

**FINANCIAL RESPONSIBILITY AND MANAGEMENT  
ASSISTANCE AUTHORITY**

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**HEARING**

BEFORE A

SUBCOMMITTEE OF THE  
**COMMITTEE ON APPROPRIATIONS**  
**UNITED STATES SENATE**  
ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

---

**SPECIAL HEARING**

**D.C. Courts**  
**D.C. Public Schools**  
**Financial Responsibility and Management Assistance Authority**  
**Metropolitan Police Department**

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**FINANCIAL RESPONSIBILITY AND  
MANAGEMENT ASSISTANCE AUTHORITY**

**WEDNESDAY, APRIL 23, 1997**

U.S. SENATE,  
SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10:10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Lauch Faircloth (chairman) presiding.  
Present: Senators Faircloth, Hutchison, and Boxer.  
Also present: Delegate Eleanor Holmes Norton.

DISTRICT OF COLUMBIA

FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE  
AUTHORITY

STATEMENT OF ANDREW F. BRIMMER, CHAIRMAN

ACCOMPANIED BY:

STEPHEN HARLAN, VICE CHAIRMAN

MARGARET MOORE, DIRECTOR, D.C. DEPARTMENT OF CORREC-  
TIONS

OPENING STATEMENT OF SENATOR LAUCH FAIRCLOTH

Senator FAIRCLOTH. Thank you for being here. The meeting will come to order. And rather than opening it in the normal way and recognize the people, Senator Boxer is with us, and she has an emergency meeting of the appropriations committee and has to leave, so I am going to give her the opportunity to make an opening statement that she wanted to get done before we get started.

STATEMENT OF SENATOR BARBARA BOXER

Senator BOXER. Thank you so much, Mr. Chairman, for your graciousness, and to Congresswoman Norton, whom I know and have loved for years. Let me begin by apologizing to you and the assembled witnesses. I am a member of the Budget Committee, and we have been called to an emergency meeting. Actually, there is one today and one tomorrow. And, without a budget, we cannot appropriate anything for any function of government. So I think it is crucial that I go there. I will try to come back.

SUPPLEMENTAL REQUEST

I wanted to say that the Control Board, I am aware, is proposing a supplemental budget request in the amount of \$52.4 million for

capital improvements to D.C. public schools and for public safety. We have some problems with this, in terms of the fact that the President has not put that request in his supplemental budget, and perhaps he will be taking another look at that. We will find out.

We do not believe the House is going to include this. But I still feel it is crucial that we find out the details of this request, because it is never too late to change minds and to move forward if this is indeed an emergency.

My staff, Mr. Chairman, Kimberly Miller, will be here throughout, and I look forward to working with you to try and solve the District's problems. Because this is the greatest country in the world, and we need to make this Capital function the best that it can.

Thank you very much.

Senator FAIRCLOTH. Thank you, Senator Boxer.

And I, too, want to welcome Congresswoman Eleanor Holmes Norton. She has worked very closely, and I have worked with her so far in what we are trying to do with the District. And I thank her for her cooperation in everything we try to do.

I also want to recognize Dr. Bruce MacLaury, who is the chairman of the emergency school board. Dr. MacLaury, thank you for being here. And Steve Harlan, who is a member of the Financial Control Board. We thank both of you for your presence this morning.

#### CLOSING OF SCHOOLS

I want to say, before I got into an opening statement, that one of the most difficult decisions that any governing school board, or city for that matter, has to make is the closing of schools. And it is always an unpopular issue. But I want to stress that that is not what this hearing is about this morning. The purpose of this hearing is to talk about the supplemental appropriation, the emergency money, that we are talking about to open the schools in the fall, and also an emergency appropriation for the police department.

So I hope that anyone in the audience that feels strongly about school closing or whatever will understand that we will have no response from the audience. This is an opportunity for the people that are on the panel to testify and for us to hear their testimony. And any outspoken response, well, we will have to ask you to leave if that were to happen. So this is strictly on the emergency appropriation.

This is the first hearing of the Senate Appropriations Subcommittee on the District of Columbia. And I am especially pleased that Barbara Boxer could be with us this morning. And I hope that Senator Hutchison will be here before we finish. And I am delighted, as I said earlier, to have Congresswoman Norton with us.

#### ADDITIONAL FUNDING FOR PUBLIC SCHOOLS AND METROPOLITAN POLICE

Today we are going to hear testimony on the Control Board's request for additional funding for the District of Columbia public schools and the public safety agencies. These funds are related to the two most glaring problems the city faces—there are many, but these are the two most important right now. The Control Board

was created in 1995. And since that time, it has conducted an extensive review of the public schools and the Metropolitan Police. And I think the Control Board has done a good job. They have made the tough decisions to overhaul both of these departments in the face of a lot of criticism.

#### GRADE "F" FOR SCHOOL SYSTEM

The people of the District of Columbia deserve no less than one of the finest school systems and public safety systems in the Nation. The Control Board has determined that it is broken. And if you graded the District of Columbia school system, it would come up with an "F." It simply is not working.

The District's children lag behind in every measure used to evaluate educational performance. In addition to that, the physical condition of the District schools has reached a crisis level. Twice in the last 3 years, the schools have not opened on time because of fire code violations. In fact, just a few months ago, several schools were temporarily closed. Unless further repairs are made immediately, some schools will not be allowed to open in September.

We simply cannot allow this to happen. In this country, providing our children with a solid, basic education is one of the most important responsibilities we have. In our Nation's Capital, that right has been undermined. The Control Board has given the city a wake-up call, and it is time for the Congress to prepare to work with the District to solve the problem.

#### DECAY OF SCHOOLS

But equally disturbing as the decay of the schools is the condition of the Capital streets and neighborhoods. Conditions in the shadow, literally, of the Capitol are deplorable. We have to stop the drug dealing and the chaos that has developed. It is time to stop it throughout the country, but it is particularly important that we stop it here in the Nation's Capital.

#### MEMORANDUM OF UNDERSTANDING

The Control Board has just joined forces with the city by entering into a memorandum of understanding with the Mayor, Chief Soulsby, City Council members, Judge Hamilton, and others. Because of this step, the chief was given more authority. And he has placed an additional 400 police officers on the street. This is the first step in the department's crime reduction effort. But it is only a step. We cannot begin to solve the problem facing the city until residents and visitors feel free to walk the streets at any time without fear of their lives.

We look forward to the testimony on behalf of the emergency funds for the District's public schools and public safety. While I understand that many parents are concerned about the school closing, I want it again understood this hearing is about the funding.

Before we begin, I would like to—Senator Hutchison has not come—I was going to recognize her for a statement. But I will also recognize Congresswoman Norton, if you would like to make a brief statement before we begin.

## STATEMENT OF ELEANOR HOLMES NORTON

Ms. NORTON. Thank you, Mr. Chairman.

Only to say, first, how much I appreciate your holding this hearing under fairly unusual circumstances. It certainly is consistent with the great help you have been to the District and to me since you have become chair of this subcommittee.

I want to thank you as well, once again, for the gracious and generous way in which you heard residents from the District a few weeks ago. I think everyone left the room understanding that there was a thoughtful chairman, who had gone all the way to the grass-roots to learn about the District.

May I finally say that I strongly support this request. I think it meets the standard of an emergency supplemental. I understand that to be the stricture under which you must operate. And I thank you for hearing these representatives from the District of Columbia.

Senator FAIRCLOTH. Thank you, Congresswoman Norton.

Before we begin, I would like to remind all of the witnesses that your entire statement will be made part of the record. And I would like to ask, if I may, that you limit your opening statement, the spoken part, to 5 minutes. We want to hear all of the opening statements, and then we will throw questions to the witnesses.

I would welcome our first witness today, Dr. Andrew Brimmer. Dr. Brimmer is chairman of the D.C. Financial Responsibility and Management Assistance Authority. That is a long name, Dr. Brimmer.

Dr. Brimmer has a distinguished career in both the public and private sectors. He is currently president of Brimmer & Co., and a former member of the Board of Governors of the Federal Reserve.

It is a pleasure to have you here, Dr. Brimmer, and I thank you. And you may begin.

## STATEMENT OF ANDREW F. BRIMMER

Dr. BRIMMER. Thank you very much, Mr. Chairman and members of the subcommittee. Good morning.

My name is Andrew F. Brimmer, and I am chairman of the District of Columbia Financial Responsibility and Management Assistance Authority.

Mr. Chairman, because the name is such a long name for the organization, we have gotten into the habit of referring to it as the Financial Control Board. So I might, if you do not mind, I might do that from time to time in my own comments.

Senator FAIRCLOTH. I hope you will. [Laughter.]

Dr. BRIMMER. The Authority appreciates this opportunity to testify on the additional appropriation for fiscal year 1997 for the District of Columbia. The Authority is convinced that the support of the President and the Congress, which is critical to the revitalization of the Nation's Capital, is vitally necessary to the immediate efforts of stabilizing public safety and public education in the District.

The Authority, since its inception, has recognized these two areas, along with capital improvements, as the core of fundamental improvements required to build a better future for all of Washing-

ton's residents and visitors. As you know, in December 1996, the Authority issued a strategic plan to guide our work in revitalizing the District. The Authority issued a mission statement, articulating our intention to create high-quality, low-cost core services and facilities, such as education, public safety, and public works.

#### ADDITIONAL APPROPRIATION REQUEST

I am here today, formally, to request that the Congress approve an additional appropriation to the fiscal year 1997 budget for the District of Columbia. On Monday, April 14, 1997, the Authority formally transmitted to the President of the United States and to the President of the Senate and to the Speaker of the House of Representatives a request for \$52.3 million in additional Federal funds in fiscal year 1997, to aid public education and public safety in the Nation's Capital.

Our comments today in support of the additional funds are based on the best available information from the District agencies responsible for programs making these requests.

#### EMERGENCY REPAIRS TO PUBLIC SCHOOLS

Now, Mr. Chairman, I could go into considerable detail, but my colleagues here on the panel will be able to provide additional detail on specific pieces of the program. Let me say, basically, that as far as the schools are concerned, the work has to be done and it has to be done in a timely fashion, so that the schools will open in September.

Let me repeat. The repairs for which we are requesting funds today are known. General Williams and his associates have already identified those. They have plans to implement and carry out the work, but they need the money. And they need to receive the authority in a timely fashion, because they cannot wait until summer to get underway. So we need an early decision. They will document why that is the case.

With respect to public safety, the MOU which you mentioned and for which, at the Control Board, my colleague, Steve Harlan, the vice chairman, has responsibility on our behalf—as a result of that stepped up policing effort, the courts and the Corrections Department are swamped. The policing effort has produced more arrests, and these persons are moving through the system. So we need additional funds to take the load that is now being imposed on the courts and other criminal justice agencies in the system.

#### CRIMINAL JUSTICE SYSTEM NEEDS

We also are requesting an increase in funding in order to meet the requirements of a pay increase for the police. Chief Soulsby will provide the details and the documentation required for that request. That, too, is a vital part of the increased stress on public safety, and that, too, is a part of this emergency.

Mr. Chairman, as I said, we need these additional funds. We have taken a good, hard look at the existing budget. There is no way that this additional amount can be found in the existing budget. That is why we are asking for an additional appropriation at this time.

## PREPARED STATEMENT AND ADDITIONAL COMMITTEE QUESTIONS

Mr. Chairman, those conclude my opening comments, and I will be delighted to respond to specific requests later on. Thank you very much.

[The information follows:]

## PREPARED STATEMENT OF ANDREW F. BRIMMER

Mr. Chairman and Members of the Subcommittee: Good afternoon. My name is Andrew F. Brimmer, and I am Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority.

The Authority appreciates this opportunity to testify on the additional appropriation for fiscal year 1997 for the District of Columbia. The Authority is convinced that the support of the President and the Congress—which is critical to the revitalization of the Nation's Capital—is vitally necessary to the immediate efforts of stabilizing public safety and public education in the District. The Authority, since its inception, has recognized these two areas, along with capital improvements, as the core of fundamental improvements required to build a better future for all of Washington's residents and visitors. As you know, in December, 1996 the Authority issued a Strategic Plan to guide our work in revitalizing the District. The Authority issued a mission statement articulating our intention to “create high quality, low cost, core services and facilities, such as education, public safety, and public works.”

I am here today formally to request that the Congress approve an additional appropriation to the fiscal year 1997 budget for the District of Columbia. On Monday, April 14, 1997, the Authority formally transmitted to the President and to the Speaker of the House of Representatives a request for \$52.3 million in supplemental Federal funds in fiscal year 1997 to aid public education and public safety in the Nation's Capital. Our comments today in support of the additional funds are based on the best available data from the District agencies responsible for the programs making these requests.

Let me note at this time, that while the Authority strongly supports the District in its request for additional funds—and that we believe the funds are necessary to continue important public policy objectives—we remain convinced that the issue of improved management is at the heart of a better District Government. The Authority, as stated in its Strategic Plan, is committed to ensuring that the District provide effective, efficient, and low-cost public services to residents and visitors.

## PUBLIC SCHOOLS CAPITAL

Mr. Chairman, the first item included within this amount is \$36.85 million for the District of Columbia Public Schools. These funds will be used to make emergency repairs at various schools to ensure that those schools are ready to open for the 1997–98 academic year. General Becton and his staff have informed us that there are \$86.6 million in emergency capital improvements needed to school buildings, and that the school system has identified \$49.75 million in potential funding to date to meet these emergency needs. This amount includes \$11.5 million in capital borrowing executed in October 1996, and \$18.25 million from the proceeds of the privatization of Connie Lee. An additional \$20 million comes from the District's anticipated capital borrowing later this Spring.

In the conference report on the Omnibus Appropriations Act for 1997, House report 104–863, the conferees placed under the Authority all funds for school capital repairs, and instructed us to use the funds made available for repairs and capital improvements at those schools identified by the Authority, in consultation with the General Services Administrations (GSA) and the District's public schools. The estimates for this work have been completed, and verified by GSA. The conference report went on to express the commitment of the Congress to ensuring that school children in the District attend schools that are safe and clean, and which do not disrupt the educational progress. The Authority was empowered to seek a re-programming of capital funds, and Congress indicated it would consider additional funds in a supplemental appropriation.

In recent months, District officials have also examined a variety of options to increase the funds available to improve schools, including a more effective disposal or utilization of surplus school property, reducing operating costs, and leveraging volunteer efforts. While these options offer the potential of providing additional revenues starting in fiscal year 1998, they will only generate modest amounts, if any, this fiscal year, and they will not make up the projected shortfall needed. The only recourse if the District is to make the necessary emergency repairs that will allow

all schools to open in September is to obtain an additional appropriation of federal funds from the Congress for fiscal year 1997.

The Authority believes that, unless we end the practice of allowing identified fire code violations to dictate how we manage facilities, the District appears likely to repeat last fall's experience where schools did not open because they put the health and safety of school children at risk. The quality of the District's public schools has a direct bearing on the financial recovery of the city. There is no question that the quality of public education in the District must be improved. The continued deterioration and neglect of facilities, which the Authority documented last December in its report "Children First" makes clear that significant repair and construction are required for the District's schools to be safe and secure, and conducive to a superior learning environment. While we recognize that facilities are just part of what must be changed at the schools, the Authority is committed to making facilities improvement a priority. Without adequate education for our children, there can be no adequate recovery for the District.

#### PUBLIC SAFETY INITIATIVE

Mr. Chairman, public safety is the subject of our second request. The public safety agencies that make up the criminal justice system in the District are integrally connected. A change in the activities of one agency, typically, will impact all the criminal justice agencies. This is particularly true in the case of the Metropolitan Police Department (MPD), which usually is the entry point for the criminal justice system.

In December, 1996, the Authority, along with the Mayor, the Chairman of the Council of the District of Columbia, the Chief of Police, the U.S. Attorney, the Corporation Counsel and the Chief Judge of the Superior Court signed a Memorandum of Understanding (MOU) to help reduce crime and fear of crime in the Nation's Capital. On February 26, 1997, the MOU partners announced the first steps and initial findings of their on-going work.

Initiatives of the MOU partners, which range from concentrating police activity on open-air drug markets, to placing an additional 400 officers on the street, have resulted in a substantial increase in arrests. Between March 1, 1997, and March 24, 1997, arrests have increased by 72 percent above the same period last year. This increase in arrests has had a significant impact on the entire public safety and criminal justice system, and has contributed to the need for additional resources throughout the public safety cluster for the remainder of fiscal year 1997.

In addition, the initiatives are saving lives, homicides in the first quarter of this calendar year at their lowest level in a decade.

In order to sustain the momentum of the new policing initiatives, additional funding is needed, not only for the MPD, but also for the Courts, the Corporation Counsel, the Department of Corrections, the Pretrial Services Agency and the Youth Services Administration.

Based on the experiences of other major cities that have undertaken major crime reduction efforts, arrest rates will remain high in the first several months of the new policing initiatives. However, after several months, the arrests should begin to decline, and then stabilize.

The ultimate goal of the new crime reduction effort is not to increase arrest rates, but to prevent the occurrence of crime. It is our expectation that, by fiscal year 1998, arrests will begin to decline and then stabilize. As such, many of the additional resources needed to leverage the new policing initiatives in fiscal year 1997 may not be needed in fiscal year 1998.

#### MPD AND THE COURTS

The request we are making today includes \$8,800,000 in order to grant the officers of the Metropolitan Police a 10 percent pay raise. The District's officers are paid, an average, 14 percent less than officers in the surrounding jurisdictions. Some officers in the surrounding jurisdictions are paid as much as 22 percent more than the District's officers.

The pay raise would be tied to performance standards and changes work rules. The Police Chief has informed us that, ultimately, those officers whose performance is below specified standards would be discharged. The MPD has determined that it can not fund the pay raise, or even a portion of the pay raise, within its current fiscal year 1997 budget.

Mr. Chairman, the public safety initiatives are having an impact on reducing crime in the District of Columbia. All of us should be proud of the steadfast commitment to making our streets safer, but this success has created complications for law enforcement and related agencies that are handling the increased influx of cases. For instance, the D.C. Superior Court anticipates the need for an additional \$1.36

million in fiscal year 1997 to fund fully the additional costs directly attributable to the new policing initiatives.

Based upon the recent increase in the number of case filings, which, on average, have risen by 40 percent, the Courts estimate that the added cases will result in additional overtime costs of \$30,000 to process the filings, and \$710,000 for Criminal Justice Act (CJA) expenditures to provide private counsel for indigent defendants in the remaining six months of fiscal year 1997.

Furthermore, the Courts estimate that the increased police activity will result in 225 additional jury trials. Clearly, there are costs associated with this increase: the Authority has been informed that there is likely to be juror fees and administrative costs in excess of budgeted amounts totaling \$78,000 for the remainder of fiscal year 1997; witness fees are expected to increase by \$62,000.

The Courts have highlighted other costs, as well. The additional arrests and prosecutions will also result in significant increases in cases being referred to the Social Services Division of the D.C. Superior Court. Based upon information provided by the courts, every one thousand additional cases will require an additional team of one supervisory probation officer, 10 probation officers, and a probation assistant.

