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Testimony Before the District of Columbia Council
Committee on Judiciary and Public Safety
February 10, 2022

Performance Oversight Hearing:
Office of the Attorney General

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Introduction

Good afternoon, Chairperson Allen and members of the Committee. My name is Danielle Robinette, and I am a Policy Attorney at Children's Law Center.¹ I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a stable family, good health, and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year.

At Children's Law Center, our attorneys represent children and youth in the foster care system, as well as children and families seeking special education services and solutions for unhealthy housing conditions. In doing this work, we often encounter attorneys from the Office of the Attorney General (OAG) – either as counsel in our cases, advising on policies, or engaging in litigation that impacts our client population. We want to commend OAG's work in three areas – housing justice, truancy prevention, and engagement on child welfare issues.

Housing Justice

Through our housing work, we have forged a strong working relationship with OAG's Social Justice Section. As we have testified before the Council for years, the Department of Consumer and Regulatory Affairs (DCRA) lacks systematic housing code enforcement.² We applaud OAG for stepping into this gap and bringing cases against some of the most egregious landlords. As in prior years, OAG's Social Justice Section has

been receptive to hearing from our tenant attorneys about properties where our clients are suffering from illegal housing conditions. We also appreciate that the Social Justice Section attorneys engage directly with tenants in the community to better understand the issues faced by our clients and others across the city.

Another positive development from the Social Justice Section has been the integration of the Environmental Justice Unit into their housing cases. Over this past year, the Environmental Justice Unit enforced the Lead Hazard Prevention and Elimination Act against landlords and contractors who fail to conduct safe maintenance and renovation of housing built before 1978.³ As a medical legal partnership, we are particularly focused on these health harming issues, and we applaud OAG for focusing on lead, given what we know about the irreversible harm that can result from childhood lead exposure.

We also applaud the work of the Civil Rights Section in investigating and prosecuting cases involving source of income discrimination and other housing discrimination issues.⁴ Our clients frequently report how difficult it is to rent with a subsidy and that landlords do not want to rent to them. For laws prohibiting source of income discrimination and reasonable accommodation provisions to be meaningful, we need the OAG to hold landlords accountable.

We hope that OAG will continue to join Children's Law Center in advocating to strengthen laws that impact the residents we all work to protect, including modernizing

DC's lead laws this Council session and working to improve and reform DC's housing code enforcement system.

Truancy Prevention

Over the last several years, OAG has shifted its approach to truancy cases. Under the current Attorney General's leadership, the Agency has had a policy that truant students should receive support and services rather than punishment.⁵ This approach supports students and their families by connecting them to diversion programs rather than pursuing cases against them. OAG has worked with schools as well as the Department of Human Services (DHS) to identify students and families in need of support and to connect them to relevant services.

For older youth, OAG has been diverting all truancy cases to the Alternatives to Court Experience (ACE).⁶ This program assesses the young person's needs and offers case management and connection to services with a goal of addressing the underlying causes of their absences from school. By acknowledging and addressing barriers to school attendance rather than imposing punitive consequences, ACE has produced some positive outcomes, including a "reduced likelihood of reoffending, ... support to reengage in school and meet academic and attendance requirements, and improved functioning at home and in the community."⁷

Importantly, this work is not limited to older youth who are already chronically absent. In recent years, OAG has established and expanded programs for the families of

elementary and middle school students who struggle with regular school attendance. For elementary students, OAG's Addressing Truancy Through Engagement and Negotiated Dialogue (ATTEND) program for parents subject to prosecution for failing to send their children to school.⁸ Like ACE, this program offers an alternative to the traditional court system that connects parents to appropriate services that can work to address their underlying needs. Pre-pandemic, in the first 90-days of the ATTEND program, OAG conducted 22 conferences and reached agreements 100 percent of the time.⁹ For middle schoolers, the Agency has implemented the "I Belong Here" program where OAG staff work in schools to "positively reinforce the idea that students belong in school."¹⁰ Pre-pandemic results from the program saw a 75% reduction in truancy at Sousa Middle School.¹¹

This shift from punitive enforcement to prevention and support can also be seen in OAG's work on cases of Persons in Need of Supervision (PINS). PINS cases arise from status offenses committed by juveniles such as truancy, curfew violations, and running away. Consistent with a report published by the Juvenile Justice Advisory Group (JJAG),¹² OAG has largely declined to prosecute PINS cases in the juvenile justice system. Instead, these young people are connected to programs or supports that can address the underlying causes of their circumstances. Children's Law Center supports this practice and supports the JJAG report's recommendation that references to so-called "PINS offenses" be removed as prosecutable offenses from DC Code Title 16, Chapter 23.¹³

Finally, we would like to comment on the Agency's Restorative Justice Program. For youth involved in the criminal legal system, OAG's Restorative Justice Program not only allows young people an opportunity to repair the harm done, but also connects them with community-based behavioral health care.¹⁴ Early internal analysis shows that youth who participated in restorative justice are less likely to commit future criminal acts.¹⁵ These programs demonstrate OAG's commitment to prevention and support for young people. OAG's work acknowledges that people, especially youth, ought to be met with support before punishment. This support not only allows students to stay connected to their schools, but also improves long-term outcomes into their adulthood.

