographic information of subject, and details of any search performed (e.g., the reason for the search, whether it was consensual, and what was discovered during the search).<sup>95</sup>

On February 20, 2018, MPD released two documents related to its stop-and-frisk reporting requirements: a spreadsheet with raw data and a memorandum explaining the terms used.<sup>96</sup> The spreadsheet that accompanied the notes contained data points for 23,325 police contacts with individuals from between years 2010 and 2016.<sup>97</sup> The data points included: subject sex, subject race, ethnicity, incident location by district and subject age. On May 25, 2018, MPD released a spreadsheet with raw data for stops-and-frisks in 2017.<sup>98</sup> Neither dataset includes all the data elements required by the NEAR Act.

In May 2018, Black Lives Matter D.C., the Stop Police Terror Project D.C., and the American Civil Liberties Union of D.C. filed a lawsuit against members of the Executive for failing to implement the NEAR Act.<sup>99</sup> On October 5, 2018, The Honorable Judge John M. Campbell directed the District to provide a status report on the implementation of the NEAR Act. In response, the District filed a response on October 19, 2018 summarizing its interpretation of the NEAR Act:

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<sup>94</sup> Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code § 5–113.01(a)(4B).

<sup>95</sup> *Id.* at section 209.

<sup>96</sup> METROPOLITAN POLICE DEPT. (last updated June 1, 2018), *Stop Data and Explanatory Notes*, available at <https://mpdc.dc.gov/publication/stop-and-frisk-data-and-explanatory-notes>.

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> AMER. CIVIL LIBERTIES UNION OF D.C., *Black Lives Matter-DC v. Bowser* (last visited April 23, 2019), <https://wwwacludc.org/en/cases/black-lives-matter-dc-v-bowser>.

“The NEAR Act does not require that the information be collected in one place, nor does it specify how the information should be stored. Further, it does not mandate that MPD collect and store the data in a manner that permits the data to be aggregated and studied. In other words, MPD will be in full compliance with the expressed requirements of the NEAR Act once the data is collected and stored, which will begin on November 9, 2018.”<sup>100</sup>

The District also outlined its plans for coming into compliance with the NEAR Act’s stop-and-frisk data collection requirements. The first plan applies to stop-and-frisk data collection for what MPD calls Notice of Infraction (“NOI”) stops, which are stops that “by definition, do not involve searches or arrests.”<sup>101</sup> Since NOI stops do not involve searches or arrests, stop-and-frisk data elements related to searches or arrests do not apply to this context.<sup>102</sup> “This leaves seven data points that must be collected for each NOI stop,” four of which area already captured in fields on the NOI ticket.<sup>103</sup> Since “all NOI stops must be conducted by officers equipped with body worn cameras . . . the remaining three data points . . . will be captured on the officers’ BWC.”<sup>104</sup>

When a police interaction does result in a search or arrest, that information is entered into MPD’s electronic data system, COBALT, rather than being recorded on an NOI ticket. At the time of the District’s brief, COBALT “contains fields for six of the NEAR Act data components.”<sup>105</sup> However, the electronic form available on COBALT is missing fields for six NEAR Act data elements, including: “the duration of the stop; the reason for the stop; whether a search was conducted, the reason for any search, whether it was consensual, and whether contraband or property was seized; or whether a warning or NOI was issued.”<sup>106</sup> MPD’s solution is to “require officers to enter this information in the ‘narrative field’ within the COBALT system.”<sup>107</sup> Officers are also required to “state the reason for the stop and request the

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<sup>100</sup> Status Report Regarding the District of Columbia’s Implementation of the Neighborhood Engagement Achieves Results Act at 2, *Black Lives Matter D.C. v. Bowser* (October 19, 2018), No. 2018 CA 3168 B (internal citations omitted), available through the D.C. Superior Court eAccess system at <https://eaccess.dccourts.gov/eaccess/home.page.14>.

<sup>101</sup> *Id.* at 3.

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.* at 4. “When issuing the warning or NOI, the officer is required to indicate the reason for the stop by stating, ‘You were stopped because of (specific violation indicated here).’ The officer is also required to say, ‘Per the NEAR Act, as passed by the Council of the District of Columbia, we are required to ask for your gender, race, ethnicity, and date of birth,’ and ask for the information. As a result, the BWC footage for NOI stops will capture a verbal explanation by the officer of the traffic violation(s) allegedly committed that led to the stop, and the individual’s identification of race or ethnicity.” *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* at 5.

individual's gender, race or ethnicity and date of birth," so this information would also be captured on the officer's BWC.<sup>108</sup>

The Committee was disappointed to learn that, instead of rapidly upgrading its electronic data systems to comply with the NEAR Act data collection requirements, the District has taken the position that BWC footage and narrative sections in incident reports adequately capture the required data elements. The Council's intent in passing the NEAR Act was to use the data to inform decision-making. Yet, under the current proposal, a comprehensive analysis of stop-and-frisk data would require a case-by-case review of BWC footage – if it is still available – and the narrative section. This renders a comprehensive analysis of stop-and-frisk data practically impossible and subverts the legislation's central purpose. That being said, the Committee is somewhat reassured that the District plans to "modify COBALT to feature data fields which correspond to each of the data categories required by Title II(G) of the NEAR Act" by the end of summer 2019.<sup>109</sup> However, given the Department's failure to comply, to date, the Committee will continue to monitor the Department's next steps.

**Policy Recommendation:**

**8. *MPD should conduct a review of its training and written guidance related to interacting with juveniles.***

There have been in recent months several high-profile incidents regarding the detention of young juveniles by MPD. In December 2018, three boys were stopped and searched by seven MPD officers.<sup>110</sup> On March 30, a young boy – believed to be 10 years old – was reportedly handcuffed, escorted to a police cruiser, and driven several blocks away, where he was eventually released to the custody of his mother.<sup>111</sup> Most recently, an MPD officer reportedly chased a 9-year old boy, took him to the ground, and handcuffed him, and the interaction began because the boy was leaning against a car. All three incidents were widely reported in the media, and many residents were critical of MPD's actions in each situation. The most recent incident prompted Chairperson Allen to inquire with Attorney General Karl Racine about identifying best practices regarding the proper way for police to interact with children, and make

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<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> Michael Quander, *DC officers stop and frisk 3 young, black children*, WUSA9 (December 24, 2018), <https://www.wusa9.com/article/news/local/dc/dc-officers-stop-and-frisk-3-young-black-children/65-4aaa3aee-9296-4cd5-802a-74221580a945>.

<sup>111</sup> Natalie Delgadillo, *Ten-Year-Old Boy Handcuffed And Detained by MPD Was 'Totally Innocent,' AG's Office Says*, DCIST (April 5, 2019), <https://dcist.com/story/19/04/05/ten-year-old-boy-handcuffed-and-detained-by-mdp-was-totally-innocent-ag-s-office-says/>.

recommendations on how MPD can align its policies with those practices.<sup>112</sup> The Committee believes the Attorney General's proposal is both timely and necessary, and encourages the Department to be in active partner in the review and modification of its policies governing interactions with youth.

**Policy Recommendation:**

**9. *MPD should conduct a red flag law public information campaign.***

On December 18, 2018, the Council passed the Firearms Safety Omnibus Amendment Act of 2018.<sup>113</sup> The projected law date is May 15, 2019. On December 18, 2019, the Council also passed the Firearms Safety Omnibus Emergency Amendment Act of 2018<sup>114</sup>, an emergency measure that expired on April 30, 2019. The emergency measure was identical in substance to the permanent measure. Most recently, the Council passed the Firearms Safety Omnibus Congressional Review Emergency Amendment Act of 2019, effective April 15, 2019, preserving changes in the law made by the emergency measure until the permanent measure becomes effective.

All three measures established a process by which household members, law enforcement officials, and mental health professionals can petition the D.C. Superior Court for an order prohibiting a person from possessing firearms and ammunition. This process – often referred to as a “red flag” law, is intended to be used in cases where a Metropolitan Police Department officer, household member, or mental health professional believes the subject of the order – who has access to a firearm or ammunition – is a danger to themselves or others. In response to the request, a judge of the D.C. Superior Court may issue an extreme risk protection order that requires the subject of the order to surrender their firearms or ammunition. Law enforcement officers will in turn serve the order on the subject, retrieve any firearms and ammunition from the subject, and prevent a dangerous situation from becoming lethal.

To ensure members of the public are informed of their ability to request an extreme risk protection order, the Committee encourages the Metropolitan Police Department to conduct a public information campaign on the District’s red flag law. The campaign should provide a basic overview of the extreme risk protection order process, including who can file a petition, how to file a petition, what information

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<sup>112</sup> Rachel Sadon, *After Police Detain Another Child, D.C. Attorney General Is Reviewing MPD’s Policies*, DCIST (Apr. 24, 2019), <https://dcist.com/story/19/04/24/after-police-detain-another-child-d-c-attorney-general-is-reviewing-mdp-policies/>.

<sup>113</sup> The Firearms Safety Omnibus Amendment Act of 2018, effective January 30, 2019 (D.C. Law 22-620), <http://lims.dccouncil.us/Legislation/B22-0588?FromSearchResults=true>.

<sup>114</sup> The Firearms Safety Omnibus Emergency Amendment Act of 2018, effective January 30, 2019 (D.C. Law 22-629), <http://lims.dccouncil.us/Legislation/B22-1068?FromSearchResults=true>.

should be included in the petition, the duration of extreme risk protection orders, and a timeline regarding when hearings will take place on the petition.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 operating budget for the Metropolitan Police Department, as proposed by the Mayor, with the following modifications:

1. *Reduce CSG 11 (Regular Pay – Continuing Full Time), Program 1001 (Patrol Services Bureau North and South), Activity 1500 (Patrol Districts), by \$1,300,000 in recurring local funds to recognize vacancy savings to reflect actual staffing levels*
2. *Reduce CSG 11 (Regular Pay – Continuing Full Time), Program 1001 (Patrol Services Bureau North and South), Activity 1500 (Patrol Districts), by \$853,000 in one-time local funds in FY20 only to recognize vacancy savings to reflect actual staffing levels*
3. *Reduce CSG 40 (Other Services and Charges), Program 100C (Chief of Police), Activity 150C (Strategic Change Division), by \$200,000 in one-time local funds to eliminate the one-time enhancement for a survey tool*

#### **b. Fiscal Years 2019-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20 capital budget for the Metropolitan Police Department, as proposed by the Mayor, with the following modifications:

1. *Reduce Project No. PEQ22C (Specialized Vehicles – MPD) by \$765,254 in FY20 and transfer that amount to the District of Columbia Sentencing Commission’s Project No. FZ038C (IT Upgrade – DC IJIS Integration) for the MPD Arrest Data Feed Project*

**P. OFFICE OF CAMPAIGN FINANCE****1. AGENCY MISSION AND OVERVIEW**

The mission of the Office of Campaign Finance (“OCF”) is to regulate and provide public disclosure of the conduct, activities, and financial operations of candidates, political committees, and constituent service and statehood fund programs to maintain public trust in the integrity of the election process. OCF processes and facilitates the public disclosure of financial reports; performs desk reviews and develops statistical reports and summaries of financial reports; encourages compliance by providing information and guidance on the application of the District’s campaign finance laws through educational seminars, interpretative opinions, and the agency’s website; and enforces the District’s campaign finance laws through audits, investigations, and the informal hearing process. During an election year, proper execution of OCF’s duties are critical, particularly with respect to auditing filings and ensuring compliance with the District’s campaign finance laws. Further, OCF is charged with implementing the Fair Elections Program Amendment Act of 2018.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. The Committee recommends that OCF continue to timely update the Committee on its progress in implementing the Fair Elections Program, including outside of formal oversight hearings.***

The Committee recognizes the immensity of the charge it gave OCF when it created the Fair Elections Program. The new program is requiring OCF to thoroughly review other jurisdictions’ operations, interact with vendors, candidates, and prospective candidates, and sometimes, to figure out operational complications in real-time. The Committee knows that the agency is excited to rise to the challenge and that agency staff deeply believe in the public financing model’s ability to change campaign financing for the better. What remains is communication and operationalization, both of which will be assisted by frequent communication between program staff and the Committee.

**Policy Recommendation:**

- 2. *The Committee recommends that OCF hire an outside design firm to produce its Fair Elections Program materials and an outside consulting to develop a community, candidate, and voter engagement strategy.***

OCF staff have many tasks before them, including hiring program staff, drafting regulations, advising candidates and other campaign staff, and procuring a database vendor and rolling out a new system. With that in mind, OCF must look for an outside expert in program messaging and branding to take over those tasks from the agency. OCF does not have a communications or design staff on site, and it should not expect that staff who do not have those backgrounds or qualifications produce program materials. It is vital that program materials be clear, concise, visually appealing, and consistently branded, and these are the strengths a consultant would bring. Additionally, the Committee strongly discourages the agency from spending \$200,000 on a postcard mailer to all registered voters to inform them about the Fair Elections Program. This large amount of money could be better spent with advertising and outreach materials more targeted to communities the agency should target: disengaged residents, infrequent voters, young people, and potential grassroots candidates. These demographics will require tailored outreach. Similarly, the Committee supports OCF engaging with ANCs about the new program, but the Committee encourages the agency to remember that ANCs are not the best place to reach large numbers of District residents who are not already engaged in politics and current affairs. The Committee encourages OCF to attend meetings of organizations like the League of Women Voters, DC for Democracy, Jews United for Justice, and other community-based membership organizations.

**Policy Recommendation:**

- 3. *The Committee recommends that OCF proactively reach out to campaign vendors to streamline processes between their systems and the Fair Elections Program's requirements.***

The Committee is concerned that campaign vendors are not yet familiar with the Fair Elections Program's requirements, and in that vein, the Committee recommends that OCF reach out to major vendors to discuss their capacity to comply. The Committee asks that OCF keep the Committee updated as any issues are revealed.

**3. COMMITTEE BUDGET RECOMMENDATIONS****Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends approval of the FY20 operating budget for the Office of Campaign Finance, as proposed by the Mayor.

**Q. OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT****1. AGENCY MISSION AND OVERVIEW**

The Office of Neighborhood Safety and Engagement (“ONSE”) was launched in October 2017 to foster a community-oriented model of violence prevention and public safety that is rooted in a public health approach.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. The Committee recommends that ONSE hire an additional senior staff member with an evidence-based violence prevention background to directly manage the agency's violence prevention contracts, thereby freeing up the agency's Director and other senior staff to dedicate more time to bigger picture program management and evaluation efforts. The Committee further requests that the agency update the Committee monthly on its contracts spend plan for the remainder of FY19 and in FY20.***

Now approximately 18 months old, ONSE has a complex and challenging mandate. One core program requires intensive, daily casework and life transformation programming with individuals who have committed serious crimes or are at risk of being victimized; one program requires operational management skills to be exercised in all eight Wards simultaneously; and one core program requires interagency communication and coordination in response to crisis situations. In that environment, it is naturally difficult for a new, growing agency, to respond ideally to the needs of each core program consistently. The Committee believes that, from an oversight perspective, underspending in ONSE’s contracts is not surprising for such a new agency that has grown quickly, but it is a challenge the agency must rise to meet in FY20. The Committee looks forward to partnering with the agency more regularly in FY20 to discuss its contract oversight, spending, and outcomes.

**Policy Recommendation:**

- 2. The Committee recommends that ONSE proactively engage the Committee in sharing outcomes-related data for its contractors.***

As with its first recommendation, the Committee has seen the agency stabilize significantly in the past 18 months, and ONSE must now confront the oversight and outcomes-related realities that any similar agency would encounter. This will require partnership without politics, collaboration between branches and between violence interruption programs, and support from the Deputy Mayor. The Committee has

consistently shared this recommendation with ONSE and is confident that the agency will be more proactive going forward. This recommendation is one reason why the Committee is adding \$500,000 in new funds to ONSE's violence intervention contracts and not more. As Director McFadden has wisely said in the Committee's oversight hearings, it would be counterproductive to "spread mistakes" by scaling up too quickly. Agency-building takes time, support, and sustainable staffing to avoid burnout, and the Committee believes that ONSE is making great strides to this end.

**Policy Recommendation:**

- 3. The Committee recommends that ONSE hire more women and LGBTQ-identified senior staff, outreach workers, and violence interrupters.***

This is the second year that the Committee has made this policy recommendation, and Chairperson Allen and Director McFadden also discussed this issue at the agency's budget oversight hearing. The Committee recommends that the agency endeavor to identify more diverse candidates particularly for its street-level positions in the remainder of FY19 and in FY20. The Committee also recommends that the agency fully incorporate health masculinity training for all staff and violence interrupters, if it does not do so already.

**Policy Recommendation:**

- 4. The Committee recommends that ONSE endeavor in FY20 to further develop its relationship with the Roving Leaders Program and cross-train with the Roving Leaders.***

In the FY19 budget, the Committee approved a transfer to ONSE of 10 vacant FTEs from the Roving Leaders Program in the Department of Parks and Recreation, and those positions have largely now been filled. The Mayor's proposed FY20 budget recommends the transfer of 27 additional FTEs, this time of filled positions. Although this proposed budget subtitle is discussed in more detail in the Committee's subtitle chapter later in the report, the Committee recommends that even though the program's transfer to ONSE will not take place this fiscal year, ONSE and DPR are fully empowered to strengthen relationships between the two programs without merging. For example, it appears that both programs have access to relevant training opportunities and would benefit from cross-training. The Committee asks both programs to make efforts to strengthen their collaboration in FY20.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 operating budget for the Office of Neighborhood Safety and Engagement, as proposed by the Mayor, with the following modifications:

1. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Neighborhood Safety and Engagement), Activity 2040 (Violence Intervention), by \$250,000 in recurring local funds for enhanced violence intervention contracts*
2. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Neighborhood Safety and Engagement), Activity 2040 (Violence Intervention), by \$250,000 in one-time local funds for enhanced violence intervention contracts*
3. *Eliminate 27 FTEs and in Program 2000 (Neighborhood Safety and Engagement), Activity 2030 (Roving Leaders), reduce CSG 11 (Regular Pay – Continuing Full Time) by \$1,462,219, CSG 14 (Fringe Benefits – Current Personnel) by \$355,319, CSG 20 (Supplies and Materials) by \$21,202, CSG 40 (Other Services and Charges) by \$64,003, and CSG 70 (Equipment and Equipment Rental) by \$56,364: total reduction = \$1,959,107*

**R. OFFICE OF POLICE COMPLAINTS****1. AGENCY MISSION AND OVERVIEW**

The mission of the Office of Police Complaints (“OPC”) is to increase public confidence in the police and promote positive community-police interactions. OPC receives, investigates, adjudicates, and mediates police misconduct complaints filed by the public against Metropolitan Police Department (“MPD”) and D.C. Housing Authority Police Department (“DCHAPD”) police officers. In addition to these responsibilities, the agency issues policy recommendations to the Mayor, the Council, and the Chiefs of Police of MPD and DCHAPD, proposing reforms that will promote greater police accountability by reducing the level of police misconduct and improving the citizen complaint process.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. The Committee recommends that OPC continue to monitor its complaint caseload and inform the Committee if it requires additional resources.***

OPC has continued to experience an increased number of contacts initiated, complaints filed, and investigations opened since FY16. In FY18, OPC was contacted by 1,819 individuals, a slight decrease in total contacts over FY17. In FY19, to date, OPC has been contacted 988 times.

**Table 1: Total Contacts Received**

<i>Fiscal Year</i>	<i>Number of Contacts</i>
<b>FY14</b>	1,095
<b>FY15</b>	1,420
<b>FY16</b>	1,448
<b>FY17</b>	1,872
<b>FY18</b>	1,819
<b>FY19 (to date)</b>	988

*Source: Office of Police Complaints*

OPC experienced a modest increase in the number of complaints filed in FY18 over FY17. Specifically, OPC received 780 formal complaints in FY18, an increase of 7 complaints over FY17.

**Table 2: Total Formal Complaints Filed**

<i>Fiscal Year</i>	<i>Number of Complaints Filed</i>
<b>FY14</b>	389
<b>FY15</b>	407
<b>FY16</b>	438
<b>FY17</b>	773
<b>FY18</b>	780
<b>FY19 (to date)</b>	411

*Source: Office of Police Complaints*

The number of complaints investigated by the agency has also continued to grow in recent years. While OPC investigated only 410 complaints in FY16, that number grew to 588 in FY17 and 645 in FY18. In FY19, to date, OPC has investigated 377 complaints – close to the number of complaints investigated during all of FY16.

**Table 3: Total Complaints Investigated**

<i>Fiscal Year</i>	<i>Number of Complaints Investigated</i>
<b>FY14</b>	580
<b>FY15</b>	518
<b>FY16</b>	410
<b>FY17</b>	588
<b>FY18</b>	645
<b>FY19 (to date)</b>	377

*Source: Office of Police Complaints*

The increase in the total number of complaints received and investigated by OPC has, predictably, been accompanied by increased caseloads for each investigator on OPC's staff. At the agency's FY20 budget oversight hearing, Director Tobin testified that "before the complaints started going up – two-and-a-half or three years ago – each investigator was dipping down towards about 10 cases each. And now, we are heading up towards 15 [cases each] already."<sup>115</sup>

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<sup>115</sup> Committee on the Judiciary and Public Safety, *Office of Police Complaints FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (March 27, 2019) (oral testimony of Michael Tobin, Director, Office of Police Complaints),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4947](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4947).