The ratio of adult probationers to probation officers is 100 to 1. With an anticipated increase felony in misdemeanor filings, it is expected that many defendants will be placed on probation. As such, the Social Services Division expects to require 22 additional probation officers and 2 additional probation assistants to handle the expected increase in workload that will be generated over the next year. Salaries for the additional probation services staff would total approximately \$500,000 for the remainder of fiscal year 1997.

Other agencies are also seeing the impact of the greater emphasis on crime reduction. The Pretrial Services Agency and the Office of the Corporation Counsel have found it necessary to request additional funds to offset significantly higher workloads. Moreover, the Youth Services Administration (YSA) anticipates the need for an additional \$302,000 for fiscal year 1997 to cover overtime costs related to the new policing initiative. The YSA has little control over its caseload and must serve those youth sent to it by the court.

#### CORRECTIONS

Mr. Chairman, with respect to the Department of Corrections (DOC), the agency estimates that it will need an additional \$4.9 million in fiscal year 1997 to cover costs associated with the new policing initiatives.

The Authority and the District Government are concerned that, as of April 17, 1997, there were only 16 vacant secure male beds and 4 vacant secure female beds at the D.C. Jail, the Correctional Treatment Facility, and the Lorton facilities. Between March 1, 1997, and April 7, 1997, DOC's inmate population increased by 277. Data from DOC's information system confirm a significant upswing system admissions starting March, 1997. The DOC is planning to give additional scrutiny to the current information, with the focus on studying arrest dates, lengths of stay, and detention data.

In anticipation of the projected increase in inmates, the District has decided that it can not yet close the Medium Security Facility at Lorton. The District informs us that it intends to proceed with plans to move inmates to a facility operated by a private contractor, and to use the additional space to absorb the increase in inmate population. It should also be noted that DOC anticipates a seasonal increase in the incarcerated population to occur during the spring and summer. The extent to which the policing initiatives may influence this seasonal increase can not be estimated with precision. A rise in conviction and admission numbers is anticipated, but the magnitude of the impact on DOC's population can not be precisely estimated at this time.

Let me add that these projections are consistent with the recent experience of New York City. The New York City Police Department implemented a major narcotics initiative in Brooklyn, New York beginning in April, 1996. Additionally, in September, 1995, New York City implemented an overall crime reduction program similar to the one recently begun in the District. The Corrections Department was impacted by both initiatives—particularly the Brooklyn initiative, which focused on felony offenses.

New York's Corrections Department needed additional capacity during the height of the crime initiatives. The increase in admissions continued for approximately five months, and then stabilized. In order to meet the space requirements for the new admissions, the Department had to delay planned fire safety projects that would have closed a facility and reduced capacity. Without the additional capacity, the initiatives would not have been successful.

The District's DOC is faced with the same situation as New York City. The DOC is nearly at capacity at most of its facilities. And, as mentioned, it had planned to close the Medium Security Facility and Zone 2 of the Occoquan Facility in fiscal year 1997. According to DOC, it can not close both facilities and absorb the additional inmates.

To meet the need for additional inmate beds, the DOC must keep the Median Security Facility open in fiscal year 1997. The additional inmates resulting from the new policing initiatives would not be housed initially in the Medium Security Facility. However, to avoid overcrowding at the D.C. Jail, which is operating under a court-ordered population cap, DOC has indicated that it will have to move some of the inmates at the D.C. Jail to the Lorton facilities. The cost associated with maintaining the facility approximates \$4.9 million.

Mr. Chairman, that completes my testimony. I would be happy to respond to any questions that you have regarding the additional appropriation request.

#### QUESTIONS SUBMITTED BY SENATOR FAIRCLOTH

*Question.* The Control Board has requested funds to continue to operate a medium security facility at the Lorton complex.

What is the current inmate population of that facility?

*Answer.* As of April 25, 1997, the inmate population at the Lorton Complex is 6,019. The total Department of Corrections population is 8,928. There are additional inmates at the Federal Bureau of Prisons (542), the U.S. Marshal's Service (61), and various other detention facilities around the country (205), for a total of 9,736.

*Question.* What is the capacity of Lorton?

*Answer.* The operating capacity at the Lorton Complex is 6,449. However, the rated capacity, which adheres to American Correctional Association standards for detention and correctional facilities, is between 4,231 and 4,778. The low rated bed capacity assumes single occupancy cells in each facility. The high rated bed capacity assumes a mix of single and double occupancy cells.

As illustrated in the chart below, 340 of the vacant beds are at the Minimum Secure Facility. Inmates housed in the Minimum Security Facility must meet the following criteria: (1) within 24 months of parole eligibility or mandatory release; (2) no pending charges, detainees, or outstanding warrants; (3) no crimes of violence, (4) no escape history; (5) no parole denials; (6) good conduct record; (7) favorable psychological assessment, and (8) no medical needs/impairments which cannot be addressed at the facility. Additionally, the Department of Corrections is under court order to do a complete diagnostic report before placing inmates at the Central Facility. A diagnostic report is not required to place inmates at the other Lorton facilities.

	Operating capacity	Rated capacity high	Rated capacity low	Population peak <sup>1</sup>	Current population
Central .....	1,373	1,400	1,200	1,348	1,346
Maximum .....	626	633	633	625	625
Minimum .....	1,073	466	466	744	733
Youth center .....	838	561	465	826	810
Medium .....	866	738	487	859	852
Occoquan .....	1,673	980	980	1,672	1,653
<b>Total capacity .....</b>	<b>6,449</b>	<b>4,778</b>	<b>4,231</b>	<b>6,074</b>	<b>6,019</b>

<sup>1</sup>The week of April 21, 1997.

*Question.* Will the entire inmate population be transferred to contract facilities in May 1997?

*Answer.* The entire inmate population at the Lorton Complex will not be transferred to contract facilities in May 1997.

*Question.* If not, how many will be transferred?

*Answer.* Based on current plans, 900 inmates will be transferred to contract facilities.

*Question.* What is the estimated cost of the contract care for the remainder of fiscal year 1997?

*Answer.* The estimated cost of the contract is \$7 million. This estimate is based on the assumption that a contract will be awarded by May 15, 1997 at an estimated per inmate, per day cost of \$55.

*Question.* What is the estimated cost of caring for any inmates who are not transferred to contract facilities?

*Answer.* Based on fiscal year 1996 actual expenditures at the Lorton Complex, the average cost per inmate, per day is approximately \$65.

*Question.* How many additional inmates are expected to be housed in D.C. correctional facilities through the end of fiscal year 1997 as a result of the police initiatives begun in March 1997?

*Answer.* The Department of Corrections estimates that the total inmate population will increase by 680 by the end of fiscal year 1997 as a result of the new policing initiatives.

*Question.* The Control Board reports that recent efforts to crack down on crime have strained our judicial system. The supporting material that accompanied the Control Board's request for emergency funds assumes an increase in the overall conviction rate for offenders of about 10 percent—from 65 percent to 75 percent or more.

On what facts is this assumption based?

*Answer.* According to the April 3, 1997 Baseline Report on crime fighting efforts in the District of Columbia, the District's overall conviction rate for arrestees who are charged with a crime is 65 percent. According to Booz-Allen & Hamilton, the consultants currently reviewing the District's Metropolitan Police Department (MPD), it is reasonable to expect that once the reengineering of the MPD is complete, the conviction rate, at a minimum, will be in line with the national average of 75 percent.

*Question.* Of those additional offenders convicted in 1997, how many are expected to be sentenced to prison?

*Answer.* The Superior Court of the District of Columbia estimates an additional 400 felony cases, in fiscal year 1997, as a result of the policing initiative, and the conviction rate in felony cases is estimated between 65 percent and 75 percent. Those convicted of felonies are likely to receive prison sentences of one year or more. Based upon this information it is likely that a significant number of those convicted of a felony will be sentenced to prison.

D.C. PUBLIC SCHOOLS

**STATEMENT OF JULIUS W. BECTON, JR., GENERAL, U.S. ARMY (RETIRED), CHIEF EXECUTIVE OFFICER/SUPERINTENDENT**

**ACCOMPANIED BY CHARLES WILLIAMS, GENERAL, U.S. ARMY (RETIRED), CHIEF OPERATIONS OFFICER**

Senator FAIRCLOTH. Thank you, Dr. Brimmer.

The next witness we will hear from is Gen. Julius Becton. General Becton is the chief executive officer and superintendent of the D.C. public schools. He served our country for 40 years in the U.S. Army. General Becton also served 4 years as Director of the Federal Emergency Management Agency.

I want to welcome General Becton and hear what he has to say.

General BECTON. Thank you very much, Mr. Chairman, Congresswoman Norton.

EMERGENCY CAPITAL IMPROVEMENT NEEDS

I welcome the opportunity to appear before you today to discuss our request for supplemental funds to meet the emergency capital improvement needs of our public school facilities. I want to thank you, Mr. Chairman, and your staff, for the interest in the D.C. public schools, and the willingness you have shown in meeting with us and discussing our situation.

I am accompanied today by my chief operating officer, Chuck Williams, who will be able to discuss in detail our emergency capital improvement plan. I will summarize my prepared statement and ask that the full text be submitted for the record.

Senator FAIRCLOTH. Very well.

General BECTON. Mr. Chairman, to understand where we are now and where we are going, it is important to consider the tremendous change that has occurred within the last year in the governance and direction of the school system. On April 25 of last year, Congress passed the District of Columbia School Reform Act of 1995.

Among other things, this act requires the design and implementation of a comprehensive, long-term program for the repair and management of public school facilities. It also requires the designation of a new or existing agency or authority within the District of Columbia to administer that program.

On September 28 of last year, as part of the Omnibus Appropriations Act for Fiscal Year 1997, Congress transferred all available operating funds and capital financing authority provided in fiscal year 1997 and previous appropriations acts from the school system to the D.C. Financial Authority. Thus far, in 1997, these and other actions have provided \$49.7 million in total potential funding for emergency capital improvement.

Congress took these steps after concluding that a breakdown in oversight and accountability had occurred at the expense of the children in this city, and that the D.C. public school system had demonstrated that it was unable to effectively manage school facility improvements. As you know, on November 15 of last year, the Financial Authority issued its order to restructure the D.C. public schools. This order appointed me as chief executive officer, and established the Emergency Transitional Education Board of Trustees.

#### EMERGENCY BOARD OF TRUSTEES

In this order, the Financial Authority also delegated to the Emergency Board of Trustees the power and responsibilities over school facilities provided to the Authority in the Omnibus Appropriations Act for Fiscal Year 1997.

#### CHIEF OPERATING OFFICER

On December 31 of last year, I brought on board Gen. Chuck Williams as chief operating officer and director of facilities for the D.C. public schools. Chuck's prior experience in the area of facilities was as a Major General in the Army Corps of Engineers, where he served for 29 years. More recently, he led a \$4 billion school facility program, as president and chief executive officer of the New York City School Construction Authority. Prior to that, he led a \$1.3 billion program as program manager of the rebuilding of Fort Drum in New York.

#### FACILITY MASTER PLAN

To meet the requirement of the School Reform Act of 1995, we have developed a long-range facility master plan, which we believe will allow us to return our school facility inventory to a safe environment that is conducive to teaching and learning. The long-range facilities master plan has three implementing phases.

The first phase is contained in the fiscal year 1997 Emergency Capital Improvement Program. Without these critical envelope-type repairs, we cannot assure that schools will open and stay open during school year 1997-98. This plan requires the obligation of \$86.6 million in fiscal year 1997.

#### FUNDS FROM CONNIE LEE PRIVATIZATION

Within these requirements, GSA is currently executing \$11.5 million in contracts, and the \$18.25 million in proceeds from the Connie Lee privatization is being obligated and work is commencing. Another \$20 million in funds from a forthcoming bond sale for the District of Columbia will be obligated by July. This leaves a shortfall of \$36.8 million for fiscal year 1997, which is the basis for the supplemental appropriation we are seeking from the Congress.

To summarize our situation, we need to obligate a total of \$86.6 million by October 1. We presently have commitments for \$49.7 million, which means we need an additional \$36.8 million to ensure that all of our schools are ready to open in the fall, and remain open.

To execute our plan, we have developed a solid management approach and system for quality control. The hallmark of our new or-

ganization is the quality of staff and management focus for the fast-track work, using the design/build method of delivery on most projects. The D.C. public schools is now in a superb posture to effectively administer the comprehensive, long-term program for the repair and management of public school facilities required by the School Reform Act.

Our execution plan for fiscal year 1997 ensures that funds will be used only for schools with the most immediate facility improvement needs, and that are necessary to retain an inventory of public school buildings. Any minor adjustments to our plans that are necessary as a result of the school closings will be backfilled with critical requirements that have already been identified.

In addition, our in-house program management will be coupled with prequalified construction management firms. The interest for participation from top private sector firms has been encouraging, a function of the integrity and accountability we have built into our operations. The prequalification process we are using ensures that we know what the market can handle and that firms are qualified. Prequalified firms agree to performance and financial bonding.

In conclusion, Mr. Chairman, we believe that our long-term plan is dynamic and can address both present and future needs. We are keenly aware that the 21st century will bring new challenges to the D.C. public schools. Being prepared for this future requires continuous planning and attempting to maintain control over those variables that are within my reach.

Our new organization and the long-range facilities master plan are the cornerstone of this effort. Our capital improvement team ensures quality and accountability. The plan represents the first step to responsible, effective stewardship of resources vital to educating our children.

#### PREPARED STATEMENT

I would like to conclude by restating my guiding principle that I have used ever since I have been here: Children first. All of our efforts in achieving fundamental improvements in the school system must be weighed in terms of their impact on children. Failure to meet the needs of the children of this city is not an option.

I thank you, sir, for the opportunity, and I will be prepared to respond to your questions as appropriate.

[The statement follows:]

#### PREPARED STATEMENT OF JULIUS W. BECTON, JR.

Mr. Chairman and members of the Subcommittee: I welcome the opportunity to appear before you today to discuss our request for supplemental funds to meet the emergency capital improvement needs of our public school facilities. To understand where we are now and where we are going, it is important to consider the tremendous change that has occurred within the last year in the governance and direction of the school system.

#### CHANGES IN THE GOVERNANCE AND DIRECTION OF THE D.C. PUBLIC SCHOOLS

On April 25, 1996, Congress passed the District of Columbia School Reform Act of 1995. Among other things, this Act requires the design and implementation of a comprehensive long-term program for the repair, improvement, maintenance, and management of public school facilities. It also requires the designation of a new or existing agency or authority within the District of Columbia to administer that program.

On September 28, 1996, as part of the Omnibus Appropriations Act for Fiscal Year 1997, Congress transferred all available operating funds and capital financing authority provided in fiscal year 1997 and previous appropriations Acts from the school system to the D.C. Financial Responsibility and Management Authority. This Act also privatized Connie Lee and Sallie Mae, with proceeds to be used for school facility repairs. Thus far in fiscal year 1997, these actions have provided \$49.75 million in total potential funding for emergency capital improvements. In addition, the General Services Administration (GSA) was directed to provide program management services to assist in short-term management and repairs and capital improvements. The GSA continues to carry out this role.

Congress took these steps after concluding that a breakdown in oversight and accountability had occurred at the expense of the children in this city, and that the D.C. Public School System had demonstrated that it was unable to effectively manage school facility improvements.

On November 15, 1996, the Financial Authority issued its order to restructure the District of Columbia Public Schools. This order appointed me as Chief Executive Officer and established the 9-member Emergency Transitional Education Board of Trustees. The Financial Authority took this action after concluding that “\* \* \* in virtually every category and for every grade level, by virtually every measure of performance, the public school system has failed to provide a quality education for all children and a safe environment in which to learn \* \* \*” In this order, the Financial Authority also delegated to the Emergency Board of Trustees the powers and responsibilities over school facilities provided to the Authority in the Omnibus Appropriations Act for Fiscal Year 1997.

On December 31, 1996, I hired Chuck Williams as Chief Operating Officer and Director of Facilities for the District of Columbia Public Schools. Chuck’s prior experience in the area of facilities was as a Major General in the Army Corps of Engineers, where he served for 29 years. More recently, he led a \$4 billion school facility program as President and Chief Executive Officer of the New York City School Construction Authority. Prior to that, he led a \$1.3 billion program as Program Manager of the rebuilding of Fort Drum in New York.

#### WHERE WE STAND TODAY

To meet the requirements of the School Reform Act of 1995, we have developed a Long Range Facilities Master Plan which we believe will allow us to return our school facility inventory to a safe environment that is conducive to teaching and learning.

The Long Range Facilities Master Plan has three implementation phases. The first phase is contained in the fiscal year 1991 Emergency Capital Improvement Program. Without these critical, envelope-type repairs, we cannot assure that schools will open and stay open during school year 1997–98. This plan requires the obligation of \$86.6 million in fiscal year 1997. Within these requirements, GSA is currently executing \$11.5 million in contracts, and the \$18.25 million in proceeds from the Connie Lee privatization is being obligated and work is commencing. Another \$20 million in funds from a forthcoming bond sale for the District of Columbia will be obligated by July. This leaves a shortfall of \$36.85 million for fiscal year 1997, which is the basis for the supplemental appropriation we are seeking from Congress.

The second phase of the plan, pertaining to immediate needs, is encompassed in the Capital Improvement Program for fiscal years 1998 and 1999. During this period needed repairs, replacements and improvements will be accomplished, and planning will begin for the modernization of existing schools and some new school construction. By this time, significant progress will have been made on the disposition of the school system’s portfolio of excess space, which now totals more than 4 million square feet. Decisions as to school closings, swing space, modernizations and new construction will be accomplished and planning will begin in earnest for the full revitalization program. The capital budget request for fiscal year 1998 school facilities improvements totals \$182.6 million.

The third phase, slated for fiscal years 2000–2007, is when we intend to undertake the full modernization and revitalization of our school facilities. Current estimates for the complete repair and modernization of school facilities in the District of Columbia are in the \$1.5 to \$2 billion range.

#### MANAGEMENT APPROACH AND QUALITY CONTROL

To execute our plan, we have developed a solid management approach and systems for quality control. The D.C. Public Schools is now in a superb posture to effectively administer the comprehensive long-term program for the repair, improve-

ment, maintenance, and management of public school facilities required by the School Reform Act of 1995.

The hallmark of our new organization is the quality of staff and management focus for "fast track" work using the design/build method of delivery on most projects. Leading the capital improvement program team under General William's direction is Terry Hernson. He brings 20 years of Corps of Engineer facilities management experience, a two year stint as project control manager for the Kennedy Airport expansion, and six years with the New York City School Construction Authority Capital Improvement Program. This will be the third occasion he has worked under General William's leadership where "fast track" project delivery techniques were employed. Terry will manage a team of 24 top flight project managers, program planners and estimators, and design review managers. All of these individuals will have "fast track" project execution experience and understand the design/build project delivery concept.

