



Office of the Attorney General

OAG (CB)

MISSION

The mission of the Office of the Attorney General (OAG) is to enforce the laws of the District of Columbia and to provide legal services to the District of Columbia government.

SUMMARY OF SERVICES

OAG is charged with conducting the District’s legal business. To discharge these duties, OAG is divided into ten Divisions: the Office of the Solicitor General, Child Support Services, Civil Litigation, Commercial, Family Services, Health and Human Services, Legal Counsel, Public Safety, Personnel and Labor/Employment, and Support Services. OAG represents the District in virtually all civil litigation, prosecutes certain criminal offenses on the District’s behalf 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 D.C. Council, the D.C. Courts, various Boards and Commissions, for reviewing legislation and regulations, and for supervising lawyers working in the general counsel offices of 28 agencies. All told, the Attorney General supervises the legal work of about 350 attorneys and an additional 350 administrative/professional staff.

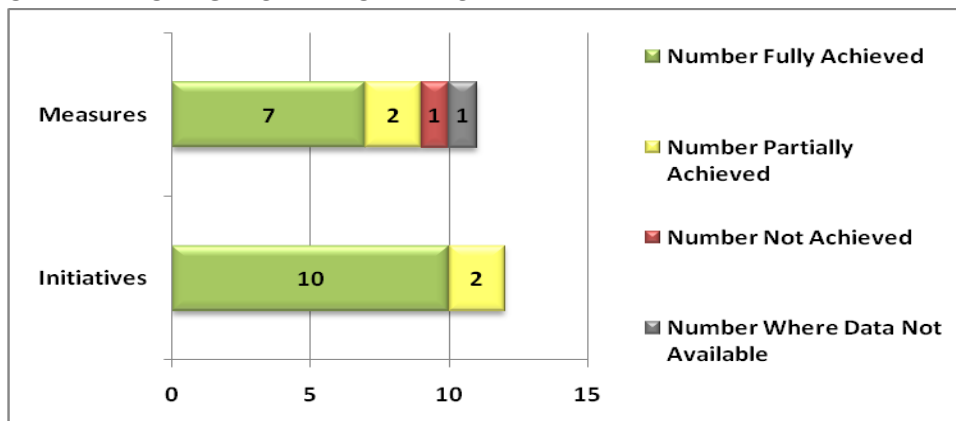
AGENCY OBJECTIVES

1. Reduce risk exposure to the District Government, city residents, visitors and others by strengthening litigation efforts.
2. Increase child-support orders and child-support payments to legally-entitled District families through vigorous enforcement of applicable laws and through programs for ex-offender parents owing child support and other non-custodial parent groups needing special assistance.
3. Enhance public safety through regional cooperation and strategic litigation.
4. Attract and retain highly qualified legal and administrative staff.

ACCOMPLISHMENTS

- ✓ Rulemaking Section completed 40% more rulemaking projects than performance goal.
- ✓ Number of Nuisance Property Prosecutions Target for FY09 35 Cases (44 in total for fiscal year)
- ✓ Provided employment services to 129 Non-Custodial Parents through the DOES/CSSD Non-Custodial Parent Employment Program offering education, job training, and placement services.


OVERVIEW OF AGENCY PERFORMANCE





Performance Initiatives – Assessment Details

Performance Assessment Key:

 Fully achieved  Partially achieved  Not achieved  Data not reported

OBJECTIVE 1: REDUCE RISK EXPOSURE TO THE DISTRICT GOVERNMENT, CITY RESIDENTS, VISITORS AND OTHERS BY STRENGTHENING LITIGATION EFFORTS.

INITIATIVE 1.1: Dramatically increase the enforcement of consumer, housing, labor and environmental laws.