To handle the increased volume of contacts, complaints, and investigations, OPC availed itself of two technologies that improve internal operations. First, the agency now has access to “a software tool that allows complainants to schedule their initial interview online directly with their assigned investigator.”<sup>116</sup> Additionally, OPC is now using a software that “transcribes the recording of investigation interviews and produces a very accurate summary of the interview within minutes” and “allows investigators to save one to two hours on average per interview.”<sup>117</sup> That said, Director Tobin does not believe that further improvements to internal operations will be sufficient to handle increased number of complaints: “We’ve now reached the apex of finding administrative improvements, and we just have to get some more people in because we are going to start slipping.”<sup>118</sup>

**Table 4: Time to Complete Cases**

<b><i>Fiscal Year</i></b>	<b><i>Average Number of Days to Close an Investigation</i></b>	<b><i>Investigations Closed Within Six Months</i></b>
<b>FY14</b>	407	43%
<b>FY15</b>	355	42%
<b>FY16</b>	175	69%
<b>FY17</b>	109	85%
<b>FY18</b>	104	87%
<b>FY19</b>	101	89%

*Source: Office of Police Complaints*

The Committee wholeheartedly agrees with Director Tobin’s assessment that “OPC has taken great steps to manage its fiscal stewardship responsibilities.”<sup>119</sup> Last year, even as OPC was experiencing significant increases in total contacts, complaints received, and investigations conducted, Director Tobin remained cautiously optimistic about his staff’s ability to timely resolve cases at current staffing levels. At the agency’s FY18 budget oversight hearing, Director Tobin testified that “[t]he data doesn’t support a . . . change in staffing until we see a . . . leveling off of complaints.”<sup>120</sup> At this time, however, Director Tobin is confident that the current volume of complaints is to be expected moving forward:

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<sup>116</sup> Committee on the Judiciary and Public Safety, *Office of Police Complaints FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety*, 2 (March 27, 2019) (written testimony of Michael Tobin, Director, Office of Police Complaints), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4947](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4947).

<sup>117</sup> *Id.* at 3.

<sup>118</sup> Tobin, *supra* note 1. [oral testimony]

<sup>119</sup> Tobin, *supra* note 2, at 5. [written testimony]

<sup>120</sup> Committee on the Judiciary and Public Safety, *Office of Police Complaints FY19 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (March 29, 2018) (oral testimony of

“[The] 800 complaints that we’ve received is almost twice the number of complaints we were receiving two or three years ago. . . I want to alert you and the public that the trend is continuing and . . . I’m acting on the presumption that this is the new normal.”<sup>121</sup>

For these reasons, Executive Director Tobin has requested that the Committee identify funding for one additional FTE investigator. The Committee takes seriously Director Tobin’s insistence that “Fiscal Year 2020 will be different,” and that OPC “will need the requested additional Investigator FTE to be able to . . . maintain the increasing case workload while providing great customer service to the community members who come to our office regarding their concerns of police misconduct.”<sup>122</sup> The Committee, therefore, recommends funding an additional FTE investigator for OPC for FY20.

**Policy Recommendation:**

**2. *OPC should have oversight of the alleged misconduct of special police officers (“SPOs”).***

In recent months, the Committee has considered the question of expanding OPC’s jurisdiction. Currently, OPC has “the authority to receive a citizen complaint against a member or members of the MPD . . . that alleges abuse or misuse of police powers by such member or members.” OPC also has the authority to receive complaints against members of the [D.C. Housing Authority Police Department], as well as “any federal law enforcement agency that, pursuant to [D.C. Official Code §§ 5–301 *et seq.*] has a cooperative agreement with the MPD that requires coverage by the Office.”

Recent allegations of misconduct against SPOs have led the Committee to re-examine the proper scope of OPC’s jurisdiction. For example, three District residents have recently filed a civil suit against a security company, an apartment complex, and the complex’s management company, over the alleged misconduct of an SPO. All three plaintiffs have reported difficulties filing a complaint with the Metropolitan Police Department and the Security Officers Management Branch (“SOMB”) regarding the incidents. It appears that since early 2014, SOMB has outsourced its duties related the licensing of special police offices to the Department of Consumer and Regulatory Affairs (“DCRA”) and one of its subdivisions, the Occupational and Professional Licensing Administration (“OPLA”).

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Michael Tobin, Director, Office of Police Complaints),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=&clip\\_id=4448&caption\\_id=8943517](http://dc.granicus.com/MediaPlayer.php?view_id=&clip_id=4448&caption_id=8943517).

<sup>121</sup> Tobin, *supra* note 1.

<sup>122</sup> *Id.*

OPLA's webpage related to the licensure of security professionals provides a link to file a complaint against an SPO. However, at least at the time of writing this report, the link redirects to MPD's webpage describing the SOMB. The lack of a prompt and responsive system for reporting misconduct committed by an SPO is incredibly concerning, especially given the number of SPO commissions revoked as a result of discipline. For example, in FY17, "a total of 110 special police officers were disciplined to an extent that required the revocation of their special police officer commission." In FY18 alone, 105 SPO's commissions were revoked as a result of discipline. And as February 5, 2019, 35 SPOs operating in the District of Columbia have had their commissions revoked in FY19.

Of course, expanding OPC's jurisdiction to SPOs or other law enforcement officials will result in an increase in complaints received by the agency. As the Committee explores legislative changes to OPC's authority, it will look to the agency for guidance on the anticipated increase in complaint volume, and the corresponding need for new investigators or other personnel.

**Policy Recommendation:**

**3. *OPC should review the authority of its counterparts in other jurisdictions with respect to their authority over police discipline.***

Currently, OPC "cannot recommend or determine the type of discipline to be imposed when allegations are sustained by complaint examiners." Instead, if a "complaint examiner determines that one or more allegations in the complaint is sustained, the Executive Director [of OPC] shall transmit the entire complaint file, including the merits determination of the complaint examiner, to the Police Chief for appropriate action." After receiving a complaint file in which an allegation has been sustained, a reviewing officer "shall make a written recommendation, with supporting reasons, to the Police Chief regarding an appropriate penalty from the Table of Penalties Guide in General Order 1202.1 (Disciplinary Procedures and Processes)."

OPC's inability to require – or even recommend – a particular form of discipline undermines the its status as a fully-fledged, independent agency. Yet, when the Council established the Citizen Complaint Review Board and Office of Citizen Complaint Review (precursors to the Police Complaints Board and the Office of Police Complaints, respectively), it issued findings discussing the value of an independent, citizen-driven complaint process:

"From time to time, however, some members of the MPD do not act in accordance with the high standards of conduct that the people of the District of Columbia have a right to expect. . . . Because police officers have been given extraordinary powers, it is essential that there be an

effective and efficient system for reviewing their exercise of police powers. Further, it is essential that both police officers and members of the public have confidence that this system of review is fair and unbiased. Members of the public must be aware of this system and have easy access to its processes. . . . The need for independent review of police activities is recognized across the nation. Effective independent review enhances communication and mutual understanding between the police and the community, reduces community tensions, deters police misconduct, and increases the public's confidence in their police force.”

There are examples of civilian oversight bodies with an increased role in the disciplinary process when compared to OPC. The Civilian Complaint Review Board (“CCRB”) in New York City, for example, issues a disciplinary recommendation to the police commissioner after it substantiates a complaint. And notably, for its “most serious cases, CCRB attorneys prosecute officers at disciplinary trials.” This is a model for officer discipline that OPC should begin exploring.

**Policy Recommendation:**

4. ***The Committee recommends that OPC obtain the services of an independent entity to conduct a review of the policing practices of MPD’s Narcotics and Special Investigations Division.***

On July 12, 2018, the Committee on the Judiciary and Public Safety convened a public oversight roundtable on “Policing and Public Safety in Wards 7 and 8”. The roundtable was convened in response to an incident in which several members of MPD’s Gun Recovery Unit (“GRU”) searched a group of men gathered outside of a barbershop in Ward 7:

“On June 13, three plain clothed police officers arrived at the Sheriff Road NE barbershop in an unmarked police vehicle and asked the men hanging out on the block about the tinted windows of a Volvo parked on the block, cell phone camera footage shows. The officers then asked to see the men’s IDs. Minutes later, nearly a dozen officers arrived on the scene and the tension escalated as the officers positioned themselves to arrest a young black man for unclear reasons.”<sup>123</sup>

Tensions were further escalated when officers allegedly returned to the location nearly two weeks later:

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<sup>123</sup> Matt Cohen, *Activists Ask Mayor’s Office to Release Police Body Camera Footage of Deanwood Police Incidents*, WASH. CITY PAPER (July 27, 2018), <https://www.washingtoncitypaper.com/news/city-desk/blog/21015361/activists-ask-mayors-office-to-release-police-body-camera-footage-of-controversial-deanwood-police-incidents>.

“[O]fficers allegedly returned to the block on the evening of June 25 and confronted some of the same residents who regularly hang out there. The confrontation allegedly turned violent, with MPD officers pepper-spraying residents, including a small child. Several arrests were made, but the charges were dismissed, according to the letter.”<sup>124</sup>

Public witnesses that testified at the hearing or submitted written testimony echoed these concerns regarding the police misconduct, including excessive use of force and invasive searches.<sup>125</sup>

In her testimony at the public oversight hearing, Monica Hopkins, Executive Director of the ACLU of DC, noted that “[m]any of the complaints we hear from the community members are about specialized units like the Gun Recovery Units, over which there seems to be little oversight and transparency as to how, when, and where they operate.”<sup>126</sup> She recommended that the Council “consider a full scale, independent audit of the practices and tactics of these specialized units, beginning with the Gun Recovery Unit.”<sup>127</sup> She added that she believed that OPC should be the entity responsible for overseeing or conducting the audit.”<sup>128</sup>

The Committee was deeply troubled by MPD’s conduct on July 12, 2018, and by similar experiences shared by public witnesses at the roundtable. While the Committee used the roundtable as an opportunity to explore the GRU operations and command structure, many questions still remain. The Committee agrees with Ms. Hopkins’ assessment that an independent review of MPD’s specialized units is appropriate. Given the OPC’s recent experience with overseeing an independent review of MPD’s actions during Inauguration Day 2017,<sup>129</sup> the Committee also agrees with Ms. Hopkins’ assessment that OPC is the District agency best suited to oversee such an audit. Furthermore, since MPD’s Narcotics and Special Investigations Division (“NSID”) is the division under which MPD’s various specialized units

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<sup>124</sup> *Id.*

<sup>125</sup> See generally Committee on the Judiciary and Public Safety, *Public Oversight Roundtable on Policing and Public Safety in Wards 7 and 8 (Part 2)* (July 12, 2018), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4632](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4632).

<sup>126</sup> Committee on the Judiciary and Public Safety, *Public Oversight Roundtable on Policing and Public Safety in Wards 7 and 8 (Part One)* (July 12, 2018) (written testimony of Monica Hopkins, Executive Director, ACLU of DC), [http://dc.granicus.com/MediaPlayer.php?view\\_id=&clip\\_id=4626&caption\\_id=9556775](http://dc.granicus.com/MediaPlayer.php?view_id=&clip_id=4626&caption_id=9556775).

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> Police Foundation, *2017 Presidential Inauguration First Amendment Assembly Independent Law Enforcement Review, 5–6* (July 10, 2018), <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Police%20Foundation%20DC%20Inauguration%20Report%20Final.pdf>.

operate<sup>130</sup>, the Committee believes that NSID is the appropriate subject of such a review. The Committee, therefore, has identified \$150,000 for this purpose in FY20.

### **3. COMMITTEE RECOMMENDATIONS**

#### **Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Office of Police Complaints, as proposed by the Mayor, with the following modifications:

1. *Increase CSG 41 (Contractual Services – Other), Program 1000 (Agency Management), Activity 1090 (Performance Management), by \$150,000 in one-time local funds to fund an independent review of the policing practices of MPD’s Narcotics and Special Investigations Division*
2. *Increase FTEs by 1, and create a new position (Investigator), with the accompanying local funds as follows:*
  - a. *Investigator: create a new position in Program 2000 (Complaint Resolution), Activity 2010 (Investigation): increase CSG 11 (Regular Pay – Continuing Full Time) by \$54,325 and CSG 14 (Fringe Benefits – Current Personnel) by \$11,734: total PS increase = \$66,059*

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<sup>130</sup> MPD, *Investigative Services Bureau - Narcotics and Special Investigations Division* (last visited May 1, 2019), <https://joinmpd.dc.gov/investigative-services-bureau-narcotics-and-special-investigations-division>.

**S. OFFICE OF THE ATTORNEY GENERAL****1. AGENCY MISSION AND OVERVIEW**

The mission of the Office of the Attorney General (“OAG”) is to enforce the laws of the District of Columbia, provide legal services to the District government, and independently and objectively pursue the public interest. OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District’s behalf, has sole jurisdiction over juvenile prosecutions, and represents the District in a variety of administrative hearings and other proceedings. In addition, OAG is responsible for advising the Executive Office of the Mayor, the Council, and various Boards and Commissions; and for determining the legal sufficiency of proposed legislation, regulations, and commercial transactions. In all, the Attorney General supervises the legal work of approximately 298 attorneys and an additional 342 administrative and professional staff.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. The Office of the Attorney General should continue its commitment to the Cure the Streets program in FY20 and increase the sites served in a manner that is driven by data.***

In FY18, with the financial support of the Council, OAG launched “Cure the Streets”, a violence interruption program operating in Wards 5 and 8 aimed at preventing gun violence through a public health-based approach. The Cure the Streets model is centered on three components: interrupt, treat, and change. In more detail, this translates to:

Interrupt potentially violent conflicts by preventing retaliation and mediating simmering disputes; identify and treat individuals at the highest risk for conflict by providing support services and changing behavior; and engage communities in changing norms around violence.

Since launching the program in August 2018, Cure the Streets has been a constant presence in its two sites. Staff have held 112 community events, led weekly safe passage walks to and from elementary, middle schools and high schools, responded to 14 shootings, distributed over 6,800 flyers with messaging against gun violence, and conducted 33 formal mediations between individuals with conflicts that might have led to retaliatory violence. Feedback from community members has been positive, with residents reporting feeling safer in their neighborhoods.

OAG is clearly dedicated to the success of the program, committing 19 FTEs to the work, including one Fidelity Consultant. OAG worked to stretch the initial investment of \$362,000 that the Council made in FY18 until it ran out at the end of September 2018. OAG then sought funds from private sources. OAG has assessed that the cost of running the program, per site, will range from approximately \$625,000 to \$800,000 for one year. Fortunately, in FY19, OAG secured \$2 million from a settlement in the AltaGas-Washington Gas merger and has chosen to invest this funding in securing the program through mid-2020.

The Committee is encouraged by the program's initial operations and invests significantly in the model in FY20 in the amount of \$3,662,278. That said, the Committee is extremely concerned that such a large infusion of one-time funds will need to be carefully monitored so as not to overwhelm the program, its staff, and the affected communities. The Committee is also cautious regarding the understandable historical lack of trust around violence prevention programming in some communities which could be exacerbated if, after one year, the funding stream must again be identified. To this end, the Committee is proposing a Budget Support Act subtitle to allow OAG to capture an additional \$3 million per fiscal in its non-lapsing Litigation Support Fund for crime prevention purposes. This additional investment would allow OAG to weather funding volatility over time. In terms of the identifiable sites, the Committee recommends that OAG use the funds thoughtfully and strategically and identify sites based on demonstrated criteria of need, not elected officials' decision-making.

**Policy Recommendation:**

- 2. The Office of the Attorney General should continue to pursue national litigation and, in so doing, elevate the District's status as a legal frontrunner and co-equal state.***

In 2017, Attorney General Racine took steps to fight federal corruption by suing President Trump for violating the Constitution's Emoluments Clause, together with Maryland Attorney General Brian Frosh. The Committee is appreciative of the efforts of Attorney General Racine to pursue this landmark litigation to benefit both District residents and residents nationwide in an attempt to curb government corruption. OAG has similarly engaged in litigating a number of other cases that have broad national impact. The Committee is proud of the way this places the District on the national stage as a leader in seeking justice through strategic litigation. The subjects of other cases have ranged from defending the Affordable Care Act and access to healthcare, blocking the Trump Administration from adding a politically-motivated citizenship question to the 2020 Census, suing U.S. Immigration and Customs Enforcement to seek information about unlawful immigration raids in the District, and defending states' ability to stop the administration from blocking immigrants who seek asylum from domestic violence or terrorism in their home

countries. The Committee encourages OAG to continue to promote D.C. values on the national stage.

**Policy Recommendation:**

3. *The Office of the Attorney General should further institutionalize restorative justice practices within the agency and standardize the determination of when cases are referred to the program, with the desires of the victim and offender motivating decision-making. OAG should also continue to expand the restorative justice caseload for appropriate cases, including in more adult cases.*

The Committee commends OAG for supporting a Restorative Justice Program within its office, the first of such programs to be housed within a prosecutor's office. For eligible misdemeanor cases, the program offers prosecutors an alternative to prosecution which entails bringing together the harmed party and the party who caused harm in facilitated restorative justice conferences to resolve the conflict, repair the harm caused, and restore the victim. This Committee was incredibly moved when it participated in a restorative justice conference in FY19. As of February 9, 2019, juvenile prosecutors had referred more than 160 cases to the program. Early analysis of the program showed that 80% of participants were not re-arrested within a year. The FY20 budget continues to invest in the program by funding an additional Restorative Justice Facilitator FTE to further commit to the model.

**2. COMMITTEE BUDGET RECOMMENDATIONS**

**Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Office of the Attorney General, as proposed by the Mayor, with the following modifications:

1. *Increase CSG 40 (Other Services and Charges), Program 6100 (Public Safety Division), Activity 6117 (Restorative Justice and Victims' Service), by \$3,662,278 in one-time local funds for violence prevention programming*
2. *Increase CSG 40 (Other Services and Charges), Program 4000 (Child Support Services Division), Activity 4105 (Policy, Training, & Administrative Affairs), by \$50,000 in one-time local funds to fund an economic analysis of the District's Child Support Guideline in coordination with the District's Child Support Guideline Commission*
3. *Increase FTEs by 6, and create new positions with the accompanying recurring local funds as follows:*

- a. Elder Abuse Section Chief: create a new position in Program 5200 (Public Interest Division), Activity 5211 (Office of the Division Deputy): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$140,000, CSG 14 (Fringe Benefits – Current Personnel) by \$28,980, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$172,480*
  - b. Elder Abuse Civil Enforcement Attorney: create a new position in Program 5200 (Public Interest Division), Activity 5211 (Office of the Division Deputy): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$101,313, CSG 14 (Fringe Benefits – Current Personnel) by \$20,971, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$125,784*
  - c. Attorney: create a new position to focus on litigation related to housing conditions in District of Columbia Housing Authority properties in Program 5400 (Public Advocacy Division), Activity 5401 (Housing and Community Justice Section): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$113,481, CSG 14 (Fringe Benefits – Current Personnel) by \$23,490, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$140,471*
  - d. Environmental Protection Attorney: create a new position in Program 5400 (Public Advocacy Division), Activity 5402 (Public Integrity Unit): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$121,868, CSG 14 (Fringe Benefits – Current Personnel) by \$25,226, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$150,594*
  - e. Restorative Justice Facilitator: create a new position in Program 6100 (Public Safety Division), Activity 6117 (Restorative Justice and Victims' Service): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$82,327, CSG 14 (Fringe Benefits – Current Personnel) by \$17,041, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$102,868*
  - f. Community Engagement Manager: create a new position in Program 9300 (Office of the Attorney General), Activity 9301 (Immediate Office): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$127,883, CSG 14 (Fringe Benefits – Current Personnel) by \$26,471, and CSG 20 (Supplies and Materials) by \$3,500: total increase = \$157,854*
4. *Reduce CSG 41 (Contractual Services – Other), Program 1000 (Agency Management), Activity 1015 (AMP Training and Employee Development) by \$100,000 in recurring local funds to recognize savings in contractual services based on the current year budget*

5. *Reduce CSG 20 (Supplies and Materials), Program 1000 (Agency Management), Activity 1015 (AMP IT) by \$150,000 in one-time local funds to recognize savings in IT based on the current year budget*

**T. OFFICE OF THE CHIEF MEDICAL EXAMINER****1. AGENCY MISSION AND OVERVIEW**

The mission of the Office of the Chief Medical Examiner (“OCME”) is to ensure that justice is served and that the health and safety of the public is improved by conducting quality death investigations and certifications and providing forensic services for government agencies, health care entities, and grieving families. OCME provides forensic services to local and federal government agencies, health care providers, institutions of higher learning, and residents of the District and the metropolitan region. Forensic services include: forensic investigation of certain deaths (those occurring as a result of violence, as well as those that occur unexpectedly, without medical attention, in custody, or pose a threat to public health); review of deaths of specific populations; grief counseling; performance of a full range of toxicological examinations; cremation approvals; and public disposition of unclaimed remains.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

- 1. Without delay, the Executive should appoint the Office of the Chief Medical Examiner as the lead agency in the District’s efforts to combat the opioid crisis.***

In the District, opioid-related deaths have increased substantially in recent years, from 83 opioid-related deaths in 2014, to 114 deaths in 2015, to 231 deaths in 2016, to 279 deaths in 2017, and to 174 deaths in 2018 as of November 30, 2018.<sup>131</sup> The opioid supply is also increasingly laced with fentanyl, with 71% of cases involving the presence of fentanyl or fentanyl analogs in 2017. The profile of overdoses in the District is markedly different than in the rest of the country, with 79% of all overdoses due to opioid use occurring among adults between the ages of 40 to 69, and 81% of all deaths among African-Americans. Strikingly, of the District’s opioid users, 22% have been using heroin for more than 40 years, 59% for more than 25 years, and 88% for more than 10 years.