Our execution plan for fiscal year 1997 ensures that funds will be used only for schools with the most immediate facility improvement needs and that are necessary to retain in the inventory of public school buildings. Any minor adjustments to our plan that are necessary as a result of the school closings will be back-filled with critical requirements that have already been identified. In addition, our in-house program management will be coupled with pre-qualified construction management firms. The interest for participation from top private sector firms over the past 60-90 days has been very encouraging, a function of the integrity and accountability we have built into our operation. The pre-qualification process we are using ensures that we know what the market can handle and that firms are qualified. Pre-qualified firms agree to performance and financial bonding. Performance bonding implies a warranty of the job with a schedule guarantee. Financial bonding implies a surety back-up for contractor failure.

#### CONCLUSION

We believe that our long-term plan is dynamic and can address both present and future needs. We are keenly aware that the 21st century will bring new challenges to the D.C. Public Schools. Being prepared for this future requires continuous planning, and attempting to maintain control over those variables that are within my reach. Our new organization and the Long Range Facilities Master Plan are the cornerstones of this effort. Our capital improvement team ensures quality and accountability. The plan represents the first step to responsible, effective stewardship of the resources vital to educating our children.

I would like to conclude by restating my guiding principle for all that we do: Children First. All of our efforts in achieving fundamental improvement in the school system must be weighed in terms of their impact on children. Failure to meet the needs of the children in this city is not an option.

This concludes my prepared statement. I will be glad to answer any questions that you and the other Subcommittee members may have.

Senator FAIRCLOTH. Thank you, General Becton.

General Williams, we are delighted to have you here. I do not believe we have you listed as wanting to make an opening statement, but if you have anything to say we would be delighted to hear from you.

General Williams has served a distinguished career in the Army, and has supervised the study of the emergency repairs needed for the schools. I thank you for being here. If you would like to make a statement, we would be delighted to hear it.

#### ADDITIONAL COMMITTEE QUESTIONS

General WILLIAMS. Mr. Faircloth and Ms. Norton, I do not have a prepared statement but I am delighted to be here in support of our effort and I will be waiting to respond to your questions.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

## QUESTIONS SUBMITTED BY SENATOR FAIRCLOTH

*Question.* Who prepared the cost estimates for your capital improvement request?

*Answer.* The estimates DCPS forwarded as part of our fiscal year 1997 Capital program emergency needs were prepared and compiled utilizing costs provided by General Services Administration (GSA) through their consultant Architectural/Program management firm Daniel, Mann, Johnson, and Mendenhall (DMJM). DMJM updated to current cost, an existing comprehensive study of DCPS facilities conducted by 3DI and assisted in prioritizing areas of major needs. In conjunction with those costs, the roof costs were compiled using a comprehensive roof survey conducted by Service Master.

*Question.* Did GSA participate in preparing these cost estimates?

*Answer.* GSA participated in the preparation of these budgetary cost estimates. GSA cost estimators and engineers provided the DCPS with technical cost estimating assistance in major work categories such as the boiler projects, the air handling/condensers/cooling tower cost, and the average underground storage tank removal cost, (GSA submitted estimates to Congress for the underground storage tank removals in October 1996).

*Question.* How can the Subcommittee be assured you will receive a competitive price for the goods and services needed to repair these schools?

*Answer.* We have researched the prevailing prices for this work planned (i.e., Fairfax and Montgomery counties) and will use them as benchmarks. We will have a contract that is "fast track" with a 30-day prompt payment to serve as an incentive to the private sector. Our procurement process will dictate competitive bids.

*Question.* What responsibility does the Control Board have over the charter schools?

*Answer.* The Emergency Board of Trustees, as agents of the Control Board has certain responsibilities for charter schools that derive from the status of charter schools as public schools in the District of Columbia and the status of the Board of Trustees as a state educational agency (SEA) of the District of Columbia, having jurisdiction over the schools. Therefore, DCPS and the Emergency Board of Trustees has the same responsibilities for charter schools that it has for other public schools as SEA under federal law. DCPS, as a local educational agency (LEA), also has certain responsibilities for charter schools in the area of special education as prescribed by federal law, if a charter school elects not to be considered an LEA under the Charter School Provision of the District of Columbia School Reform Act of 1995.

*Question.* Is the Control Board currently responsible for maintaining or making improvements to the charter schools?

*Answer.* The Control Board does not have responsibility for maintaining or making improvements to the charter schools, nor does DCPS have such responsibilities as agents of the Control Board. DCPS could have responsibility for the facilities of a charter school if the use agreement negotiated between DCPS and a charter school included such services.

*Question.* How much excess capacity currently exists in the D.C. public school system?

*Answer.* Currently, inventory is 15,854,700 s.f., giving an excess capacity of 4,076,851 s.f.

*Question.* How many square feet do you need to educate the children attending the D.C. public schools?

*Answer.* Total square footage needed for current student enrollment, using the Goals 2000 standard, is 11,777,849 for a total student population of 78,648 as counted in the fiscal year 1996-97 Office Membership Report, which was conducted on October 3, 1996.

*Question.* Please provide the Subcommittee with a breakdown of schools on the repair list by elementary school, middle school, and high school. If there are other categories of schools, such as preschools or junior high schools on the repair list, please list these schools also.

*Answer.* Attached under exhibit 2 is the breakdown of the school on the repair list by type.

*Question.* The Control Board's request for additional emergency funds for capital improvements to certain D.C. public schools proposes an aggressive amount of construction in a short period of time. How does the D.C. Public School System and the Control Board intend to monitor and manage this large amount of capital work?

*Answer.* The accountability and oversight of all capital work will be accomplished through a blend of in-house professionals (project construction managers, construction inspectors, cost estimators and design review engineers) led by a skilled Capital Improvement manager and we will use construction management firms from the private sector to handle the on-site construction supervision. GSA will be available as back-up in any of these areas.

This oversight will be comprehensive covering design review, construction placement, construction inspection and quality control and assurance for each project. (See Management scheme attached at Exhibit 1).

*Question.* Accessibility requirements for the disabled have been in force for over 20 years under Section 504 of the Rehabilitation Act of 1973. Why are these modifications now considered an emergency?

The new DCPS administration considers all ADA projects an emergency due to the past administration's delays in implementing and enforcing the requirements of Section 504. These delays have led to complaints and court actions being filed against the D.C. Public Schools. It is the position of this new school administration to ensure that all schools over the course of our capital program are accessible to all our students, parents and community. The work that has been identified in this report is considered to be the most urgent.

*Question.* What schools will have work done on underground storage tanks, miscellaneous asbestos abatement, major window replacements, electrical modifications, and ADA compliance work? Please breakdown the list by school with the respective repairs proposed for each school.

Attached under exhibit 3 is the breakdown of schools where work will be done in each above listed category.

*Question.* According to the capital improvements cash flowchart, some roof replacement, asbestos abatement and major window replacements are scheduled to take place during the September-December 1997 timeframe. How can these take place with children in the building?

The cash flow chart shows when we estimate payments will be made to contractors, not necessarily when the work will be accomplished. Some payments may require 30 days process time after the work is completed and inspected. Replacing roofs is the major emphasis of our fiscal year 1997 program. We intend to replace roofs as long as weather permits. In the September-December 1997 time-frame, roof sections with physical barriers (e.g. concrete decks) that separate the roofing work from children will be replaced. Most asbestos abatement should be complete by September. Any asbestos work under way will typically be in support of other projects and we will ensure that necessary safety and health precautions are taken. Major window replacement work will be phased to ensure classroom windows are installed before the start of the school year. The only window work we estimate to be going on after September is exterior work outside the classrooms (e.g. hallways).

#### EXHIBIT 1

##### CAPITAL IMPROVEMENT PROGRAMS DIVISION

###### *Organizational Notes—Planning/Control Team—10 Personnel*

Central "interface" for project development, planning and scheduling, cost control and budget management and contract packaging and administration

- Supervised by an experienced Construction Manager/Planner
- Budget Analyst
- Project scheduler
- Procurement Analyst
- Contract Administrator (for Facilities Group)
- Program Planner
- Two estimators (change orders, work orders)
- Database Manager
- Administrative Assistant (Office Manager)

This is the nerve center for the Facilities Group—capturing and relating activities and inflation within and beyond the Facilities group, for projects in scope development, design and construction.

##### CAPITAL IMPROVEMENT PROGRAMS DIVISION

###### *Organizational Notes—Design Review Team—6 Personnel*

Central Resource of Technical Expertise for all types of Projects—Supervised by PE/RA Team Leader

- Review all designs (Plans and Specs) for bidability and buildability
  - Maintains spec library
  - Establishes CADD standards (with CSR Division)
  - Consults with PM Team on "changes"
- Functional Responsibility
- Electrical
  - Mechanical (HVAC)

—Civil/Structural

MANAGEMENT OVERSIGHT FOR CAPITAL IMPROVEMENT PROJECTS

Each PM has a Construction Inspector and will be in close coordination with the Design Team.

Program Control will be handled by our Planning and Control Team consisting of (Planning, Estimation, Budgetary and Scheduling).

Project Quality Assurance will be performed by our Program Analysis and Evaluation Division.

EXHIBIT 2

*Elementary schools on repair list*

Adams Elementary School; Aiton Elementary School; Bancroft Elementary School; Barnard Elementary School; Beers Elementary School; Benning Elementary School; Birney Elementary School; Blow/Pierce Elementary School; Bowen Elementary School; Brookland Elementary School; Bruce-Monroe Elementary School; Burrville Elementary School; Cleveland Elementary School; Cook, J.F. Elementary School; Cooke, H.D. Elementary School; Davis Elementary School; Drew Elementary School; Eaton Elementary School; Emery Elementary School; Fletcher-Johnson EC; Gage-Eckington Elementary School; Garfield Elementary School; Gibbs Elementary School; Giddings Elementary School; Goding Elementary School; Grant-School w/o Walls Elementary School; Green Elementary School; Harris C.W. Elementary School; Harrison Elementary School; Houston Elementary School; Hyde Elementary School; Janney Elementary School; Ketcham Elementary School; Key Elementary School; King, M.L. Elementary School; Lafayette Elementary School; Langdon Elementary School; LaSalle Elementary School; Leckie Elementary School; Lee, M.D. Elementary School; Lewis Elementary School; Ludlow Taylor Elementary School; Marshall, Thurgood Elementary School; Mann Elementary School; Maury Elementary School; Merritt Elementary School; Meyer Elementary School; Miner Elementary School; Montgomery Elementary School; Moten Elementary School; Murch Elementary School; Nalle Elementary School; Orr Elementary School; Parkview Elementary School; Payne Elementary School; Peabody Elementary School; Petworth Elementary School; Powell Elementary School; Randle Highlands Elementary School; River Terrace Elementary School; Ross Elementary School; Rudolph Elementary School; Seaton Elementary School; Shadd Elementary School; Shaed Elementary School; Shepherd Elementary School; Smothers Elementary School; Stoddert Elementary School; Terrell M.C. Elementary School; Trudell Elementary School; Turner Elementary School; Tyler Elementary School; Van ness Elementary School; Watkins Elementary School; Webb Elementary School; Wheatley Elementary School; Whittier Elementary School; Wilson J.O. Elementary School; and Young Elementary School.

*Middle schools on repair list*

MacFarland Middle School; Roper Middle School; and Stuart/Hobson Middle School.

*Junior High schools on repair*

Backus Junior High School; Browne Junior High School; Deal Junior High School; Hart Junior High School; Hines Junior High School; Jefferson Junior High School; Johnson Junior High School; Taft Junior High School; and Terrell R.H. Junior High School.

*Senior High schools on repair*

Anacostia Senior High School; Ballou Senior High School; Cardozo Senior High School; Coolidge Senior High School; Dunbar Senior High School; Ellington, Duke Senior High School; McKinley Senior High School; Roosevelt Senior High School; Spingarn Senior High School; Washington M.M. Senior High School; and Wilson W Senior High School.

*Other schools on repair list*

D.C. Street Academy; Fletcher-Johnson EC; and Sharpe Health.

School	Windows	Electric	ADA	UST	Asbestos
AITON ES .....	1	.....	.....	.....	.....
ANACOSTIA SH .....	.....	.....	.....	1	.....
BACKUS JHS .....	.....	.....	1	.....	.....

School	Windows	Electric	ADA	UST	Asbestos
BALLOU SHS			1	1	
BANCROFT				1	
BARNARD ES	1	1			
BEERS ES				1	
BENNING ES				1	
BIRNEY ES	1			1	
BROWNE JHS					1
CLEVELAND ES		1			
COOLIDGE SHS			1		
DREW ES		1	1		
FLETCHER-JOHNSON EC			1		
GIBBS ES		1			
JEFFERSON JHS			1		
JOHNSON JHS			1		
LUDLOW TAYLOR ES				1	
MACFARLAND MS				1	
MARSHALL, THURGOOD ES				1	
MANN ES				1	
MAURY ES				1	
MCKINLEY SHS			1		
MERRITT ES				1	
MEYER ES				1	
MINER ES				1	
MONTGOMERY ES				1	
MOTEN ES				1	
MURCH ES				1	
ORR ES				1	
PARKVIEW ES				1	
PAYNE ES				1	
POWELL ES				1	
RANDLE HIGHLANDS ES				1	
REED				1	
RIVER TERRACE ES				1	
ROOSEVELT SHS				1	
ROPER MS			1	1	
ROSS ES				1	1
RUDOLPH ES				1	
SCHOOL W/O WALLS				1	
SEATON ES				1	
SHADD ES				1	1
SHAED ES				1	
SHARPE HEALTH				1	
SHEPHERD ES				1	
SMOTHERS ES				1	
SPINGARN SHS			1	1	
STODDERT ES				1	
STUART/HOBSON MS				1	
TERRELL M.C. ES				1	
TERRELL R.H. JHS				1	
TRUESDELL ES				1	
TURNER ES				1	
TYLER ES				1	1
VAN NESS ES				1	
WASHINGTON M.M. SHS				1	
WATKINS ES		1		1	
WEBB ES				1	
WHEATLEY ES				1	
WHITTIER ES				1	
WILSON J.O. ES				1	
WILSON W SHS			1		

Note: 1 represents scheduled work in category.



METROPOLITAN POLICE DEPARTMENT

**STATEMENT OF LARRY SOULSBY, POLICE CHIEF, METROPOLITAN POLICE DEPARTMENT**

Senator FAIRCLOTH. Thank you. Our next witness is Police Chief Larry Soulsby of the Metropolitan Police Department for the District of Columbia. I am delighted to see Chief Soulsby here. I have had a chance to visit with him on several occasions, and to hear and to see some of the problems that he faces.

Chief Soulsby has recently been given expanded authority to re-deploy the city's law enforcement resources in his effort to crack down on the crime that permeates the city. Chief Soulsby, we thank you for taking the time to be with us here today to testify, and we would be delighted to hear your statement.

Mr. SOULSBY. Good morning, Senator Faircloth, Congresswoman Norton. Thank you for the opportunity to appear before the committee and discuss the supplemental budget request for the Metropolitan Police Department.

REQUEST OF \$8.8 MILLION FOR POLICE PAY RAISE

I am here today to request an additional \$8.8 million to fund a 10-percent pay raise for our police officers in the last one-half of fiscal year 1997. I have spoken very candidly in recent weeks about the problems confronting the department, crippled by significant problems lasting at least a decade, a stagnant organizational culture, unempowered leadership, insufficient funding for salaries and resources, and a lack of accountability at all levels.

Working with our MOU partners, we are now establishing a new Metropolitan Police Department, one that serves the community effectively. We are setting high expectations for our officers and their conduct. MPD personnel will be held accountable, to the same degree as employees in private industries. If employees cannot meet the higher standards, they will be held accountable, and their employment will be terminated.

Department recruiting processes are in the process of being changed. We must attract higher quality applicants. We are developing entry level standards that include higher educational requirements. The Metropolitan Police Department will not tolerate individuals who would abuse their power and authority. Any member who engages in unlawful or unethical conduct will be swiftly removed from the force.

PERFORMANCE MANAGEMENT PROGRAMS AND SYSTEMS

I have two working committees that are examining performance management programs and systems. We need to capture a meaningful performance tied to activities, to productivity. One of the committees is working on departmentwide activities for all uni-

formed officers. A second committee is working on very specialized units like detectives' positions and what standards should be for them.

Meaningful performance standards are the key to establishing accountability. The empowerment of the police department requires members be held accountable for integrity, for performance, for the elimination of crime, and the elimination of the fear of crime and disorder.

I will demand the highest level of performance and accountability from my new leadership team and from all the men and women, both sworn and civilian, within the department. I will encourage the community to do the same for everyone. Results visible to the community will be the most important measurement of our success. We want the community, the Nation to tell us that we are succeeding. Our citizens, the entire community must be proud of the performance of the police department in our Nation's Capital.

#### ENHANCED ENFORCEMENT EFFORTS

The most significant achievements in the results since the establishment of the enhanced enforcement efforts have shown that a decrease in crime of 23 percent for the month of March, which includes decreases in every police district ranging from 15 to 34 percent. Homicides are down 28 percent for the year, a significant reduction. All measurable police activities have increased significantly. It is also important to note that citizen complaints for the year are down.

The men and women of this department are working hard to maintain these decreases and to bring a lasting sense of safety and security to our communities. In negotiations and discussions with the FOP, Fraternal Order of Police, they have tentatively agreed to the following issues in regard to negotiating and trying to lead to a more professional police department.

#### RANDOM DRUG TESTING

We are going to implement random drug testing. We are going to have comprehensive educational requirements at all levels. We are going to have recertification of our police officers in our procedures and laws. We are going to increase emphasis on the bearing and deportment of all the officers. We are going to have a more professional-acting, responding police department.

We are having flexibility on the current 28-day schedule so that we are able to move officers around to address needs on a moment's notice. We are not going to have outside employment in ABC establishments in the future. Background investigations will be done every 5 years on every employee to keep them up with standards, and we will also use the polygraph voice stress analyzers for hiring new recruits.

The Metropolitan Police Department's valuable resource is our personnel. Without quality personnel, our attempts to rebuild will fail.

## SALARIES OF POLICE OFFICERS

For too long, the Metropolitan Police Department has been forced to pay lower salaries. On average with the surrounding areas, we pay our officers 14 percent less. Many of our officers make up to 22 percent less than surrounding jurisdictions. This hurts our recruiting, because it is very difficult to recruit people at lower standards when the activity demands on the Metropolitan Police Department are much greater than in surrounding jurisdictions.

It is also difficult to retain our best officers. They come here, receive the training, receive the experience in short order, and then are recruited into other surrounding departments. To attract and to keep our personnel, the Metropolitan Police Department must be competitive in pay and benefits.

With my new authority and with my new management team, we will in short order develop a more professional police department. Crime and the fear of crime will decrease, is decreasing as we speak. I have the faith in our officers that they will be up to the task, but I must have highly motivated officers to meet those steps.