Engagement on Child Welfare Issues

Over the past year, we have appreciated OAG's increased engagement with us regarding child welfare. OAG participates in regular meetings with the leadership of the Child and Family Services Agency (CFSA) and the leaders of our Guardian-ad-Litem and Policy programs to discuss both policy and practice issues. We greatly value the improved communication and problem-solving opportunities provided by these meetings and commend OAG's consistent participation and openness during these meetings. During this last year, OAG also collaborated with Children's Law Center, CFSA, and its largest placement provider, the National Center for Children and Families to design and implement a joint workshop series intended to improve teaming between us and the agencies. Throughout the pandemic OAG proactively communicated with us

regarding their strategy for addressing educational neglect issues raised by remote learning and covid safety concerns. Better teaming and communication leads to better outcomes for the children we represent in foster care. We value our growing partnership with OAG and hope that it will continue as we move forward and face future challenges.

Conclusion

Across the spectrum of issues that DC's young people face – including child welfare involvement, unhealthy housing, and barriers to school attendance – OAG has repeatedly demonstrated their commitment to providing supports over taking a punitive approach.

Thank you for the opportunity to testify and I welcome any questions.

¹ Children's Law Center fights so every child in DC can grow up with a stable family, good health, and a quality education. Judges, pediatricians, and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With almost 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And we multiply this impact by advocating for city-wide solutions that benefit all children.

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- ² See, e.g., *Department of Consumer and Regulatory Affairs, Performance Oversight Hearing Before the Comm. of the Whole, D.C. Council*, (Mar. 18, 2021) (testimony of Kathy Zeisel, Senior Supervising Attorney, Children’s Law Center), available at: <https://childrenslawcenter.org/wp-content/uploads/2021/07/Zeisel-CLC-FY20-DCRA-Oversight-Testimony-FINAL.pdf>; *Bill 23-91, Department of Buildings Establishment Act of 2019 Office of Inspector General Prospective Evaluation of Bill 23-91 and Evaluation of DCRA Business Processes*, Public Hearing Before the Comm. of the Whole, D.C. Council, (Dec. 10, 2019) (testimony of Kathy Zeisel, Senior Supervising Attorney, Children’s Law Center), available at: <https://childrenslawcenter.org/wp-content/uploads/2021/07/Zeisel-OIG-DOB-Testimony-Before-the-District-of-Columbia-Council-12.10.19-final.pdf>; District of Columbia Auditor’s Report, “Housing Code Enforcement: A Case Study of Dahlgreen Courts,” Public Hearing Before the Comm. of the Whole, D.C. Council, (Oct. 31, 2018) (testimony of Anne Cunningham, Senior Staff Attorney, Children’s Law Center), available at: https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC-Testimony-Housing-Code-Enforcement-Dahlgreen-Courts-Case-Study-by-ODCA_0.pdf
- ³ See Office of the Attorney General for the District of Columbia, *AG Racine Announces Successful Resolution of Two Environmental Enforcement Actions & Files New Lawsuit Against Local Polluter* (Nov. 18, 2021), available at: <https://oag.dc.gov/release/ag-racine-announces-successful-resolution-two>
- ⁴ See e.g., Office of the Attorney General for the District of Columbia, *AG Racine Sues Major District Landlord Responsible For Nearly 1,000 Apartments Over Source of Income Discrimination* (Feb. 11, 2020), available at: <https://oag.dc.gov/release/ag-racine-sues-major-district-landlord-responsible>
- ⁵ Attorney General Karl Racine, *OAG Responses for FY 2020 Performance Oversight Hearing, Response to Q63*, at 84-85 (Mar 4, 2021), available at: <https://dccouncil.us/wp-content/uploads/2021/03/IPS-Performance-Oversight-Responses-2021-OAG.pdf>
- ⁶ DC Department of Human Services, “Alternatives to the Court Experience (ACE) Diversion Program,” available at: <https://dhs.dc.gov/page/alternatives-court-experience-ace-diversion-program>
- ⁷ *Id.*
- ⁸ See Office of the Attorney General for the District of Columbia, “Keeping Kids in School,” available at: <https://oag.dc.gov/public-safety/keeping-kids-school>
- ⁹ See Office of the Attorney General for the District of Columbia, *Attorney General Racine Celebrates Success of ‘I Belong Here’ Program to Reduce Truancy at Sousa Middle School* (Apr. 23, 2018), available at: <https://oag.dc.gov/release/attorney-general-racine-celebrates-success-i>
- ¹⁰ *Id.*
- ¹¹ *Id.*
- ¹² Juvenile Justice Advisory Group, *Create New Opportunities for “Persons In Need of Supervision” (PINS) to Succeed Without Legal System Intervention* (Feb. 21, 2020), available at: https://ovsjg.dc.gov/sites/default/files/dc/sites/ovsjg/service_content/attachments/JJAG%20PINS%20Alternatives%20Report%20February%202020.pdf
- ¹³ See *id.*, at 6.
- ¹⁴ See Office of the Attorney General for the District of Columbia, “Restorative Justice Program,” available at: <https://oag.dc.gov/public-safety/restorative-justice-program>
- ¹⁵ See *id.*; See also Gurbir Grewal & Karl Racine, *Criminal justice and laboratories of democracy*, THE HILL (June 9, 2021), available at: <https://thehill.com/blogs/congress-blog/politics/557649-criminal-justice-and-laboratories-of-democracy?rl=1>