



D.C. Criminal Code Reform Commission
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February 9, 2023

The Honorable Brooke Pinto
Chairwoman of the Committee on the Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 106
Washington D.C. 20004

RE: Criminal Code Reform Commission Responses to Performance Oversight Questions.

Dear Chairwoman Pinto:

Thank you for the opportunity to provide responses to the performance oversight questions in the Committee on the Judiciary and Public Safety's correspondence dated February 9, 2023. The responses of the Criminal Code Reform Commission (CCRC) are presented below for your review, with attached appendices. I look forward to providing testimony and discussing these and any other questions you might have at the agency's oversight hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Jinwoo Park", is written over a light gray rectangular background.

Jinwoo Park
Executive Director

Attachments:

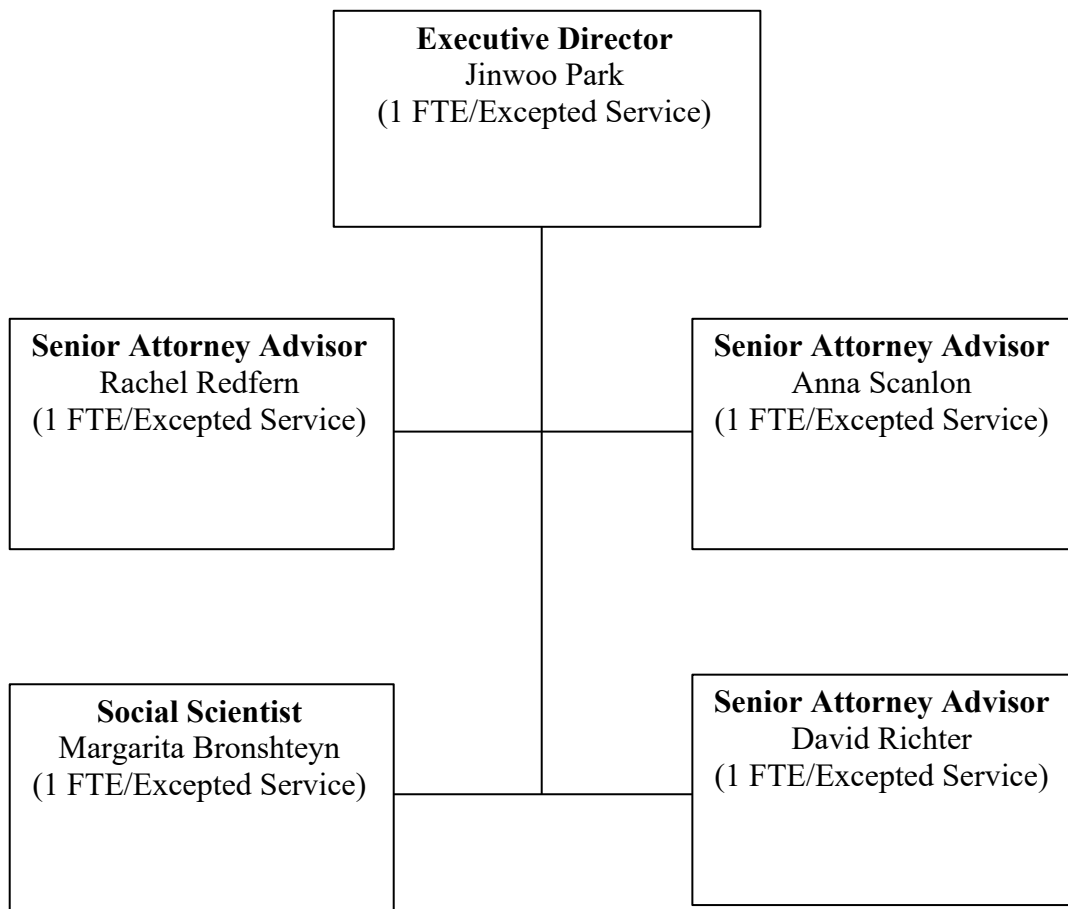
Appendix A: CCRC Schedule A, as of 1/11/2023
Appendix B: Copy of Telecommuting Work Agreement

Fiscal Year 2022 Performance Oversight Questions
Criminal Code Reform Commission

A. ORGANIZATION AND OPERATIONS

1. Please provide a complete, up-to-date **organizational chart** for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.