In response to these staggering statistics, the Committee took steps toward combatting the opioid crisis by passing B22-0459, the “Opioid Overdose Treatment and Prevention Omnibus Act of 2018”, at the end of 2018.<sup>132</sup> The bill expands access

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<sup>131</sup> Office of the Chief Medical Examiner, *Opioid-related Fatal Overdoses: January 1, 2014 to November 30, 2018* (Feb. 26, 2019), [https://ocme.dc.gov/sites/default/files/dc/sites/ocme/featured\\_content/Opioid%20related%20Overdoses%20Deaths\\_2.26.2019.pdf](https://ocme.dc.gov/sites/default/files/dc/sites/ocme/featured_content/Opioid%20related%20Overdoses%20Deaths_2.26.2019.pdf).

<sup>132</sup> See, <http://lims.dccouncil.us/Download/38775/B22-0459-SignedAct.pdf>.

to opioid use disorder treatment in the District and takes a public-health based approach to the possession of drug paraphernalia for personal use by decriminalizing drug-testing kits that allow users to screen for the presence of dangerous analogs like fentanyl in their drug supply. The bill also removes restrictions on needle exchange programs that are unsupported by evidence.

Meanwhile, the Executive has not exhibited centralized leadership in responding to the crisis. Only following the publication of a series of articles in the *Washington Post* in mid-December 2018 did the Executive release “LIVE. LONG. DC.”, a report created by the District-Wide Opioid Working Group detailing the Administration’s strategic plan to reduce opioid use and misuse and to reduce opioid-related deaths by 50 percent by 2020. Frustrated by the lack of concrete action items in the report and absent dedicated financial investments to each goal, the Committee held an oversight roundtable in January 2019 together with the Committee on Health to discuss “The District Government’s Strategy and Actions to Combat the Opioid Epidemic”. At the hearing, Councilmember Allen expressed that “[i]t is simply inaccurate and counterproductive to think of this type of chronic personal drug use as a moral failure that must be solved with incarceration – the science tells us this is not the case...and therefore we must view drug abuse as a behavioral health issue and an economic issue.”<sup>133</sup>

The severity of this issue warrants the dedicated leadership of a District official who can nimbly coordinate response efforts between the District’s public safety and public health clusters. The Committee has already witnessed how a lack of centralized leadership has slowed response efforts, and the Committee believes that Chief Medical Examiner Dr. Roger Mitchell has the expertise necessary to assume this critical role. Dr. Mitchell has already demonstrated a commitment to preventing opioid overdoses and related deaths. Dr. Mitchell participates in the Opioid Strategy Group 1 (“OSG 1”), the mission of which is to “[r]educe legislative and regulatory barriers to create a comprehensive surveillance and response infrastructure that supports sustainable solutions to emerging trends in substance use disorder, opioid-related overdoses, and opioid-related fatalities.”<sup>134</sup>

Additionally, OCME is the lead agency responsible for creating an Opioid Fatality Review Board to review all opioid-related deaths that occur in the District. The goal of the Board is to use data collected from the fatality review process to provide analysis and policy recommendations to prevent future opioid related deaths. OCME has also been collaborating with the Department of Forensic Sciences (“DFS”)

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<sup>133</sup> Committee on the Judiciary and Public Safety and Committee on Health, *Public Oversight Roundtable on the District Government’s Strategy and Actions to Combat the Opioid Epidemic* (Jan. 28, 2019), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4815](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4815).

<sup>134</sup> Department of Behavioral Health, *Live. Long. DC. Washington, DC’s Strategic Plan To Reduce Opioid Use, Misuse, And Related Deaths* (March 2019), <http://lims.dccouncil.us/Download/42178/RC23-0052-Introduction.pdf>.

to “[s]trenthen the infrastructure for data and surveillance to understand the scope of opioid-related overdoses (fatal and non-fatal) and the demographics of [the] population with opioid use disorder.”<sup>135</sup> This includes implementing an opioid overdose dashboard. OCME’s Data Fusion Analysis Center provides data and reports on statistical trends for stakeholders and will support the dashboard once it is launched. Finally, since 2017, OCME has been collaborating with DFS to test syringes that have been discarded at the site of an overdose.

Accordingly, the Committee believes that OCME is well positioned to take on more leadership in the District’s overdose prevention work. The Committee recommends that OCME continue to closely monitor opioid use in the District and keep the Committee informed of relevant developments and public policy recommendations. The Committee also recommends that the Opioid Fatality Review Board regularly report its findings publicly so that interested stakeholders can use the information to benefit the District community. This crisis is urgent and thus response efforts should be ongoing and readily communicated with the public as new information is available.

**Policy Recommendation:**

- 2. *OCME should continue to grow its Fatality Review Unit and work with this Committee and relevant stakeholders to ensure that recommendations from its Fatality Review Committees are better publicized and implemented.***

OCME now supports a total of four fatality review committees: the Child Fatality Review Committee (“CFRC”), the Developmental Disabilities Review Committee (“DDRC”), the Maternal Mortality Review Committee (“MMRC”), and the Violence Fatality Review Committee (“VFRC”). As previously mentioned, OCME also hosts the Opioid Fatality Review Board, which will function like a fatality review committee but is set to sunset after five years.

The Committee is very supportive of the agency’s Fatality Review Unit. Accordingly, in FY19, the Committee took steps to right-size this division in the budget by adding \$236,112 for two additional FTEs. In doing so, each of the separate fatality review committees now has a dedicated FTE, which Dr. Mitchell reports is critical to the success of each committee’s programming. However, in order to staff the newly created Opioid Fatality Review Board, OCME had to convert a position in the Death Investigations/Certifications unit that had been vacated. This has created a hardship within the Death Investigations/Certifications unit. To support the agency and its Fatality Review Unit, the Committee is restoring funding for the position that OCME converted.

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<sup>135</sup> *Id.*

The Committee also commends the newly formed partnership between the Investigations Unit and the Fatality Review Unit. This includes “ride alongs” to a death scene for the purpose of facilitating a better understanding of what type of information should be collected at a scene for review purposes, and to help improve interactions with individuals on the scene. This transfer of knowledge is a holistic approach, integrating the agency’s work by allowing investigations staff to better understand how the investigation process impacts the information provided to fatality review staff.

Finally, the Committee would like to see OCME take additional steps to ensure the various fatality review committee annual reports garner more attention for their informative content and thoughtful recommendations. The Committee recommends that OCME better publicize the reports and work with the implicated Executive agencies to drive implementation. The work of the Fatality Review Unit is critical, but its impact is limited when findings are not publicized widely and when the Executive agencies are not held responsible for implementing changes. The Committee would like to see OCME take concrete steps to ensure the annual report recommendations reach a broader audience of relevant stakeholders. In this vein, the Committee is proposing a new Budget Support Act subtitle that will require OCME to convene a symposium specifically to present the Maternal Mortality Review Committee’s (“MMRC”) annual report and its findings to the public, District agencies implicated by the findings, the Deputy Mayors for Public Safety and Justice and Health and Human Services, any relevant health or policy stakeholders, and the MMRC’s representatives and members, within 60 days after the annual report’s release. This will ensure that the findings in the MMRC annual report have a broad impact. The subtitle also makes minor changes to the composition and requirements of the MMRC, which are discussed in detail in the Committee’s chapter for that subtitle.

**Policy Recommendation:**

***3. OCME should continue to provide a dignified final resting place in the District for unclaimed decedents.***

OCME is responsible for arranging the public disposition of unclaimed decedents, including for decedents whose families cannot afford burial arrangements. OCME stores each decedent’s remains for at least 30 days to allow time for any family members to make funeral arrangements. In the past, OCME had contracted with a burial vendor that buried decedents outside of the District. As this Committee has recommended in past reports, OCME has now changed its practice to contract with a vendor that will bury decedents in the District. The cremains from FY18 public disposition were buried in the Congressional Cemetery on April 27, 2019, in a moving

city-wide interfaith memorial service. The Committee thanks OCME for its efforts in this endeavor.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Office of the Chief Medical Examiner, as proposed by the Mayor, with the following modifications:

1. *Increase FTEs by 1, and create a new position (Forensic Autopsy Technician) with the accompanying recurring local funds as follows:*
  - a. Forensic Autopsy Technician: create a new position in Program 2000 (Death Investigations/Certifications), Activity 2300 (Mortuary Services): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$67,335 and CSG 14 (Fringe Benefits – Current Personnel) by \$14,679: total PS increase = \$82,014*

#### **b. Fiscal Years 2020-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20-25 capital budget for the Office of the Chief Medical Examiner, as proposed by the Mayor.

**U. OFFICE OF UNIFIED COMMUNICATIONS****1. AGENCY MISSION AND OVERVIEW**

The mission of the Office of Unified Communications (“OUC”) is to provide a fast, professional, and cost-effective response to emergency (“911”) and non-emergency (“311”) calls in the District. OUC also provides centralized, District-wide coordination and management of public safety voice radio technology and other public safety wireless and data communication systems and resources.

The **911 Operations division** develops and enforces policy directives and standards regarding public safety communications. The **311 Operations division** processes city service requests and handles telephone reporting of specific crimes. The **Technology Operations division** operates and maintains public safety voice radio technology and oversees all land and mobile radio systems tied to the response network. The **Transcription and Quality division** provides audio transcribing for the Metropolitan Police Department, the Fire and Emergency Medical Services Department, and the 311 Operations division. **Agency Management** administers programs supporting the call center and public safety communications. In addition, Agency Management oversees the employee performance management system, new employee training, and in-service training for OUC personnel. Agency Financial Operations provides comprehensive and efficient financial management services to, and on behalf of, District agencies.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:**

1. *The Committee recommends that OUC maintain fiscal stability within the Emergency and Non-Emergency Number Telephone Systems Assessments Fund to promote agency technology updates and improvements.*

The Emergency and Non-Emergency Number Telephone Systems Assessments Fund (“Fund”) was established as a means to defray technology upgrade costs incurred by OUC at the District’s Public Safety Point (“PSAP”) in providing the 911 and 311 call system. All phone carriers providing services to District residents are responsible for charging a 76-cent fee to customers and remitting the proceeds to the Fund. Although the rate of the fee has not increased over time, the services provided by OUC have. In the last three years alone, OUC has continued to maintain two fully functioning 24/7 call centers, provided upgrades to the 311 platform, website, mobile app, and launched 311 Twitter service requests, introduced text to 911 and text to 311, transitioned its system to Next Generation 911 technology, procured a Tactical Homeland Operations Response (“THOR”) mobile call center, provided technical

support for the integration of AMR-3rd party ambulance service, and supported the FEMS Nurse Triage Line.

A fixed flat funding stream coupled with increased technology costs has endangered the stability of the fund balance, thereby compromising the overall fiscal stability of the agency. For several years, the Committee has recommended that OUC develop a permanent solution to counteract the depleting Fund balance. The Mayor has proposed a subtitle that will accomplish this, which is described in more detail below in the Committee's subtitle chapters.

**Policy Recommendation:**

- 2. The Committee recommends that OUC work collaboratively with the Fire and Emergency Medical Services Department (“FEMS”) and the Metropolitan Police Department (“MPD”) to implement initiatives to change the culture in the District surrounding use and misuse of 911 services.***

In FY17, the agency launched an “OUC/Fire and Emergency Medical Services Department (“FEMS”) Communication Taskforce” that meets twice per month and strives to align the agencies to achieve the operational and emergency response goals of both agencies.

OUC also continues to collaborate with FEMS on the Nurse Triage Line initiative that became operational in April 2018. This program transfers low acuity calls away from the emergency medical system to a secondary screening process that determines the most appropriate resources. The benefits of this program include reduced wait times for ambulances as well as less overcrowding in emergency rooms (see FEMS chapter for more information).

In FY18, OUC, in partnership with FEMS, launched the PulsePoint application that allows individuals who have been CPR-trained to be connected to a nearby person who needs assistance and to the nearest AED. PulsePoint sends a smartphone alert to app subscribers whenever someone is in cardiac arrest within 1/4 mile of the user’s location. The PulsePoint app also identifies the location of the AED nearest to the patient. As of January 2019, PulsePoint had 11,620 subscribers and 5,050 active users. OUC’s Office of Professional Standards and Development provided training to every operations employee to ensure they can assist users of the app. Employees were also provided with FAQ and reminder handouts in the weeks following the initial training.

Jointly with MPD, OUC has initialized an internal task force, where the MPD Liaison Officer and OUC personnel can collaborate. OUC also partnered with the MPD Training Academy to send OUC employees to the Academy to provide

dispatching. This partnership allowed participants to engage in realistic scenarios in a controlled environment, thereby improving training.

In FY19, OUC introduced the Police Non-Emergency Line, to allow users to report non-emergencies through the 311 line in order to free up priority dispatch for emergency situations. OUC and MPD define a non-emergency call as any call related to an incident that does not pose an immediate threat to the safety of individuals or incidents that occurred at least one hour before the initial request for police assistance is made. The Police Non-Emergency Line can be reached by calling 311 and pressing option 1. Qualifying non-emergencies include noise complaints, fender benders, vandalism, destruction of property, and any crimes that have happened in the past with no reported injuries, and when the suspect is no longer on the scene. Once the call is processed with the operator, based on the findings, MPD will be dispatched to provide a response.

Finally, in FY18, OUC, FEMS, and MPD worked together to develop new call taking and dispatching guidelines and fully transitioned to Criteria-Based Dispatching (“CBD”). CBD is a call taking protocol that gives call takers more latitude in call management by not requiring them to adhere strictly to a script. This enhances the efficiency of the dispatch process, reduces caller frustration due to more common sense-based caller interviewing, and allows for more relevant triage of medical calls. In addition to helping to improve employee morale, the introduction of CBD resulted in significant cost savings related to training and software maintenance and support for the agency. Since implementation, the agency has seen a notable decline in negative feedback about caller interviewing.

The Committee is very supportive of these collaborative efforts between OUC, FEMS, and MPD. The Committee recommends that OUC continue to work with FEMS to develop targeted outreach strategies to educate District residents about 911 misuse and to support the Nurse Triage Line. The Committee requests that OUC to keep it apprised of the rollout of the Police Non-Emergency Line and of future collaborations between the agency and MPD.

**Policy Recommendation:**

- 3. The Committee commends OUC for its efforts to strengthen its training as it relates to geographic areas and points of interest and recommends that OUC continually update these training efforts as needed.***

The Committee recently learned from several members of the community that they had interacted with call takers who were unfamiliar with District addresses and points of interest. When these individuals called 911, they were pressed for a specific address, even when the individual informed the call taker that they were in a geographic area without a specific address, such as Kingman Island. Following a

series of such incidents, call takers visited Kingman Island and other geographic points of interest to familiarize themselves with the areas. Call takers also recommended that Kingman Island managers insert trail markers with fixed points in order to better identify specific locations, an initiative the managers then adopted and implemented. Additionally, geography training is provided to all new call takers and dispatchers, and refresher modules are provided regularly via lecture, written materials, and tours of the District.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Office of Unified Communications, as proposed by the Mayor, with the following modifications:

1. *Reduce CSG 15 (Overtime Pay), Program 2000 (Emergency Operations (911) Division), Activity 2010 (911 Call Taking), by \$100,000 in recurring local funds to recognize savings in the overtime budget based on current year spending*
2. *Reduce CSG 15 (Overtime Pay), Program 2000 (Emergency Operations (911) Division), Activity 2020 (911 Dispatching), by \$200,000 in recurring local funds to recognize savings in the overtime budget based on current year spending*

#### **b. Fiscal Years 2020-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20-25 capital budget for the Office of Unified Communications, as proposed by the Mayor, with the following modifications:

1. *Reduce Project No. UC304C (911/311 Radio Critical Infrastructure) by \$1,500,000 in FY22 and transfer that amount to the Committee on Recreation & Youth Affairs*

**V. OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS****1. AGENCY MISSION AND OVERVIEW**

The Office of Victim Services and Justice Grants’ (“OVSJG”) mission is to develop, fund, and coordinate programs that improve public safety, enhance the administration of justice, and create systems of care for crime victims, youth, and their families in the District. The agency operates through the following programs:

***Office of Victim Services (“OVS”):*** OVS provides federal grants, administers the District’s Crime Victims Assistance Fund (“CVAF”), and uses local funds to support victims of domestic violence, sexual assault, homicide, child abuse, assault, and neglect. OVS also works with providers of safe temporary transitional housing for victims of domestic violence; coordinates with area hospitals to improve their assault-trauma services and counseling; maintains outreach programs to area teens and residents regarding dynamics and impact of victimization from violent crime; and provides direction to the Executive Office of the Mayor on laws and policies that enhance victims’ rights to justice, care, and safety in the aftermath of a crime.

***Justice Grants Administration (“JGA”):*** JGA’s mission is to administer federal and other funding streams to government agencies and community-based organizations to improve the programs, policies, and coordination of the District’s juvenile and criminal justice systems. As the District’s State-Administering Agency for the U.S. Department of Justice funding related to juvenile and criminal justice, JGA manages federal and local grants, sub-grants, and pass-through funds in compliance with federal and local guidelines. JGA also gathers stakeholder input to identify cross-cutting funding priorities each year, identifies sub-grantees that are well-positioned to advance the funding priorities, and provides financial, administrative, and programmatic oversight, training, and technical assistance to ensure program outcomes are achieved.

***Access to Justice Initiative (“ATJI”):*** The Access to Justice Initiative is comprised of three activities: (1) Access to Justice (“ATJ”), which provides financial assistance to organizations and individuals who provide direct civil legal services to low-income and underserved District residents; (2) the Poverty Lawyer Loan Repayment Assistance Program (“LRAP”), which provides educational loan repayment assistance to lawyers who live and work in the District and are employed in areas of legal practice that serve low-income residents; and (3) the new Civil Legal Counsel Projects Program, which provides grants to legal services organizations for eviction defense.

## **2. COMMITTEE POLICY RECOMMENDATIONS**

### **Policy Recommendation:**

#### **1. *OVSJG should increase the information about its grantees and grant awards that it shares with grantees, the Council, and the public.***

The Committee recommends that OVSJG expand its publicly-available data regarding its grantees, persons served, services offered, and programmatic outcomes. OVSJG currently only provides a list of its grantees and the grant awards from FY16 through FY18 on its website.<sup>136</sup> The information captured in this document is limited, providing only the name of the organization or agency that received the grant and the grant award. In contrast, the information provided to the Committee in the agency's performance oversight responses was far more comprehensive, including the grantee's name, a description of the grant's purpose, the grant award, the grant funding source, the award period, and the number of victims served.<sup>137</sup> The Committee encourages the agency to model the information presented on its *OVSJG Funding Recipients* webpage on the more detailed information provided in its pre-hearing responses. The Committee also encourages the agency to survey its grantees to solicit recommendations on information that would be helpful to disclose. For example, with the goals of identifying efficiencies and building systems, victim-serving organizations could benefit from information about client overlap or the demographics of clients served.

The Committee is also interested in presenting this information in the form of an interactive map. As a point of comparison, the Metropolitan Police Department's *Crime Cards* webpage includes an interactive map of the District that presents crime-related data.<sup>138</sup> This tool could allow government and community-based stakeholders to better understand the distribution of OVSJG-funded service providers in the District.

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<sup>136</sup> Office of Victim Services and Justice Grants, *OVSJG Funding Recipients* (last visited April 29, 2019), <https://ovsjg.dc.gov/page/ovsjg-funding-recipients>.

<sup>137</sup> Office of Victim Services and Justice Grants, *OVSJG FY19 Performance Oversight Pre-Hearing Responses*, 34–38 (Feb. 27, 2019), <http://dccouncil.us/wp-content/uploads/2019/02/JPS-Performance-Oversight-Responses-2019-OVSJG.pdf>.

<sup>138</sup> Metropolitan Police Department, *Crime Cards* (last visited April 29, 2019), <https://dcatlas.dcgis.dc.gov/crimecards/>.