We are changing their dynamics. We are changing their day-to-day roles. We expect a lot from them. We are going to hold them higher accountable, but they have to receive pay. Many of them have not received pay increases since 1989.

## PREPARED STATEMENT AND ADDITIONAL COMMITTEE QUESTIONS

All of the MOU partners, the Mayor, the City Council, Financial Control Board, the U.S. attorney, and the chief judge, recognize the need for a pay raise, and a pay raise now for our officers. The MOU partners and I request your support, your investment in our department and our officers as we move forward in the future.

Thank you, Mr. Chairman, for the opportunity to address this committee.

Senator FAIRCLOTH. Thank you, Chief Soulsby.  
[The information follows:]

## PREPARED STATEMENT OF LARRY D. SOULSBY

Good afternoon Senator Faircloth, members of the Senate Appropriations Subcommittee on the District of Columbia, ladies and gentlemen. Thank you for the opportunity to appear before the committee and discuss the supplemental budget request for the Metropolitan Police Department.

The department requests an additional \$8.8 million in fiscal year 1997 to fund a 10-percent pay raise for its officers. The fiscal year 1998, \$18.6 million will be needed to annualize this 10-percent pay raise. A 10-percent pay raise would bring the officers closer in line with the average salary of the surrounding jurisdictions.

The Metropolitan Police Department has embarked on a comprehensive review of its organization and operations. The stakeholders in this project are the Mayor, the Chief of Police, the District of Columbia Council, the Chief Judge of the D.C. Superior Court, the Corporation Counsel, the U.S. Attorney, and the Financial Responsibility and Management Assistance Authority.

The outcome of the study will be the development and implementation of immediate and long term organizational and strategic changes to meet the goals of reducing crime, reducing the fear of crime and disorder, and improving the quality of life for all who live, work, and visit in the District of Columbia. The ultimate goal of the study is a department enabled to provide safe and secure neighborhoods in the District, while regaining its rightful place as the undisputed leader among municipal law enforcement agencies in the Nation.

I have spoken very candidly in recent weeks about the problems confronting the department. I have spoken of a department that has been crippled by significant problems lasting for at least a decade. A department with a stagnant organizational

culture, with unempowered leadership, with insufficient funding for salaries and resources, without accountability.

The public's perception is that the crime situation in the District is out-of-control, that disorder is rampant, and that there is a heightened sense of risk concerning their personal safety. The public perceives the department as ineffective in controlling guns, drugs, and gangs. These perceptions have become so widespread that the community remains unconvinced when the department is able to achieve a success.

At the same time, as the department's customers, the community, although dissatisfied with police services and responses to problems, has not been sufficiently involved or empowered to demand changes and positive results from its police department.

Since the release of the initial Booz-Allen & Hamilton report on February 19, 1997, the stakeholders have led a major transformation by combining the essential ingredients for change. They have individually and collectively agreed that the public safety situation in the District of Columbia is in need of change. They have indicated a willingness to put aside turf considerations and make a commitment to partnership in addressing underlying issues.

The stakeholders have identified key issues and priorities for each of their organizations. Each is providing the resources necessary for implementing the specific measures agreed upon. They are providing the opportunity for the community, as well as their district and federal government agencies, to make the necessary contributions.

The single most significant area of support provided to the department is the Mayor's empowerment of the Chief of Police. By delegating personnel, budget, and procurement authority to the Chief, the Mayor has enabled the Chief to lay the foundation for a new Metropolitan Police Department, one that will control crime and eliminate disorder in the District of Columbia.

The position of Chief of Police is clearly pivotal. The Chief of Police must have sufficient authority to make key decisions, deploy resources, hire, fire and promote personnel based on demonstrated competence. Without this kind of authority and autonomy, it would be impossible to effect major change within the department and ensure that citizens are receiving, proper police service.

Second only in importance to the empowerment of the Chief of Police is the Chief's ability to promptly remove from service sworn and civilian employees who clearly do not meet the high standards of integrity and performance that will be expected in the new Metropolitan Police Department. For the first time, department employees will be held accountable to the same degree as employees in private industry. If they cannot meet, or do not make the attempt to meet, established standards they will be held accountable and their employment terminated.

I have appointed a new leadership team that shares a common vision and will make change happen. My team is comprised of individuals respected within the department who are able to set aside personal objectives in favor of a broader department-wide view. These individuals lead a management team dedicated to:

- Empowering our employees to carry out the department's mission and hold them accountable.
- Building a team and instilling a new organizational culture that is based on accountability and performance.
- Fulfilling the department's renewed commitment to reducing crime, fear, and disorder, and obtaining visible results.
- Improving administrative processes so that officers are freed for street duties and effectiveness is at peak level in all areas.

This is not a "business as usual" team. These are leaders with the integrity, the ability, and the tenacity, to carry out a fundamental restructuring of the department.

A common vision has been established and is being institutionalized throughout the entire department. For the first time in the department's history, we are evaluating our success through the eyes of our community. This department's achievement of success in the future will be judged by how well we prevent crime; how safe our communities feel; by the absence of visible disorder in our neighborhoods.

Serving the community effectively means setting high expectations for our officers' professional conduct and holding them accountable for performance. If our officers don't look like professionals, don't act like professionals, and aren't trained like professionals, how can we expect high levels of department, conduct, and effectiveness?

We are reviewing the department's recruiting process. It is critical to the success of our mission that we attract high quality applicants for police officer positions. We are developing a program to significantly improve entry-level standards and the education level of our recruits.

I have directed my new management team to review the department's conduct and disciplinary rules and procedures. Police officers are the most powerful individuals in any democracy, able at any moment to deprive a citizen of his or her liberty. We cannot tolerate the presence of individuals who would abuse their power and authority. We cannot tolerate the presence of individuals who have betrayed their oath of office. While I am committed to fair and impartial discipline, any member who engages in unlawful or unethical conduct will be swiftly removed from the force. A committee is currently working to review our procedures and reinforce this ethic throughout the department.

I have established two working committees to examine the department's performance management system, with the goal of developing meaningful, job-related performance standards. The system currently in the pilot stage appears to be too paper intensive and too generalized to capture meaningful performance data for individual members. While one committee will look at performance management on a department-wide basis, the second will develop performance standards for the very specialized detective positions. Meaningful performance standards are the key to establishing accountability.

I have established a working committee to address the critical area of professionalism. Professionalism includes many factors, including some of those which I have already mentioned. An officer's bearing, deportment, and dress play an important role in establishing the community's confidence not only in the individual officer, but in the department as a whole. One officer who is rude; who wears the uniform in a sloppy manner, whose conduct is inappropriate to a situation, can undo the efforts of a dozen others. The community always remembers the one offensive officer, while contacts with the twelve professionals are sometimes forgotten.

While each of these things may seem inconsequential in themselves, taken together they form the single most important ingredient: accountability.

The empowerment of the department requires that all of us, from myself as Chief of Police, to the newest recruit officer or the most recently hired civilian, be held to a high level of accountability. All of the changes and improvements that we will make over the next several months, to include an entirely new policing model, will help to build bridges to our neighborhoods and will bring with them a new sense of accountability; accountability for integrity and performance; accountability for the elimination of crime; accountability for the elimination of fear and disorder in the District of Columbia. I will demand the highest level of performance and accountability from my leadership team and all of the men and women of the Metropolitan Police Department, and will work to encourage the community to do the same.

Results visible to the community will be the most important measure of our success. The department's most immediate visible effort is the Enhanced Enforcement Effort currently underway in seven targeted areas throughout the city. Feedback from the community indicates that the initial impact of this effort has been positive.

The target areas are crime-ridden locations with long-standing concerns about crime, and the fear of crime and disorder. The effort takes a geographic approach to make a visible near-term difference in the quality of life by reducing crime and violence in the target areas. Our efforts in these areas have focused on conducting proactive, coordinated, highly visible enforcement activities that are responsive to community needs. In addition to the crime focus, officers are identifying information on vacant buildings in the target areas which require boarding up, as well as vacant lots and other areas needing trash removal. The information on vacant buildings and the need for trash removal will be forwarded to the appropriate D.C. Government agency for action.

Officers working in the areas are going door-to-door, making face-to-face contact with residents and business people. There is a new community feeling that the department and the city are taking real action in neighborhoods suffering from crime, fear, and neglect. Residents see increased police visibility, as well as a decline in visible drug trafficking, loitering, and general disorder. Crime levels have perceptibly decreased.

Looking at the crime picture for one moment, you will see the results that our efforts are beginning to show. Crime from January 1 through April 20, 1997, is down 16 percent city-wide compared to the same period in 1996. Each of the seven patrol districts have achieved decreases within this time period; six of the seven districts having double-digit reductions. Look for a moment at a few individual categories:

- Crimes Against Persons are down 13 percent.
- Crimes Against Property have been reduced 17 percent.
- Homicide, the most heinous, fearsome and destructive of all crimes, is down 28 percent. In the year to date, the homicide total is the lowest number for any calendar year first quarter in the past six years.

- Robbery, a crime contributing to the sense of fear and victimization in the community, is down 23 percent.
- Burglary, an invasive crime that makes citizens apprehensive about the safety and security of their homes, is down 22 percent.
- Stolen Auto, seen at this point last year as a crime that was totally out of control, is down by 33 percent.

While these achievements are significant, the improvement in the crime and public safety picture since the beginning of the Enhanced Enforcement Effort in March is even more impressive. Crime in the District of Columbia was reduced 23 percent in March 1997, compared to the previous year. All patrol districts achieved decreases in March, ranging from 15 percent to 34 percent. The men and women of the department are working hard to maintain these decreases and bring a lasting sense of safety and security to our communities.

Arrests are up significantly when compared to the same period last year, and are the direct result of the Enhanced Enforcement Effort. Arrest trends have changed from decreases to increases; crime trends from increases to decreases. The results for the month speak for themselves. Our challenge is to continue this progress in the coming months, while moving to additional areas of the city.

Each of the Enhanced Enforcement Effort target areas has seen a noticeable difference in the levels of crime and visible disorder. As one citizen recently was quoted in the Washington Post, children in his neighborhood are playing on sidewalks recently considered the property of drug dealers. While this is only a start, I think you can see the department's commitment to results and our hope for the future.

The Enhanced Enforcement Effort is a good faith attempt by the department to reassure citizens that we have their personal safety and the protection of their property as our foremost objectives. What we must now do is remake the department so that high visibility, community interaction and participation, dramatic reductions in crime, and elimination of fear are realities in every neighborhood in the city, not simply in a handful of target areas.

We need a new operating model for the department. A model that strikes the right balance between competing demands for resources; crime prevention; 911 and non-emergency response; and support infrastructure. We need specific plans for how each of these areas will work individually and in conjunction with one another. We need to streamline operations. Today, too many of our critical resources are tied up with administration, reporting processes, court commitments, and other activities that must be made less time-intensive. Most importantly, we need to initiate well-conceived crime fighting strategies that offer the most leverage in reducing fear and improving the quality of life in our neighborhoods. Our approach must be focused; it must include the community as active and full participants; and it must be executed as a single, city-wide attack on crime, fear and disorder.

It goes without saying that the department's most valuable resource is its personnel. Without the highest quality personnel, the department's efforts to rebuild will fall short. For far too long, the department has been forced to pay salaries below that of surrounding jurisdictions. On average, Metropolitan Police officers are paid 14 percent less than those working in adjoining jurisdictions. Some officers in the metropolitan area make as much as 22 percent more than our members.

It is clear that this department is handicapped in its effort to attract the best and brightest recruits. And, it is not at all surprising that our best officers are resigning to seek employment in other better paying police departments. One element of the rebuilding effort is to set minimum entry level standards that will include requirements for higher education. However, if we are going to attract the best recruits, we must be in a competitive position regarding pay and benefits.

As a gesture of good faith, the bargaining unit that represents the officers and sergeants of the department have agreed to the following changes in the work rules:

- Immediate implementation of random drug testing.
- Comprehensive enhanced educational requirements.
- Recertification of officers in police procedures, laws, etc.
- Increased emphasis on the importance of bearing and department.
- Flexibility on the current 28 day scheduling policy upon requested.
- Sworn personnel may not work outside employment in ABC establishments.
- Background investigation every 5 years for sworn personnel.

Police officers in this city work in an environment unlike any other in the Washington Metropolitan Area. Life threatening situations occur daily. Our crime profile is the most serious; our drug problems the most intractable. We handle more calls for service than any surrounding jurisdiction. It seems only reasonable that we at least provide them with adequate compensation. Officers in general, do not enter law enforcement as a career to get rich. In most cases, it is a higher calling which

provides an opportunity to serve one's neighbor. But given the unique nature of police work in this the Nation's Capital, and the far too often dangerous work environment, at least competitive pay and benefits is a must.

Therefore, I come before you today asking that you give favorable consideration to this request for additional funding. There are those who would question the wisdom of rewarding a department in transition. I strongly disagree with that notion, and ask that you view these additional funds as an investment in the future. If we are to be successful in our efforts to rebuild, we will do so through our personnel, not only those currently in the department, but those that have yet to be recruited. The future of this department is dependent upon our ability to attract and keep the best and brightest people. I ask that the Subcommittee help in this endeavor by giving us the ability to provide competitive pay and adequate benefits.

Thank you, Mr. Chairman, for this opportunity to address the committee. I am at your disposal should you need further information.

QUESTIONS SUBMITTED BY SENATOR FAIRCLOTH

*Question.* The 1997 Booz-Allen & Hamilton report on the Metropolitan Police Department states that salary levels for the District's police department are lower than surrounding areas by 14 percent.

How do the District's salaries compare nation-wide?

*Answer.* Due to several factors such as cost of living differentials and the unique structure of police departments nationwide, it is very difficult to compare average salaries. Since the surrounding municipalities are competing for the same pool of potential applicants, it is only appropriate to focus on the surrounding municipalities' average salaries. The average salaries for officers with more than 25 years of service for these municipalities are:

Arlington .....	\$46,347
Fairfax .....	47,122
MNCPPC <sup>1</sup> .....	48,686
Montgomery County .....	46,371
Prince Georges County .....	45,895
<hr/>	
The area-wide average .....	46,884

<sup>1</sup> The Metropolitan Police Department's average uniformed member salary is \$38,993.

*Question.* What percentage of uniformed officers are "on the street" as opposed to doing administrative activities at the station house?

How has that number changed since the Booz-Allen & Hamilton report was issued?

*Answer.* The baseline report determined that the department has a daily average of 574 uniformed patrol officers on beat patrol. The Enhanced Enforcement Effort, which became operational on March 7, 1996, added approximately 360 additional officers to uniformed beat patrol and direct supporting activities. These officers are responding to calls for services and engaging in preventive patrol in the effort's targeted areas.

*Question.* The Control Board has requested \$8.8 million to fund an immediate 10 percent pay raise for D.C. police officers.

Would civilian employees be excluded from this pay raise?

*Answer.* The proposed 10 percent pay raise does not include civilian employees.

*Question.* What would be the effective date of the proposed pay raise?

*Answer.* The proposed pay raise will be tied to the enhanced enforcement effort which commenced on March 1, 1997. The \$8.8 million request is based on the salary increase with an effective date of April 1, 1997.

*Question.* What is the average salary of the officers who would receive the pay raise?

*Answer.* The average salary of the officers who would receive the pay raise is \$38,993.

*Question.* It has been estimated that the District of Columbia Mayor's police detail costs the taxpayers nearly \$4.2 million annually. How does that figure compare to the security detail assigned to other mayors nationally?

*Answer.* The security for mayors in most jurisdictions is a state function performed by state troopers, and details of their composition are kept confidential for reasons of security. For those of which we are aware, the average is five (5) members. Costs of these details are confidential. The annual cost of the District's mayor's police detail is as follows:

Salaries and Benefits .....	\$1,352,505.44
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Expenses .....	34,384.12
Transportation .....	49,834.00
Communication .....	50,865.00
Total .....	1,487,588.56

However, the Chief of Police is restructuring the unit to reduce personnel and other costs.

*Question.* Please provide a brief report on how the Metropolitan Police Department is implementing the changes to the police department recommended in the Booz-Allen and Hamilton report.

*Answer.* The department currently has two teams working on the development of a new operating model and supporting infrastructure for the agency. The teams' objective is the reassignment of several hundred sworn personnel to uniformed neighborhood patrol and direct supporting activities within the next 90 to 120 days.

## D.C. COURTS

### STATEMENT OF CHIEF JUDGE EUGENE HAMILTON, D.C. SUPERIOR COURT

Senator FAIRCLOTH. I understand Judge Eugene Hamilton is with us this morning, and I would like to give him an opportunity to make a brief comment on the impact of what the stepped up policing policy has done, and the effect it has had on the courts.

Judge HAMILTON. Good morning, and thank you, Senator Faircloth and Congresswoman Norton. It is a pleasure to be here this morning, and I will be very, very brief in my comments.

It is very, very crucial to understand that the Metropolitan Police Department, beginning in about 1994 as illustrated on this chart [indicating], became virtually dysfunctional and continued to be dysfunctional up until March 1997.

### CRIMINAL FILINGS

Beginning in March 1997, the monthly average of criminal filings began to rise, and ended in March 1997 with an average monthly filing of 5,000 criminal filings for March 1997, as opposed to 3,500 criminal filings in the months prior to March 1997. So the Metropolitan Police Department, beginning in March 1997, became reenergized, and it became reenergized as a result of empowering the Metropolitan Police Department and the chief of police to operate as an independent law enforcement agency here in the District of Columbia.

This reenergization of the Metropolitan Police Department was very obvious throughout the force, throughout the department, particularly among the officers in the courthouse who visit the courthouse very frequently in large numbers every day, of course, to testify in their cases. You could see the extent to which their attitude, their demeanor had improved, become more positive and more professional.

We have got to realize, however, that these officers are still human beings. They are motivated, they have been motivated as a result of the action that has been taken, but I think it is crucial at this point that we recognize the improvement in the force and move forward very swiftly with a pay increase, cost-of-living adjustment for these officers as has been requested by Chief Soulsby.

So I am here to fully support that, and to support the public safety request that has been made, as well as the request that has been made for public schools. As you know, the problems in the public schools so far as their capital deficiencies are concerned have been a concern of the courts for many, many years.

## PREPARED STATEMENT

These capital deficiencies have taken a great deal of time and effort on the part of the court in order to monitor the situation to make certain that the schools did not present an unreasonable risk of harm and danger, so we are very, very familiar with the problems that exist in the schools, and the time has long since passed that those problems should be dealt with very effectively.

Thank you very much, Senator.  
[The statement follows:]

## PREPARED STATEMENT OF EUGENE HAMILTON

## D.C. SUPERIOR COURT

## D.C. RANKS FIRST AMONG 50 STATES IN CASE FILINGS PER CAPITA

The D.C. Superior Court had the highest rate of case filings of all State trial courts in 1995.