OAG/NVS has worked to bring more slumlord cases to fruition during this fiscal year akin to the preceding year. However, this goal was not accomplished in terms of the concrete number of filing more cases against slumlords, in part, because there is a multi-agency approach to these cases. This past fiscal year, primarily beginning in the middle of the fiscal year, a District agency has participated in a substantial increase of inspections, and it has found that general conditions at properties throughout the District of Columbia has improved to the extent that although violations have been found, these violations did not rise to the safety hazards that were found previously. Accordingly, there has been abatement of many housing code violations that had been cited for which enforcement in the form of a lawsuit has not been necessary to date. However, OAG/NVS remains committed to addressing slumlords and ensuring that their properties are up to code and will look to file comprehensive litigation whenever it is appropriate following inspections by District agencies and a failure to abate. It should be noted that during this fiscal year, OAG/NVS filed four supplemental complaints against slumlords in October, 2009 containing hundreds of housing code violations among the defendants, and during this fiscal year, it was in serious litigation with the litigants to ensure that the housing code violations presented to the Court were abated. During this time, OAG/NVS was successful in getting full abatement of housing code violations, obtaining a fine, and/or jailing a slumlord for failing to comply with the Court's order. Accordingly, there has still been success in addressing slumlord dilemmas throughout this fiscal year. OAG/NVS also obtained a guilty verdict in an approximate 50 count information related to a developer who failed to obtain appropriate inspections for modular homes he constructed that resulted in homebuyers having problems with their heating and structures. This activity of this developer is akin to slumlord activities, and as such OAG/NVS remains committed to addressing these issues. The current status of the increase in slumlord cases includes additional outreach and communication among the various, relevant agencies to ensure that any cases that become ripe for litigation are included in any future enforcement cases that OAG may file. OAG is looking to continue with communicating with agencies responsible for conducting inspections and filing cases as they become appropriate. OAG is also working to move forward with the second phase of slumlord II and expects to move forward with case filings when and where appropriate. However, OAG is pleased of the impact that the first comprehensive slumlord litigation has had on the community and individual property owners.

INITIATIVE 1.2: Triage civil cases for more efficient resolution and refine the civil litigation



“Early Settlement Review Program” (ESRP).

The Civil Litigation Division of the OAG instituted new policies in December 2009 calling for Deputy or Assistant Deputy substantive review of all identified high impact cases. This resulted in increased early settlement reviews. However, no specific count was maintained for the increase in reviews, because there was no base data on which to compare the effectiveness of the initiative.

INITIATIVE 1.3: Ascertain and address rulemaking needs of all Executive agencies that lack dedicated legal staff.

Ascertaining the rulemaking needs of the District’s agencies was established as an initiative to be completed by the Office of Attorney General’s Rulemaking Section to serve the purposes of the clarifying the District’s law and to provide clearer processes for those who live and work in the District. These needs were ascertained by the end of August 2009. The Rulemaking Section obtained the information using three methods: 1) An email request sent to all Agency Directors and General Counsel; 2) Follow-up phone calls with any agency or office that responded with a need for assistance; and 3) Participation in the Executive Office of the Mayor’s Agenda for Change project which required all agencies to submit short, mid, and long term legislative and rulemaking agendas for review. As rulemaking projects were identified, the Rulemaking Section provided drafting and review assistance to client agencies identified during the initiative. The initiative was a success because: 1) 100% of the agencies responded in some manner; and 2) the Rulemaking Section was able to complete 70% more rulemakings than set in its performance measure due to the needs identified by the initiative. There were no substantial problems encountered in completing the initiative.

OBJECTIVE 2: INCREASE CHILD-SUPPORT ORDERS AND CHILD-SUPPORT PAYMENTS TO LEGALLY-ENTITLED DISTRICT FAMILIES THROUGH VIGOROUS ENFORCEMENT OF APPLICABLE LAWS AND THROUGH PROGRAMS FOR EX-OFFENDER PARENTS OWING CHILD SUPPORT AND OTHER NON-CUSTODIAL PARENT GROUPS NEEDING SPECIAL ASSISTANCE.