As of 2/9/2023 the agency has 0 vacant, 0 frozen, and 5 filled positions. The agency does not have any divisions or subdivisions.



- Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

In March of 2022, the former Executive Director, Richard Schmechel, resigned. Jinwoo Park, who previously had served as a Senior Attorney Advisor, was appointed as the new Executive Director. This appointment created a vacancy, which was filled when the agency hired David Richter in December, 2022 as a Senior Attorney Advisor.

2. Please list each **new program** implemented by the agency during FY 2022 and FY 2023, to date. For each initiative please provide:

None. The agency consists of one program.

3. Please provide a complete, up-to-date **position listing** for your agency, ordered by program and activity, and including the following information for each position:

Please see the Excel sheet attached as Appendix A to this document. The agency has only one program code (1001) and activity code (1010). None of the positions must be filled to comply with federal or local law.

4. Does the agency conduct annual **performance evaluations** of all of its employees, and was this done in FY 2022? Who conducts such evaluations? What are they performance measures by which employees are evaluated? What steps are taken to ensure that all agency employees are meeting individual job requirements? What steps are taken when an employee does not meet individual job requirements?

The CCRC conducts annual performance evaluations of all of its employees (excluding the Executive Director). The Executive Director conducts the evaluations of all employees. The employees are measured based on how well they achieve pre-determined SMART goals. Due to the small size of the CCRC, the Executive Director directly supervises all agency employees and reviews their work product to ensure that their performance meets expectations. No employees have failed to meet their individual job requirements.

5. Please list all **employees detailed** to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.

CCRC Senior Attorney Advisor Rachel Redfern was detailed to the Council Committee on the Judiciary and Public Safety beginning on April 1, 2021 for the purposes of providing subject matter expertise, including legislative drafting and legal guidance, on legislation to codify the CCRC recommendations for code reform. Her detail expired at the end of calendar year 2022.

Prior to his appointment as Executive Director, Jinwoo Park had also been detailed to the Council Committee on the Judiciary and Public Safety as of April 1, 2021. His detail ended upon his appointment.

6. Please provide the position name, organization unit to which it is assigned, and hourly rate of any **contract workers** in your agency, and the company from which they are contracted.

No contract workers retained during FY22.

7. Please provide the Committee with:

- A list of all employees who receive cellphones or similar communications devices at agency expense.
 - ◆ Please provide the total cost for mobile communications and devices at the agency for FY 2022 and FY 2023 to date, including equipment and service plans.
 - No CCRC employees received or used cellphones or other communication devices at agency expense.
- A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.
 - The CCRC did not own, lease, or use any vehicles.
- A list of employee bonuses or special award pay granted in FY 2022 and FY 2023, to date.
 - No employees were awarded bonuses or special award pay in FY22 or FY23 to date.
- A list of travel expenses, arranged by employee.
 - In FY22, Jinwoo Park attended the 2022 Conference of the National Association of Sentencing Commissions, held in Portland, Oregon from August 15 to August 17. The total expenses including airfare and a per diem were \$1,541.70.
- A list of the total overtime and worker's compensation payments paid in FY 2022 and FY 2023, to date.
 - The CCRC did not make any overtime payments in FY22 or FY23 to date.

8. Please provide a list of each **collective bargaining agreement** that is currently in effect for agency employees.

There is no collective bargaining agreement in effect for any agency employees.

9. Please identify all **electronic databases** maintained by your agency, including the following:

The agency does not maintain any electronic databases.

10. Please describe the agency's procedures for investigating allegations of **sexual harassment** or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2022 and FY 2023, to date, and whether and how those allegations were resolved.

The agency policy is to follow the District Personnel Manual in investigating complaints and grievances. The agency has coordinated with DCHR so that their designated Sexual Harassment Officer is available to any CCRC employee. Although the CCRC is a small, independent agency not subordinate to the Mayor, this action was taken to comply with the 12/18/17 Mayor's Order regarding Sexual Harassment Officers.

The CCRC did not receive any allegations of sexual harassment or discrimination to in FY 2022 or FY 2023 to date.