The filing rate in D.C. is nearly 6 times the national average. Specifically, 1 new case is filed in Superior Court for every three District residents—compared to the national average of one new case filed for every 17 residents. Comparisons of all unified courts in the nation:

	Case filings— rank	Per capita— ratio
District of Columbia .....	1	1:3
Connecticut .....	9	1:10
Idaho .....	3	1:6
Illinois .....	8	1:8
Iowa .....	12	1:11
Kansas .....	10	1:10
Massachusetts .....	2	1:6
Minnesota .....	7	1:9
Missouri .....	16	1:12
South Dakota .....	5	1:8
Wisconsin .....	15	1:12

D.C. ranked 1st in the nation in both civil and criminal case filings per resident in 1995.

	Case filings— civil	Per capita— criminal
District of Columbia .....	20,978	6,348
Connecticut .....	4,369	4,274
Idaho .....	460	976
Illinois .....	4,160	5,032
Iowa .....	4,639	3,137
Kansas .....	5,890	1,747
Massachusetts .....	6,310	5,673
Minnesota .....	3,456	4,905
Missouri .....	3,189	2,965
South Dakota .....	6,108	3,775
Wisconsin .....	4,372	2,497

## SUPERIOR COURT JUDGES HANDLE MORE CASES THAN JUDGES IN 47 STATES

D.C. Superior Court ranked 4th in the nation in the number of cases filed per judge in 1995. Superior Court's average caseload per judge (2,840 cases) is higher than the average caseload per judge in the trial courts of 47 other states. Comparable figures for other unified courts are:

	Case filings— rank	Per judge—No. of filings
District of Columbia .....	4	2,840
Connecticut .....	10	1,810
Idaho .....	48	464
Illinois .....	22	1,419
Iowa .....	27	1,273
Kansas .....	19	1,583
Massachusetts .....	3	2,846
Minnesota .....	12	1,788
Missouri .....	26	1,277
South Dakota .....	6	2,284
Wisconsin .....	11	1,802

SUPERIOR COURT JUDGES HANDLE 7 TIMES MORE CASES THAN U.S. DISTRICT JUDGES

D.C. Superior Court's average caseload per judge (2,840 cases) is nearly 7 times higher than U.S. District Courts (434 cases). By comparison nationally the average caseload per judge for general jurisdiction state courts is 3.5 times higher than U.S. District Courts.

*District of Columbia Courts Caseload per Judge Exceeds all Article I Courts*

[Case filings per judge]

U.S. Courts .....	3,045
U.S. Tax Court .....	1,337
U.S. Court of Appeals for the Armed Forces .....	249
U.S. Court of Veteran Appeals .....	218
U.S. Claims Court .....	54

SUPERIOR COURT CASELOAD OVERVIEW

During 1996, there were over 155,000 cases filed at D.C. Superior Court. The District has the highest filing rate in the nation. Nevertheless, Superior Court continues to function efficiently—178,000 cases were disposed by the court in 1996.

An overview of court activity shows that:

- Over 92,000 civil actions were filed.
- Misdemeanor case filings increased 9 percent from 1995, totaling 20,446.
- More than 11,200 felony cases were filed (an increase of 3 percent).
- Nearly 3,500 domestic violence matters were filed.
- Juvenile case filings increased by 2 percent, to 4,012.
- Child abuse and neglect cases rose another 7 percent in 1996, to 1,616 filings (a 98 percent increase since 1990).
- Over 15,000 offenders (12,120 adults and 2,920 juveniles) were under supervision during 1996 by the Court's Social Services Division.

INITIATIVES OF THE D.C. SUPERIOR COURT

*Case Processing Enhancements*

*Alternative dispute resolution (ADR).*—For the last decade Superior Court has led the nation in implementing alternative means of resolving disputes. Selected by the ABA as one of three sites to develop the “multi-door courthouse” concept, Superior Court's national model Multi-Door Dispute Resolution Division has grown from a small pilot program to a permanent operation with a full-time staff and over 600 neutrals who provide ADR services in over 10,000 cases annually. Mediation, arbitration, and other dispute resolution techniques are provided in small claims, civil, domestic relations, probate, tax and other community cases. Half of the cases referred to Multi-Door are resolved, representing a tremendous cost savings to the court and litigants alike.

*Automated citizen intake and referral.*—In December 1995, Superior Court's Multi-Door Division implemented an automated information database that facilitates citizen referral to over 200 community-based resources for assistance in resolving disputes. The automated citizen intake and referral system allows court intake specialists to match individual client disputes with appropriate services, and greatly enhances the efficiency and effectiveness of referral services (which have risen 218 percent since 1993).

*Civil delay reduction.*—Superior Court launched a major initiative to reduce delay in civil case processing by converting to an individual calendar system, increasing judicial control over cases, and expanding the use of alternative dispute resolution techniques. Since its inception in 1991, this effort has reduced the pending civil actions caseload by 50 percent, and enhanced case processing efficiency (72 percent of pending cases are now resolved within one year of filing, up from 59 percent at the start of the project).

*Court Improvement Program.*—The Court Improvement Program, funded by the U.S. Department of Health and Human Services, is designed to assist state courts with improving court proceedings related to child abuse and neglect cases, termination of parental rights cases and adoption matters. Superior Court began studying abuse and neglect case processing in 1995, and anticipates completing the assessment in April, 1997. Recommendations and system improvements will be implemented at Superior Court during the next three years.

*Domestic violence initiative.*—Superior Court is spearheading an effort to improve the handling of domestic violence cases in the District of Columbia. Operating with the oversight of the District's inter-agency Domestic Violence Coordinating Council, this Violence Against Women Act grant-funded project has created a centralized Domestic Violence Intake Unit at the Court for domestic violence victims, improved coordination among the numerous public, private and service agencies involved in handling domestic violence matters.

*Drug Court Program.*—In conjunction with the D.C. Pretrial Services Agency, Superior Court established a drug court for felony drug offenders in 1993. Under the District's drug court program, offenders are subject to different treatment options including supervision and monitoring, frequent and random drug testing, and intensive counseling. Special probation conditions are a prerequisite for remaining in the community. In March 1997, Superior Court received a planning grant from the U.S. Department of Justice to develop a juvenile drug court based on this and other national model programs.

#### *Treatment Programs/Alternatives to Incarceration*

*ABRAXAS* is a three-year Juvenile Justice Advisory Group grant which began in mid-1995. From mid-1995 through 1996, 173 juveniles participated in the program. The program is an alternative to detention at Oak Hill or other shelters, and consists of intensive supervision beginning with three daily face-to-face contacts as well as monitoring school attendance. The program has saved the District approximately \$2.5 million since its inception.

*Domestic Violence Intervention Program (DVIP).*—This treatment program provided by the court's Social Services Division (the District's probation department) began operations in 1993 with one highly trained and dedicated treatment team. With the establishment of the court's Domestic Violence Intake Unit in November 1996, the Domestic Violence Supervision caseload today represents the fastest growing probation caseload. The DVIP program provides counseling, education and treatment for domestic violence offenders; support, counseling and referral services for victims; training for court staff; and coordination of community-based treatment services from other service providers.

*Electronic Monitoring Intensive Supervision Program (EMIS).*—Since 1994, Superior Court has provided pre- and post-adjudication electronic monitoring and supervision of adult and juvenile offenders in the community. Electronic monitoring promotes public safety, ensures offender compliance with court-ordered conditions of probation and reduces recidivism. Each day the program has over 100 offenders under intensive supervision and approximately 50 offenders hooked to monitoring devices.

*Family and Youth Resource Center (FYRC).*—Superior Court operates a comprehensive community-based center (FYRC) which provides a variety of essential services to the court's probation population, including: family counseling; domestic violence services; academic and vocational training; employment services; electronic monitoring and intensive supervision; drug testing and treatment; and dental, health, and nursing services.

*Juvenile Diversion Program.*—Services 200 status offenders per year providing an assessment and comprehensive services to the entire family. The program has an 80 percent success rate and has eliminated the need to place these respondents in Oak Hill or shelter homes thus saving the city approximately one-million dollars yearly.

*Probation and Parole Resource Center (PPRC).*—PPRC is a highly structured, non-residential, community-based day reporting drug treatment center which serves as important treatment option for at-risk drug offenders. Each year over 1,000 offenders are referred to Superior Court's PPRC, which is often the last chance before

more restrictive and expensive incarceration. The most recent PPRC evaluation study found that PPRC clients had a significantly lower rearrest rate while in treatment than the courts general supervision population (3 percent v. 18 percent, respectively).

*Sanctions team for addiction and recovery (STAR).*—Beginning in January 1995, this program offers intensive supervision for recovering drug abusers. Currently 180 individuals are under STAR supervision, with the anticipated potential to expand this sanction option to over 800 clients under supervision.

*Urban Services Program (USP).*—Superior Court's USP is a highly structured, intensely supervised year-long alternative to incarceration program for youthful offenders (ages 14–26). USP consists of three phases: (1) an urban boot camp (including physical conditioning, discipline, team building, and guided group interaction/counseling support); (2) Life Preparation (a 5 month probation period at a day-reporting center, with life skills classes and employment and/or academic counseling); (3) Transformation (consisting of probation supervision, job placement, and services to help probationers re-adjust to community living).

#### *Citizen Access Enhancements*

*Child care center for jurors and witnesses.*—The court provides free, on-site child care for approximately 2,000 children annually whose parents serve as jurors, witnesses, or litigants in court proceedings.

*Child Support Hotline.*—The child support hotline provides parents with 24-hour access to child support account information in both English and Spanish. Superior Court receives over 1,500 hotline calls each day and has assisted over 1.5 million callers since its installation in 1990.

*Probate information kiosk.*—In January 1995, the court's Probate Division installed an interactive kiosk which features user-friendly bi-lingual videotapes providing information on procedures and policies governing various estate proceedings. The videotapes are designed to enhance the ability of pro se litigants and new attorneys involved in probate matters at Superior Court.

*Court initiatives for non-English speaking persons.*—The D.C. Courts have undertaken an initiative to provide bi-lingual directional and information kiosks, as well as to publish court forms and brochures in Spanish (currently over 50 percent of the courts' 145 forms and brochures have been translated). The courts also provide interpreter services for proceedings involving non-English speaking persons (approximately 6,000 requests made annually), have installed an AT&T Language Line in the landlord/tenant branch, and host Hispanic Heritage Month activities as well as an annual Hispanic Open House to provide members of the Latino community with information on court services. The court also provides conversational Spanish language training for court employees who regularly interact with the public.

*Assisting pro se litigants.*—The D.C. Courts and the D.C. Bar have undertaken a variety of initiatives to assist pro se litigants in the District of Columbia. For example: Civil Division judges and staff have developed a Pro Se Handbook and the division's Landlord and Tenant Branch sponsors a volunteer program with AARP (American Association of Retired Persons) to improve services to the public and practicing attorneys; the D.C. Bar Public Services Activities Corporation (PSAC) has developed forms, instruction booklets, and videotapes to assist litigants in the handling of uncontested divorce and custody matters, and PSAC holds a Pro Se Divorce Clinic on Thursday evenings.

*Assistance for hearing-impaired persons.*—The Superior Court's Office of Interpreter Coordinators provides hearing-disabled persons involved in court proceedings with translation services, as needed. Nearly 500 requests for sign language interpreters are received annually. Real-time court reporting is also available at the D.C. Courts, which enables hearing-disabled persons to participate fully in courtroom proceedings by reading "live" oral testimony entered by court reporters onto computer screens located in the courtroom. Hearing-impaired persons also have access to TDD (telecommunication devices for the deaf) machines at 6 public telephones and assistive listening devices are available for courtroom personnel.

#### *Youth Mentoring Programs*

*Elementary baseball.*—The D.C. Courts participate in the Elementary Baseball Program, a delinquency prevention program for inner-city youth designed to enhance self-esteem, teach conflict resolution skills, improve school performance, and promote healthy bonding to peers, families, teachers, and the community. Many judges and court staff serve as volunteers and mentors to the children, and the court provides financial oversight for the program.

*Reclaim our youth (ROY).*—ROY is a mentoring program which serves as a unique sanction alternative for at-risk youth under Superior Court supervision for minor

delinquent activities, drug involvement, or other behavioral problems. Administered by a local coalition of churches, ROY matches court-referred youth with trained community volunteers who serve as positive role models and assist the youth in locating support services which would help them redirect their lives.

*WKAY-100 Life Management and Leadership Development Program.*—Established in 1994, WKAY-100 is an innovative mentorship program for boys between the ages of 8 and 14 who have been abused or neglected. This cooperative program, which teams the YMCA of Metropolitan Washington, the Washington Alumni Chapter of the Kappa Alpha Psi Fraternity and Superior Court, pairs youngsters under Superior Court supervision with fraternity members who serve as mentors, role models, and caring friends. The program offers life skills training, self-esteem building, cultural enrichment, educational opportunities, and values clarification.

#### *Community Outreach Activities*

*Adoption Day.*—Each year the D.C. Superior Court and the D.C. Department of Human Services sponsor Adoption Day to provide the public with an opportunity to view open adoption ceremonies, thereby gaining an appreciation of the critical need for safe, loving homes for the District's orphaned and neglected children.

*Cancer awareness campaign.*—In conjunction with the D.C. Bar, the D.C. Courts have launched a public awareness campaign on reproductive cancer. The Courts disseminate information on cancer prevention and early detection to judges, court employees, jurors, and members of the public who use court services. Other public outreach activities include a mammogram sign-up program for employees and an informational video available for viewing in the juror's lounge.

*Citizen volunteers.*—The D.C. Superior Court supports a number of volunteer efforts, from student internships to AARP volunteer assistance in the Civil Division. Since 1991, trained citizen volunteers have served as Court Appointed Special Advocates (CASA's) for abused and neglected children in pending cases at Superior Court. Appointed by judges, CASA volunteers conduct family background assessments, identify needed support services, and provide a positive influence in the child's life throughout the duration of the case in the court system.

Superior Court also recruits and trains Mental Retardation Advocates to assist mentally retarded persons whose cases are under the supervision of the Family Division. Advocates regularly meet with clients to monitor their level of care and attend court proceedings to promote their client's best interests and ensure the protection of their civil rights.

*International visitors.*—The District of Columbia Courts are visited by increasing numbers of visitors from other countries, especially those from emerging democracies, who seek to learn about the administration of justice in a large multi-cultural urban court system. The Courts receive approximately 500 international visitors each year.

*Judicial Exchange Program.*—In 1995, the D.C. Superior Court, the American Bar Association and the National Judicial College sponsored a judicial exchange program with four East African countries. This unique program, designed to provide 12 African judges with a broad introduction to the U.S. legal system, included a 10-day instructional course at the National Judicial College and a two week on-site practicum and educational program at the District of Columbia Courts.

*Juried art competition.*—In 1994, the Superior Court's Art Trust initiated an annual art competition for District of Columbia high school students. The student's visual art submissions are judged by an expert panel, including artists from the Corcoran School of Art and teachers from area secondary schools. Savings bonds for \$1,000, \$750 and \$500 are awarded to the top 10 winners and the art works are displayed in the District of Columbia courthouse.

*Student law day essay contest.*—Since 1992, the D.C. Courts and the D.C. Bar have sponsored an annual essay contest for District high school students on the national Law Day theme of the year, as established by the ABA. A panel of senior court administrators and members of the bar judge the essays, and \$500, \$200, and \$100 savings bonds are awarded to the authors of the top three essays. The winning essay is published in the D.C. Courts' newsletter, "The Communicator".

#### *Administrative Initiatives*

*Standing Committee on Fairness and Access.*—As an outcome of the D.C. Courts' Racial, Ethnic and Gender Bias Task Forces' efforts, the Standing Committee on Fairness and Access was established by the Chief Judge of the D.C. Court of Appeals in 1996 to reduce and ultimately eliminate gender, racial and ethnic bias from the District of Columbia Courts and to guarantee equal justice for every individual affected by the District's judicial system. Special objectives include improving court access, monitoring hiring and promotion practices, improving treatment of partici-

pants by judicial officers, overseeing procurement policies to ensure the elimination of bias in contracting and purchasing, and communicating progress to court staff and the public.

*Strategic planning.*—In March 1996, the D.C. Courts launched a strategic planning initiative to better focus court resources and to provide guidance for future direction. A Strategic Planning Team of court managers, working closely with staff in each of the courts' 17 divisions, submitted a comprehensive strategic plan for the courts in June 1996. The D.C. Courts' Strategic Plan consists of eight courtwide goals and a compilation of division based-strategies to achieve the courts' goals for fiscal years 1997–2000.

*Task force on families and violence.*—Established by the Chief Judge of the D.C. Court of Appeals in response to the resolution of the 1994 Judicial Conference, the task force includes judges, lawyers representing juveniles, physicians, social workers, community and government leaders. The Task Force is currently working to develop a project to deliver services to at-risk young people. Interim reports on the task forces' activities were issued at the twentieth and twenty-first Judicial Conferences in June of 1995 and 1996, respectively.

*Quality Service Council.*—In November 1994, the Chief Judges of the D.C. Court of Appeals and the Superior Court appointed a Quality Service Council composed of judges and employees from a variety of organizational units and levels within the court system to steer the D.C. Courts' total quality management effort. The Council's mission is to champion continuous improvement in court service to the public and to one another through guiding and initiating TQM activities.

ZERO TOLERANCE FOR CRIME INITIATIVE

A recent analysis conducted by the Metropolitan Police Department revealed a dramatic increase in criminal offenses in the District of Columbia from 1985 to 1996. Some of the most startling revelations were the following facts: Homicides have increased 169 percent; Robberies have increased 50 percent; Assaults have increased 39 percent; Burglaries have increased 13 percent; Motor Vehicle Theft has increased 490 percent.

In an effort to combat the current crime in the District of Columbia, the Metropolitan Police Department redeployed 400 police officers to patrol units as part of a new crime fighting drive entitled the "Zero Tolerance for Crime Initiative" beginning on March 7, 1997. While the Superior Court fully supports the MPD effort to reduce crime and the fear of crime in the District, the "Zero Tolerance for Crime Initiative" will have a significant impact on the Superior Court's fiscal year 1997 Budget due to a dramatic increase in the Court's criminal caseload.

The following documents details the Superior Court's criminal caseload projections and itemized costs for the remainder of fiscal year 1997.

From 1993–95 the Superior Court experienced a yearly decrease in the number of felony and misdemeanor filings. In 1996 the Superior Court experienced a slight increase in the number of felony and misdemeanor filings. The Superior Court projects that the redeployment of significant numbers of police officers to the street, coupled with a renewed emphasis on arrests, will result in an increase in the number of criminal filings to 1993 levels. In the remainder of fiscal year 1997 this would result in an increase of approximately 1,500 felony arrests over fiscal year 1996 levels. These arrests will include new felony filings, felony case reactivations (consisting primarily of executed felony bench warrants), fugitive cases, and extradition cases. In addition to the increase in felony arrests, the Court projects that it will also experience an increase of between 650 to 2,000 additional misdemeanor case filings.

The following chart and graph visually illustrates the Superior Court Criminal Division caseload projections for the remainder of fiscal year 1997.