INITIATIVE 2.1: Conduct in-house genetic testing for paternity to increase child support collections.

The Office of the Attorney General, Child Support Services Division (CSSD) provides free genetic testing services to parents seeking child support in cases where the parents of the child have not been legally established. Historically, there can be a six to nine-month delay in obtaining child support orders due to time spent establishing paternity. CSSD is attempting to shorten the processing time by requesting the mother, father and child(ren) present themselves for genetic testing prior to the initial child support court hearing date. After the child support petition is filed with DC Superior Court CSSD sends an outreach letter to the parties to see if they are willing to participate in free genetic testing. Once the parties contact CSSD and complete the appropriate paperwork an administrative order is provided to finance the cost of the genetic testing. The parties must then submit themselves for testing which involves swabbing the mouth for saliva with a Q-Tip. Upon completion of the test the parties are provided a certificate of participation from CSSD. In FY 2009 CSSD produced 80 administrative orders for genetic testing and 35 genetic tests were conducted. One of CSSD’s biggest barriers in establishing parentage is getting full cooperation from custodial parents. Many parents refuse to cooperate with genetic testing orders whether administrative or judicial.

INITIATIVE 2.2: Create an on-site job resource center for non custodial parents.



The “Non-custodial Parent Employment Program” (“Employment Program”) is an initiative implemented by the Office of the Attorney General for the District of Columbia, Child Support Services Division (“CSSD”) and the Department of Employment Services (“DOES”). The program’s goal is to provide non-custodial parents (“NCP”) with job training, education, and job placement services. As a part of the collaboration between DOES and CSSD, a DOES Manpower Development Specialist is located at the CSSD office four (4) days during the week. The Specialist conducts in-depth assessments of NCPs participating in the Employment Program in order to ascertain what workforce development, wrap-around, and supportive services they require in order to become job ready. The Manpower Development Specialist provides NCPs with employment referrals, DOES services, and conduct regular follow ups with the NCPs. In FY 2009 CSSD provided employment services to 129 NCPs through the Employment Program. Some of these efforts resulted in NCPs gaining employment which allowed them to fulfill their child support obligation. The initiative was fully functional by September 30, 2009.

INITIATIVE 2.3: Establish Fathering Court with D.C. Superior Court.

To help ex-offender non-custodial parents establish a positive relationship with their children, the Office of the Attorney General, Child Support Services Division (CSSD) partnered with D.C. Superior Court to establish, a Fathering Court. The Fathering Court is a program that offers formerly incarcerated fathers who have not been making child support payments in the District of Columbia, for a long time, a chance to make a fresh start. Its purpose is to counsel, train and offer employment to this re-entry population so that they may better meet the financial and emotional needs of their children. Fathers will be educated, counseled and encouraged to place the needs of their children first. Key services offered to participant fathers include: case management; intense supervision by the court; job training and employment assistance; fathering classes; mediation services; personal financial management training; and counseling for non custodial parents and children. A high level of commitment is required from participants to successfully complete the program. The goal for FY 2009 was to serve 40 fathers in the Fathering Court. CSSD and the Court surpassed this goal with a total of 47 fathers participating in the Fathering Court program in FY 2009. It was a challenge for CSSD to serve these parents due to limited resources and staffing. The fathering Court was fully functional before the end of FY 2009.

OBJECTIVE 3: ENHANCE PUBLIC SAFETY THROUGH REGIONAL COOPERATION AND STRATEGIC LITIGATION.

INITIATIVE 3.1: Increase drug and prostitution nuisance prosecutions.

The Neighborhood and Victims Services program re-focused its resources to increase drug and prostitution prosecutions. NVS accomplished its goal in filing an increased number of drug and prostitution cases during FY 2009. However, it is important to note that although an increase of cases were filed that assisted in abatement of nuisances, there were many more drug nuisances that were abated short of filing a case in court. NVS has filed approximately 15 drug nuisance cases and approximately 4 prostitution-related cases. NVS has handled hundreds of drug nuisance cases within this past fiscal year and have abated a large percentage of those outside of court. Since January 2009 to the end of the fiscal year, approximately 311 cases were closed.