**Policy Recommendation:****2. *OVSJG should examine compensation arrangements within its grantees.***

At OVSJG's FY19 budget oversight hearing, Bridgette Stumpf, Executive Director for the Network for Victim Recovery, raised an important – and often unaddressed – issue in the victim services profession: ensuring that employees at community-based organizations serving victims are adequately compensated. Ms. Stump talked about how her organization's budget has not kept pace with the increased demand on the organization's resources:

"This deficit has been particularly taxing on our direct services staff who shoulder capacity increases without the financial support for that burden. [ . . . ] Compared to our primary award from OVSJG two years ago, we have had a 1.7% increase in our budget to support an overall 12% increase in legal clients and a near 7% increase in SANE calls. The impact of more work for staff without correlating compensation directly reaches those survivors we are trying to serve."<sup>139</sup>

Ms. Stumpf went on to explain how inadequate compensation affects staff retention and diversity:

"Low salaries drive loss of talented staff to more lucrative fields, and when starting salaries are below the living wage, we are recruiting from pools of candidates that have privileges or safety-nets that allow them the flexibility to afford living on such low income. This often impacts the diversity of the candidates we can hire in the short-term and more long-term causes higher turnover rates that tax internal resources and management tasked with hiring processes and onboarding."<sup>140</sup>

Later in the hearing, Director Garcia discussed some of the ways OVSJG has addressed these concerns:

"For instance, when I came into the agency, the way that the RFAs were set up, applicants could only apply for either operating or indirect costs . . . One of the first things we did was to change the RFAs so that applicants could apply for any direct operating costs that were needed to support the program, as well as apply for indirect costs so that we're

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<sup>139</sup> *Office of Victim Services and Justice Grants: Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of Bridgette Stumpf, Executive Director, Network for Victim Recovery, at 1),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

<sup>140</sup> *Id.*

enhancing their capacity to support the actual programming. The other piece . . . is right now, in our office, we are doing a compilation of all of our grantee positions and what their salaries are. . . .”<sup>141</sup>

Director Garcia hopes that OVSJG can provide “grantees with that information so they can use it to inform their applications and their salary scales.”<sup>142</sup> Finally, Director Garcia noted that “while salaries are not always the best, the benefits packages at non-profit [organizations] are outstanding.”<sup>143</sup> Therefore, OVSJG will be examining how fringe rates relate to salaries to get a comprehensive picture of compensation among OVSJG grantees.<sup>144</sup> The Committee is encouraged that Director Garcia and her office are exploring the issue and will look to the agency and grantees for guidance on how to ensure grant funds support both the direct provision of services and adequately compensate individuals engaged in that work.

**Policy Recommendation:**

3. ***OVSJG should continue to fund capacity-building for the Reentry Action Network in order to create a continuum of reentry services providers.***

The Committee was pleased to see that the Reentry Action Network (“RAN”) was well-represented at the budget performance oversight hearing held for the Office of Victim Services and Justice Grants on April 4, 2019. Members of the RAN discussed the importance of addressing the trauma experienced by returning citizens, and resisted the notion these individuals’ justice system involvement makes them less deserving of care and support:

“We see daily the false dichotomy placed on victim vs. perpetrator and the damage done by that dichotomy. It serves to support a ‘deserving vs. nondeserving’ perspective; a perspective that serves nobody. As the saying goes, ‘hurt people, hurt people’ and we at the Wendt Center believe that we [must] work to heal those hurting.”<sup>145</sup>

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<sup>141</sup> Committee on the Judiciary and Public Safety, *Office of Victim Services and Justice Grants Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (oral testimony of Michelle Garcia, Executive Director, Office of Victim Services and Justice Grants), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> Committee on the Judiciary and Public Safety, *Office of Victim Services and Justice Grants Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of Tammy Seltzer, Director of Jail & Prison Advocacy Project, Disability Rights DC, University Legal Services), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970) (quoting a support letter from Michelle Palmer, Executive Director, Wendt Center).

Tammy Seltzer, Executive Director for Disability Rights D.C., echoed that sentiment, stating that “[w]e applaud OVSJG for recognizing that there are not two distinct and separate groups – crime perpetrators and crime victims; there is far more overlap than people realize.”<sup>146</sup> In fact, a sample of 34 clients from Disability Rights D.C.’s FY17 reentry database showed that “[o]ut of the 34, only two reported no victimization at all, while over half were adult survivors of childhood abuse.”<sup>147</sup> Nearly 40% experienced sexual assault, one-third had been robbed, and approximately one-half had experienced some other category of crime.<sup>148</sup>

Reentry grants provided by OVSJG have supported myriad reentry support programs, including “book club discussions, creative writing, trauma therapy, job readiness training and violence prevention outreach to awaken incarcerated and formerly incarcerated youth and adults to their own potential.”<sup>149</sup> Another OVSJG reentry grantee has “been able to provide a host of services for women returning home after incarceration, including parenting classes, employment assistance, case management, mental health counseling, housing, and emergency services.”<sup>150</sup> These are vital resources that can ease the transition from incarceration and ensure a successful re-entry back into the community.

While many of the witnesses that testified were thankful for re-entry grants awarded to support their work, a consistent theme from the witnesses was that further investments are needed. The Committee, therefore, encourages OVSJG to continue to fund capacity-building for the RAN and other community-based organizations serving currently or formerly incarcerated citizens so that a continuum of services is available for all individuals re-entering their communities. In that vein, the Committee is supporting the RAN’s budget request with an additional \$400,000 in recurring dollars for community-based reentry grants.

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<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> *Office of Victim Services and Justice Grants: FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of David Williams, Member, Free Minds Book Club & Writing Workshop), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

<sup>150</sup> *Office of Victim Services and Justice Grants: FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of Katherine Sponaugle, Community Resource Developer, Community Family Life Solutions), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

**Policy Recommendation:**

4. ***The Committee recommends that OVSJG report monthly on its progress in rolling out the three new place-based trauma-informed care services centers funded by the Mayor in the proposed FY20 budget.***

The Mayor's proposed FY20 budget for OVSJG includes "an increase of \$1,657,115 and 2.0 FTEs in the Victim Services program to support place-based trauma and community outreach services, the opening of three physical offices in key neighborhoods where people can get clinical trauma-informed mental health support, and training for community leaders in trauma-informed action."<sup>151</sup> Director Garcia testified that "sites will be identified in three neighborhoods with high rates of violence that have also historically been underserved or experienced barriers in accessing services."<sup>152</sup> She noted that the program was developed in coordination with the Office of Neighborhood Safety and Engagement ("ONSE"), the Department of Behavioral Health ("DBH"), and the Department of Youth Rehabilitation Services ("DYRS") in order to "meet the very real trauma needs of the people in the District that are often touching all of these different systems."<sup>153</sup> In terms of site locations, Director Garcia stated that OVSJG is looking primarily in Wards 7 and 8 for communities with an existing relationship with ONSE.<sup>154</sup> OVSJG does not plan to house the offices in a District government building. Instead, OVSJG is considering vacant storefronts, apartment buildings, or District-owned properties that could be repurposed for the office and will look for community feedback as it assesses its options.<sup>155</sup> The Committee is supportive of the program and asks that OVSJG update the Committee on a monthly basis regarding the program's development and implementation.

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<sup>151</sup> Mayor Muriel Bowser, *FY2020 Proposed Budget and Financial Plan*, at C-200 (March 20, 2019), [https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC\\_OCFO\\_Budget\\_Vol\\_2\\_Text.pdf](https://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/DC_OCFO_Budget_Vol_2_Text.pdf).

<sup>152</sup> *Office of Victim Services and Justice Grants: FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of Michelle Garcia, Executive Director, Office of Victim Services and Justice Grants), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

<sup>153</sup> *Office of Victim Services and Justice Grants: FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (oral testimony of Michelle Garcia, Executive Director, Office of Victim Services and Justice Grants), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

**Policy Recommendation:**

5. ***The Committee recommends that OVSJG continue building relationships and systems coordination between the Hospital-Based Violence Prevention Program, the Office of Neighborhood Safety and Engagement, and the Office of the Attorney General's Cure the Streets Program.***

In 2016, the Office of Victim Services and Justice Grants launched its Hospital-Based Violence Intervention Program (“HBVIP”) to work “with victims of violence connecting them and their families with government and community based services to promote healing and reduce revictimization and further violence.”<sup>156</sup> The program now includes services at MedStar Washington Hospital Center, Howard University Hospital, UMD Prince George’s Hospital Center, and George Washington University Hospital, with Far Southeast Family Strengthening Collaborative providing services to individuals referred from University Medical Center.<sup>157</sup> The table below provides the number of victims served through the District’s HBVIP throughout FY18 and FY19, to date:

<b><i>Fiscal Year (Quarter)</i></b>	<b><i>Number of Victims Served</i></b>
Q1 2018	56
Q2 2018	183
Q3 2018	85
Q4 2018	67
Q1 2019	75

*Source: Office of Victim Services and Justice Grants*

At OVSJG’s budget oversight hearing, two clinical social workers at MedStar Washington Hospital’s Community Violence Intervention Program (“CVIP”) discussed how their program has worked with District agencies. Millie Sheppard noted that “there are differences in the models used by hospital-based violence intervention programs, ONSE, and Cure the Street[s]. However, they are compatible, and each is essential to any comprehensive violence prevention strategy the District needs.”<sup>158</sup> Dakia Davis testified that the CVIP had “partnered with ONSE to provide

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<sup>156</sup> D.C. Hospital-Based Violence Intervention Program, SAFER, STRONGER DC (Feb. 2018), <https://saferstronger.dc.gov/sites/default/files/u23/HBVIP%20One-Pager%20v3.pdf>.

<sup>157</sup> OVSJG, *Performance Oversight Responses* (February 27, 2019), available at <http://dccouncil.us/wp-content/uploads/2019/02/JPS-Performance-Oversight-Responses-2019-OVSJG.pdf>.

<sup>158</sup> *Office of Victim Services and Justice Grants: FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of Millie Sheppard, Clinical Social Worker, Community Violence Prevention Program, MedStar Washington Hospital Center), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

emergency housing and follow-up medical care for family members injured during a shooting.”<sup>159</sup> Additionally, the CVIP has collaborated with Collaborative Solutions for Communities (“CSC”) staff in order to refer patients to job training and education programs.<sup>160</sup> The CVIP also met with the Office of Attorney General’s Cure Violence team “to strategize ways to address neighborhood conflict and prevent retaliatory violence.”<sup>161</sup> The Committee was excited to learn about the existing cooperation between the HBVIP and other District agencies engaged in violence interruption work, and recommends that these entities continue to strategically collaborate with one another.

**Policy Recommendation:**

6. ***The Committee recommends that OVSJG regularly communicate with the Committee the status of the domestic violence housing strategic plan funded by the Committee in the FY20 budget.***

Dawn Dalton, Policy Director of the D.C. Coalition Against Domestic Violence (“DCCADV”), testified at OVSJG’s budget oversight hearing regarding the needs of survivors of domestic violence.

“From October 2018 – March 2019 there have been 1,406 requests for domestic violence housing. Of those requests, only 13% of survivors (both single individuals and survivors with families) were able to be placed in the housing best suited to meet their safety and trauma-related needs. That means 87% of survivors in need (1,219) did not receive safe, confidential, trauma informed and survivor centered domestic violence housing services.”<sup>162</sup>

Looking forward, Ms. Dalton argued, “we need to be more strategic in our response to the housing needs of [domestic violence] survivors,” and asked for the implementation of a strategic planning process.<sup>163</sup> Ms. Dalton provided an overview of what this planning process would entail:

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<sup>159</sup> Committee on the Judiciary and Public Safety, *Office of Victim Services and Justice Grants FY20 Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of Dakia Davis, Clinical Social Worker, Community Violence Prevention Program, MedStar Washington Hospital Center), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

<sup>160</sup> *Id.*

<sup>161</sup> *Id.*

<sup>162</sup> Committee on the Judiciary and Public Safety, *Office of Victim Services and Justice Grants Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 4, 2019) (written testimony of Dawn Dalton, Policy Director, D.C. Coalition Against Domestic Violence), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4970](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4970).

<sup>163</sup> *Id.*

“This planning process would gather the input from survivors of domestic violence and bring together domestic violence organizations, youth-serving organizations, homeless service providers, government partners, and local researchers to identify all of the gaps in the current domestic violence and mainstream responses and project out the amount of specific types of housing that needs to exist to meet the needs of survivors.”<sup>164</sup>

The figures provided by Ms. Dalton regarding housing requests highlight the significant disparity between the housing needs of domestic violence survivors and the availability of that housing within the District. The Committee supports the DCCADV’s proposal to develop and implement a domestic violence housing strategic plan and dedicates \$200,000 to the Office of Victim Services and Justice Grants for a grant for this purpose. The Committee hopes that, with the benefit of a strategic plan, future investments in domestic violence housing will more comprehensively and intentionally meet the needs of survivors. The Committee requests that OVSJG provide updates to the Committee regarding the status of the domestic violence housing strategic planning once that process has begun.

### **3. COMMITTEE BUDGET RECOMMENDATIONS**

#### **Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the Office of Victim Services and Justice Grants, as proposed by the Mayor, with the following modifications:

1. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants), Activity 2010 (Justice Grants), by \$850,000 in recurring local funds in the following amounts:*
  - a. \$400,000 in recurring local funds for grants for community-based reentry services;
  - b. \$150,000 in recurring local funds for a grant for a criminal, young adult, or juvenile justice policy-focused non-profit organization to support implementation, coordination, and analysis of the Incarceration Reduction Amendment Act of 2016 (“IRAA”)<sup>165</sup>;

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<sup>164</sup> *Id.*

<sup>165</sup> See, section 306(b) of the [Comprehensive Youth Justice Amendment Act of 2016](#), effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), as amended by the [Omnibus Public Safety and Justice Amendment Act of 2018](#) (D.C. Act 22-614), and as proposed to be amended by B23-0127, the “[Second Look Amendment Act of 2019](#)”.

- c. \$200,000 in recurring local funds for a grant for a social work school and returning citizen “peer navigator” partnership to provide reentry support to IRAA petitioners and individuals released pursuant to IRAA; and
  - d. \$100,000 in recurring local funds for a grant for a law school clinic to represent and provide legal coordination for individuals seeking to petition for sentence review pursuant to IRAA
2. *Increase CSG 50 (Subsidies and Transfers), Program 2000 (Justice Grants), Activity 2010 (Justice Grants), by \$150,000 in one-time local funds to fund a grant to build stakeholder engagement and solicit feedback related to the design and construction of a new correctional facility*
  3. *Increase CSG 50 (Subsidies and Transfers), Program 3000 (Access to Justice), Activity 3010 (Access to Justice), by \$450,000 in recurring local funds for Access to Justice grants*
  4. *Increase CSG 50 (Subsidies and Transfers), Program 4000 (Victim Services), Activity 4010 (Victim Services), by \$200,000 in one-time local funds for a grant for the development of a domestic violence housing strategic plan*

**W. SENTENCING COMMISSION****1. AGENCY MISSION AND OVERVIEW**

The mission of the District of Columbia Sentencing Commission (“Commission”) is to implement, monitor, and support the District’s voluntary sentencing guidelines, to promote fair and consistent sentencing policies, to increase public understanding of sentencing policies and practices, and to evaluate the effectiveness of the guidelines system in order to recommend changes based on actual sentencing and corrections practice and research. The sentencing guidelines provide recommended sentences that enhance fairness so that offenders, victims, the community, and all other parties will understand the sentence, and sentences will be both more predictable and consistent. The Commission also provides analysis of sentencing trends and guideline compliance to the public to assist in identifying sentencing patterns of felony convictions.

**2. COMMITTEE POLICY RECOMMENDATIONS****Policy Recommendation:*****1. The Commission should build out its Metropolitan Police Department Arrest Data Feed Enhancement Project in FY20.***

Currently, the Commission’s GRID System tracks and analyzes offender and felony case information from the time a case is filed in D.C. Superior court until the final disposition of the case. The system does not, however, receive, track, or analyze arrest related data. The GRID System, therefore, does not allow for the analysis of arrests, a central point on an individual’s criminal justice system involvement. This gap in the Commission’s GRID system creates a corresponding gap in the Commission’s ability to analyze the entire lifecycle of cases – from arrest, through papering decisions, and up to the sentence ultimately imposed. The MPD Arrest Data Enhancement Project, once completed, will automate the direct transfer of arrest data into the GRID System.

The Commission has requested funding for the MPD Arrest Data Feed Enhancement Project for FY18, FY19, and most recently, in a capital budget request submitted to the Mayor for FY20. A capital budget for the project is not included in the Mayor’s proposed FY20 budget. To date, the Commission has received \$129,566 for the Project. The remaining costs for the project are estimated to be \$765,254, broken down by category in the table below:

**Table 1: Estimated Cost of MPD Arrest Data Feed Enhancement Project**

<i>Description</i>	<i>Cost</i>
Project Management	\$126,456
Baseline Development Costs	\$509,350
Equipment	\$104,450
Training	\$13,998
Enterprise Application Software	\$11,000
<b>TOTAL</b>	<b>\$765,254</b>

In that vein, the Committee has identified funding to support the full cost of the Project in FY20.

**Policy Recommendation:**

2. *The Commission should continue to focus on improving its public profile to provide the public and agency stakeholders with evidence-based analysis of sentencing in the District.*

A priority for the Committee in FY20 is supporting the Sentencing Commission's efforts to improve its public profile. The Committee was happy to hear about the new audiences the Sentencing Commission is targeting in FY20. At the agency's budget oversight hearing, Director Tombs-Souvey identified plans to conduct outreach to District youth on how juvenile adjudications affect criminal history scores as an adult. She also discussed plans to communicate with Advisory Neighborhood Commissions ("ANCs") to help them understand how the Guidelines operate and explain what factors are taken into consideration. Finally, Director Tombs-Souvey shared plans to conduct trainings for returning citizens to increase their understanding of the Guidelines. As summarized by The Honorable Milton C. Lee, current Chair of the Commission:

"[O]ne of the things that's critically important to the Commission is recognizing that, generally, the discussion of the appropriateness of a sentence is usually a headline somewhere. And we have heard from members of the Commission, and believe it's really important, that . . . the citizens of the District of Columbia get information about sentencing directly from us. That way they can interact with us – they can ask us questions and we can respond. . . . We're really trying to change the dynamic of how information is delivered to the citizens here so that they have a more accurate, fuller, and robust understanding of how the Commission does its work and the impact it has on sentencing."

The Committee believes that improving the Commission's ability to communicate directly with members of the public will also prevent the spread of

disinformation regarding sentencing. For example, on August 5, 2018, the *Washington Post* published a letter co-authored by Chief of Police Peter Newsham and U.S. Attorney for the District of Columbia Jessie K. Liu.<sup>166</sup> In the letter, Chief Newsham and Ms. Liu argued that:

“The District now is less safe, thanks to guidelines from the District of Columbia Sentencing Commission that took effect in July. The commission voted to decrease sentences for felons convicted of illegally possessing a gun in the District and to reduce the impact of prior felon-in-possession convictions on any future sentence an offender might incur. Repeat offenders who have committed gun crimes will be back on the street sooner, once again endangering our community.

Thousands of illegal guns are recovered every year in our city. Gun violence destroys lives and traumatizes communities. People who are sick and tired of seeing lives unnecessarily lost to gun violence have been crying out for more to be done. *Instead of answering the call, the sentencing commission quietly and opaquely decreased the severity and impact of the potential penalties for felons who possess a gun illegally in the District.*<sup>167</sup> [emphasis added]

The letter refers to a change for the offense of unlawful possession of a firearm (prior felony), located at D.C. Official Code § 22–4503,<sup>168</sup> that members of the Commission approved on June 19, 2018.<sup>169</sup> Specifically, the Commission voted to rank the offense of unlawful possession of a firearm (prior felony) from Master Group 7 to Master Group 8, reducing the “seriousness” of the offense by one offense category. The motivation for re-ranking the offense was not a belief among members of the Commission that crimes of firearm possession are not serious. Rather, the Commission was responding to a particular issue of “double-counting.”<sup>170</sup> While the

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<sup>166</sup> Peter Newsham and Jessie Liu, *Easing penalties for illegal gun possession makes the District less safe*, WASH. POST (Aug. 5, 2018), [https://www.washingtonpost.com/opinions/easing-penalties-for-illegal-gun-possession-makes-the-district-less-safe/2018/08/05/6c8292e8-972d-11e8-810c-5fa705927d54\\_story.html?utm\\_term=.75507314c3ad](https://www.washingtonpost.com/opinions/easing-penalties-for-illegal-gun-possession-makes-the-district-less-safe/2018/08/05/6c8292e8-972d-11e8-810c-5fa705927d54_story.html?utm_term=.75507314c3ad).

<sup>167</sup> *Id.*

<sup>168</sup> D.C. Official Code § 22–4503(a)(1) (“No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person: (1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.”), <https://code.dccouncil.us/dc/council/code/sections/22-4503.html>.

