

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



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Before Councilmember Brooke Pinto, Chairwoman

On

Office of the Attorney General Budget Oversight Hearing

May 1, 2024

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

Good afternoon, Chairwoman Pinto, Councilmembers, and my fellow Washingtonians. I'm honored to be able to testify before you today regarding the FY25 budget for the Office of the Attorney General.

As the District's independent, elected Attorney General, my top priority is the safety and well-being of everyone in the District. This priority informs the work of my entire office but is most visibly represented in our prosecution and public advocacy work. Less visible but equally critical is our defense of the District when it is sued, protecting taxpayer dollars from being drained in lawsuits so that those funds can be used to enhance public safety, public health, and the public interest. All told, in FY23, OAG provided the District with more than \$600 million in savings and benefits, representing a return on investment more than four times our annual budget. We are continuing to provide this same stellar service for the District in FY24.

For FY25, the Mayor's proposal did not reduce our budget, and we appreciate her financial support. Her proposal is sufficient to meet our needs, with two small enhancements we are requesting from Council: 1) additional prosecutors and paralegals for our Juvenile Section; and 2) funds to expand ATTEND, our truancy prevention program. We also have three asks for the Budget Support Act: 1) make permanent the spending increases for the Litigation Support Fund that Council recently passed on an emergency and temporary basis; 2) appropriate funds recovered with our JUUL vaping settlement in the manner that we have recommended based on feedback from District agencies most directly addressing the public health challenges vaping and e-cigarettes pose; and 3) make permanent the Office of Independent Juvenile Justice Facilities Oversight.

Requested Enhancements

I will start with our monetary asks. Our modest requests total less than \$760,000 and are focused on issues of the utmost importance to OAG, the Council, and residents: prosecution and truancy.

Prosecutors and Paralegals for the Public Safety Division

First, we request an additional \$500,000 to support our juvenile prosecution team. This money would fund 4 additional FTEs (2 prosecutors and 2 paralegals).

During FY23, the District experienced a disturbing spike in crime, including more youth committing more serious crimes at younger ages. OAG has risen to meet this challenge. In FY23, we prosecuted 88% of the most serious violent cases and 81% of juvenile gun possession cases. Last fiscal year, we prosecuted more juvenile cases and at the highest papering rate since before the pandemic. In fact, our papering rate in the first quarter of FY24 was nearly double the FY19 rate, and the number of cases presented to us in Q2 is up 26.5% over the second quarter of last year.

Our juvenile line prosecutors are in court every day holding youth accountable, seeking justice for victims, and protecting the District, all under the stringent speedy trial deadlines applicable in juvenile cases. We need help to meet these unprecedented demands on our resources. Currently, we have only 13 permanent attorneys and 1 paralegal handling juvenile cases. OAG's juvenile

prosecutors' average caseloads are 30-50 cases, while our Montgomery County counterparts average 20-30 cases. Two additional prosecutors would reduce average caseloads to manageable levels.

We also need more paralegals. The increase in violent crime has led to more complex prosecutions requiring review of vast amounts of evidence, including by way of example, law enforcement body worn camera video, CCTV video, "Ring" camera video, social media postings, text messages, law enforcement recorded interrogations, reports, and expert reports. The evidence has to be evaluated and provided to the defense in accordance with discovery rules. In homicide and serious violent crime cases, each case can have 200+ hours of video. Our timeline for all of this review and production is short—in some cases we have to go to trial in only 30 days, meaning that expansive evidentiary review must be completed on an expedited timeline.

As a practical matter, our limited support staffing numbers result in prosecutors reviewing video evidence, leaving less time for them to investigate cases and prepare for trial. Two new paralegals would enable us to meet the statutory timelines of juvenile cases more effectively.

Expansion of ATTEND

Second, we request \$258,193 to expand our truancy prevention program, Addressing Truancy Through Engagement and Negotiated Dialogue, or ATTEND, to three additional schools. Too many District children are chronically absent from school, a fact that adversely impacts their learning and social/emotional development, reduces their college and job readiness, and can contribute to juvenile delinquency and adult criminal behavior. We believe that education is critical to public safety. The best way to stop truancy is to prevent it through early, intensive interventions. That is the driving philosophy behind ATTEND.

ATTEND employs a school-based model for students with 5 unexcused absences, before they reach the 10 or 15-day truancy triggers under the statute. We offer intensive engagement with families, parenting workshops, back-to-school clothing and school-supply drives, food drives, and Job Fairs for parents. We currently operate in 8 elementary and middle schools across Wards 4, 5, 7, and 8. DCPS has asked us to expand to Leckie Education Center in Ward 8, and we are planning to add two additional Ward 4 schools: Raymond Elementary and MacFarland Middle Schools.

The funding we've requested will be used to hire a case manager and a program specialist and fund mediation services to help resolve conflicts that lead to truancy. As Council gears up to debate how to best tackle the District's high truancy rates, ATTEND has a model that works. Over the last 5 school years, OAG has served 337 families including 457 children. Only 58 kids, or 12.7%, have been re-referred to ATTEND after completing the program successfully. Proactive solutions like ATTEND must be funded to be successful.

Budget Support Act

Our budget asks are modest not only because we understand the financial challenges facing the District, but also because we are working every day to put money back in the District's coffers and to self-fund some of OAG's most important work. To that end, we have three requests for the Budget Support Act.

LSF Cap Increase

First, we ask Council to make permanent the spending increases on our Litigation Support Fund that you approved on an emergency and temporary basis earlier this year. The LSF supports litigation, personnel, and public safety initiatives. We self-fund the account: 100% of the money comes from wins in affirmative litigation brought and litigated by our Public Advocacy Division.