INITIATIVE 3.2: Enhance pre-trial alternatives for eligible, first-time Unauthorized Use of a



Vehicle (UUV) offenders and truant youth.

During this period the Juvenile Section added Unauthorized Use of a Vehicle to the list of charges that are eligible for a respondent to participate in Juvenile Drug Court. In the past if a respondent was charged with this offense he/she was not eligible to participate in this program. Juvenile Drug Court is an alternative to the regular prosecution track and allows for creative monitoring of the youth and creative approaches to reducing recidivism.

INITIATIVE 3.3: Educate District of Columbia children on internet safety.

During this period OAG partnered with USAO to offer Internet Safety Presentations to District students. DCPS had trouble scheduling the presentations. During the Summer OAG reached out to Parks and Recreation and was able to participate in the summer programs. Overall we were able to facilitate 23 Internet Safety Presentations (15 by OAG and 8 by USAO).

INITIATIVE 3.4: Reduce case-processing time in juvenile cases.

In 2007 the Council passed the Juvenile Speedy Trial Act requiring trial for juveniles within 30 or 45 days depending on placement and the offense. During the course of FY 2009 OAG has been under tremendous pressure to resolve the cases within the required time frame. OAG has been successful in meeting this challenge despite the loss of seven line attorneys over the last year. There have been no instances of cases dismissed because OAG did not meet the requirements of the law.

OBJECTIVE 4: ATTRACT AND RETAIN HIGHLY QUALIFIED LEGAL AND ADMINISTRATIVE STAFF.

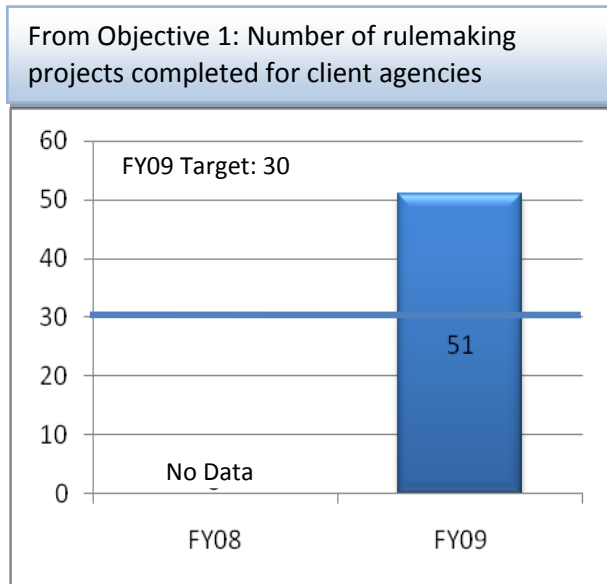
INITIATIVE 4.1: Increase retention efforts.

Through the generosity of local law firms, eleven Public Interest Fellows currently work in various OAG divisions. These associates receive a stipend from their firm and work full time with OAG for up to one year. In May 2009, OAG established a formal externship program with the George Washington University Law School. Each semester, OAG welcome a number of law students who receive course credit for the substantive work done under the supervision of OAG lawyers. In addition, OAG has established a relationship with a number of the local law schools including Howard University School of Law and UDC. Depending on the semester, OAG utilizes 50 to 100 law and college students from various local and non local law schools to supplement its workforce. Lastly, OAG has begun the second annual session of its Legal Assistant Academy, a 16-week intensive course facilitated by internal experts, for 10 administrative professionals. Participants study various practice areas with a goal of upward mobility and enhanced professional development. OAG continues to enjoy low turnover among its attorneys and administrative professional staff.