<sup>169</sup> Barbara Tombs-Souvey, *Sentencing Guidelines Alert*, D.C. SENTENCING COMM’N (Jun. 28, 2018), [https://scdc.dc.gov/sites/default/files/dc/sites/scdc/page\\_content/attachments/DC%20Sentencing%20Guidelines%20Alert%20%28June%202018%29.pdf](https://scdc.dc.gov/sites/default/files/dc/sites/scdc/page_content/attachments/DC%20Sentencing%20Guidelines%20Alert%20%28June%202018%29.pdf).

<sup>170</sup> The sentences recommended by the Sentencing Guidelines’ recommendations are largely a function of (1) the severity of the offense and (2) that specific offender’s criminal history score. These two factors are, in theory, independent from one another; that is, calculating an individual’s criminal history score and offense severity are two distinct inquiries. However, the offense of unlawful possession (prior felony) muddies this distinction in two ways. First, a prior felony conviction – a

public's response to the letter drafted by Chief Newsham and Ms. Liu was muted, the incident highlighted the need for the Commission to quickly respond to public statements regarding its work – especially in cases where those statements are inaccurate or misleading, such as in this circumstance.

**Policy Recommendation:**

3. ***The Commission should regularly provide testimony at the Council's public hearings on proposals relating to criminal offenses and sentencing.***

At the Sentencing Commission's most recent performance oversight hearing, the Commission provided detailed information on sentencing trends related to the unlawful possession of a firearm (prior felony). Specifically, the Commission discussed sentencing trends for the offense before and after the June 2018 re-ranking – discussed in more detail above. The testimony provided by the Commission was extraordinarily helpful in cutting through rhetoric related to the re-ranking and, instead, providing accurate data and analysis regarding the impact of the re-ranking. Given the utility of the Commission's testimony, the Committee hopes that the Commission will become a more frequent participant in public hearings on proposed amendments to the District's criminal laws.

**3. COMMITTEE BUDGET RECOMMENDATIONS**

**a. Fiscal Year 2020 Operating Budget Recommendations**

The Committee recommends adoption of the FY20 budget for the District of Columbia Sentencing Commission, as proposed by the Mayor, with the following modifications:

1. *Increase FTEs by 1, and create a new position (IT Specialist) with the accompanying recurring local funds as follows:*
  - a. IT Specialist: create a new position in Program 2000 (Data Collection (AIP)), Activity 2010 (ACS Offense and Offender Database): *increase CSG 11 (Regular Pay – Continuing Full Time) by \$89,500 and CSG 14*

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required element of the offense – already increases that individual's criminal history score. Second, one could also rank the offense of unlawful possession of a firearm (prior felony) more seriously than other crimes of gun possession precisely because it presupposes a prior violation of the law for similar conduct. For example, carrying a pistol without a license and unlawful possession of a firearm (prior felony) both involve relatively similar conduct – carrying a gun illegally – but most intuit that the latter is more serious because the offender has more notice of the law's requirements and has been punished for it before). In essence, then, the prior felony conviction is "double counted," as it serves to increase both the offense severity (when compared to other firearm possession-related offenses) and the individual's criminal history score.

(Fringe Benefits – Current Personnel) by \$18,526: *total PS increase = \$108,026*

2. *Increase CSG 40 (Other Services and Charges), Program 2000 (Data Collection (AIP)), Activity 2020 (Sentencing Guidelines Monitoring), by \$35,000 in one-time local funds to enhance funding for non-personal services*

**b. Fiscal Years 2020-2025 Capital Budget Recommendations**

The Committee recommends adoption of the FY20-25 capital budget for the District of Columbia Sentencing Commission, as proposed by the Mayor, with the following modifications:

1. *Increase Project No. FZ038C (IT Upgrade – DC IJIS Integration) by \$765,254 in FY20 for the MPD Arrest Data Feed Project*

**III. FISCAL YEAR 2019 REVISED LOCAL BUDGET EMERGENCY ACT AND FISCAL  
YEAR 2020 LOCAL BUDGET ACT AND FEDERAL PORTION BUDGET REQUEST ACT  
RECOMMENDATIONS**

On March 20, 2019, Chairman Phil Mendelson introduced, on behalf of Mayor Muriel Bowser, [B23-0205](#), the “Fiscal Year 2019 Revised Local Budget Emergency Act of 2019”; [B23-0208](#), the “Fiscal Year 2020 Local Budget Act of 2019”; and [B23-0207](#), the “Fiscal Year 2020 Federal Portion Budget Request Act of 2019”. The Committee recommends the following:

***“Fiscal Year 2019 Revised Local Budget Emergency Act of 2019”***

1. The Committee recommends that the Committee of the Whole carry forward – from FY19 to FY20 – the following amounts in Program 2000, Activity 2030 of the operating budget of the Office of Neighborhood Safety and Engagement: \$227,249 in CSG 11, \$12,604 in CSG 13, and \$24,971 in CSG 15 (total = \$264,824). These amounts should all be loaded in CSG 50, Program 2000, Activity 2040.

***“Fiscal Year 2020 Local Budget Act of 2019”***

The Committee recommends that the Committee of the Whole:

1. Maintain funds identified by the Committee on Recreation & Youth Affairs to satisfy the fiscal impact of L22-303, the “Students in the Care of D.C. Coordinating Committee Act of 2018”;<sup>171</sup>
2. Identify funds for civil rights-related FTEs at the Office of the Attorney General;
3. Identify funds for a Staff Attorney in the Office of the General Counsel, Executive Office of the Mayor, to support the newly-established Clemency Board;<sup>172</sup>
4. Identify \$400,000 in one-time local funds for a Domestic Violence Mobile Advocacy Pilot Program;<sup>173</sup> and

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<sup>171</sup> See <http://lims.dccouncil.us/Download/40928/B22-0950-Fiscal-Impact-Statement1.pdf>.

<sup>172</sup> See the Council for Court Excellence’s testimony before the Committee on Government Operations at that Committee’s budget oversight hearing for the Executive Office of the Mayor.

<sup>173</sup> Due to the improvement of data collection processes as it relates to the identification of domestic violence survivors in the homeless system through both the Point-In-Time Count and the Women’s Needs Assessment completed in 2017, the District has seen an increase in the number of domestic violence survivors in the homeless system. Additionally, the Domestic Violence Housing Continuum (made up of the four domestic violence housing providers in the District) has started to collect data on the unmet need of domestic violence housing that survivors are requesting. In response to this,

5. Amend the following language in the Governmental Direction and Support subsection of section 2 as follows:

(24) Office of the Attorney General for the District of Columbia. - \$104,120,000 (including \$68,682,000 from local funds, \$22,512,000 from federal grant funds, \$12,375,000 from other funds, and \$552,000 from private funds); provided, that not to exceed ~~\$10,600~~ \$25,000 of this amount, from local funds shall be available for the Attorney General for official reception and representation expenses and for purposes consistent with section 26 of the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10); provided further, that local and other funds appropriated under this act may be used to pay expenses for District government attorneys at the Office of the Attorney General for the District of Columbia to obtain professional credentials, including bar dues and court admission fees, that enable these attorneys to practice law in other state and federal jurisdictions and appear outside the District in state and federal courts; provided further, that all funds deposited, without regard to fiscal year, into the following funds are authorized for expenditure and shall remain available for expenditure until September 30, 2020: the Child Support-Temporary Assistance for Needy Family Fund, the Child Support Reimbursements and Fees Fund, the Child Support-Interest Income Fund, the Drug-, Firearm-, or Prostitution-Related Nuisance Abatement Fund, and the Litigation Support Fund; provided further, that this amount may be further increased by amounts deposited into the Attorney General Restitution Fund, which shall be continually available, without regard to fiscal year, until expended;

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the D.C. Coalition Against Domestic Violence has looked to its partners in other jurisdictions who have implemented a focused Domestic Violence Mobile Advocacy Program with success. It is a service model that has been researched and evaluated and is now deemed as a best practice. The model allows for domestic violence experts to be nimble in providing domestic violence services to survivors who may be in the mainstream homeless system, staying with a friend or family member, couch surfing, staying in their car, or still in the abusive relationship. These advocates will be able to go to the survivor in need and assist them in navigating their abusive relationship, related safety needs, and connect them with the domestic violence services they identify as needing. In the pilot phase of the Domestic Violence Mobile Advocacy Program, these funds would be granted to culturally-specific domestic violence organizations. In order to get domestic violence services to survivors in need, the Committee proposes a first-year investment of \$400,000, which would fund:

1. Four culturally-specific domestic violence staff (\$254,000);
2. Technology to support the pilot (\$20,000);
3. Increased liability insurance for service providers (\$20,000);
4. Mileage reimbursement for mobile staff (\$40,000); and
5. Supervision and oversight of the new project (\$66,000).

***“Fiscal Year 2020 Federal Portion Budget Request Act of 2019”***

1. The Committee recommends that the Committee of the Whole amend the following language in the Federal Payment for Emergency Planning and Security Costs in the District of Columbia section:

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$11,400,000 23,690,000, to remain available until expended, for the costs of providing public safety at events related to the presence of the National Capital in the District of Columbia, including support requested by the Director of the United States Secret Service in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions; provided, that \$12,290,000 shall be provided for the purchase of a new fireboat for service on the Potomac and Anacostia Rivers, in order to assist the District of Columbia in keeping pace with emerging threats and a higher volume of emergency response needs in the waterfront area.

**IV. FISCAL YEAR 2020 BUDGET SUPPORT ACT RECOMMENDATIONS**

On March 20, 2019, Chairman Mendelson introduced, on behalf of the Mayor, [B23-0209](#), the “Fiscal Year 2020 Budget Support Act of 2019”. The bill contains nine subtitles on which the Committee has provided comments.

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

The Committee provides comments on the following subtitles of the “Fiscal Year 2020 Budget Support Act of 2019” proposed by the Mayor:

1. Title I, Subtitle B. Issuance of Marriage Licenses During a Federal Government Shutdown .....
2. Title III, Subtitle A. Criminal Code Reform Commission Term Extension.....
3. Title III, Subtitle B. Senior Police Officers Program Amendment .....
4. Title III, Subtitle C. Emergency and Non-Emergency Telephone Calling Systems Funding.....
5. Title III, Subtitle D. Criminal Justice Coordinating Council Membership.....
6. Title III, Subtitle E. Crime Victims Compensation Funeral and Burial Expenses.....
7. Title III, Subtitle F. Department of Forensic Sciences Services and Fees .....
8. Title III, Subtitle G. Information Sharing for Program Evaluation and Improvement .....
9. Title III, Subtitle F. Office of Neighborhood Safety and Engagement Fund Authority and Transfer of Roving Leaders Program .....

**1. TITLE I, SUBTITLE B. ISSUANCE OF MARRIAGE LICENSES DURING A FEDERAL GOVERNMENT SHUTDOWN****a. Purpose, Effect, and Impact on Existing Law**

As introduced, this subtitle would extend to the Mayor the authority of the Clerk of the Superior Court of the District of Columbia to license a marriage officiant or temporary officiant, determine an applicant's eligibility for marriage in the District, provide the appropriate forms and recordkeeping for a marriage, and accept marriage license applications and certificates. The Mayor would have this authority only when the Clerk is not issuing marriage licenses due to a partial or total federal government shutdown. The subtitle would require the Mayor to transmit to the Clerk within five business days any marriage licenses issued and marriage certifications returned to the Mayor by a marriage officiant during the shutdown.

**b. Committee Reasoning**

The Committee recommends approval of the subtitle, as proposed by the Mayor, with minor modifications. From December 22, 2018 until January 25, 2019, the District and the country experienced the longest federal government shutdown. The shutdown cost the District as much as \$47 million in lost revenue, and many basic services were unavailable to District residents. Some services at the Superior Court of the District of Columbia were closed during this time, including the Clerk's Office's issuing and processing of marriage licenses and licensing of marriage officiants. In response, the Council approved the Let Our Vows Endure Emergency Amendment Act of 2019, enacted January 11, 2019 (D.C. Act 23-1; 66 DCR 600), which extended to the Mayor authorities similar to those extended through this subtitle. In April 2019, Congresswoman Eleanor Holmes Norton also introduced federal legislation that would exempt from future government shutdowns several federally-funded District agencies, including the D.C. Courts.

The Committee supports the District's autonomy in all ways. The shutdown was a reminder that the federal government retains control over many functions that are inherently local and better carried out by state and local governments, including processing marriage licenses. Accordingly, the Committee recommends minor technical changes to the subtitle as introduced, but retains the substance of the subtitle, to ensure that a future government shutdown does not prevent District residents from being married. *However, the Committee urges the Council and Mayor to continue to examine how the District can regain control over all functions that other state and local governments perform.*

**c. Section-by-Section Analysis**

Sec. 1011. States the short title.

Sec. 1012. Amends Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *et seq.*), to create a parallel process during a partial or total federal government shutdown for the Mayor to issue marriage licenses and authorize officiants.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. 1011. Short title.

This subtitle may be cited as the “Let Our Vows Endure Amendment Act of 2019”.

Sec. 1012. Chapter Forty-Three of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1391; D.C. Official Code § 46-401 *et seq.*), is amended as follows:

(a) Section 1283(2A) (D.C. Official Code § 46-401.01(2A)) is amended by striking the phrase “child, sibling’s child.” and inserting the phrase “child, or sibling’s child; and” in its place.

(b) Section 1285 (D.C. Official Code § 46-403) is amended as follows:

(1) The lead-in language is amended by striking the phrase “said District” and inserting the word “District” in its place.

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

(c) Section 1288(a) (D.C. Official Code § 46-406(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “man’s destiny” and inserting the phrase “humankind’s destiny” in its place.

(2) Paragraph (4) is amended by striking the phrase “the Clerk” and inserting the phrase “the Mayor or the Clerk” in its place.

(d) Section 1291 (D.C. Official Code § 46-410) is amended as follows:

(1) The section heading is amended by striking the phrase “Duty of Clerk” and inserting the phrase “Duty of the Mayor or the Clerk” in its place.

(2) The text is amended by striking the phrase “the Clerk” both times it appears and inserting the phrase “the Mayor or the Clerk” in its place.

(e) Section 1292 (D.C. Official Code § 46-411) is amended by striking the word “Clerk” wherever it appears and inserting the phrase “Mayor or Clerk” in its place.

(f) Section 1293 (D.C. Official Code § 46-412) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended by striking the phrase “following form:” wherever it appears and inserting the phrase “following form (except when such a license is issued by the Mayor, in which case a form consistent with the provisions of subsection (b) of this section shall be used):” in its place.

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

“(b)(1) The Mayor shall create a form for a license to perform a marriage ceremony that is consistent with the form set forth in subsection (a) of this section, except that such a form shall be modified by replacing the references to “Clerk’s Office of the Superior Court of the District of Columbia”, “Court”, “Clerk”, “Assistant Clerk”, and “Clerk of the Superior Court of the District of Columbia” with appropriate references to the Mayor or to an office or officer within the executive branch of the

government of the District of Columbia. The form may require that the license be returned to one or either of:

- “(A) The Clerk’s Office of the Superior Court of the District of Columbia; or
- “(B) The Mayor or to an office or officer within the executive branch of the government of the District of Columbia.

“(2) The Mayor shall issue the form for a license described in paragraph (1) of this subsection to persons authorized by section 1288 to perform a marriage ceremony when authorized to issue a license pursuant to section 1297a.”.

(g) Section 1295 (D.C. Official Code § 46-414) is amended as follows:

- (1) The existing text is designated as subsection (a).
- (2) The newly designated subsection (a) is amended as follows:
  - (A) Strike the phrase “his office” and insert the phrase “the Clerk’s office” in its place.
  - (B) Strike the phrase “by him” and insert the phrase “by the Clerk” in its place.
  - (C) Strike the phrase “his hand” and insert the phrase “the Clerk’s hand” in its place.
- (3) New subsections (b) and (c) are added to read as follows:

“(b)(1) The Mayor shall maintain:

- “(A) A true and accurate copy of each marriage license issued by the Mayor, affixed with a seal;

“(B) Each marriage license certificate returned to the Mayor by a minister, magistrate, or other person authorized by section 1288 to perform or witness a marriage ceremony;

“(C) A record book filled with the names and residences of the parties for whose marriage any license has been issued by the Mayor; and

“(D) A record book filled with the names of each minister, magistrate, or other person authorized by section 1288 to perform or witness a marriage ceremony (“officiant”) who has returned a marriage license certificate to the Mayor, and the license number of each marriage license certificate returned by the officiant.

“(2) A copy of each license and marriage license certificate so kept and recorded, certified by the Mayor, shall be competent evidence of the marriage.

“(3) The Mayor shall number each marriage license consecutively, from one upward, and with an alphabetical prefix to such number to distinguish each license issued by the Mayor from licenses issued by the Clerk of the Superior Court of the District of Columbia.

“(c)(1) Within 5 business days after a marriage license is issued by the Mayor or a marriage license certificate is returned to the Mayor by a minister, magistrate, or other person authorized by section 1288 to perform or witness a marriage ceremony, the Mayor shall transmit to the Clerk of the Superior Court of the District of Columbia a true and accurate copy of the marriage license or marriage license certificate.

“(2) A copy of each license and marriage license certificate so transmitted, as maintained and certified by the Clerk, shall be competent evidence of the marriage.”.

(h) A new section 1297a is added to read as follows:

“Sec. 1297a. Applicability of authority of Mayor to issue marriage licenses.

“The authority of the Mayor under this chapter to issue marriage licenses and authorize officiants shall apply only during a period of time when the Clerk of the Superior Court of the District of Columbia is not issuing marriage licenses due to a total or partial federal government shutdown.”.

**e. Fiscal Impact**

This subtitle has not been substantively amended since its proposal by the Mayor, and therefore its fiscal impact was incorporated into the FY20 budget and financial plan.

## 2. TITLE III, SUBTITLE A. CRIMINAL CODE REFORM COMMISSION TERM EXTENSION

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

As introduced, this subtitle amends the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), to extend the date by which the Criminal Code Reform Commission (“CCRC”) must submit its comprehensive criminal code reform recommendations to the Council and Mayor from September 30, 2019 to March 31, 2020. The subtitle also extends the CCRC’s sunset date from October 1, 2019 to April 1, 2020 in accordance with the one half-year of funding proposed by the Mayor for the CCRC in the FY20 budget.

### b. Committee Reasoning

The CCRC’s mission is to prepare comprehensive recommendations for the Council and Mayor on how to revise the District’s criminal laws to be clear, consistent, and proportionate. CCRC is an independent agency that began operation on October 1, 2016. Prior to that date, its work was performed by the Criminal Code Revision Project within the District of Columbia Sentencing Commission. Under current District law, the Commission must submit its comprehensive criminal code reform recommendations to the Council and Mayor by September 30, 2019.<sup>174</sup> The CCRC’s enabling statute and, therefore, the CCRC itself, is set to expire on October 1, 2019.<sup>175</sup> Both the submission date for its recommendations and the CCRC’s sunset date were extended in the Fiscal Year 2019 Budget Support Act of 2018, effective October 30, 2018 (D.C. Law 22-168).<sup>176</sup>

#### ***Extending the CCRC’s Report Submission Date and Sunset Date***

The CCRC submitted its first report to the Council and Mayor on May 5, 2017.<sup>177</sup> A complete list of the reports issued by the CCRC, to date, is available on its website.<sup>178</sup> Most recently, the CCRC has released “a cumulative update to its earlier draft recommendations that will incorporate changes based on feedback from its Advisory Group and further staff review.”<sup>179</sup> During the agency’s FY20 budget

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<sup>174</sup> D.C. Official Code § 3-152(a).

<sup>175</sup> D.C. Official Code § 3-156.

<sup>176</sup> See Title III, Subtitle A.

<sup>177</sup> District of Columbia Criminal Code Reform Commission, *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes* (May 5, 2017), available at <http://lims.dccouncil.us/Download/38043/RC22-0053-Introduction.pdf>.

<sup>178</sup> Criminal Code Reform Commission, *CCRC Documents* (last visited April 21, 2019), <https://ccrc.dc.gov/page/ccrc-documents>.

<sup>179</sup> Criminal Code Reform Commission: *Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 3, 2019) (written testimony of Richard Schmechel, Executive

oversight hearing, Executive Director Richard Schmeichel identified what the agency would be able to accomplish were its sunset date extended through FY20:

Full funding for FY 20 will allow the agency to provide additional criminal code reform recommendations for a range of serious offenses (e.g. obstruction of justice, bribery, and public corruption) and a number of minor but common offenses (e.g. failure to appear in court, prostitution) that stand in need of revision. Details of the sequence in which the agency is targeting crimes for revision were provided in the agency's Work Plan and Schedule, provided to the Committee as Appendix C to the agency's 2019 performance oversight responses to this Committee. Critically, full funding in FY 20 will also allow the agency to develop recommendations for general defenses (e.g. self-defense) that, despite their importance to the criminal justice system, have never been legislatively codified in the District.

