

A RESOLUTION

25-451

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 5, 2024

To declare the existence of an emergency with respect to the need to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to increase the not-to-exceed amount for the Litigation Support Fund to \$27 million, and to increase maximum spending from the fund on public safety initiatives from \$9 million to \$9.7 million.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Litigation Support Fund Emergency Declaration Resolution of 2024”.

Sec. 2. (a) Section 106b(d)(3)(a) 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(d)(3)(a)) (“Act”), provides that the amount of money in the Attorney General’s Litigation Support Fund shall not exceed \$23.5 million. Any funds in excess of that amount at the end of a fiscal year shall revert to the unrestricted balance of the General Fund.

(b) Section 106b(c) of the Act states the purposes for which amounts in the Litigation Support Fund may be used, including: (1) Supporting general litigation expenses associated with prosecuting or defending litigation matters on behalf of the District of Columbia; (2) Funding staff positions, personnel costs, and employee retirement and separation incentives, up to a maximum amount of \$7 million per year, and non-personnel costs related to administering any grant issued pursuant to D.C. Official Code §§ 1-301.88f(a) and § 1-301.88g(a); and (3) Crime reduction and violence interruption programming. It also permits the Office of the Attorney General (“OAG”) to use up to \$9 million each fiscal year for crime reduction, violence interruption, and other public safety initiatives.

(c) Since Fiscal Year 2020, OAG has budgeted less than the full \$9 million for crime reduction, violence interruption, and public safety initiatives and used the remaining funds for other operational costs, including staff positions. In Fiscal Year 2024, OAG allocated \$9 million for these public safety initiatives, to be spent on Cure the Streets, Leaders of Tomorrow Grants, and the Community Approaches to Rapid Engagement Services Program (commonly known as

the CARES Program). Faced with the recent surge in violent crime in the District, including juvenile crime, OAG requires an increase in the maximum expenditures to fund these initiatives to \$9.7 million. Additionally, in Fiscal Year 2024, OAG allocated \$7.1 million for litigation support, including e-discovery, a matter management system, expert witnesses, transcripts, and other required services. Increased litigation support costs resulting from larger caseloads and active litigation in cases previously dormant due to Covid-19 have depleted the allocated funding. This will result in an operational shortfall in funding of \$3.5 million for Fiscal Year 2024.

(d) OAG is requesting enactment of the Litigation Support Fund Emergency Amendment Act of 2024 to increase the limit on the funds in the Litigation Support Fund to \$27 million and to increase the amount OAG is authorized to spend on public safety initiatives to \$9.7 million. These amounts will cover the projected shortfall and enable OAG to significantly increase its efforts to combat violent crime and enforce consumer protection, antifraud, antitrust, workers' rights, housing, and elder protection laws. The additional funds will be available from amounts OAG recovers for the District through successful litigation.

(e) The Litigation Support Fund Emergency Amendment Act of 2024 is necessary to expeditiously provide the statutory authority for OAG to increase its ability to combat violent crime while otherwise maintaining its current level of operations.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Litigation Support Fund Emergency Amendment Act of 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.