11. For any **boards or commissions** associated with your agency, please provide a chart listing the following for each member:

The agency is not associated with any boards or commissions. In prior years, the Criminal Code Revision Advisory Group (Advisory Group) was a statutorily designated group of stakeholders who reviewed and provided information and suggestions on proposals prepared by the CCRC. However, the Advisory Group completed its work in FY21, on March 31, 2021.

12. Please list the **task forces and organizations**, including those inside the government such as interagency task forces, of which the agency is a member and any associated membership dues paid.

The CCRC is not a member of, or associated with, any task forces or organizations.

13. What has the agency done in the past year to make the activities of the agency more **transparent** to the public?

The agency posts all drafts and final versions of recommendations for revisions to criminal laws on its website. In FY22, the former Executive Director, Richard Schmechel, testified at two Council hearings held on the Revised Criminal Code Act. The current Executive Director has attended public meetings held by Advisory Neighborhood Commissions and Citizens Advisory Councils to provide information and answer questions about the Revised Criminal Code Act.

14. How does the agency solicit **feedback** from customers?

- What is the nature of comments received? Please describe.
- How has the agency changed its practices as a result of such feedback?

The agency does not have customers as normally defined, however the agency has had communications with Councilmembers to answer questions and address their concerns related to the Revised Criminal Code Act, and other pieces of criminal

legislation pending before the Council. The agency has not changed practices as a result of this feedback, but has helped implement changes to the RCCA.

15. Please complete the following chart about the residency of **new hires**:

Number of Employees Hired in FY 2022 and FY 2023, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	1	1
Term	0	0
Temporary	0	0
Contract	0	0

16. Please provide the agency’s FY 2022 Performance Accountability Report.

The agency did not produce a FY2022 Performance Accountability Report. The agency has not produced this report in prior years, and has not been asked to do so.

B. BUDGET AND FINANCE

17. Please provide a chart showing the agency’s **approved budget and actual spending**, by division, for FY 2022 and FY 2023, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

Note, the CCRC has no divisions or subdivisions.

FY 22

Category	Budgeted for FY22	Expenditures for FY22	Surplus/Deficit
PS	\$686,153	\$645,831	\$40,322
NPS	\$211,020	\$202,644	\$8,376

The variance in personal service appropriations and actual expenditures resulted from a vacancy created when Jinwoo Park was appointed as Executive Director, which left his prior Senior Attorney Advisor position unfilled.

The variance in non- personal services appropriations were due to delays in D.C. Superior Court providing updated charging and sentencing data for 2020 and 2021. The agency had planned to hire an outside contractor to assist with data analysis, but did do so due to not receiving the data before the end of FY22.

FY 23 to date

Category	Budgeted for FY23	Expenditures for FY23 to date	Encumbrances
PS	\$835,264	\$155,978	n/a
NPS	\$124,958	\$7,766.00	\$100,000

To date, the agency is projected to spend nearly all of its appropriated funds for FY 23.

18. Please list any **reprogrammings**, in, out, or within, related to FY 2022 or FY 2023 funds. For each reprogramming, please list:

The CCRC did not reprogram any funds in FY22 or FY23 to date.

19. Please provide a complete accounting for all **intra-District transfers** received by or transferred from the agency during FY 2022 and FY 2023, to date, including:

CCRC as Buyer agency FY 2022

Seller	Program Code	Activity	Funding Source	Description	Total Amount	Dates
OCTO	800178	1010	Local Funds	IT and telephone assessment	5661	10/1/2021-9/30/2022
OCP	800178	1010	Local Funds	Agency P-Card purchases	4456	10/1/2021-9/30/2022

CCRC as Buyer agency FY 2023

Seller	Program Code	Activity	Funding Source	Description	Total Amount	Dates
OCTO	800178	1010	Local Funds	IT and telephone assessment	7617	10/1/2022-9/30/2023
OCP	800178	1010	Local Funds	Agency P-Card purchases	10,000	10/1/2022-9/30/2023

The agency was not a seller in FY2022 or FY2023 to date.

- Buyer agency and Seller agency;
- The program and activity codes and names in the sending and receiving agencies' budgets;
- Funding source (i.e. local, federal, SPR);
- Description of MOU services;
- Total MOU amount, including any modifications;
- The date funds were transferred to the receiving agency.

20. Please provide a list of all **MOUs** in place during FY 2022 and FY 2023, to date, that are not listed in response to the question above.