[ . . . ]

. . . [T]he agency would have sufficient time and staff resources to be able to: 1) incorporate the Advisory Group comments on the cumulative update; 2) add the new draft recommendations for penalties, defenses, weapon, drug, and other offenses developed by staff this spring, summer, and fall; 3) submit a penultimate set of draft recommendations to the Advisory Group this coming winter; and 4) in late winter or early spring (March – May) of 2020, hold an Advisory Group vote and submit to the Council and Mayor the agency's final recommendations for revision of most District criminal statutes that are currently prosecuted.<sup>180</sup>

The Committee appreciates that the Mayor has proposed extending the CCRC's report submission date and sunset date to March 2020 and April 2020, respectively. However, given the scope of work that Director Schmeichel believes the CCRC can complete were its sunset date extended one full year, the Committee is extending the CCRC's submission date to September 30, 2020 and extending the CCRC's authorization to October 1, 2020.

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Director, Criminal Code Reform Commission at 3), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4966](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4966).

<sup>180</sup> *Id.*

***Providing the CCRC with Independent Procurement and Contracting Authority***

At the agency's FY20 budget oversight hearing, Director Schmechel also raised concerns about the need for contract attorneys at the agency. Specifically, he discussed the possibility of staff turnover the closer the agency gets to its sunset date:

“Whenever the final sunset date of the agency is, realistically . . . I have to expect that some – maybe many – staff will be leaving prior to that date. So, in terms of being able to plan, this is very unusual that you have a micro-agency . . . that has to plan toward shutting doors and look back from that to what staff capacity we’re going to have three months before that in order to get out reports and products. That’s why I think it’s critical the agency’s authorization go beyond – somewhat – the date the Council and Mayor expect the last products to land because we’re not going to be able to [go] right up to that [date] at full strength.”<sup>181</sup>

In response, Chairperson Allen raised the question of whether the agency will need contract attorneys to fill future vacancies:

“In the event that Attorney X leaves 3 or 4 months before the sunset, do you internally have the ability to take that salary – that personal services budget – [and] convert it over to a contractual line in a way in which you could then have contract attorney services for the remaining three or four months?”<sup>182</sup>

Director Schmechel acknowledged that being able to convert the agency’s personal services budget for the hiring of contract attorneys would be useful. He noted that the conversion would require a reprogramming request that is subject to the approval of the Office of the Chief Financial Officer. Given the short timetable the agency has to complete its final criminal code recommendations, the Committee wishes to expedite the process of converting the CCRC’s personal services budget to a non-personal services budget for contracting. To that end, the Committee is amending the Mayor’s proposed subtitle to grant the CCRC independent procurement authority so that the agency can more nimbly respond to staff departures.

**c. Section-by-Section Analysis**

Sec. 3001. States the short title.

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<sup>181</sup> *Criminal Code Reform Commission: Budget Oversight Hearing before the Committee on the Judiciary & Public Safety* (April 3, 2019) (oral testimony of Richard Schmechel, Executive Director, Criminal Code Reform Commission), available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=4966](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=4966).

<sup>182</sup> *Id.*

- Sec. 3002. Amends Section 201(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2–352.01(b)), to add the Criminal Code Reform Commission to the list of District agencies that are not subject to the authority of the Chief Procurement Officer.
- Sec. 3003. (a) Amends Section 3123(a) of the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-152(a)), to require that the CCRC submit its comprehensive criminal code reform recommendations to the Council and Mayor by September 30, 2020, rather than September 30, 2019.
- (b) Amends Section 3127 of the Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-156), to extend the CCRC's sunset date from October 1, 2019 to October 1, 2020.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. 3001. Short title.

This subtitle may be cited as the “Criminal Code Reform Commission Amendment Act of 2019”.

Sec. 3002. Section 201(b) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2–352.01(b)), is amended as follows:

- (a) Paragraph (10) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (b) Paragraph (11) is amended by striking the period and inserting the phrase “; and” in its place.
- (c) A new paragraph (12) is added to read as follows:  
“(11) The Criminal Code Reform Commission.”.

Sec. 3003. The Criminal Code Reform Commission Establishment Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*), is amended as follows:

- (a) Section 3123(a) (D.C. Official Code § 3-152(a)) is amended by striking the phrase “September 30, 2019” and inserting the phrase “September 30, 2020” in its place.
- (b) Section 3127 (D.C. Official Code § 3-156) is amended by striking the phrase “October 1, 2019” and inserting the phrase “October 1, 2020” in its place.

**e. Fiscal Impact**

The Mayor’s proposed FY20 budget funded the CCRC at approximately one-half its FY19 budget, with the intent that the CCRC work at full capacity – that is, 5 FTEs – until April 1, 2020. The Committee is restoring funding to the CCRC for the entirety of FY20 in the amounts specified in the *Summary of Committee Budget Recommendations* found in Section I(A) of this report.

### **3. TITLE III, SUBTITLE B. SENIOR POLICE OFFICERS PROGRAM AMENDMENT**

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

Under current law, the Chief of Police of the Metropolitan Police Department (“MPD”) may rehire retired officers as fully-sworn part-time or full-time temporary officers without jeopardizing the officers’ retirement benefits.<sup>183</sup> Generally, an officer rehired by the Chief under this authority “shall be paid a salary of no more than that equal to the salary paid a Class 1, Step 5 Officer and shall not be eligible for longevity pay.”<sup>184</sup>

Between the years of 2015 and 2017, MPD experienced increased rates of sworn personnel attrition due to an unprecedented number of officers reaching retirement eligibility from 2015 to 2017. 21% of sworn personnel reached retirement eligibility in 2015, and another 30% were eligible for retirement in 2017. These officers had largely been hired in large numbers – more than 1,000 – in 1989 and 1990.<sup>185</sup> Retirement eligibility has slowed somewhat in the years since.

**Table 1: Retirement Eligibility of MPD Sworn Personnel, FY19-FY23**

<b>Rank</b>	<i><b>Eligible as of February 12, 2019</b></i>	<b>FY19</b>	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>
<b>Chief of Police</b>	1	0	0	0	0	0
<b>Assistant Chief</b>	0	2	0	0	1	1
<b>Commander</b>	2	0	1	1	0	3
<b>Inspector</b>	3	1	0	0	0	0
<b>Captain</b>	10	3	1	1	4	3
<b>Lieutenant</b>	21	10	7	9	6	12
<b>Sergeant</b>	51	20	19	11	29	22
<b>Detective Grade 1</b>	10	1	0	2	3	4
<b>Officer</b>	168	83	56	50	104	88
<b>Total</b>	<b>303</b>	<b>127</b>	<b>59</b>	<b>66</b>	<b>149</b>	<b>132</b>

*Source: Metropolitan Police Department*

The Senior Police Officer Program (“Program”) was created by the Committee in FY16 to allow retired detectives (Grade 1) and sergeants to be rehired and paid at

<sup>183</sup> D.C. Official Code § 5-761(a).

<sup>184</sup> D.C. Official Code § 5-761(d).

<sup>185</sup> Committee on the Judiciary, *Committee Report for B21-0724, the “Omnibus Public Safety and Justice Amendment Act of 2016”*, 7 (Nov. 9, 2016), <http://lims.dccouncil.us/Download/35725/B21-0724-CommitteeReport1.pdf>.

higher rates than was originally authorized for retired officers.<sup>186</sup> Specifically, the amendment to the Chief's rehiring authority allowed rehired detectives and sergeants to be paid at the following pay grades:

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

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

Last year, the Committee amended the Program to advance the sunset provision for the expanded pay authority from October 12, 2019 to October 1, 2019 to align with the beginning of the fiscal year.<sup>187</sup> The Committee also expanded the Program to allow any retired detectives or sergeants rehired before October 1, 2019 to be paid at the higher salaries for up to three years from the date they were rehired.<sup>188</sup>

As proposed by the Mayor, this subtitle would now extend the sunset provision for the expanded pay authority from October 1, 2019 to October 1, 2025, thereby allowing MPD to continue to hire retired sergeants and detectives at the higher salaries for six additional years. Additionally, the subtitle would permit any retired detectives and sergeants rehired at the higher salaries before October 1, 2025 to be paid under the expanded pay authority for up to five years from the date they were hired. Under the proposed subtitle, officers rehired under the amended expanded pay authority on the last possible date – September 30, 2025 – could be paid at the higher salaries until September 30, 2030.

**b. Committee Reasoning**

For several reasons, the Mayor's proposal, as proposed, would constitute a massive expansion of the Program that the Committee cannot support. First, the Committee – in addition to the Fraternal Order of Police – has been consistently concerned that the Program stifles the upward mobility of newer recruits and

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<sup>186</sup> See Section 3 of the Omnibus Public Safety and Justice Amendment Act of 2016, effective April 22, 2017 (D.C. Law 21-280), <http://lims.dccouncil.us/Download/35725/B21-0724-SignedAct.pdf>. For the emergency version of this measure, see the "Senior Law Enforcement Officer Emergency Act of 2016", effective October 12, 2016 (D.C. Law 21-501), <http://lims.dccouncil.us/Download/36360/B21-0852-SignedAct.pdf>.

<sup>187</sup> See Title III, Subtitle B, of the Fiscal Year 2019 Budget Support Act of 2018, effective October 30, 2018 (D.C. Law 22-168), <http://lims.dccouncil.us/Download/39944/B22-0753-Enrollment.pdf>.

<sup>188</sup> D.C. Official Code § 5-761(h)(3).

negatively impacts the morale of sworn personnel.<sup>189</sup> Second, the Program notably allows retired officers to be paid twice – once for their pension and once at the higher salary – and this financial commitment is not fiscally sound for the District in the long-term. Third, the Program was created to cope with the retirement bubble experienced from 2015 to 2017, and the Force has since stabilized. Fourth, while the Committee recognizes the experience that senior officers bring, MPD is not – by its own admission – currently rehiring additional sergeants and detectives. Fifth, many of those detectives and sergeants who have been rehired under the expanded pay authority have time yet before they reach their three-year cutoff date. The table below reflects the current number of senior officers rehired by the Department.

**Table 1: Currently Redeployed Senior Police Officers**

Rank	#
<b>Senior Police Officers</b>	161
<b>Senior Sergeants</b>	56
<b>Senior Detectives, Grade 1</b>	21
<b>Total</b>	238

*Source: Metropolitan Police Department*

Table 2, below, shows the fiscal year in which retired officers were rehired – by rank – from FY16 to FY19. In total, 238 retired officers have been rehired since FY16. 68 retired sergeants and 14 retired detectives have been rehired since FY17, when the expanded pay authority went into effect, and this is the population about which the Executive is most concerned about losing at the expiration of their three-year terms.

**Table 2: Fiscal Year of Hire for Sworn Personnel Hired under the Senior Law Enforcement Officer Amendment Act of 2016<sup>190</sup>**

Rank	FY16	FY17	FY18	FY19
<b>Senior Police Officer</b>	31	108	45	16
<b>Senior Sergeant</b>	N/A	50	13	5
<b>Senior Detective, Grade I</b>	N/A	8	6	0
<b>Total</b>	31	166	64	21

*Source: Metropolitan Police Department*

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<sup>189</sup> Committee on the Judiciary and Public Safety, *Metropolitan Police Department Performance Oversight Hearing before the Committee on the Judiciary & Public Safety* (March 1, 2018) (written testimony of Matthew Mahl, Chair, Fraternal Order of Police), <http://dcpoliceunion.com/page/about>.

<sup>190</sup> Data current through April 23, 2019.

Finally, Table 3, below, reflects when rehired detectives and sergeants will reach the end of the three-year window for the expanded pay authority and would be dropped down to the lower pay scale. These numbers are periodically revised downward by the Department to account for separations that occur between the date of rehire and when the senior sergeant or detective reaches the three-year window and is dropped off from the higher pay scale.

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

Rank	FY20	FY21	FY22
<b>Senior Sergeants</b>	<b>42</b>	9	5
<b>Senior Detectives (Grade 1)</b>	<b>14</b>	7	0
<b>Total</b>	<b>56</b>	16	5

*Source: Metropolitan Police Department*

As shown above, the Department stands to lose a total of 56 senior sergeants and detectives in FY20, 16 in FY21, and 5 in FY22 if the expanded pay authority sunset date remains at October 1, 2019. For these reasons, the Committee amends the subtitle to extend the hiring window one year to October 1, 2020, and also provide an additional two years of expanded pay authority (five, instead of three) for those hired prior to October 1, 2020. This extension will allow MPD to retain these detectives and sergeants at the higher pay grade, and the Committee is open to working with MPD to meet its retention and staffing needs in the future. Under the Committee's subtitle, a retired detective or sergeant rehired before October 1, 2020 would remain eligible for the expanded pay authority until five years after their rehire date – an extension of the Program for those hired on the last possible day (September 30, 2020) would be until September 30, 2025. It would also provide additional time for those officers who are currently close to their cut-off date: two years for those who would have departed in FY20. Overall, this will naturally result in a gradual decline due to the Department's low rehire numbers in FY18 and FY19, to date.

### **c. Section-by-Section Analysis**

Sec. 3011. States the short title.

Sec. 3012. Amends section 2(h) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)), to allow Metropolitan Police Department officers who retired at a rank other than officer to be rehired until October 1, 2020 – without jeopardizing their pension – at an expanded

pay authority for detectives and sergeants, and to allow rehired officers to be paid under that expanded pay authority for 5 years from the date they were rehired.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. 3011. Short title.

This subtitle may be cited as the “Retired Police Officer Redeployment Program Amendment Act of 2019”.

Sec. 3012. Section 2(h) of the Retired Police Officer Redeployment Amendment Act of 1992, effective September 29, 1992 (D.C. Law 9-163; D.C. Official Code § 5-761(h)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “October 1, 2019,” and inserting the phrase “October 1, 2020,” in its place.

(b) Paragraph (3) is amended by striking the phrase “3 years” and inserting the phrase “5 years” in its place.

**e. Fiscal Impact**

This subtitle does not have a fiscal impact.

**4. TITLE III, SUBTITLE C. EMERGENCY AND NON-EMERGENCY TELEPHONE CALLING SYSTEMS FUNDING****a. Purpose, Effect, and Impact on Existing Law**

As introduced, the subtitle amends the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1802). The Emergency and Non-Emergency Number Telephone Calling Systems Fund (“Fund”) was created to offset the costs of technology upgrades incurred at the Office of Unified Communications (“OUC”). The Fund, which is administered by OUC, requires phone service carriers and providers to remit small fees of either 76 or 62 cents per line on a monthly or quarterly basis. Providers must remit 76 cents for each wireline located in the District, for a wireless number with a billing address in the District, or for interconnected Voice Over Internet Protocol (“VoIP”) service. Providers must remit 62 cents for a Centrex line in the District or for a private branch exchange station.

Currently, only District residents contribute to the Fund, even though District residents and visitors alike utilize OUC’s services. This subtitle would require District hotels to charge guests an 80 cents per room or suite rental, per night, fee for hotels with 30 or more habitable rooms.

**b. Committee Reasoning**

In recent years, OUC has depleted the Fund’s balance, leaving the agency in a state of fiscal uncertainty. The Fund was originally established to defray technology upgrade costs incurred by OUC in providing the 911 and 311 call system. Although the fee has not increased over time, the services provided by OUC have expanded. In the last three years alone, OUC has continued to maintain two fully functioning 24/7 call centers; provided upgrades to the 311 platform, website, and mobile app; launched 311 Twitter service requests; introduced text to 911 and text to 311; transitioned its system to Next Generation 911 technology; procured a Tactical Homeland Operations Response (“THOR”) mobile call center; provided technical support for the integration of AMR third-party ambulance service; and supported the FEMS Nurse Triage Line. This subtitle is critical to the stability of the agency and will ensure that OUC can continue to provide technology upgrades.

Visitors to the District currently benefit directly from OUC services without contributing to the Fund; non-202 numbers comprise 30% of the phone calls to 911. Additionally, visitors contribute to OUC’s workload as it prepares for and responds to large events in the District. Finally, although many visitors to the District will be paying for services they are not using, the same is true for District residents who remit the fee but never actually use the services. This subtitle is necessary in order to properly support the agency, and the proposed increase is de minimis. The

Committee does not believe that visitors will choose not to stay in District hotels due to such a small increase. The Committee therefore recommends approval of this subtitle with minor amendments.

**c. Section-by-Section Analysis**

Sec. 3021. States the short title.

Sec. 3022. Amends the Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), as follows:

- (a) Adds a definition for “hotel”.
- (b) Makes technical and conforming changes.
- (c) Adds an \$0.80 per rentable room, per night, tax on hotels, to be adjusted annually by the inflation rate.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. 3021. Short title.

This subtitle may be cited as the “Emergency and Non-Emergency Number Telephone Calling Systems Fund Amendment Act of 2019”.

Sec. 3022. The Emergency and Non-Emergency Telephone Calling Systems Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 34-1801 *et seq.*), is amended as follows:

(a) Section 602 (D.C. Official Code § 34-1801) is amended by adding a new paragraph (3A) to read as follows:

“(3A) “Hotel” means a building or part of a building in which not fewer than 30 habitable rooms or suites are reserved primarily for transient guests who rent the rooms or suites temporarily. For the purposes of this paragraph, the term

“transient” shall have the same meaning as provided in D.C. Official Code § 47-2001(v-2).”.

(b) Section 603(b)(1) (D.C. Official Code § 34-1802(b)(1)) is amended by striking the word “assessment” and inserting the word “assessments” in its place.

(c) Section 604 (D.C. Official Code § 34-1803) is amended as follows:

(1) A new subsection (a-1) is added to read as follows:

“(a-1)(1) There is imposed upon hotels an emergency and non-emergency calling system tax. The amount of the tax shall be \$0.80 per rentable room or suite, per night.

“(2)(A) The amount of the tax imposed pursuant to paragraph (1) of this subsection shall be adjusted annually at a rate consistent with the increase in the Consumer Price Index for All Urban Consumers for the Washington-Arlington-Alexandria, DC-MD-VA-WV Metropolitan Statistical Area, or any successor index, for the preceding calendar year, and then rounding to the nearest penny.

“(B) The adjusted amount of the tax shall take effect on October 1 of each year.”.

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

(A) The existing text is designated as paragraph (1).

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

“(2) Each hotel shall submit the tax imposed under subsection (a-1) of this section to the Mayor on a monthly basis.”.

(3) Subsection (c) is amended by striking the word “tax” and inserting the word “taxes” in its place.

(4) Subsection (d) is amended by striking the word “carrier” and inserting the phrase “carrier and hotel” in its place.

**e. Fiscal Impact**

This subtitle has not been substantively amended since its proposal by the Mayor, and therefore its fiscal impact was incorporated into the FY20 budget and financial plan.

**5. TITLE III, SUBTITLE D. CRIMINAL JUSTICE COORDINATING COUNCIL MEMBERSHIP****a. Purpose, Effect, and Impact on Existing Law**

As introduced, this subtitle amends Section 1504(a) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4233(a)), to add the Director of the Office of Victim Services and Justice Grants (“OVSJG”) as a member of the Criminal Justice Coordinating Council (“CJCC”).

**b. Committee Reasoning**

The Committee is very supportive of the Mayor’s proposal to add the Director of OVSJG to the CJCC’s membership. Through its Justice Grants program, OVSJG administers grant funding for projects related to juvenile justice and the re-entry of returning citizens. Additionally, OVSJG’s Victim Services program administers grant funding to support community-based organizations serving victims of crime. The Committee strongly believes that the CJCC would benefit greatly from the insights OVSJG has accumulated through the administration of these two programs, and its addition would bring a more holistic understanding of the District’s criminal justice system.

Despite the Committee’s agreement with the underlying policy, the Committee strikes this subtitle. Rather than opposing the subtitle on substantive grounds, the Committee’s sole rationale for striking the subtitle is procedural. The Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 is codified in Title 22 of the D.C. Code. Pursuant to the District’s Home Rule Charter, an amendment to Title 22 would trigger a 60-day congressional review period, not only for this specific subtitle, but for the entire Budget Support Act.<sup>191</sup>

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<sup>191</sup> D.C. Official Code § 1-206.02(c)(2)).

## 6. TITLE III, SUBTITLE E. CRIME VICTIMS COMPENSATION FUNERAL AND BURIAL EXPENSES

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

As introduced, this subtitle amends the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501(7)(A)(ii)), to provide that “[r]easonable funeral and burial expenses, including the reasonable cost of cremation or other chosen method of interment,” pursuant to the Crime Victims Compensation Program (“Program”), cannot exceed \$10,000. The Crime Victims Compensation Program is administered by the Superior Court of the District of Columbia and provides victims of certain crimes in the District with compensation for expenses related to their victimization. The Superior Court currently caps the reimbursement for funeral and burial expenses at \$6,000, but the cap is not codified. This proposed subtitle raises the cap and codifies it.