COMPARISON OF CRIMINAL DIVISION FILINGS 1993–97

Type case	1993	1994	1995	1996	1997 <sup>1</sup>	1997 <sup>2</sup>
Felony:						
Total .....	14,801	12,788	10,399	10,877	1,677	.....
Monthly average .....	1,233	1,065	866	906	838	987
U.S. misdemeanor:						
Total .....	18,298	17,199	14,387	15,461	2,913	.....
Monthly average .....	1,525	1,433	1,199	1,288	1,457	1,947

## COMPARISON OF CRIMINAL DIVISION FILINGS 1993-97—Continued

Type case	1993	1994	1995	1996	1997 <sup>1</sup>	1997 <sup>2</sup>
D.C.—Traffic:						
Total .....	14,876	13,339	11,325	11,903	2,005	.....
Monthly average .....	1,240	1,112	944	992	1,002	1,787
Special proceedings:						
Total .....	2,802	2,983	3,020	3,217	523	.....
Monthly average .....	234	249	252	268	261	288
Division total:						
Total .....	50,777	46,309	39,131	41,458	7,118	.....
Monthly average .....	4,232	3,859	3,261	3,455	3,558	5,009

<sup>1</sup>January through February 1997<sup>2</sup>March 1997

## COMPARISON OF CRIMINAL DIVISION FILINGS

[Calendar years 1993-97]

	1993	1994	1994	1996	1997 <sup>1</sup>
Division total .....	50,777	46,309	39,131	41,458	57,784
Felony .....	14,801	12,788	10,399	10,877	11,547
U.S. misdemeanor .....	18,298	17,199	14,387	15,461	22,383
D.C. and traffic .....	14,876	13,339	11,325	11,903	19,875
Special proceedings <sup>2</sup> .....	2,802	2,983	3,020	3,217	3,979

<sup>1</sup>1997 projections based on March 1997 filings.<sup>2</sup>Special proceedings are comprised of: Fugitive from Justice cases, Habeas corpus cases and other miscellaneous criminal matters.*The Impact of the Zero Tolerance for Crime Initiative on the Superior Court*

Almost 40 percent increase in the number of criminal defendants appeared in D.C. Superior Court in March 1997.

Superior Court forced to operate overtime hours to arraign all new arrestees within statutory timeframe.

Extending hours of court resulted in operational overtime costs of \$4,192 in March 1997.

If pattern continues, or accelerates (via additional officers added to initiative), court will need \$30,000 in overtime costs in the remainder of fiscal year 1997.

Based on March 1997 arrests, the Superior Court estimates that an additional 400 felony matters and 650 to 2,000 additional misdemeanor cases will be filed in fiscal year 1997.

Approximately 90 percent of arrestees are indigent. The court is constitutionally mandated to pay attorneys to represent indigent defendants. Based on the projected arrest rate these mandatory costs will increase by approximately \$710,000 to \$1,200,000 in the remainder of fiscal year 1997.

Approximately 50 cases will likely result in additional jury trials.

Increase in jury trials increases other directly-related costs, such as juror fees of an additional \$78,000 and \$62,000 in witness fees for fiscal year 1997.

Access to justice principles demand a provision of interpreters for non-English-speaking defendants. For these additional arrestees, \$8,500 in interpreters costs is projected.

10 new probation officers and 1 probation assistant will be necessary to effectively provide supervision to the additional arrestees in fiscal year 1997 at a cost of \$500,000.

*D.C. Superior Court Fiscal Year 1997 Supplemental Budget Request Due to Zero Tolerance for Crime Initiative*

Criminal Justice Act (CJA) expenditures .....	\$710,000
Overtime costs .....	30,000
Additional juror fees .....	78,000
Additional witness fees .....	62,000
Salaries for additional probation staff .....	500,000

Additional cost for interpreters .....	8,500
Total additional costs .....	1,388,500

Senator FAIRCLOTH. Thank you, Judge Hamilton. Thank you for your statement, and certainly what you had to say is impressive as to the needs of the city and what can be done.

FAILURE OF THE PRESIDENT TO FORWARD REQUEST

Next, I want to turn to Dr. Brimmer. Dr. Brimmer, as you know, the fiscal year ends September 30, so your request is for emergency funding. Dr. Brimmer, the President has requested \$4 billion in emergency funding, and he included no money for the District schools or for the public safety agencies. I would like to hear your comment and opinion on that.

Dr. BRIMMER. Mr. Chairman, the request we made, as I said, was made earlier this month, but the subject of the request was known long before then.

We had talked about this, and I mentioned it to the President's representatives, so I was very hopeful that the President would be responsive to this one and, frankly, while the response has been somewhat uncertain, I am highly confident that the matter will be called to the President's attention again, and that we will have an opportunity to make our case.

The request went forward in the way the law says we should do it, which is under our statute, Public Law 104-8, a section 207 request. It is an emergency, so we felt it was critical to get this matter before the Congress in a timely fashion.

The amounts are clear, and I am prepared to make the case again, but Mr. Chairman, the fact that it was not included in the supplemental really does not mean it is too late. The matter is still open, and I would hope we would still get support for this recommendation.

Senator FAIRCLOTH. Thank you, Dr. Brimmer. I have been given a copy of a letter—I suppose you made it available to us—that was to you from Frank Raines, the head of the Office of Management and Budget, in which he said he cannot recommend the President put it in the supplemental budget.

FUNDS FOR BOSNIA

I have great problems understanding how we function as a Government, and how the administration thinks, when he has a \$2 billion request in this emergency budget for Bosnia. We will have spent \$6½ billion in Bosnia. That is the estimate. I am sure we will run over that. He has a \$1 billion request in here for the United Nations, which is an emergency, and yet, in the very Capital of the Nation, in the city he lives in, he did not see fit to put in a \$53 million request for the police department and the school system.

Now, when we pull out of Bosnia, \$6½ billion later, it will be exactly where it was before we went in, except we will probably have an obligation for continued foreign aid, or something of that nature, which will continue to take money.

Maybe the United Nations has a problem, but I do not think the United Nations ranks as importantly in my mind as does opening

the D.C. schools and trying to provide a safe police department, so I am sure the President knows something I do not know about how we should be spending our Nation's money, but it looks to me like he has got his priorities headed in the wrong way. Bosnia is not as important to me as is the District of Columbia.

POSITION OF THE OFFICE OF MANAGEMENT AND BUDGET

Dr. BRIMMER. Mr. Chairman, the letter you cited is a response from Mr. Raines, Director of the Office of Management and Budget, to a letter I sent him on April 14 asking first that he recommend to the President that the President submit our proposal to the Congress, and second, I had asked Mr. Raines to express the administration's support for the proposal.

Mr. Raines in his response declined to do that, and he cites a couple of reasons. First, he believes that we have not scrubbed the \$5 billion existing District budget enough to see if we can find the extra \$52 million within the current budget, but the fact is we have scrubbed the budget. We worked long and hard to see whether we could find additional places in the budget in order to get the money.

The answer was, we could not, even with respect to the possibility of borrowing funds as part of the city's capital budget and allocating it to the schools. We had looked at increasing that allocation above the \$20 million that is already earmarked, and there is no way we can find additional funds in that particular borrowing.

ADDITIONAL REQUEST'S RELATIONSHIP TO PRESIDENT'S PLAN

Finally, Mr. Raines mentioned the President's program which the President has recommended for the renovation of the District. Those are actually 1998 proposals. This emergency is for 1997, so we believe that, because of the nature of the emergency we described, there is sufficient justification for including that in the supplemental for 1997.

Senator FAIRCLOTH. Well, I saw it, and it has to be a very complex answer to your request, but I am somewhat direct as a person, and I saw many, many pictures of the First Lady looking at the schools and seeing what terrible shape they were in, but I assume she neglected to mention this to the President. [Laughter.]

I am delighted to have Senator Kay Bailey Hutchison, the honorable and distinguished Senator from the State of Texas with us. Senator Hutchison, if you have an opening statement, or whatever you would like to say, we welcome it.

STATEMENT OF SENATOR KAY BAILEY HUTCHISON

Senator HUTCHISON. Thank you, Mr. Chairman. I apologize for being late. I just came in from my home State this morning and I wanted to be here because I think this is very important. I appreciate your calling the hearing, and I am looking forward to what these individuals have to say.

I will make a special note that General Becton has a great experience leading Prairie View A&M in my State, and had a great reputation there, and I appreciate what you are doing now with the D.C. schools and taking on that mission.

I do have some questions, but I will save those until later in the hearing. I thank you all for being here. I hope we can work together to make our capital city one for the people who live here, and the people who come from all over the country and expect it to be the best that America has to offer.

Thank you.

Senator FAIRCLOTH. Thank you, Senator Hutchison, and I thank you for your support and encouragement on what we are trying to do. We all, on this appropriations subcommittee, feel the same way, that this is the Nation's Capital, and it should represent the pristine city that we all want to see here.

#### CATEGORIES OF REPAIRS

General Becton or General Williams, you are asking for \$36.8 million for emergency capital improvements for the District. In the justification for the funding, you list nine categories of repair. Other than roof replacements, which certainly we can understand, that put you at risk of fire code violations, are any of the categories required by court order for immediate repair in order to open the schools in September?

In other words, are all these repairs that you are talking about required by court order to open the schools?

General BECTION. I would like for General Williams to answer that.

General WILLIAMS. Senator Faircloth, and Senator Hutchison, and Congresswoman Norton, I would just like to use a little precursor before I answer the question. I have been managing governmental and public facilities and building them for 35 years. I have been here almost 120 days. This is the worst situation that I have ever witnessed in terms of the state of the facilities.

I have personally been in 119 of our 157 facilities to get a first-hand view before the technical staff made an assessment. There is no pretty way to put it. We are in a real deep hole. The request that we have is for an emergency. It is an emergency because it speaks to safety and health.

#### FIRE CODE VIOLATIONS

Now, in response to your direct questions about fire code violations, there are buildings that we have listed here that are on the relook by Judge Christian for fire codes.

Senator FAIRCLOTH. They are on what, I am sorry?

General WILLIAMS. They are on the revisit list for fire codes. There are buildings that in our opinion, because we are supposed to be finding this and not the judge, that are just as bad, so I have presented these because we know it is just a matter of time before these will also be problems, so in order to give assurances to the students and the public that we can open schools successfully in September, we have to call it as we see it.

#### AIR-CONDITIONING REQUEST

Senator FAIRCLOTH. One request that caught my attention was \$450,000 of over a \$5 billion request for replacement of the air-conditioning in one of the schools. Do you absolutely have to do the

air-conditioning unit in order to open the schools, or could that wait until the normal budgeting process?

General WILLIAMS. Senator Faircloth, that is a very fair question. Let me frame it this way. All of this work that we are calling emergency is envelope type of work. It is the type of work that will make the building safe and secure.

Let us start with the roof first. We have about 50 or so roofs that must be replaced. We cannot patch them.

Senator FAIRCLOTH. Fifty or so what?

General WILLIAMS. Roofs that must be replaced. We have boilers which provide heat. It may not be a fire code violation, but we cannot open a school without having heat. The flip-side of that is, in this time, this season that we are approaching now, because of the nature of our buildings, or combinations of buildings, some built in the presixties and some in the seventies, we have to try to have them comfortable in the spring, and you know we have some programs during the summer, so that is what the chillers are about.

Then we are out of compliance with the Americans With Disabilities Act, with which we have to come into compliance. Then we have some windows that are really not windows. They just do not function any more like windows. That has to be secured as well, and because our buildings are very old and the electrical distribution systems are antiquated, we have to provide backup generation power for the electrical power which again will cause an emergency if the power would go out.

So that is what composed the \$86 million by category.

#### COURT ORDER

Senator FAIRCLOTH. You reported that the D.C. public school system is currently under a mandate by court order for emergency repairs. Is the court order in effect today?

General WILLIAMS. It is in effect today, Senator.

Senator FAIRCLOTH. What does it say?

General WILLIAMS. It says that we must abate certain fire code violations and keep them abated such that there are no repeats, and the judge will revisit these schools, and any that come up in the interim, on a periodic basis.

So we are still under that court order.

Senator FAIRCLOTH. Who visited these schools and made the report to the courts that precipitated the court order? Who did that?

General WILLIAMS. This was obviously before I arrived, but the best I can find from research, it was a combination of reports from interested—from the public, but more importantly from the fire department itself. The fire department has a requirement to make routine safety inspections, and many of these fire code violations were lifted from search inspections.

Senator FAIRCLOTH. Well, I had heard they were made by the fire department and not—the firemen themselves and not from public comment. Would you provide the committee with a copy of the court order by Friday the 25th? I will just throw in here that we intend to keep this record open until Friday, 5 p.m., for anyone who would like to insert anything in the record between now and then, so if you would, we would very much appreciate your doing that.

General WILLIAMS. I would be delighted to.  
[The information follows:]

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION  
PARENTS UNITED FOR THE DISTRICT OF COLUMBIA SCHOOLS, ET AL., PLAINTIFFS  
MAYOR MARION S. BARRY, ET AL., DEFENDANTS  
*Civil Action No. 92-3478 Judge Christian*

ORDER

Pursuant to this Court's Orders of December 15, 1995, and May 7, 1996, the Fire Department is under a continuing Order to complete fire inspections of all D.C. Public Schools, every six months, by the last day of May and the last day of November of each year. Defendants are also under a continuing Order to submit fire inspection reports, at the latest, by the last day of May and November of each year. The Defendant, Mayor of the District of Columbia, shall respond to the re-inspection reports by June 9, 1997. Said response shall be filed with the Court and served on Plaintiffs by June 16, 1997.

Prior to the commencement of the hearing to review the six monthly fire inspection of District of Columbia Public Schools ending in May 1997, the Court will hold a Pre-hearing Conference with Defendants and Plaintiffs to identify and narrow issues for the in-Court proceeding. The Pre-hearing Conference is scheduled for July 1, 1997, at 2:00 p.m.

The Court will hold a hearing to review Defendants' compliance with the Court's Order of June 10, 1994, and subsequent Orders. Essentially, this hearing will address any matters left outstanding after the Pre-hearing Conference. Said hearing is scheduled for July 10, 1997, at 2:00 p.m. in courtroom 215.

Defendants are reminded that, depending on the circumstance, there are three different dates for submitting fire inspection reports that must be observed. As discussed above, at the end of a regularly scheduled six month inspection, all fire inspection reports must be filed with the Court and served on Plaintiffs by the last day of May and November each year. Defendants should note however, that based on the Enforcement Plan there are two additional and different periods of time within which an inspection report must be submitted<sup>1</sup>.

The Enforcement Plan requires that "school inspection reports shall be provided to the plaintiffs as soon as possible upon the completion of scheduled and unscheduled inspections." This provision was not intended to apply to those regularly scheduled six month inspections which culminate on the last day of May and November, but applies to inspections ordered by the Court to take place on specific dates and Court ordered "pop visits."

The third period of time within which an inspection report must be provided occurs "following an incident of a fire or any reported conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, or otherwise affect fire safety, the defendants shall provide to the plaintiffs an inspection report listing the fire code violation(s) and any abatement(s) that have occurred by the date of the Report." Under this circumstance, Defendants shall provide the inspection report to the plaintiffs within five business days of any incident of a fire or reported Fire Code violation. Defendants shall comply with the time periods above in providing reports to Plaintiffs and this Court.

The Defendant, Mayor of the District of Columbia, is under a continuing Order to abate any and all Fire Code violations that exist in public schools buildings and the Fire Chief shall continue to enforce the Fire Code as required by law. Defendants are not exempt from complying with the law as it relates to fire safety in District of Columbia Public Schools. All Fire Code violations must be abated in a timely fashion. The Enforcement Plan outlines the timeframe within which Categories I, II, and III Fire Code violations must be abated. Defendants will have sufficient time between the commencement of fire inspections and the date of the Pre-hearing Conference to address Fire Code violations. Defendants should use this time wisely.

Wherefore, it is this 27th day of February 1997, hereby

<sup>1</sup>The Enforcement Plan which is an Order of this Court was drafted by the Defendants and Plaintiffs. Defendants objected to the Plan being an Order of the Court and preferred to adhere to it without being ordered to do so.

ORDERED, that Defendants shall submit to the Court and serve on plaintiffs the fire inspection reports for the fire inspections ending in May 1997, no later than May 30, 1997; and it is further

ORDERED, that the Mayor of the District of Columbia shall respond to said fire inspection reports no later than June 9, 1997; and it is further

ORDERED, that said response shall be filed with the Court and served on Plaintiffs by June 16, 1997; and it is further

ORDERED, that the Court will hold a Pre-hearing Conference on July 1, 1997, at 2:00 p.m.; and it is further

ORDERED, that following the Pre-hearing Conference, the Court will hold an in-Court hearing on July 10, 1997, at 2:00 p.m. in courtroom 215 to address any outstanding matters; and it is further

ORDERED, that the Court's Order of June 10, 1994, and subsequent Orders remain in full force and effect.

SO ORDERED.

KAYE K. CHRISTIAN,  
*Associate Judge.*

PER PUPIL COST

Senator FAIRCLOTH. General Becton, how much does the District spend per pupil on students?

General BECTON. Mr. Chairman, I will have to provide that, the accurate number for the record, but it is in the vicinity of \$7,000.

Senator FAIRCLOTH. Per student?

General BECTON. Yes.

[Pause.]

General BECTON. I was corrected. It is \$7,100.

Senator FAIRCLOTH. Very quickly, this is not something we are here to pursue, but this is a very quick statement. Give me a quick answer.

We all know that this is one of the highest in the Nation. Could you give me a very brief response for the information of Congresswoman Norton and Senator Hutchison why it is so high? I believe it is the second highest in the Nation.

General BECTON. I do not think it is that high, sir, but one of the problems—

Senator FAIRCLOTH. Well, these are the records we see.

General BECTON. One of the challenges we are faced with is, we are the only school district in the Nation that includes State funds as well as District funds. Every other school district has a State education department, and then apart from that they have these systems, whether it is Prince Georges, Fairfax, or whatever.

Senator FAIRCLOTH. I understand that, but we are talking about the combination cost of State and city all around.

General BECTON. That is my point.

Senator FAIRCLOTH. Even when you go at it from that angle, it is still the highest.

General BECTON. That pushes us up higher than what it would be normally for a school district.

I have been given a chart that is interesting to point out that in fiscal year 1995 the actual cost per student in Alexandria City is \$8,300, in Arlington \$8,300, the District of Columbia, \$6,900, Fairfax County, \$6,400, Falls Church, \$8,400, so we are not nearly what it was reported earlier.

But what we are trying to do is, when we have excess facilities that we must spend money on, that also pushes up our cost per

student, and as I have discussed earlier, we have considerable excess that we are trying to reduce.

Senator FAIRCLOTH. Senator Hutchison, did you have anything that you would like to ask? Jump right in if you wish. We would be glad for you to do that if you would like to.