The CCRC has a no cost restricted data use agreement with D.C. Superior Court that allows the agency to have access to certain court data and to conduct limited analyses. The current version of the restricted data use agreement was entered into 4/14/19 and does not have an expiration date.

21. Please identify any **special purpose revenue accounts** maintained by, used by, or available for use by your agency during FY 2022 and FY 2023, to date. For each account, please list the following:

The agency does not maintain or use any special purpose revenue accounts.

22. Please provide a list of all projects for which your agency currently has **capital funds** available. Please include the following:

The CCRC does not have any projects for which capital funds are available.

23. Please provide a complete accounting of all **federal grants** received for FY 2022 and FY 2023, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2022, the amount of any unspent funds that did not carry over.

The CCRC has not received any federal grants for FY 2022 or FY 2023 to date.

24. Please list each contract, procurement, lease, and grant ("**contract**") awarded, entered into, extended and option years exercised, by your agency during FY 2022 and FY 2023, to date. For each contract, please provide the following information, where applicable:

The agency entered into one contract for services in this timeframe.

Contract #CW88201

- a. Party: Justice Policy Institute
- b. Nature: Strategic communications and public relations services
- c. Amount for FY 22: \$175,000 (budgeted)
- d. Amount for FY 23: \$100,000 (budgeted, to date no payments have been made)
- e. Term: 10-1-21 to 9-30-23 (option year for FY 23 exercised under contract begun in FY21)
- f. Competitively Bid: No, sole source contracting procedures were followed by OCP
- g. Contract Monitor: Contract Officer OCP Xanya Sanders; Contract Administrator CCRC Jinwoo Park – No issues to date
- h. Funding Source: Local funds

- i. The contract is not searchable on the Contracts and Procurement Transparency Portal.

25. Please provide the details of any **surplus** in the agency's budget for FY 2022, including:

In FY2022, the CCRC had a surplus of: \$48,698.

This surplus was unusually large as compared to prior fiscal years. The surplus resulted from a Senior Attorney Advisor vacancy created when Jinwoo Park was appointed as Executive Director. Due to the small size of the agency, each employee constitutes 20% of the CCRC's entire staff. Given the relatively large role each employee has on the overall agency, the CCRC did not want to rush to hire a candidate that was not an outstanding fit for the role, and the vacancy was not filled until early in FY23.

C. **LAWS, AUDITS, AND STUDIES**

26. Please identify any **legislative requirements** that the agency lacks sufficient resources to properly implement.

There are no legislative requirements that the agency lacks resources to properly implement.

27. Please identify any statutory or regulatory **impediments** to your agency's operations or mission.

There are no statutory or regulatory impediments to the agency's operation or mission.

28. Please list all **regulations** for which the agency is responsible for oversight or implementation. Where available, please list by chapter and subject heading, including the date of the most recent revision.

The agency is not responsible for overseeing or implementing any regulations.

29. Please explain the impact on your agency of any **federal legislation or regulations** adopted during FY 2022 that significantly affect agency operations or resources.

There are no federal legislation or regulations adopted during FY 2022 that significantly affect agency operations or resources.

30. Please provide a list of all studies, research papers, and analyses ("**studies**") the agency requested, prepared, or contracted for during FY 2022. Please state the status and purpose of each study.

The agency did not request, prepare, or contract for any studies during FY 2022.

31. Please list and describe any ongoing **investigations**, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 2022 and FY 2023, to date.

There are no ongoing investigations, audits, or reports on the agency, or any employee of the agency, or any investigations, studies, audits, or reports on your agency or any employee of the agency that were completed during FY 2022 and FY 2023, to date.

32. Please identify all **recommendations** identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations. If the recommendation has not been implemented, please explain why.

There were no recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years.

33. Please list any **reporting** requirements required by Council legislation and whether the agency has met these requirements.

There are no reporting requirements required by Council legislation.

34. Please list all pending **lawsuits** that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

The CCRC is not party to any pending lawsuits.

35. Please list all **settlements** entered into by the agency or by the District on behalf of the agency in FY 2022 or FY 2023, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

The CCRC did not enter into any settlements, and the District did not enter into any settlements on behalf of the CCRC, in FY2022 or FY2023 to date.