### b. Committee Reasoning

The Victims of Violent Crime Compensation Act of 1996 established a Crime Victims Compensation Program that administers “all funds from all sources for the purpose of investigating and, where appropriate, compensating the claims of victims of violent crime in the District of Columbia.”<sup>192</sup> Through the Program, the Superior Court awards “compensation in an amount equal to the claimant’s economic loss, decreased by the amount available to the claimant from collateral sources.”<sup>193</sup> “Economic loss” is defined to include “[r]easonable funeral and burial expenses, including the reasonable cost of cremation or other chosen method of interment.”<sup>194</sup> Originally, the Victims of Violent Crime Compensation Act of 1996 specified that funeral and burial expenses could not exceed \$3,000 per death.<sup>195</sup> Though the D.C. Code is silent on the maximum compensation available for expenditures related to funeral and burial expenses, the Superior Court has placed a \$6,000 cap on such compensation.<sup>196</sup>

Given the actual costs of funeral, burial, and related services, the Committee finds that the Mayor’s proposal to increase the compensation available for funeral and burial services is reasonable. A consumer alert distributed by the Office of the Attorney General stated that “[m]any people will pay close to \$9,000 for funeral and

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<sup>192</sup> D.C. Official Code § 4-502.

<sup>193</sup> D.C. Official Code § 4-507(a).

<sup>194</sup> D.C. Official Code § 4-501(7)(A)(ii).

<sup>195</sup> Section 2(7)(B) of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501(7)(A)(ii)),

<https://code.dccouncil.us/dc/council/laws/docs/11-243.pdf>

<sup>196</sup> See, e.g., Superior Court of the District of Columbia, *Application for Crime Victims Compensation*, at 3 (last visited April 21, 2019), [https://www.decourts.gov/sites/default/files/matters-docs/CVCPApplication\\_rev2011.pdf](https://www.decourts.gov/sites/default/files/matters-docs/CVCPApplication_rev2011.pdf).

burial costs.”<sup>197</sup> According to the National Association of Funeral Directors (“NAFD”), the national median cost of an adult funeral – including viewing, burial, and a vault – is \$8,755.<sup>198</sup> Since the NAFD estimates are based on nationwide data, funeral and burial expenses in the District are likely to be higher.

The Committee believes that, in the wake of a homicide, the victim’s family should not be burdened with the expense of providing dignified funeral and burial services. The Committee, therefore, supports increasing the maximum amount of compensation available to \$10,000 to more accurately reflect prevailing costs. In addition to increasing the amount of compensation available, the revised subtitle amends the description of items included in “reasonable funeral and burial expenses” to include “embalming, burial containers, cremation, and the chosen method of interment.” This amendment is intended to provide clarity as to the kinds of expenses contemplated by the statute. Furthermore, the amendment removes language that incorrectly implied that cremation is a “method of interment.”

**c. Section-by-Section Analysis**

Sec. 3041. States the short title.

Sec. 3042. Amends Section 2(7)(A)(ii) of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501(7)(A)(ii)), to provide that reasonable funeral and burial expenses include expenses related to embalming and burial containers, and that those expenses cannot exceed \$10,000 per death.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. 3041. Short title.

This subtitle may be cited as the “Crime Victims Compensation Funeral and Burial Expenses Amendment Act of 2019”.

Sec. 3042. Section 2(7)(A)(ii) of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501(7)(A)(ii)), is amended by striking the phrase “of cremation or other chosen method interment”

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<sup>197</sup> Office of the Attorney General, *Consumer Alerts – Survey of Funeral Costs*, at 1 (last visited April 21, 2019), <http://oag.dc.gov/sites/default/files/2018-02/Funeral-Home-Price-List.pdf>.

<sup>198</sup> National Association of Funeral Directors, *Statistics* (last updated August 29, 2018), <http://www.nfda.org/news/statistics>.

and inserting the phrase “of embalming, burial containers, cremation, and the chosen method of interment; provided, that a claimant’s economic loss under this subparagraph shall not exceed \$10,000” in its place.

**e. Fiscal Impact**

The District’s proposed budget and financial plan does not include any additional funding for the Program, and therefore any increased expenditures pursuant to the subtitle would reduce the Program’s available funds. The Committee’s amendments to the subtitle are minor and do not create a fiscal impact.

**7. TITLE III, SUBTITLE F. DEPARTMENT OF FORENSIC SCIENCES SERVICES AND FEES****a. Purpose, Effect, and Impact on Existing Law**

This subtitle, as proposed, would amend the Department of Forensic Sciences Establishment Act of 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*), to authorize the Department to provide public health laboratory services to District agencies upon request, and to provide these services to other government agencies, hospitals, academic institutions, non-profit organizations, and other health-related entities for a fee. According to the subtitle, public health laboratory services include disease prevention, control, and surveillance testing; emergency preparedness testing; food surveillance and testing; and reference and specialized testing.

**b. Committee Reasoning**

The Committee recommends inclusion of this subtitle, with modifications. The Department of Forensic Sciences (“DFS”) already performs public health laboratory services for District and Federal agencies. This subtitle will simply expand DFS’ capability to provide these testing services for District agencies that are not listed as current “customers” of the Department, as well as for other government agencies, hospitals, academic institutions, non-profit organizations, and other health-related entities. This subtitle will also give authority to DFS to charge fees for these public health laboratory services and to deposit them into the Department of Forensic Sciences Laboratory Fund.

The Committee’s amended subtitle also amends DFS’ statutorily-defined mission to underscore the agency’s charge to deliver unbiased science and promote transparency in its operations. The Committee included these amendments to make the agency’s core values more explicit. It is critical that all agency stakeholders view DFS as an impartial, scientific body, rather than as a traditional public safety cluster agency. Delivering services in an unbiased and transparent manner is essential to maintaining DFS’ legitimacy.

**c. Section-by-Section Analysis**

Sec. 3051. States the short title.

Sec. 3052. Amends the Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*) as follows:

(a) Adds a definition for “public health laboratory services”.

(b) Makes technical and conforming changes and clarifies the mission of the Department.

(c)-(d) Makes technical and conforming changes.

(e) Makes technical and conforming changes; authorizes DFS to provide services including disease prevention, control, and surveillance testing; emergency preparedness testing; food surveillance and testing; and reference and specialized testing; and authorizes DFS to provide these services to District agencies, other government agencies, hospitals, academic institutions, non-profit organizations, and other health-related entities.

(f)-(k) Makes technical and conforming changes.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. 3051. Short title.

This subtitle may be cited as the “Department of Forensic Sciences Establishment Amendment Act of 2019”.

Sec. 3052. The Department of Forensic Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official Code § 5-1501.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-1501.01) is amended by adding a new paragraph (6) to read as follows:

“(6) “Public health laboratory services” means monitoring and detecting health threats, including:

“(A) Testing samples in a wide variety of materials for toxins, infectious organisms, and other threats to public health;

“(B) Clinical diagnostic testing;

“(C) Disease surveillance;

“(D) Emergency response support;

“(E) Applied research; and

“(F) Laboratory training.”.

(b) Section 3(b) (D.C. Official Code § 5-1501.02(b)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(2) Paragraph (2) is amended by striking the phrase “focus on unbiased science and transparency” and inserting the phrase “focus on the delivery of unbiased science and an emphasis on promoting transparency in operations” in its place.

(3) Paragraph (3) is amended by striking the phrase “public safety” and inserting the phrase “public safety and the fair administration of justice” in its place.

(c) Section 5 (D.C. Official Code § 5-1501.04) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(2) Subsection (d) is amended by striking the phrase “agency mission” and inserting the phrase “Department’s mission” in its place.

(d) Section 6(a)(1) (D.C. Official Code § 5-1501.05(a)(1)) is amended by striking the phrase “agency’s mission” and inserting the phrase “Department’s mission” in its place.

(e) Section 7 (D.C. Official Code § 5-1501.06) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “these forensic science services” and inserting the phrase “the forensic science services described in subsection (a) of this section” in its place.

(2) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

“(c-1) The Department shall provide public health laboratory services for the District of Columbia, which may include:

“(1) Disease prevention, control, and surveillance testing;

“(2) Emergency preparedness testing;

“(3) Food surveillance and testing; and

“(4) Reference and specialized testing.

“(c-2) The Department shall provide public health laboratory services upon request to District agencies.

“(c-3) The Department also may provide public health laboratory services to other government agencies, hospitals, academic institutions, non-profit organizations, and other health-related entities.”.

(f) Section 7a(b)(2) (D.C. Official Code § 5-1501.06a(b)(2)) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(g) Section 11 (D.C. Official Code § 5-1501.10) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (b)(1) is amended by striking the phrase “Director and the” and inserting the phrase “Director. The” in its place.

(h) Section 13 (D.C. Official Code § 5-1501.12) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (4)(A) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

(3) Paragraph (5) is amended by striking the phrase “Department or forensic science” and inserting the phrase “Department, forensic sciences services, or public health laboratory services” in its place.

(i) Section 14(a)(11) (D.C. Official Code § 5-1501.13(a)(11)) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(j) Section 15 (D.C. Official Code § 5-1501.14) is amended as follows:

(1) Paragraph (1)(A) is amended by striking the phrase “forensic science services” and inserting the phrase “forensic science services or public health laboratory services” in its place.

(2) Paragraph (2) is amended by striking the phrase “Department or forensic science” and inserting the phrase “Department, forensic science services, or public health laboratory services” in its place.

(k) Section 16(a)(1)(A) (D.C. Official Code § 5-1501.15(a)(1)(A)) is amended by striking the phrase “environmental testing services” and inserting the phrase “forensic science services and public health laboratory services” in its place.

**e. Fiscal Impact**

The Committee’s amendments to the subtitle as proposed do not have a fiscal impact.

## 8. TITLE III, SUBTITLE G. INFORMATION SHARING FOR PROGRAM EVALUATION AND IMPROVEMENT

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

As introduced, this subtitle amends the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06), to allow the Mayor to “authorize the disclosure of Department [of Youth Rehabilitative Services] data or information to other District agencies for the purposes of designing, administering, and evaluating policies or programs related to children, youth, or young adults.”

The subtitle also amends Section 3022 of the Office of the Deputy Mayor for Public Safety and Justice Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 1-301.191), to designate the Office of the Deputy Mayor for Public Safety and Justice and the Office of the City Administrator as law enforcement agencies and criminal justice agencies for information-sharing purposes. The subtitle specifies that the terms “law enforcement purpose” and “criminal justice purpose” are meant to include “the design, administration, and evaluation of policies and programs related to public health, safety, or welfare.”

Lastly, the subtitle amends sections 2331, 2332, and 2333 of Title 16 of the D.C. Official Code to add the Mayor, the City Administrator, and the Deputy Mayor for Public Safety and Justice to the list of government entities that may inspect juvenile case records, juvenile social records, and law enforcement records related to a juvenile, though their inspection is limited to inspecting those records for “the purposes of designing, administering, and evaluating policies and programs related to children, youth, or young adults under 22 years of age.”

### b. Committee Reasoning

The Committee strikes this subtitle. In short, the Mayor’s proposed subtitle would permit the extensive disclosure of juvenile case, social, and law enforcement records. These records contain sensitive personal information that may tend to further embarrass, humiliate, or stigmatize youth. Juvenile case records, for example, include “[n]otices filed with the court by an arresting officer,” “[c]omplaints, petitions, and other legal papers filed in the case,” as well as “[t]ranscripts of proceedings before the court.”<sup>199</sup> Juvenile social records include “preliminary inquiries, predisposition studies, and examination reports.”<sup>200</sup> Finally, law enforcement records include records and statements retained by the Metropolitan Police Department regarding a juvenile. There are serious risks to expanding access to juvenile records:

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<sup>199</sup> D.C. Official Code § 16-2331(a).

<sup>200</sup> D.C. Official Code § 16-2332(a).

When records of [juveniles'] involvement with the juvenile justice system are not kept confidential, their path to education, job training, housing, and other resources -- proven to help them stay on the right track -- can be seriously hindered or altogether blocked for years, or even throughout their lives.<sup>201</sup>

While the District has a clear interest in improving its ability to monitor the success of its policies and programs related to youth, that interest must be balanced against the risk of further stigmatizing youth through the proliferation of sensitive, personal information. The Committee believes that in order to strike the correct balance between these two competing interests, the subtitle should instead be introduced as standalone legislation that could then benefit from a public hearing.

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<sup>201</sup> National Juvenile Justice Network, *Confidentiality of Youth in the Juvenile Justice System: A Policy Platform* (Aug. 2016), <http://www.njjn.org/our-work/confidentiality-of-youth-in-the-juvenile-justice-system--policy-platform#conf1>.

**9. TITLE III, SUBTITLE F. OFFICE OF NEIGHBORHOOD SAFETY AND ENGAGEMENT FUND AUTHORITY AND TRANSFER OF ROVING LEADERS PROGRAM****a. Purpose, Effect, and Impact on Existing Law**

As introduced, this subtitle would amend the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code 7-2411 *et seq.*), to authorize the transfer of the Roving Leaders Program from the Department of Parks and Recreation (“DPR”) to the Office of Neighborhood Safety and Engagement (“ONSE”), and to allow the funds in the Neighborhood Safety and Engagement Fund to be used to purchase food and non-alcoholic beverages for participants in ONSE’s programs where the “purchase is reasonably necessary to assist ONSE in the effective achievement of a statutory goal, objective, or responsibility.”

**b. Committee Reasoning**

ONSE was stood up in October 2017 with a mission of fostering a community-oriented model of violence prevention and public safety that is rooted in a public health approach. In the Fiscal Year 2019 Budget Support Act of 2018, the Committee expanded ONSE’s mission by transferring a portion of DPR’s Roving Leaders Program to ONSE.<sup>202</sup> Roving Leaders are individuals employed by DPR whose charge is to “prevent, neutralize, and control hostile behavior in youth and youth groups through the development of positive relationships between teens/youth and outreach workers”.<sup>203</sup> At the time, the Committee reasoned that such “a skillset [would] pair well with [ONSE’s] mission.”<sup>204</sup> Ten FTEs were funded in the FY19 proposed budget, and the Committee approved salary enhancements for the positions.

The Mayor now proposes transferring 27 more Roving Leaders to ONSE, a transfer which the Committee does not support at this time. The Roving Leaders Program does utilize similar community-based violence prevention strategies, but it is a legacy program at DPR and should not be easily uprooted. Roving Leaders are site-based, and many individuals have spent decades in the positions. ONSE, on the other hand, is a relatively new agency, and while it is performing well, the Committee wants to see the agency, its leadership, and its operations stabilize before considering such a large transfer. In addition, there are related concerns such as structure,

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<sup>202</sup> Fiscal Year 2019 Budget Support Act of 2018, effective October 30, 2018 (D.C. Law 22-168; D.C. Official Code § 7-2411(a)(3)), <http://lims.dccouncil.us/Download/39944/B22-0753-SignedAct.pdf>.

<sup>203</sup> See, Department of Parks and Recreation, “DPR Roving Leaders” website, <https://dpr.dc.gov/service/dpr-roving-leaders>.

<sup>204</sup> Committee on the Judiciary and Public Safety, *Report and Recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2019 Budget for the Agencies under its Purview*, 250 (May 4, 2018), <http://dccouncil.us/wp-content/uploads/2018/11/Committee-on-the-Judiciary-Public-Safety-FY19-Budget-Report.pdf>.

supervision, and unionization that must be thoroughly considered. The Committee therefore transfers the FTEs and the related non-personal services costs back to DPR. In the coming fiscal year, the Committee encourages ONSE and DPR to partner more actively to foster collaboration and communication between ONSE and the Roving Leaders Program, as this exchange would be mutually beneficial. To some extent, a transfer of personnel should not be necessary if the goal is to streamline violence prevention goals and outcomes within the Executive.

Regarding the Mayor's proposal to allow ONSE to use its funds to purchase food and non-alcoholic beverages, the Committee supports this enhanced capacity. Due to the nature of the work ONSE performs in the community and with vulnerable populations, programmatic activities where food and beverages are offered are integral to the activities' success. For example, a pop-up lunch in a neighborhood where food insecurity is present and contributes to crime is appropriate and builds community. Rather than allowing this activity to occur out of funds in the Neighborhood Safety and Engagement Fund, the Committee instead repeals the Fund. Now that ONSE is fully staffed and contractual relationships have been formed, the Committee expects that proper agency fiscal management and even spending going forward should obviate the need for ONSE to continue carrying over unexpended agency funds at the end of a fiscal year.

The Committee also amends the proposed subtitle to include additional metrics for ONSE to submit to the Mayor and Council in its annual report on its operations and outcomes.

**c. Section-by-Section Analysis**

Sec. 3071. States the short title.

Sec. 3072. Amends the Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code 7-2411 *et seq.*), to update the name of one of the Office of Neighborhood Safety and Engagement's programs; include additional information in ONSE's annual report; and repeal the Neighborhood Safety and Engagement Fund.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. 3071. Short title.

This subtitle may be cited as the "Office of Neighborhood Safety and Engagement Amendment Act of 2019".

Sec. 3072. The Neighborhood Engagement Achieves Results Amendment Act of 2016, effective June 30, 2016 (D.C. Law 21-125; D.C. Official Code 7-2411 *et seq.*), is amended as follows:

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

(1) Subsection (a)(1) is amended by striking the phrase “Community Stabilization” and inserting the phrase “Family and Survivor Support Services” in its place.

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

(A) The lead-in language is amended by striking the phrase “information from” and inserting the phrase “information, by cohort, from” in its place.

(B) Paragraph (2) is amended by striking the phrase “individuals’ participation;” and inserting the phrase “individuals' participation, and for those individuals who did not remain in the program for the entirety of its duration, the reasons for their separation;” in its place.

(C) Paragraph (3) is amended by striking the phrase “progress; and” and inserting the phrase “progress, including whether they are employed in subsidized or unsubsidized employment and any certifications or diplomas they have obtained while participating in the program;” in its place.

(D) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(5) Whether any participant has been arrested or convicted during or following their participation, and for what offense or offenses.”.

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

“(g) Agency funds may be used to purchase food and non-alcoholic beverages for participants in ONSE’s programs and activities, including violence prevention programs, short-term assistance programs, retreats, community outreach activities and events, individual outreach activities such as program recruitment, and training and education activities for community members, where the purchase is reasonably necessary to assist ONSE in the effective achievement of a statutory goal, objective, or responsibility.”.

(b) Section 103 (D.C. Official Code 7-2413) is repealed.

**e. Fiscal Impact**

The Committee’s subtitle transfers the Roving Leaders Program from ONSE back to DPR in the amounts specified in the *Summary of Committee Budget Recommendations* found in Section I(A) of this report.

**B. RECOMMENDATIONS FOR NEW BUDGET SUPPORT ACT SUBTITLES**

The Committee recommends that the following new subtitles be included in the “Fiscal Year 2020 Budget Support Act of 2019”:

1. Title –. Subtitle –. Maternal Mortality Review Committee Establishment Amendment .....
2. Title –. Subtitle –. Crime Reduction and Violence Interruption Funding Amendment .....
3. Title –. Subtitle –. Primary Date Alteration Amendment .....
4. Title –. Subtitle –. Office of the Attorney General Discretionary Funds Amendment .....
5. Title –. Subtitle –. Subject-to-Appropriations Amendments.....

**1. TITLE -- SUBTITLE -- MATERNAL MORTALITY REVIEW COMMITTEE ESTABLISHMENT AMENDMENT****a. Purpose, Effect, and Impact on Existing Law**

This subtitle amends the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.01 *et seq.*), to require the Chief Medical Examiner to convene an annual symposium to present the annual report submitted by the Maternal Mortality Review Committee (“MMRC”) within 60 days after its release. The Chief Medical Examiner will present the report to District agencies implicated by its findings, the Deputy Mayors for Public Safety and Justice and Health and Human Services, any relevant health or policy stakeholders, and the MMRC’s representatives and members. The subtitle also adds three additional seats to the MMRC: one person who has been directly impacted by a near maternal mortality, one anesthesiologist with experience in obstetrics, and one neonatologist with experience with high-risk pregnancies.

In addition, the subtitle amends section 1053(b) of Title 16 of the D.C. Official Code to make minor changes to the composition of the Domestic Violence Fatality Review Board.

**b. Committee Reasoning**

The Committee’s subtitle creates a process to ensure that the MMRC’s annual report recommendations reach as broad an audience of relevant stakeholders as possible. The work of OCME’s Fatality Review Unit is critical in preventing fatalities, but its impact is limited if its findings are not publicized widely or if the implicated entities are not held accountable for implementing its recommendations. The goals of the symposium will be to commit the implicated entities to acting on the suggestions of the MMRC’s annual report and to ensure the hard work and expertise of the MMRC has a broad impact.

The Committee additionally proposes adding three new seats to the MMRC. The first is a seat for an individual who has been directly impacted by a near maternal mortality. The Committee finds this perspective to be incredibly valuable in the study of maternal mortality. Speaking from personal experience can be very powerful, and this member will bring a unique perspective. The final two seats – one anesthesiologist with experience in obstetrics and one neonatologist with experience with high-risk pregnancies – were recommended to the Committee by several maternal health care providers and individuals already serving on the MMRC.

Finally, the Committee chose to make minor edits to the Domestic Violence Fatality Review Board composition. The designation of a federally recognized domestic violence coalition to a statewide Domestic Violence Fatality Review Board

is a common practice in jurisdictions across the country. The role of the D.C. Coalition Against Domestic Violence (“DCCADV”) is to be in touch with and abreast of available services and resources across the District for survivors of domestic violence. DCCADV will provide the perspective of how current systems are working in coordination to address the needs of survivors and offenders of domestic violence, and can provide suggestions on where there are opportunities for a strengthened District response.