In 2015, when the fund was first created, Chairman Mendelson called on OAG to become a leading advocate for consumer protection amongst attorneys general across the country. We have fulfilled and exceeded that promise. PAD's consumer protection work, along with our worker protection, environmental protection, antitrust, and other affirmative litigation work, has protected District residents and also funded the vital work of the office. In addition to Public Advocacy Division personnel, the work has funded other Divisions, including 21 positions outside of the Public Advocacy Division, including in our Public Safety and Civil Litigation Divisions, the two divisions that handle all of our criminal prosecution and most of the District's defensive litigation. It has also helped to support our Office of Solicitor General, which has become a nationwide leader on critical issues like voting rights, the 2nd Amendment, and reproductive freedom. It also funds our case management and data reporting software, our e-discovery platform that allows us to process evidence in our cases, and various other litigation support costs, like expert witness fees and court transcripts. Without the LSF, these expenses—all of which are essential, baseline needs for our litigation teams—would have to be funded out of the General Fund.

The LSF also funds other Council and District priorities. For example, OAG currently funds the Cure the Streets violence intervention program entirely out of the LSF—a heavy lift that we have been carrying on our own since October 2023, and have agreed to continue carrying on our own in FY25. The LSF has also allowed us to be nimble in responding to public safety needs by creating grant programs like the Leaders of Tomorrow Youth Violence Prevention grants.

The LSF is another example of how OAG provides an excellent return on investment for District residents. Since FY20, we have spent \$7.2 million in LSF funds on PAD professionals who, through their affirmative litigation work, have returned more than \$126 million to the LSF, saving the District from having to fund critical OAG expenses out of taxpayer dollars from the General Fund.

Prior to the emergency and temporary legislation, there was a \$23.5 million spending cap on the LSF, meaning OAG could spend up to that amount in the fiscal year. However, this cap is proving to be too low for two main reasons: court dockets are moving faster post-pandemic, resulting in an acceleration of litigation costs, and we have absorbed the full cost of Cure the Streets. I am therefore asking that the Council permanently increase the cap to \$27 million - a

modest level that will enable us to meet the increasing financial demands of our litigation work and maintain our vital public safety initiatives.

JUUL Settlement Fund

On the theme of return on investment, OAG recently secured a settlement from JUUL Labs that will give the District approximately \$13.6 million over 8 years. As of June 1, OAG will have received a total of \$3.4 million for the first two years' payments. The court order approving the settlement requires that 50% of the funds over the life of the settlement be spent on vaping remediation. OAG does not have programmatic or budget authority to transfer funds to the agencies best equipped to battle vaping, but based on discussions with other District agencies, we have provided Council with recommendations on possible allocations to work towards undoing the damage that JUUL's intentional targeting and addiction of District youth has done. In total, OAG is transferring 75% of the settlement funds received to date, or over \$2.5 million, from our LSF to Council. That is more—over \$850,000 more—than the 50% the court order requires to be spent on remediation. And while our recommendations cover the full amount being transferred, we defer to Council to appropriate the funds in accordance with our recommendations or otherwise as the Council sees fit, provided of course that at least 50% over the life of the 8-year settlement period is allocated to vaping remediation. We stand ready to assist and we recommend that Council resolve the allocations it chooses through the Budget Support Act.

Juvenile Justice Facilities Oversight

Finally, the Mayor's proposed FY25 budget, if adopted, would eliminate the Office of Independent Juvenile Justice Facilities Oversight, the only independent body with oversight of the Department of Youth Rehabilitation Services and the facilities it operates and/or manages. Earlier this week, I submitted BSA language to Council that would make this office permanent. As I recounted earlier, OAG is working to hold young people accountable when they violate the law. For some, accountability means commitment to DYRS, including secure detention. OAG is prosecuting an increasing number of serious juvenile cases, and we are seeing a rise in youth detained in DYRS facilities and in the number of youth committed to DYRS overall. As the agency responsible for the rehabilitation of young people who commit the most serious crimes, DYRS must be held accountable to do its part, and that includes independent oversight of how it manages facilities and what services it provides to young people in its care.

My office is involved with these young people for only a small snippet of their time in the juvenile system. MPD arrests them, we charge and try them, and then the Court determines whether the youth should be committed to DYRS. At that point, we rely on DYRS to provide meaningful rehabilitative services. That last part—rehabilitation—is essential to reducing recidivism, preventing crime, and improving public safety in the District.

Over my 16 months in office, I have grown increasingly concerned that the young people we entrust to DYRS are not getting the rehabilitative services they need to prevent them from recidivating. Indeed, based on the most recent study available from the Criminal Justice Coordinating Council, 92.7% of youth committed to DYRS are re-arrested. That is unacceptable.

During performance oversight, I emphasized the importance of accountability not only for those who commit crime, but for the government agencies charged with protecting District residents and serving their needs. In the coming weeks, I will say more about my recommendations on improving the District's juvenile justice and truancy systems, but one thing cannot wait: we cannot allow the only oversight body for DYRS to disappear. We must get this right. I implore Council to make the Office of Independent Juvenile Justice Facilities Oversight permanent, move it into the Office of the DC Auditor, and expand its authority to include oversight of community shelter home facilities, group homes for committed youth, and therapeutic foster placements.

Conclusion

In closing, I want to reiterate that enhancing public safety and the well-being of everyone who lives in, works in, and visits the District of Columbia is my chief priority as your Attorney General and the chief priority of each of the dedicated professionals who work at OAG. Every single ask we are making of Council for the FY25 budget is laser-focused on improving public safety both in the short term and the long term. I very much appreciate this Committee's and the Council's support in what I know are our shared goals. OAG has always provided an excellent return on investment, and with your help, we will continue to do so.