#### CONTINGENCY PLANS

Senator HUTCHISON. Sure. I do have several areas that I would like to pursue. First, you are pursuing a supplemental appropriation. Do you have contingency plans that prioritize these needs where you are looking at other ways to have efficiencies in other places? What are your contingency plans if you do not get the supplemental appropriation, or if you get part of it?

Dr. BRIMMER. First let me respond, Senator. With respect to the schools, as I said earlier, the public schools now have an allocation of \$20 million in the District's planned capital budget for which they will be borrowing in 1997.

We have looked to see whether some additional projects, some other projects in that capital borrowing could be put aside and the funds diverted to the schools. How much, we do not know, but we have looked at it.

At this juncture, it looks as though that would be very little, so we will also look to see whether there are funds in other parts of the schools' budget, and so far the school CEO has told us that they see no way to cancel commitments in the school budget now and divert the funds to the capital spending for repairs.

#### NO REPROGRAMMING OPPORTUNITIES

Dr. BRIMMER. We have looked at other parts of the District budget overall, and this late in the fiscal year—we are halfway through the fiscal year—we see no opportunity to do so.

As I said earlier, Senator, in response to the letter I had gotten from Mr. Raines, we did look ahead of time to see whether we could find the funds from other sources before we reached this judgment, so at this juncture we say no.

In the case of the courts and corrections, now, you have heard what Judge Hamilton has said about the problems the courts are facing. They are having to add more people to process these arrests, so those expenditures are going forward, but there is no money in the courts' budget to pay for that, so they would need additional money.

With respect to corrections, there is little prospect that the funds could be found. In corrections, we are already contemplating closing some of those facilities. There may be some opportunity to find some funds there to house these additional prisoners that they are having to take in.

How much that is, we do not know, but in any case it will be very modest compared with the whole amount.

One possibility, of course, is that the effort would have to be slowed down. If the schools cannot get the funds to make the repairs, then the repairs will not be made, because they have to pay for them. That is the real cost which prompted us to make the request, and why we believe the request should go on.

There is no ready money any place available to do this. If we cannot get the funds, then the activity would have to be postponed.

#### THE PROCUREMENT SYSTEM

Senator HUTCHISON. I would like to address, too, I think General Becton and Chief Soulsby both, and perhaps Dr. Brimmer: The Control Board has recently issued a report on the contracting operations of the District saying that the procurement system really is not being properly managed.

Certainly, in the memorandum of understanding, Chief Soulsby, you got some authority to bypass the normal procurement process to try to increase efficiency. I would like to ask, if extra money is given in the supplemental appropriation, what will you do to make sure that there is competitive pricing, that you get the best price, that the procurement is done in an efficient way, and I would like to ask Chief Soulsby if the memorandum of understanding has given you the ability to make any efficiencies in procurement.

All things being equal, we do not like supplemental appropriations. We would rather have a budget and prepare for the next year, and live within that budget. That is something that school districts do, that cities do all over America.

However, we are facing a supplemental appropriation, and I would like to try to be helpful, but I do not want to throw good money after bad. If we are not going to have assurances that the expenditures will be made in an efficient way, that will bear on how I would look at supplemental appropriations.

I do not want to walk away from help of an emergency nature, but I certainly would want to have some assurances that we have procurement systems that do work, that are efficient, and that we will get competitive pricing, so I would ask General Becton, Chief Soulsby, and Dr. Brimmer if they would like to comment as well.

#### REVIEW OF CONTRACTS

Dr. BRIMMER. May I comment first, Senator? As you know, under the act which established the Control Board we do have the responsibility to review contracts, and that means to approve contracts.

With respect to the application of the contracting procedures in the schools, you might recall that the funds were appropriated to the Control Board for the construction and the repairs. We, in turn, have an agreement which was worked out prior to General Becton coming on board, the main outlines, where the GSA is working with us to see that this is done. The authority the schools have with respect to facilities oversight is the authority we delegated to the emergency trustees to do that, so it is our responsibility. It is our authority.

#### POLICE PROCUREMENT

Senator HUTCHISON. So you will take responsibility.

Dr. BRIMMER. We have the responsibility, and we are insisting that the process, the procurement process meets the standards, and competitive bidding is one of those. So that is our responsibility. We are doing it. We will continue to do it.

In a like vein, we have a similar arrangement with the police, because there, too, it was our authority which resulted in the delegation to the chief to bypass the rules with respect to procurement.

My colleague, Steve Harlan, the vice chair, monitors that, and I can assure you that he, too, agrees that the standards are being adhered to and will be adhered to.

Senator HUTCHISON. Let me just follow up on that, then, with you. I assume that we are talking about the supplemental appropriations, and that the buck stops with you. You have charge of the report that says there were problems in the procurement process.

Are you also right now trying to go back and do everything you can to make sure that there are efficiencies in the procurement system, especially in the police department, where to which the Control Board has granted additional authority. Is there an ongoing effort right now to streamline and bypass the District's procurement system that is, under your own report, not working so well?

Dr. BRIMMER. Yes; the activity is going forward. The chief received his authority back in March, and I have not seen personally, and I do not know of the extent to which my colleague, Steve Harlan, has seen applications of that authority, but I assume that they would follow the process we have in place, and I will ask my colleague, if you do not mind, Senator, who follows this more closely than I, Mr. Harlan. Steve, would you comment?

Senator HUTCHISON. Then after that I would be happy to hear from either General Becton or Chief Soulsby for their comments as well, but I appreciate your stepping in on this, Dr. Brimmer.

Senator FAIRCLOTH. Senator Hutchison, I would just like, for your information, to say Steve Harlan, a member of the Control Board, spent a lifetime career in accounting, and so we are leaning heavily on him for accuracy going forward. We would be delighted to hear from you, Mr. Harlan.

Mr. HARLAN. That is quite a load, Senator. Thank you very much, Senator Hutchison. We have been working with the police department on procurement. We are very close to signing a memorandum of understanding with the GSA to basically have GSA take over the operation of the police department's procurement for a temporary period of time. This is in the final stages of the negotiations, and it will either be signed today or tomorrow.

GSA basically buys everything the police need to buy, and while the overall problem of procurement within the District of Columbia is, in fact, very fractured, what we are trying to do here is to say we have got to move on with the police. We are going to use GSA as a helper, to train people to help us in their procedures and policies.

And for a temporary period of time, and that period is approximately 1 year, while the rest of the procurement systems within the District of Columbia are updated and modified—laws are being changed, training is taking place, so activity is taking place, but it is going to take a while. So, what we have done is gone to GSA and said, we desperately need your help, and they have responded very positively.

We are looking forward to that support, and I think it is on the right track.

Senator HUTCHISON. Thank you very much.

General BECTON. Senator Hutchison, I would like to comment. First, you asked a question, if there are no funds coming, what happens to the schools? Our funds are for an emergency, a real emergency. We are concerned about the safety of the kids, and I cannot see how we can expect them to continue going to places where we know there are safety problems, so it is very critical to us that the funds be forthcoming.

On the subject of the procurement, we do have an MOU with the GSA, and procurement is under General Williams' control, and I would like for him to respond to the details of that, if I may.

General WILLIAMS. Senator Hutchison, the procurement process that is currently in place is dysfunctional. It will not be responsive to what we need. We recognized that early on, and the Control Board did as well, and to that extent GSA is working with us to execute the capital projects that we currently have.

Going forward, we hope to be looking at and making a recommendation that would significantly streamline these procedures and hopefully bring them very close to what we experienced in the private sector, keeping them very competitive, but ensuring that we remove all the bottlenecks so that we can fast track and do the kind of execution that is necessary in order to move the program very quickly.

We have this under study now. GSA is helping us during the interim, but the ultimate goal is to streamline the procedures.

Senator HUTCHISON. Thank you.

Mr. SOULSBY. Good morning. I have a copy here of the memorandum of understanding with GSA. First of all, I would like to say that I have a new CFO in the police department to oversee these types of things.

What the GSA is going to do is, they are going to provide on-site support in processing their current backlog of procurement. They are going to review our policies, procedures, and operations to suggest new improvements, and then they are going to draft a new policy manual that improves and modernizes our process.

They will be working with us for 1 year. During the same period of time, we will be training our people, replacing people as necessary, but I expect that this will cease to be a problem in the very near future.

Senator HUTCHISON. I have another line of questions, but I think it is time to let someone else have a chance. Let me just ask you one question, though.

#### BULLET-PROOF VESTS

We gave you money for bullet-proof vests. I keep hearing that those have not been purchased or replaced as routine equipment for police on the streets. The same for the cars, the police cars, and the repair of those. Could you speak to that?

Mr. SOULSBY. I think many of those stories were true at one time. A lot of those things have occurred. The purchase of the vests has gone through. I think we have 400 vests that will be delivered on—

Senator FAIRCLOTH. Chief, would you pull the microphone closer to you?

Senator HUTCHISON. You have 400 vests. Does any police officer who wants to wear a bullet-proof vest have that capability?

Mr. SOULSBY. Yes; what we are doing is, we are in the process of replacing vests. What we had is, we bought vests that had dates stamped, expiration dates stamped on the vest, just the product liability. They put a certain date on the stamps on the vest, but there have been checks to see whether or not those vests would last years beyond that. In fact, we have been told that they will.

In any case, we are in the process of replacing all of them. We are going to have the first ones of those 400 in on Monday, the 28th. We will be giving some of those vests out on Monday, the 28th.

#### VEHICLE PURCHASES

In regards to vehicles, we have purchased several, I think around 300 or 400 vehicles in the last 8 months. We have another 150 vehicles that will be coming in within the next 3 months.

A lot of the things that we had, problems that we had 1 year ago that have received a lot of publicity were because of the cuts. We had received a cut in our nonpersonal services budget from \$30 million down to \$16 million. This year it is back up to \$25 million.

So during that period of time there were a lot of things that we could not do day to day. We even got eviction notices where they tried to evict us from various police stations because we did not have the money and the ability to pay the rent. Those things have gone by the wayside.

Right now, if we have a problem, for the most part it is because of the procurement system, because we have not been effective in getting that worked out. But those issues, those problems with not having basic supplies, should be stories of old.

Senator HUTCHISON. I hope so, because it is incomprehensible to me that much of anything would take precedence over bullet-proof vests and cars that work. That means not hiring people where there are vacancies until that happens, so if you tell me it is going to happen right now, fine. If it does not happen right now, then I do not understand the priorities.

Mr. SOULSBY. I can assure you I have no more priority than the safety of my officers.

Senator HUTCHISON. Thank you. I do have other questions, but I will yield.

Senator FAIRCLOTH. Thank you, Senator Hutchison.

Congresswoman Norton.

Ms. NORTON. Thank you very much, Mr. Chairman. I just want to note the improvement that has occurred in these two agencies, and to commend the city officials and the Control Board as they have been involved in that, and, therefore, I think they come with some credibility when they come to ask for additional emergency funds.

I think we should be particularly impressed with the quick changes. Perhaps there are easier-to-make changes, and General Becton I think will agree, in getting cops on the street than there are in improving educational quality, but we have seen great changes as a result of the reform work that has been done at the

police department, and the reduction in crime is particularly welcome.

#### USE OF CONSULTANTS

Let me also say, however, that the very fact that such great changes were made in the police department as a result of getting agreement between the Control Board and the Council to send consultants in speaks to what might be done in other departments if the same methodology were used. I want to take this opportunity for the record to say I hope what has been done with the police departments will also be done with the \$1.5 billion Department of Human Services, with the fire department, with DPW; that would make it much easier for those of us who are trying to get extra funds for the District.

#### COURT ORDER

I would like to say for the record, the chairman is going to ask for the court order, and he will not find that the court order lists specific schools and says what ought to be done in that detail. The city has been forced, however, to do repairs on an emergency or crisis basis. Witness Shaw Junior High School last week.

Now, the court order really requires them to move before they have to say to children, as they had to say last week, you stay home for a day while we fix the roof. In putting in a request for emergency funds, in fulfillment of the court order, you are fulfilling the obligation to look precisely at emergency repairs that are likely to arise so that schools will not have to be closed and so that, for example, we do not have another Duke Ellington situation, where one of the best schools without funds from one of the universities would have had to be closed for a long time.

#### EMERGENCY AND NECESSARY REPAIRS

In that vein, could I ask you whether you have made—let me re-treat for a second. A figure of \$1 billion, or some such figure, has been used for overall repairs. Then there are necessary repairs, and then there are what might generally be called emergency repairs.

Have you made a distinction between emergency repairs—this is an emergency supplemental—and necessary repairs that you would have to make and are going to have to make in any case to the schools?

General WILLIAMS. Yes, Congresswoman Norton, you are absolutely on target because our long-range facilities plan, which is in draft now, speaks to the facilities situation in three tranches. First, the 1997 emergency work, which we are speaking about today. The next 2 years will require us, then, with the envelope of the building stabilized and secure, to go inside of these buildings, those that are left in the system, and then start making the necessary improvements to ensure that they are suitable to carry on the process that was intended.

## ELECTRICAL DISTRIBUTION SYSTEMS

An example: The electrical distribution systems are all antiquated. They need to be heavied up to handle all of the high tech donations and the like that are coming about.

Senator FAIRCLOTH. What kind of distribution systems was that?

General WILLIAMS. The electrical distribution systems.

Senator FAIRCLOTH. Oh, the wiring.

General WILLIAMS. Also the plumbing systems, as well. These were put in 50 or 60 years ago, and, of course, their useful life is only 25 years, so they are many, many years over.

We have also other interior work, such as renovating bath facilities, which is a very routine type of requirement. Many of our bath facilities are not considered adequate with stalls and that type of thing. And then, of course, the other interior work in classrooms and the like will take us 2 years to do that work.

## MODERNIZATION OF SCHOOLS

And then, of course, the out-years, 2000 and beyond, we have to start addressing modernization, because we have to speak to the right size of facilities for each category of education. That is elementary, making certain that the school is, in fact, equipped facilitieswise for the size that the educational reform calls for.

So our long range plan, emergency now, this is what it takes in order for us to safely open the schools that are left in the system next school year. Tranche No. 2 will be improvements inside because we have the building stabilized. And then going forward 2000 and beyond we will be into modernizations, adding wings as appropriate, and that type of thing.

Ms. NORTON. General, what is the value of the work already done? What is the dollar value of the work done this fiscal year in repairs in schools?

General WILLIAMS. Well, as General Becton pointed out, we have roughly \$30 million that we have in hand.

Ms. NORTON. I want to know the dollar value of the work done and completed by now.

General WILLIAMS. The amount of work that we have currently ongoing is about \$13 million of that \$30 million. The rest of it is in various stages of being prepared to be let as soon as possible.

Ms. NORTON. So you have either obligated or—

General WILLIAMS. Or in the process of.

Ms. NORTON [continuing]. Or have targeted where that money must go, and what you need now is over and above that \$30 million?

General WILLIAMS. Absolutely. Yes.

Ms. NORTON. We have spoken about GSA and the help they have been in procurement. As I understand it, GSA has also been helpful with respect to construction and repair. Is that the case, or is that being done inside?

General WILLIAMS. GSA, Congresswoman Norton, was used in the interim and is still used. The first tranche of our work, the \$11.5 million, GSA is managing that for us because, obviously, we did not have staff or anyone in place to do that. GSA will stay with us as long as we need them to assist us with these matters because

they have contractors already onboard. We can get to them and piggyback very quickly and get the work done.

So we are in an excellent position as a risk mitigator in terms of the money that is given to us because we do have GSA as a backup to help us to fast track and get through the procurement maze.

Ms. NORTON. This is a very important shortcut through the procurement maze that also gives you people who you know can do the job. It ought to be noted for the record that the District has to reimburse GSA, and that this is not any free lunch.

#### DESIGNING AN ACADEMIC PLAN

General WILLIAMS. Yes; we do.

Ms. NORTON. Finally, may I ask you one final question—inevitably. I would like to know, General Becton, your progress on producing—we are here talking about repairs. Frankly, you had to do that. You had to get there first because if children do not have a safe place to go, nothing else, frankly, matters that happens within that school building. I would like to ask you about your progress in designing an academic plan, and whether you believe that in doing the school closings, academic factors should figure as one of the factors when the closings are done.

General BECTON. We are in the process of reviewing the draft of our academic plans as we speak.

Ms. NORTON. Do you expect the plan, then, to be released within the next week?

General BECTON. We are going to have it released before the end of this school year; hopefully, much earlier than that. But we still have some hurdles to go over and some other things to check into. Also, I must go before my board of trustees to present the plan to them.

You raised a question about the closing and whether academics were considered. While I choose not to get into a long discussion about that, the answer is we are closing buildings and not programs. Programs we guarantee will be intact and properly—

Senator FAIRCLOTH. May I ask for order in the room, please. There will be no more outbursts.

General BECTON. I can assure you that programs will be intact, ma'am.

Ms. NORTON. Thank you very much, Mr. Chairman.

Senator FAIRCLOTH. Thank you, Congresswoman Norton.

General Williams and General Becton, we have gone pretty thoroughly into the GSA and how we are going to do it. You all know, and no one is confused about one of the problems we face in discussing the problems of the District of Columbia with the Congress, because we read daily, and have for 20 years, about one scandal, fiasco, behind the other, whether it happened or not. But we have been inundated with this type of report. So you are dealing with a Congress that is extremely skeptical of how money is spent in the District of Columbia.

#### MEDICAID PAYMENT

The latest thing we have read about was the Medicaid payment, I believe, to a Medicaid contractor in which the GSA said one fig-

ure; Tony Williams, who I have great respect for, said something of a lesser figure, maybe \$6 million; and then we understand the Mayor wanted to pay the contractor \$18 million. Well, this is the type of thing that has been all over the papers and everywhere else. I am not being specific. I am just trying to say this is the problem we face, and that is the reason for the very penetrating questions that you are going to get and have gotten as to how the money that goes to the District has been spent. And that certainly makes the Congress reluctant to send more money into a situation which we have been led to believe, and certainly the facts indicate the history of it, a world of money has been thrown away and misspent.

Dr. BRIMMER. Mr. Chairman?

Senator FAIRCLOTH. Yes.

Dr. BRIMMER. May I comment on the issue you just raised, because it is a vital one. As you know, at the Control Board we have been vitally concerned about the allocation of funds and the use of those funds to make certain that they are used for the purposes intended. The case you just described is illustrative of the more general problem.

Senator FAIRCLOTH. Is what kind of case?

Dr. BRIMMER. It is illustrative of the more general problem that goes well beyond the schools, and the case you just mentioned was not particularly a school problem. But what you see there was a case where a contractor had provided services under conditions where the pricing and others were unclear. So, what you see is a dispute. The question is whose judgment is to prevail.

You said precisely that the very large figure, the \$18 million in that case, was a recommendation by the administration. But you will notice that the person actually concerned in administering the program recommended a much smaller figure.

Senator FAIRCLOTH. How much was that figure?

Dr. BRIMMER. About \$6 million.

Senator FAIRCLOTH. That is a pretty good difference.

Dr. BRIMMER. The chief financial officer suggested a figure even lower, in the neighborhood of \$2 to \$3 million. And it depends on how the original contract is interpreted.