**c. Section-by-Section Analysis**

Sec. XXX1. States the short title.

Sec. XXX2. Amends the Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.01 *et seq.*), as follows:

(a) Amends section 3 (D.C. Official Code § 7-671.02) to require the Chief Medical Examiner to convene an annual symposium to present the findings from the Maternal Mortality Review Committee’s annual report.

(b) Amends section 4 (D.C. Official Code § 7-671.03) to add three additional positions to the Maternal Mortality Review Committee: one person who has been directly impacted by a near maternal mortality, one anesthesiologist with experience in obstetrics, and one neonatologist with experience with high-risk pregnancies.

Sec. XXX3. Amends section § 16-1053(b) of the District of Columbia Official Code as follows:

(a)-(b) Makes minor changes.

(c) Adds a new seat to the Domestic Violence Fatality Review Board for the D.C. Coalition Against Domestic Violence.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. XXX1. Short title.

This subtitle may be cited as the “Maternal Mortality Review Committee Establishment Amendment Act of 2019”.

Sec. XXX2. The Maternal Mortality Review Committee Establishment Act of 2018, effective June 5, 2018 (D.C. Law 22-111; D.C. Official Code § 7-671.01 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 7-671.02) is amended as follows:

- (1) Subsection (b) is amended by striking the phrase “;” and inserting a colon in its place.
- (2) Subsection (d) is amended by adding a new paragraph (3) to read as follows:

“(3) The Chief Medical Examiner shall annually, within 60 days after the annual report is released, convene a symposium at which he or she presents the annual report submitted pursuant to paragraph (1) of this subsection to the public, District agencies implicated by the report’s findings, the Deputy Mayors for Public Safety and Justice and Health and Human Services, any relevant health or policy stakeholders, and the Committee’s representatives and members.”.

(b) Section 4(b) (D.C. Official Code § 7-671.03(b)) is amended as follows:

- (1) Paragraph (9) is amended by striking the phrase “; and” and inserting a semicolon in its place.
- (2) Paragraph (10) is amended by striking the period and inserting the phrase “; and” in its place.
- (3) New paragraphs (11), (12), and (13) are added to read as follows:

“(11) One person who has been directly impacted by a near maternal mortality;

- “(12) One anesthesiologist with experience in obstetrics; and
- “(13) One neonatologist with experience with high-risk pregnancies.”.

Sec. XXX3. Section 16-1053(b) of the District of Columbia Official Code is amended as follows:

- (a) Paragraph (5) is amended by striking the phrase “shelters; and” and inserting the phrase “housing organizations;” in its place.
- (b) Paragraph (6) is amended by striking the phrase “advocacy organizations.” and inserting the phrase “non-residential organizations; and”
- (c) A new paragraph (7) is added to read as follows:
  - “(7) D.C. Coalition Against Domestic Violence.”

**e. Fiscal Impact**

This subtitle does not have a fiscal impact.

**2. TITLE -- SUBTITLE -- CRIME REDUCTION AND VIOLENCE INTERRUPTION FUNDING AMENDMENT****a. Purpose, Effect, and Impact on Existing Law**

This subtitle amends the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b), to raise the cap on the allowable balance in the Office of the Attorney General's ("OAG") Litigation Support Fund ("Fund"), provide that up to \$3 million in the Fund may be used each fiscal year for crime reduction and violence interruption programming, and allow OAG to use up to \$4 million in the Fund each fiscal year to support staff salaries.

**b. Committee Reasoning**

Following an initial investment by the Council of \$360,000 for the summer of 2018, OAG identified additional funding in FY19 to operate Cure the Streets, the agency's violence interruption program currently located in Wards 5 and 8 (this program is discussed in more detail in OAG's chapter in this report). This subtitle will allow OAG to capture additional revenues from claims and settlements recovered by the agency on behalf of the District and use some of those funds – up to \$3 million each fiscal year – specifically to support Cure the Streets and related programming. The agency will be able to use these funds to supplement the other funds approved by the Committee elsewhere in the agency's budget for Cure the Streets.

The subtitle additionally (1) allows OAG to support its operations by allowing the agency to fund FTEs out of the Fund up to \$4 million per fiscal year, and (2) raises the cap on the Fund from \$5 million to \$10 million.

**c. Section-by-Section Analysis**

Sec. XXX1. States the short title.

Sec. XXX2. Amends Section 106b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b), to:

(a) Expand the permissible uses of revenues deposited in the Litigation Support Fund, including for crime reduction and violence interruption programming; and

(b) Raise the cap on the Fund balance from \$5 million to \$10 million.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. XXX1. Short title.

This subtitle may be cited as the “Crime Reduction and Violence Interruption Funding Amendment Act of 2019”.

Sec. XXX2. Section 106b of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b), is amended as follows:

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

“(c)(1) Money in the Fund shall be used for the following purposes:

“(A) Supporting general litigation expenses associated with prosecuting or defending litigation cases on behalf of the District of Columbia;

“(B) Crime reduction and violence interruption programming; and

“(C) Funding staff positions in the Office of the Attorney General, up to a maximum amount of \$4 million per fiscal year.

“(2) Beginning in Fiscal Year 2020, up to \$3 million deposited into the Fund each fiscal year may be used for the purpose of crime reduction and violence interruption.”.

(b) Subsection (d)(3) is amended by striking the phrase “\$5 million” both times it appears and inserting the phrase “\$10 million” in its place.

**e. Fiscal Impact**

This subtitle will not have a fiscal impact. It would allow more of the revenues from future claims or litigation brought by the Office of the Attorney General on behalf of the District to be retained in the Fund, rather than being deposited directly into the General Fund once the Fund balance is reached.

**3. TITLE --. SUBTITLE --. PRIMARY DATE ALTERATION AMENDMENT****a. Purpose, Effect, and Impact on Existing Law**

First, this proposed subtitle amends the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), to move the District's primary election in presidential election years from the third Tuesday in June to the first Tuesday in June (June 2 in 2020). Second, the subtitle allows the Board of Elections ("BOE") to conduct early voting two days earlier than currently provided to account for Memorial Day falling during the early voting period. Third, the subtitle allows BOE to receive absentee ballots mailed on or before Election Day up to seven days after the election, rather than by 8 p.m. on Election Day.

**b. Committee Reasoning**

On June 6, 2017, the Council approved, at final reading, the Primary Date Alteration Amendment Act of 2017, effective August 19, 2017 (D.C. Law 22-13; 64 D.C. Reg. 9322) ("the Act"), which moved the District's primary date from the first Tuesday in September to the third Tuesday in June. This change was made to ensure that BOE could comply with federal requirements to mail overseas ballots for the general election, which during presidential election years takes place on the Tuesday following the first Monday in November, 45 days before the general election. The previous schedule made it, as a practical matter, impossible for BOE to certify the results of the primary and create overseas ballots in time to comply with federal law. At that time, the Committee chose the third Tuesday in June because schools are likely not in session, making it easier to administer polling sites at schools, and early voting would not be interrupted by the Memorial Day holiday.

The Committee, however, has identified several reasons outlining the need to change the primary date during presidential election years. Accordingly, Chairperson Allen, along with Council Chairman Phil Mendelson and Councilmembers Anita Bonds, Mary M. Cheh, and Vincent C. Gray, introduced the "Primary Date Alteration Amendment Act of 2019", on March 19, 2019 (B23-212) ("the standalone bill"), to move the primary to the first Tuesday in June during presidential election years. The Committee endorses the same date in this subtitle for the reasons outlined below.

First, the current date violates Republican Party rules requiring a primary election to occur during a certain timeframe prior to the Republican National Convention ("RNC"), therefore prohibiting the D.C. Republican Party from participating in the BOE-run primary. According to the Republican Party's testimony at the hearing, the Committee noted that:

Under the rules of the Republican National Committee . . . most state parties must hold their [p]residential primaries and select Delegates

between March 1, 2020, and the second Saturday in June (June 13, 2020). The current DC primary [date] . . . would mean a loss of Republican Delegates or the DC [Republican party] must once again hold its own primary.<sup>205</sup>

The Democratic National Committee (“DNC”) has adopted a similar set of rules:

[N]o meetings, caucuses, conventions or primaries which constitute the first determining stage in the presidential nomination process may be held prior to the first Tuesday in March (March 2, 2020) or after the second Tuesday in June (June 9, 2020) in the calendar year of the nation convention<sup>206</sup>

Accordingly, the current June 16, 2020 primary date is noncompliant with both DNC and RNC election rules. Bringing District elections into compliance with these rules requires either a date change or requires BOE to hold two elections. The Committee believes that holding separate local and presidential elections is a waste of District resources. Further, based on historic trends, it would likely discourage voter turnout in the local election to have it on a date following the presidential election, and possibly cause confusion among voters about the two separate dates. In addition to ensuring that District residents can represent their parties and the parties’ nominating conventions without holding two elections, moving the primary date to the first Tuesday in June would align the District with state primaries in Montana, New Jersey, New Mexico, and South Dakota. Currently, the District holds the last presidential primary in the country.

Members of the DNC had explored April 28, 2020 as the potential new date for the primary. However, a primary date earlier than the 1st Tuesday in June would raise significant good government concerns by favoring incumbent candidates. An earlier primary date would require candidates to do the bulk of their campaigning over the December holidays after picking up their petitions earlier in the month. This would not provide the time for new candidates to reach voters or give voters the chance to learn about the new candidates. An earlier primary date would also limit the ability of candidates to successfully run under the District’s new Fair Elections Program.

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<sup>205</sup> Committee on the Judiciary and Public Safety, Public Hearing on B23-0212, the Primary Date Alteration Amendment Act of 2019 (April 29, 2019) (oral testimony of Patrick Mara, Executive Director, D.C. Republican Committee),

[http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=5019](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=5019).

<sup>206</sup> Committee on the Judiciary and Public Safety, Public Hearing on B23-0212, the Primary Date Alteration Amendment Act of 2019 (April 29, 2019) (oral testimony of Charles Wilson, Chair, D.C. Democratic State Committee), [http://dc.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=5019](http://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=5019).

At a hearing on the standalone bill, held on April 29, 2019, BOE noted that this change will not trigger any additional costs or hardships for the agency. It did, however, raise two concerns with holding a primary election on the first Tuesday in June, which the Committee has resolved in this subtitle. First, BOE noted that, for a primary on the first Tuesday in June, the Memorial Day holiday will “would almost always take place during the early voting period.”<sup>207</sup> BOE suggested that it could amend its regulations to add one additional day of early voting at the beginning of the voting period.<sup>208</sup> The Committee instead, in this subtitle, adds two additional days of early voting. Second, BOE noted that it:

[H]as encountered difficulties with processing and fulfilling requests for absentee ballots that are received on or shortly before the deadline for requesting absentee ballots, which is the 7<sup>th</sup> day before Election Day [, and] . . . [BOE] request[ed] that the election statute be amended to allow [BOE] to receive and process any mail ballots that are sent by Election Day and received no later than the 7<sup>th</sup> day after Election Day.<sup>209</sup>

The subtitle reconciles this hardship by allowing BOE to receive absentee ballots up to seven days after an election, rather than by 8 p.m. on Election Day, giving all District residents an opportunity to have their absentee vote counted.

Finally, BOE expressed concern about District of Columbia Public Schools (“DCPS”) being in session still on this new primary date. Nearly half of BOE’s polling sites are located at DCPS facilities, and it presents security and operational challenges to hold an election at a school while it is in session. However, at the hearing, Chairperson Allen noted that the upcoming election is still over a year away, giving DCPS ample time to designate the day as a professional development day, during which students do not attend school. This notice should provide opportunity for DCPS to accommodate this change, as it has done for BOE in the past.

### **c. Section-by-Section Analysis**

Sec. XXX1. States the short title.

Sec. XXX2. Amends the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), to:

(a) Allow the Board of Elections to receive absentee ballots no later than the seventh day after an election, and move the District’s primary

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<sup>207</sup> Committee on the Judiciary and Public Safety, Primary Date Alteration Amendment Act of 2019 (April 29, 2019) (oral testimony of Alice Miller, Executive Director, D.C. Board of Elections), [http://de.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=5019](http://de.granicus.com/MediaPlayer.php?view_id=2&clip_id=5019).

<sup>208</sup> *Id.*

<sup>209</sup> *Id.*

election date in presidential election years from the third Tuesday in June to the first Tuesday in June;

(b) Extend the early voting period to up to 12 days before an election;

(c) Make conforming amendments.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. XXX1. Short title.

This subtitle may be cited as the “Primary Date Alteration Amendment Act of 2019”.

Sec. XXX2. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

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

(1) Subsection (a)(10A) is amended by striking the phrase “received by the Board by 8:00 p.m. on the day of the election” and inserting the phrase “postmarked or otherwise proven to have been sent on or before the day of the election, and received by the Board no later than the 7th day after the election” in its place.

(2) Subsection (b)(1) is amended by striking the phrase “3rd Tuesday” and inserting the phrase “1st Tuesday” in its place.

(b) Section 9(b-1)(2) (D.C. Official Code § 1-1001.09(b-1)(2)) is amended by striking the number “10” and inserting the number “12” in its place.

(c) Section 10(a) (D.C. Official Code § 1-1001.10(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “3rd Tuesday” and inserting the phrase “1st Tuesday” in its place.

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase “3rd Tuesday in June of each even-numbered year” and inserting the phrase “1st Tuesday in June in a presidential election year and on the 3rd Tuesday in June of each even-numbered non-presidential election year” in its place.

(B) Subparagraph (B) is amended by striking the phrase “3rd Tuesday in June of each even-numbered year” and inserting the phrase “1st Tuesday in June in a presidential election year and on the 3rd Tuesday in June of each even-numbered non-presidential election year” in its place.

**e. Fiscal Impact**

This subtitle will not have a fiscal impact. The Board of Elections will not incur additional costs related to moving the 2020 Primary Election two weeks earlier, from June 16 to June 2. Any potential costs related to the expansion of the early voting period by two days would be offset by the suspension of early voting during Memorial Day.

**4. TITLE --. SUBTITLE --. OFFICE OF THE ATTORNEY GENERAL DISCRETIONARY FUNDS AMENDMENT****a. Purpose, Effect, and Impact on Existing Law**

The Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10), allows the Mayor; Chairman; Councilmembers; Chief Judges of the District of Columbia Court of Appeals and the Superior Court for the District of Columbia; Executive Officer of the D.C. Courts; “Superintendent of Schools”; City Administrator; Director of the District of Columbia Public Library; and C.E.O. of the University of the District of Columbia to expend, within the limits of certain annual appropriations, discretionary funds for purposes related to their official capacity. This subtitle adds the Attorney General to that list.

**b. Committee Reasoning**

This subtitle makes a conforming change to the statute that was neglected when the Attorney General for the District of Columbia became an elected position. The Fiscal Year 2020 Local Budget Act of 2019, as proposed, allows the Mayor and Council Chairman to use \$25,000 of their discretionary funds and the City Administrator and Attorney General to use \$10,600, but the Budget Support Act does not make a corresponding amendment to the Discretionary Funds Act of 1973 to actually allow the Attorney General to expend these funds. The Committee also recommends conforming language in the Local Budget Act in an earlier section of this report.

**c. Section-by-Section Analysis**

Sec. XXX1. States the short title.

Sec. XXX2. Amends the Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10), to include the Attorney General in the list of District public officials authorized to use limited appropriated funds in their discretion for purposes related to their official capacity.

**d. Legislative Recommendations for the Committee of the Whole**

Sec. XXX1. Short title.

This subtitle may be cited as the “Office of the Attorney General Discretionary Funds Amendment Act of 2019”.

Sec. XXX2. The Discretionary Funds Act of 1973, approved October 26, 1973 (87 Stat. 509; D.C. Official Code § 1-333.10), is amended by striking the phrase “Council of the District of Columbia, the” and inserting the phrase “Council of the District of Columbia, the Attorney General for the District of Columbia, the” in its place.

**e. Fiscal Impact**

This subtitle will not have a fiscal impact. The subtitle allows the Attorney General to use funds already appropriate to the Office of the Attorney General.

**5. TITLE –. SUBTITLE –. SUBJECT-TO-APPROPRIATIONS AMENDMENTS**

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

This subtitle modifies the applicability clauses of three measures; one measure – the Repeat Parking Violations Amendment Act of 2018 – was enacted without an applicability clause, and therefore while funding was identified to satisfy the fiscal impact of the law by this Committee, there is not an applicability clause to repeal:

- The Structured Settlements and Automatic Renewal Protections Act of 2018 (D.C. Law 22-235) (funded by the Committee on Transportation and the Environment);
- The Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018 (D.C. Law 22-281) (funded by the Committee on Business & Economic Development);
- The Wage Garnishment Fairness Amendment Act of 2018 (D.C. Law 22-296) (funded (revenues recognized) by the Committee on Labor & Workforce Development); and
- The Repeat Parking Violations Amendment Act of 2018 (D.C. Law 22-298) (funded by this Committee).

<b>Law Number</b>	<b>Section</b>	<b>Agency</b>	<b>Program</b>	<b>Amount</b>	<b>FTEs</b>	<b>Notes</b>
L22-235 (Structured Settlements and Automatic Renewal Protections Act of 2018)	301	Department of Consumer & Regulatory Affairs	7000/2075	\$99,913	1	This funding has been identified by the Committee on Transportation & the Environment and transferred to the Committee of the Whole
L22-281 (Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018)	4	Office of Human Rights	2000/2030	\$255,000	3	This funding has been identified by the Committee on Business & Economic Development and transferred to the Committee on Government Operations
L22-296 (Wage Garnishment Fairness Amendment Act of 2018)	3	Recognized revenues	N/A	\$140,000	0	Funds the lost tax recovery revenues of the Wage Garnishment Fairness Amendment Act of 2018; this funding has been identified by the Committee on Labor & Workforce Development
L22-298 (Repeat Parking Violations Amendment Act of 2018)	N/A – no applicability clause	Department of Consumer & Regulatory Affairs	1000/1040	\$100,000	0	Funds the one-time violations system costs; this funding has been identified by J&PS and

<b>Law Number</b>	<b>Section</b>	<b>Agency</b>	<b>Program</b>	<b>Amount</b>	<b>FTEs</b>	<b>Notes</b>
		Department of Transportation				transferred to the Committee of the Whole
				\$10,000	0	Funds the recurring violations system costs; this funding has been identified by J&PS and transferred to the Committee of the Whole
			PGDV/0A0	\$8,000	0	Funds the one-time signage costs; this funding has been identified by J&PS and transferred to the Committee on Transportation & the Environment

**b. Committee Reasoning**

See the table above.

**c. Section-by-Section Analysis**

Sec. XXX1. States the short title.

Sec. XXX2. Amends the applicability clause of the Structured Settlements and Automatic Renewal Protections Act of 2018, effective March 13, 2019 (D.C. Law 22-235; 66 DCR 580).

Sec. XXX3. Repeals the applicability clause of the Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-281; 66 DCR 1601).

Sec. XXX4. Amends the applicability clause of the Wage Garnishment Fairness Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-296; 66 DCR 2008).

**d. Legislative Recommendations for the Committee of the Whole**

Sec. XXX1. Short title.

This subtitle may be cited as the “Subject-to-Appropriations Amendment Act of 2019”.

Sec. XXX2. Section 301 of the Structured Settlements and Automatic Renewal Protections Act of 2018, effective March 13, 2019 (D.C. Law 22-235; 66 DCR 580), is amended to read as follows:

“Sec. 301. Applicability.

“(a) Title I shall not apply to any transfer agreement entered into before the effective date of this act.

“(b) Title II shall not apply to a contract entered into or automatically renewed before the effective date of this act, but it shall apply to automatic renewals of such contracts that renew on or after the effective date of this act.”.

Sec. XXX3. Section 4 of the Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-281; 66 DCR 1601), is repealed.

Sec. XXX4. Section 3 of the Wage Garnishment Fairness Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-296; 66 DCR 2008), is amended to read as follows:

“Sec. 3. Applicability.

“Section 2(b) shall not apply to a writ of attachment issued before the effective date of this act.”.

**e. Fiscal Impact**

The fiscal impact of this subtitle is included as provided in the table above.

**V. COMMITTEE ACTION AND VOTE**

On Thursday, May 2, 2019, at XX p.m. in Room 500 of the John A. Wilson Building, the Committee met to consider and vote on the Mayor's proposed Fiscal Year 2020 budget for the agencies under its purview, the provisions of the Fiscal Year 2020 Budget Support Act of 2019 referred to the Committee for comment and the new subtitles proposed, and the Committee's Budget Report. Chairperson Charles Allen called the meeting to order and determined the existence of a quorum with Councilmembers Anita Bonds, Mary M. Cheh, Jack Evans, and Vincent C. Gray present.

Councilmember ...

After an opportunity for further discussion, Chairperson Allen then moved the Report with leave for staff to make technical, conforming, and editorial changes. The Members voted unanimously to approve the recommendations.

Chairperson Allen then thanked his staff and adjourned the meeting at XXX p.m.

**Council Period 23 Committee Staff:**

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