36. Please list any **administrative complaints or grievances** that the agency received in FY 2022 and FY 2023, to date, broken down by source.

Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY 2022 or FY 2023, to date, describe the resolution.

The CCRC did not receive any administrative complaints or grievances in FY 2022 or FY 2023 to date. Should a complaint or grievance arise, the agency would follow standard District Personnel Manual practices and procedures.

D. EQUITY

37. How does the agency assess whether programs and services are equitably accessible to all District residents?

The agency did not assess whether programs and services are equitably accessible to all District residents. The services provided by the agency, i.e. recommendations for reforms to criminal laws in the District, are by their nature accessible to all District residents.

- What were the results of any such assessments in FY 2022?
- What changes did the agency make in FY 2022 and FY 2023, to date, or does the agency plan to make in FY 2023 and beyond, to address identified inequities in access to programs and services?
- Does the agency have the resources needed to undertake these assessments? What would be needed for the agency to more effectively identify and address inequities in access to agency programs and services

38. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.

The agency does not have a racial or social equity policy.

- How was the policy formulated?
- How is the policy used to inform agency decision-making?
- Does the agency have a division or dedicated staff that administer and enforce this policy?
- Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

39. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.

All job postings for the agency include the following equal employment opportunity statement: The District of Columbia Government is an Equal Opportunity Employer. All qualified candidates will receive consideration without regard to race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, physical handicap, or political affiliation.

The agency does not have its own equal employment opportunity policy, but acts in conformity with standards set forth by D.C. Department of Human Resources. The agency does not assess its compliance with this policy, though all employees are informed of their right to contact an EEO officer in District government with any grievances they may have.

The agency does not have a division to administer equal employment opportunity matters or complaints. Margarita Bronshteyn is the designated staff who receives any EEO complaints from other agency employees.

- How was the policy formulated?
- How is the statement or policy used to inform agency decision-making?
- Does the agency have a division or dedicated staff that administer and enforce this policy?
- Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

E. COVID-19 PANDEMIC RESPONSE

40. Please give an overview of any programs or initiatives the agency has started in response to COVID-19, to date, and whether each program or initiative is still in effect.

The agency did not start any programs or initiatives in response to COVID-19.

41. Which of the agency's divisions are currently working remotely?
- 100% of the CCRC's employees are currently working remotely.
 - The CCRC's current office space is a single small room in the basement of 441th St. NW. The room has zero windows resulting in poor air ventilation. Given the ongoing COVID-19 pandemic, and some employees' particular health concerns, or familial health concerns, requiring employees to sit in close proximity in a poorly ventilated room presents a significant health concern.
 - The agency does not have a Continuing Operations Plan.
 - All employees have signed the Telecommuting Work Agreement provided by the Department of Human Resources. A copy is attached as Appendix B.
 - Please provide a copy of the agency's Continuing Operations Plan and any remote working protocol.

42. How has the agency ensured that all staff have access to necessary equipment and a stable internet connection to work from home?

In FY2021, the agency purchased an additional laptop computer to ensure all employees can perform their full work functions from home. In FY2022, the agency purchased one wi-fi range extender for one employee who had limited wi-fi range within their home.

All employees have demonstrated that they have access to reliable, high speed internet connections, and have subscriptions to the Westlaw legal research service. The nature of the agency's work, which almost entirely involves legal research and writing, is well suited to working from home.

43. Was the agency a recipient of any federal grants stemming related to the COVID-19 pandemic during FY 2022 and FY 2023, to date, and, if so, how were those federal grant dollars used?

The CCRC did not receive any federal grants related to the COVID-19 pandemic during FY2022 or FY2023 to date.

44. How has the agency updated its methods of communications and public engagement to connect with customers since the start of the pandemic?

Since the start of the pandemic, the agency employees have worked remotely and meetings with the CCRC Advisory Group were held via videoconference instead of in-person meetings.

Before the pandemic, the agency was already posting all drafts of recommendations, comments from the Advisory Groups, and other memoranda and documents on the agency's website. The agency has continued this practice, allowing the public to obtain access to agency materials remotely.

Agency staff have also attended meetings with the public, including meetings held by Advisory Neighborhood Commission and Metropolitan Police Department Citizens Advisory Councils via videoconference.