

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General**



**Statement of Brian L. Schwalb
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Before Councilmember Brooke Pinto, Chairwoman

On

Office of the Attorney General Performance Oversight Hearing

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**John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, D.C. 20001**

Introduction

Good afternoon, Chairwoman Pinto, Members of the Council, and District residents. Thank you for the opportunity to testify today. It is my honor and privilege to serve as the District of Columbia's independent, elected Attorney General, and I am delighted to talk with you about the important work our office continues to do on behalf of the District and its residents.

I would like to frame my testimony by focusing on three ways we think about the responsibility of OAG, each of which centers on the concept of accountability. First: as the District's chief juvenile justice prosecutor, we work to hold youth who commit crimes accountable, and we work to ensure that the juvenile justice system is accountable to victims who have been harmed—physically, emotionally and economically—by criminal behavior. Second: as an Attorney General charged with upholding the public interest, we work to protect District residents—protecting their health, safety, and financial stability by holding accountable those that seek to exploit or take advantage. And third: as the Chief Law Office, we hold ourselves accountable to deliver top-notch legal services in order to safeguard the District's interests, conserve taxpayer dollars, and enhance the effectiveness of District agencies.

Ensuring Accountability for Youth Crime

I want to start off with the topic that is on everyone's mind, including mine: the unacceptable spike of violent crime last year in our city. Disturbingly, that spike has included more youth committing more serious crimes at younger ages, too often with guns. Given this, I want to be clear about one thing:

Addressing the spike in juvenile crime is our top priority. We work closely with MPD to solve crimes, and we prosecute cases presented to us with evidence sufficient to meet the "beyond a reasonable doubt" standard. We hold youth who commit criminal offenses accountable, ensure there are consequences for their conduct, and work to prevent them from re-offending in the future.

Every single day, the line attorneys in the Public Safety Division are prosecuting youth accused of committing violent crimes, while also seeking justice for the victims they have harmed. In FY23, our Public Safety Division papered roughly 88% of the most violent juvenile cases, including murder, manslaughter, attempted murder, and assault with intent to murder. We also papered more than 80% of juvenile gun possession cases and approximately 60% of all carjacking cases. Overall, last year, we prosecuted more than 1,000 cases involving nearly 700 youth. As crime rates rise, so do the caseloads of our prosecutors, and we will be asking the Council during the upcoming budget process for additional prosecutors and paralegals to devote to this essential work.

We also focus on helping victims, and, as you know, we have advocated for provisions in Secure DC that will allow us to better support victims in juvenile cases. Thank you, Chairwoman Pinto, for being receptive to those requests. We look forward to them becoming law.

Holding people accountable through swift, certain prosecution is essential to deterring and preventing crime, but we know that prosecution is only part of the solution. Our government has

an obligation—both to the youth prosecuted by my office, and to all residents of the District—to holistically and, wherever possible, proactively support youth and their families to prevent them from committing crime in the first place. After my first year in office, I have grown increasingly concerned about the adequacy of the efforts the District is making in positive interventions and in the efficacy of the District’s safety net to catch kids when they are struggling. In numerous community meetings and conversations with residents, I have repeatedly heard parents lament that they have cried out to their government for help before their children became system-involved, but their cries went unanswered. We hear too frequently that the rehabilitation services that we rely on other agencies to provide post-prosecution and post-commitment are too often anemic and ineffective. Accountability without support is a model that we know has failed in the past and that will fail us in the future. We must hold youth accountable for the crimes they commit. And we must also hold the District’s agencies accountable for the prevention and rehabilitative services that are owed to youth and their families under District law.