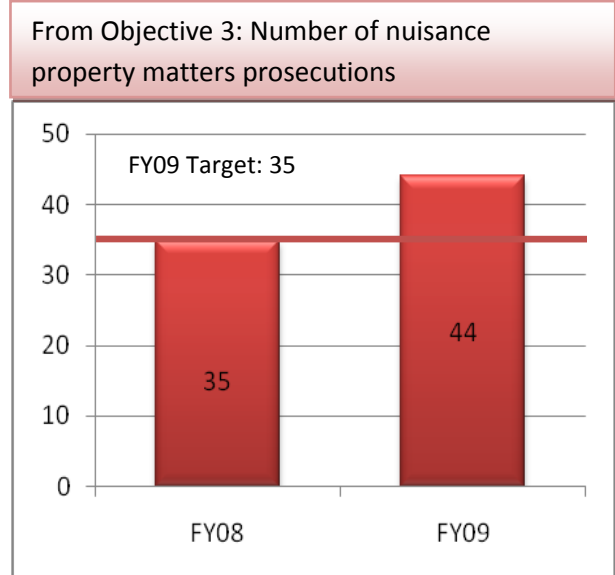
INITIATIVE 4.2: Develop new and more effective performance standards.

OAG re-wrote its attorney performance standards in October 2009. They are complete for all attorney positions, which comprise over 70% of all positions in OAG. OAG intends to utilize these new standards during the 2010 performance rating year.

Key Performance Indicators – Highlights



FULLY ACHIEVED



FULLY ACHIEVED

More About These Indicators:

How did the agency's actions affect this indicator?

- The Rulemaking Section surveyed its client agencies for rulemaking needs and then established a series of projects based upon this information and referrals from other sources.

What external factors influenced this indicator?

- External Referrals from the Executive Office of the Mayor, the City Administrator, and current events that produced a need for new rulemaking all influenced the number of projects completed.

How did the agency's actions affect this indicator?

- Despite a small staff, the NVS Section worked diligently to assess cases for legal validity and sufficiency to file matters in court.
- NVS worked with the community and other agencies to ensure cases could be filed.
- NVS section relied heavily upon its established relationships with various agencies to ensure that cases were appropriately prepared for court filings.

What external factors influenced this indicator?

- Necessary agency action was not as readily available as desired.
- NVS is impeded by the lack of community involvement to serve as witnesses in its cases.
- The Office must rely upon other government agencies to help build these cases, which may be labor intensive or time-consuming.



Key Performance Indicators – Details

Performance Assessment Key:

● Fully achieved
 ● Partially achieved
 ● Not achieved
 ● Data not reported

	Measure Name	FY2008 YE Actual	FY2009 YE Target	FY2009 YE Actual	FY2009 YE Rating	Budget Program
●	1.1 Increase slumlord prosecution	13	15	4	26.67%	PUBLIC PROTECTION PROGRAM
●	1.2 Increase in ESRP cases settled	0	25			CIVIL LITIGATION PROGRAM
●	1.3 Rulemaking projects completed	0	30	51	170%	LEGAL COUNSEL PROGRAM
●	2.1 Increase in-house genetic testing	0	30	37	123.33%	CHILD SUPPORT
●	2.2 Assist non-custodial parent job applicants	0	100	124	124%	CHILD SUPPORT
●	2.3 # of ex-offender parents assisted	0	30	46	153.33%	CHILD SUPPORT
●	3.1 Nuisance property matters prosecutions	35	35	44	125.71%	PUBLIC PROTECTION PROGRAM
●	3.2 Juveniles referred for rehabilitation	88	91	90.59%	99.55%	PUBLIC PROTECTION PROGRAM
●	3.3 Internet safety presentations given to DCPS students	0	30	23	76.67%	PUBLIC PROTECTION PROGRAM
●	3.4 Juvenile cases adjudicated	1045	1100	1615	146.82%	PUBLIC PROTECTION PROGRAM
●	4.1 Turnover rate of lawyers	6	13	11.19%	116.13%	POLICY AND OPERATIONS OVERSIGHT PROGRAM