Fostering Public Safety By Advancing Economic Justice and Holding Businesses Accountable

OAG’s public safety mission extends beyond our prosecutors and Public Safety Division. We know that crime is often fueled by poverty, lack of opportunity, housing instability, economic exploitation, environmental spoliation, mental and behavioral health challenges, substance use disorders, and discrimination. By addressing those issues, our office is striving to improve the long-term public safety of the District. By way of example:

- Our Child Support Services Division works to ensure that children have financial security, collecting and distributing more than \$48 million in child support payments in FY23.
- Our Family Services Division intervenes for children experiencing abuse or neglect and last year helped transition nearly 170 kids from the foster care system to permanent homes.
- Our Public Advocacy Division secured a \$57 million settlement from Pepco—the largest environmental settlement in DC history—as part of a comprehensive effort to clean up the Anacostia River, whose polluted waters, for generations, have had a disproportionate effect on residents in Wards 7 and 8. That cleanup work will continue.
- We successfully resolved a number of opioid-related lawsuits that will generate tens of millions of dollars of settlement funds that can be used for treatment, prevention, and harm reduction, and we are working along with the other members of the Opioid Abatement Advisory Commission to ensure that those settlement funds are used appropriately.
- We enforce minimum wage and overtime laws, and we hold employers who seek to misclassify their employees as independent contractors accountable, to ensure that District residents can make a living and that lawfully operated businesses compete on a level playing field. We resolved a number of cases that collectively secured millions of dollars in restitution for workers and civil penalties for the District in FY23.

- We brought cases against predatory lenders who charged usurious interest rates to cheat DC families.
- Our housing advocates investigated more than 200 nuisance complaints involving both homes and businesses. And we obtained a landmark \$10 million settlement – the largest civil penalty in a housing discrimination case in U.S. history—against real estate firms who discriminated against Section 8 voucher holders.

This is a snapshot of the affirmative civil advocacy work that OAG is doing, all of which also addresses root causes of crime. We are protecting children, putting money back in people's pockets, and holding accountable those who seek to put profits over people.

Serving as the District's Chief Law Office

In addition to the public safety and public advocacy priorities of my office, OAG also provides unparalleled legal services to the District.

- Our Civil Litigation Division, in defending the District in roughly 750 cases with an approximately 98% win rate, saved the District nearly \$330 million in potential liability, safeguarding the District's budget and taxpayer funds.
- Our Commercial Division handled more than \$2.4 billion in contracts from District agencies, defended 639 tax assessment cases, and provided expert advice on the most complex and significant business and development opportunities the District is currently confronting.
- Our Legal Counsel Division provided legal sufficiency review for approximately 700 bills and rulemakings and fielded more than 120 confidential requests for legal advice.
- Our Solicitor General's Office successfully handled hundreds of appeals on behalf of District agencies, securing victories in the DC Court of Appeals that position the District to recover up to \$7 million in unpaid taxes in two real estate cases and establishing case law that will increase the District's ability to recover taxes more swiftly in future cases. OSG also worked with our Civil Litigation Division to defend the District's reasonable gun laws against ever increasing Second Amendment challenges, another way our work integrates across divisions into our public safety mission.
- And our Support Services Division provided critical support services for our litigation on behalf of the District, including serving summonses, subpoenas, and stay away orders, and locating witnesses to support our criminal and civil cases.

In total, OAG last fiscal year provided more than \$600 million in savings and benefits – more than four (4) times our annual budget. We continue to generate an excellent return on investment for the District.

The daily work of OAG is varied, complex, and impactful, and most of it is done without fanfare or publicity. District residents, District employees, and District agencies have a world-class law firm protecting their interests, their rights, and their tax dollars. I am very proud of, and grateful for, the talented, hardworking, mission-driven professionals who work at OAG.

We have provided the Committee with extensive written materials in response to your questionnaire. I want to publicly express my gratitude for the Herculean efforts of my extraordinary team in pulling those materials together, as well as for the professionalism your staff has demonstrated in the lead up to today's hearing. Thank you, Chairwoman Pinto, for your leadership and support of OAG. As the elected Attorney General, I am accountable to the residents of the District. We at OAG are committed to continuous improvement, and, in that respect, I welcome the rigor and transparency and accountability that your committee demands of us through its oversight function. I'm looking forward to continuing the conversation we have been having since I took office last year, and I welcome any questions you have.