But in our case, we are backing a combination of the chief financial officer and the person who is running the program. We believe that the judgments of the technical people are the ones that must prevail here. We will see to that because, in the end, we would have to approve that if it is a contract, and we would not approve it unless we had the recommendation of those two people.

Senator, you can count on the fact that when issues like this arise that they will come to us, and remember, we were charged by the Congress to see that the financial responsibility side is met, and we will see to that. So, hopefully, you will not see anything like that in the future.

Senator FAIRCLOTH. Well, I thank you. And this is what I am talking about. I am not saying the Control Board created the problem. The reason for the Control Board and the school board and all of the others, is to try to eliminate the problem. But what I am saying is that this image and the daily scandal schedule has gotten the Congress extremely leery. That is the problem.

Dr. BRIMMER. Yes; and then finally, Mr. Chairman, the funds being requested here for the schools and so on would come to us, to the Control Board, and I assure you that we will see that the funds are spent properly, for the purpose that they have been requested, and that the people carrying it out will be responsible, and we will see to it.

Senator FAIRCLOTH. All right.

#### REPAIRS OF SCHOOLS BEING CLOSED

General Becton, none of these repairs will be committed to, or in other words, you are not planning to repair any schools that are going to be closed?

General BECTON. We will not repair any schools that are going to be closed.

Senator FAIRCLOTH. So we can go out and rest assured that you are not going to be repairing schools that will be closed?

General BECTON. You can be assured of that, Senator. And I would like to just make one other comment in reference to the earlier question. I realize what has happened in the District before, I realize what has happened in the school system before, but there are a couple of us sitting at this table that have got a credibility over many years of public service, and it is on the line. And we are going to stick to what we say we are going to do.

Senator FAIRCLOTH. Thank you.

#### WHY PAY INCREASE EMERGENCY

We will move to you, Chief Soulsby. Let me ask you a question. I really do not question the inequity in pay with the District police force and some surrounding police forces, but why the emergency? Why does this need to come up? Would you explain to us why this needs to come up in an emergency bill rather than in the normal budgeting process?

Chief SOULSBY. Senator, quite frankly, as we have been in a financial crisis we are also in a public safety crisis. We have had too many people victims of crimes, too many murders, too many just victims across the board. The entire country has heard of the problems.

Senator FAIRCLOTH. Again, would you move the microphone really close? We do not have the best sound system here.

Chief SOULSBY. I understand, and I have the lowest voice. A big body with a low voice. [Laughter.]

The entire Nation has heard many stories about the crime situation in Washington, DC. This is the Nation's Capital. People need to come here for many reasons, just to conduct the business of the Nation. We have taken steps, the MOU partners have taken steps to say that, for us to function as a city, we have to move forward and get crime and the fear of crime under control. In doing that they have changed the rules of day-to-day policing in this city. They have given the chief of police powers heretofore unheard of. They have given up various authorities. They have come together in an unprecedented way, working together, saying we are going to put aside our egos, we are going to put aside our self-interests, and we are going to say the most important thing here is to get public safety under control.

## NUMBER OF OFFICERS MAKING NO ARREST

At the same time, the study done by the police department showed that we had 1,000 officers who had not made an arrest in a year.

Senator FAIRCLOTH. I am sorry, what was that?

Chief SOULSBY. We had 1,000 officers who had not made an arrest in a year. We had another 1,000 to 1,100 that had made between 1 and 10 arrests in the year. So over one-half of our force had produced, just in that one category, few arrests. Yet we had people dying, we had people victims of crime all over town.

What a police officer does, for the most part, is generally unsupervised moment to moment, and almost everything a police officer does is self-motivated. If I see a person run through a red light, do I stop that vehicle? If I see some minor offense occur, do I take action or do I look elsewhere? We have gone through that some of the people in the department have not had pay raises in 7 or 8 years. Within the last 2 years they took away salaries and benefits up to 12 percent of the pay.

## PERSONNEL RULES

The morale was destroyed of many of the officers. Plus, many of our personnel rules allowed us to—it became impossible, quite frankly—to terminate employees who should not be in the department in some cases. We would terminate them and they would get reinstated.

The MOU partners have changed that dynamic, and they are going to allow us to do that. We are going to rewrite personnel rules; we are going to do everything we can from the standpoint of management to make this a professional police department. But none of that works unless we get a motivated police department.

## NUMBER OF ARREST DOUBLED

What has occurred in 1 month, 1½ months, is the number of arrests has doubled, the number of tickets written are doubled, almost every measurable thing that officers do has doubled, because they have seen, first of all, a change in the dynamics of the police department, a sense of we are about police work now. If you do not do your job, you are going to leave. And also they have seen a leap of faith, quite frankly. They think that things are going to get better. They need to see that, they are so underpaid and so frustrated.

If we do not come forward with this pay raise, if we do not give these officers a sense of hope, then I am afraid that the steps that we have taken in the last 2 months will go right down to numbers we cannot accept. If we are sincere about making a difference in this city, that difference has to be made by the individual officer in every neighborhood in this city.

## REDEPLOYED OFFICERS

On top of that, we redeployed 400 officers. Within the next 2 to 3 months we are going to change job descriptions and redeploy another 500 to 1,000 officers. We are going to upset their apple cart across the board.

What is in it for them? We are going to expect them to do different things. We are going to take them out of little niches, but we are going to expect them to be highly motivated and go out unsupervised and be the police officer, the professional they should be. I need this, the members need this, and I think if we do not have it it will adversely impact.

Now, we could say, "What is the emergency? Let us wait until October." I cannot afford to wait until October to keep my people motivated to move forward. If we are sincere about making this a safe city, it has to happen now. It must happen. And I think to do less than that would dramatically impact our ability to turn the city around, and I think you are already seeing it. If you had told me 6 months ago that we would see these people motivated, working together in the way they are working now, that we would see a 28-percent reduction in homicides now, we are just getting started.

I think the things that they did in New York City and the things they are doing in other cities will happen here. I think by this time next year police departments around the country will be coming here to find out what we are doing. But that does not happen in my office. That happens with the individual officer on the beat in every beat in this town. And those officers are underpaid and underequipped. It is an emergency. I need it now.

#### RECOMMENDATION OF THE MOU GROUP

Dr. BRIMMER. Mr. Chairman, if you do not mind, please, sir; while we included it in the request, the public safety recommendation was the recommendation of the MOU partners, the collaborative effort of the police, the Control Board, the superior court, the U.S. attorney, and the others. My colleague, Steve Harlan, is the board member who is our representative on that group, and I would like for him to comment, if you do not mind, as to why we did it, why did the group, not just the chief, but why did the group consider this to be a matter of an emergency.

Of the \$15.5 million for public safety, the police department accounts for about \$8.8 million. The rest includes \$4.9 million for corrections. The superior court has a number of items here, so I would like Mr. Harlan to take a couple of minutes, if you do not mind, sir, to explain to the committee why the whole group considered this an emergency.

Mr. HARLAN. I think it can be couched this way, Senator: It is time for massive change. Enough already, if you will. Crime is far too high. We have got to put a stop to it. We cannot say we are going to put a stop to it October 1. We have got to put a stop to it today and every day.

#### NO PAY RAISE FOR 7 YEARS

As the chief has said, we have asked these police officers to do a lot of different things now. They have been underpaid, continue to be underpaid. Many have not received a raise in 7 years. Contrasted to what is going on in the neighborhood or other police jurisdictions, they are significantly below. But the whole issue is one of an intensity, it is one of a focus, and it is one of a high demand

that we as citizens are placing on these police, and they are saying, "We are up to it."

But with that comes evidence that you will, in fact, support us. And we are not asking for a full restitution even to the average of the surrounding jurisdictions, because that is about 14 percent. What we are asking for is a signal, a very strong statement of support to these police that a 10-percent increase is due now, we are going to get it, but we expect a lot in return. That is what we are trying to do.

It is an emergency. In March we saved about 15 lives in this city, and there have been about 20 lives saved so far and more will be saved in the month of April. That is a big improvement in the murder rate. So it is an emergency, and our MOU group looked at it that way and they said, "We cannot ask people to do something that we are not ready to do." We cannot say to them, "You have to do it right now, but we are going to do business as usual." It is no longer business as usual.

Senator FAIRCLOTH. Thank you, Mr. Harlan.

I will now ask Senator Hutchison for her questions.

#### CODE ENFORCEMENT TO HELP REVITALIZE

Senator HUTCHISON. I would just like to ask one question, and it is in a different area. I am sorry I have to leave, but code enforcement is one way that I would like to know you are going to help revitalize, improve, repair, and clean up property, because obviously that has an impact on the city's crime statistics. I happen to have a bill that would give commercial revitalization tax credits so that investors will be able to receive tax credits for improving properties in economically distressed areas like the District of Columbia.

I just think it is so important for the upgrading of a city to make sure that you do everything to keep your property up, and I would ask you if you have a vigorous system of code enforcement against absentee landlords to make sure that everything is being done, not at the city expense, that should be done by the landlords to properly keep buildings in repair and cleanliness.

Mr. HARLAN. Senator, you are exactly right. Each member of the MOU group has a responsibility. The District Council is taking the lead on modifying the law on code enforcement to put real big penalties in so that these absentee landlords who have been slapped on their wrists in the past will sustain very large penalties if their property is not maintained in accordance with the law, in accordance with the code.

The District has been a dumping ground for trash haulers from Virginia and Maryland coming in and dumping tires and other trash in our neighborhoods. We are expanding the enforcement of that, and the penalties for dumping trash. All of these things, you are exactly right, need to be enforced, and we have commitments from the Mayor that the regulators will be more vigorous. We have gotten commitments from the Council to change the laws to make them more powerful, and all of that is being done.

Senator HUTCHISON. But when? Are we talking about it being done now?

Mr. HARLAN. Yes; it is being done now.

Senator HUTCHISON. Another bureaucratic road that will take 2 or 3 months?

#### CODE ENFORCEMENT LEGISLATION

Mr. HARLAN. Well, the Council is introducing legislation now on an emergency basis on the code enforcement. Council member Jack Evans, who chairs the Judiciary Committee for the Council, is taking the lead on that, and we are working with the Department of Public Works, which has hired 20 additional enforcers, is training them now, so it is taking place right now.

Now, is it enough? Will it be perfect? Probably not in either one of those instances. But it is going to be a lot better than it has been because you are right, it must be enforced.

Senator HUTCHISON. And you are overseeing that in the Control Board?

Mr. HARLAN. We are doing it as a group, and the chief is exactly right, and Ms. Norton is exactly right that working together the seven signatories here, we are working very hard to work together to make it happen. Each week, or no later than every 2 weeks, we meet and we go around the table and say, "You said you were going to get this done; did you get it done?" It is a peer pressure type of thing. The Mayor is at the table, the Council is at the table, we are at the table.

One of the things that we have to do is to work to get the police pay raise, so when we go to our next meeting, we would love to be able to say yes, we got it done.

Senator HUTCHISON. Well, put on your to-do list at your next weekly meeting code enforcement, because that is one way the taxpayers will not have to subsidize the cleaning up of property that should be cleaned up.

Mr. HARLAN. We will.

#### PRIORITIZING REQUESTS

Senator HUTCHISON. I would also like to say I hope that you will be looking at prioritizing your requests, so that if you are not able to get all of the money you are requesting or—I do not know yet what the situation is going to be, but I think it is very important that we see an effort made by you. You come to us for an emergency appropriation, I would like to see where you are trimming and cutting to help make these things happen.

I certainly want to make sure that our police officers are well paid. But a pay raise in an emergency appropriation is a very tough thing to do. That is not the proper way to budget. So I am not saying that I would not support it because I do want to do everything we can. But within the confines of your priorities, I hope that you are looking at ways that you can step up to the line and say we have made efficiencies in this area so we are going to contribute this if you will help us with a supplemental appropriation. It would make us feel more like a partnership than if every time you see that you are running low in an account you were to come and ask for a supplemental appropriation.

Dr. BRIMMER. Senator, I will respond to that. I chair the Control Board. First, this is the first time we have come to the Congress for a supplemental. We did it because of the pressing needs to do

so. The issues and the activities for which we are asking funds were not foreseen at the time that the budget for fiscal year 1997 was put together. At that time there was no planned step-up in policing. There was no planned effort to enhance public safety. This came along later.

We decided it had to be done because of the need to abate crime. Now, having done that, what we are saying is we must recognize that involves additional costs, and we have to pay for those. That is why we came here.

#### EMERGENCY ROUTE FOR SUPPLEMENTAL

I agree here. We normally do not support supplementals. The Authority did not come to the Congress with the usual supplemental process. We used an emergency route to get to you. We did it because the emergency arose after the budget was in place.

With respect to trying to save money, we, of course, will go back and take a look. We have already been doing so. We will find every additional penny we can find, but we are saying that having done that and anticipating the results of an additional scrubbing, we are going to need the money.

Senator HUTCHISON. I understand, and I do appreciate so much the things that you are doing, that you have done. I think that it is improving all the time, so I do want to try to be helpful. And I think everything we can do together to show the commitment on both sides is going to be important as we go down the road, and I want to be positive in that regard.

Thank you, and thank you, Mr. Chairman.

Senator FAIRCLOTH. Thank you, Senator Hutchison.  
Congresswoman Norton.

#### COST OF TRAINING POLICE OFFICERS

Ms. NORTON. Thank you, Mr. Chairman. I just want to reinforce Senator Hutchison's point, and I think that, in fact, what the Control Board and the city have been doing in downsizing, all of that is very important for any extra money we are to get. I do want to say that one of the reasons why I support this pay raise, reluctantly, is because the police were forced to engage in give backs at a time when the District's crime rate was soaring, were sent out into battle, as it were, forced to give back their pay. When they did that, essentially the District of Columbia lost many officers and, therefore, lost millions of dollars because of the cost of training police in large cities.

They invest thousands of dollars per capita in each cop. What happens is Prince Georges and Fairfax, who have a fraction of our crime problem, say we can pay you more to combat a lot less crime. We cannot afford to keep training these guys for the surrounding counties. So I regard this as a money saver, because we are losing cops after we have put thousands of dollars per cop in each of them.

#### COURT'S TAKEN VERY FEW CUTS

At the same time, what Senator Hutchison has said is exactly what we are going to be faced with. What trimming has been done?

Let me ask my good friend, Chief Judge Hamilton, about that, because some of this money will go, of course, for courts, and you have listed things that manifestly will cost you more money—witness fees, court room interpreters, et cetera. The fact is that over the last 3 or 4 years, while the other two branches of government have been absolutely decimated, the courts have rather pristinely kept buying equipment, kept going forward, I would not begrudge you a cent. You have used it wisely and you have needed every cent of it.

But the fact is that while we have taken money from school children, from public safety, the courts have hardly taken any hits. We would be in much better shape if you could tell us now, or by Friday as the date the chairman has indicated he wants data in, how the courts could absorb some of this, considering that you have absorbed very few cuts compared to other agencies, even though you need some more as is demonstrated by your request.

Judge HAMILTON. Congresswoman Norton and Senator Faircloth, the only way that the court is able to absorb financial distress is as a result of a reduction of its productivity. And when I say productivity, I mean a reduction in the disposition rate of its cases and controversies. Which means that if we reduce our productivity then our backlog begins to grow.

#### RATE OF DISPOSITION OF CASES

At the moment we dispose of 92 percent of our civil cases within 24 months of their filing. At the same time, we have been called upon to dispose of more and more criminal cases based upon preventive detention within 100 days of the day that the case was filed. And so we have to deal with more and more cases with fewer and fewer resources. It means that we have to carry a larger backlog in order to do those things that are absolutely necessary. And we just feel that it is absolutely unacceptable to reduce the productivity so far as you might indicate.

Ms. NORTON. It certainly would be, Judge Hamilton. I would nevertheless urge you to look at, other than personal services, no one is calling for—you know, the police department had to do that, and they ended up not able to get out of the garages. Nobody would say take it from productivity, but it is very hard to make the case that no further cuts should occur in the courts when the courts have not taken cuts and that we will not absorb even a little bit of this even as we ask for emergency appropriations which you clearly do need and which I will strongly support.

#### INCREASE IN NUMBER OF PRISONERS

Could I ask what New York did what Chief Soulsby is doing. There were so many inmates that came in that Mayor Giuliani had to put barges out on the Hudson River, and that is what he did. He did what he had to do, and there they are. I do not know what we are going to do about the Potomac River, but I have to ask you whether or not, with stepped up arrests, Lorton is going to be able to absorb these prisoners, these new prisoners, and whether any court orders will be affected or violated in the process.

Whoever can answer that, please do so. I do not know who.

Dr. BRIMMER. Actually, that question was discussed at the MOU meeting, and Judge Hamilton, you were there; Mr. Harlan was there. Ms. Moore, the head of corrections is here. Perhaps you could comment on that, if you do not mind.

Ms. MOORE. Good morning, Senator Faircloth, Congresswoman Norton. The Department of Corrections will, in fact, be adversely impacted by the increased crime interdiction by the Metropolitan Police Department. We anticipate that at the current rate of intakes in our system that we will admit an additional 688 prisoners to our system within the next 180 days. That puts us in a position of being about 640 cells short, secure cells. As of this morning we had only 40 secure beds in the entire system. We do not anticipate those trends to change. So in response to your question, no, we will not have adequate capacity, adequate bed capacity, at Lorton to house these prisoners.

#### OUT-SOURCE OF PRISON BEDS

We are in the process of working on a contract to out-source more than 1,400 prison beds. We have been working very closely with the Financial Authority, the City Council, and the Mayor to deal with the capacity issue. We are hopeful that we will have increased capacity online soon enough to absorb the influx of new prisoners that will be coming into our system.

Ms. NORTON. Is part of the supplemental to go for that privatization or out-sourcing, or is that already in the budget?

Ms. MOORE. The supplemental is intended to allow us to keep open one of the facilities that we had intended to close during this fiscal year. We have actually got to take a position of out-sourcing beds and maintaining our current capacity.

Ms. NORTON. With your indulgence, Mr. Chairman, I have just one more question.

Senator FAIRCLOTH. Go right ahead.

Ms. NORTON. Just as you are seeking a supplemental here, and Chairman Brimmer is right, this is the first time any supplemental has been sought. In fact, the Control Board has imposed very tough discipline on the District, which is why I think they come with some credibility when they ask for additional money this time. There was not a supplemental but there was \$15 million that we really had to scramble for up here last year. Senator Hatch, chairman of the Judiciary Committee, helped us to get it on this side and then the House on the other side went along with it. And I am telling you, we are going to have a job convincing the House even if Senator Faircloth is successful in getting any extra money in the Senate.

#### SPECIAL APPROPRIATION OF \$15 MILLION FOR POLICE

One thing that would help us, I am sure, would be to know the disposition of the extra \$15 million for the police department which was to go for technology, cars, and other emergencies. Chief Soulsby, please.

Essentially I am asking if that money has been obligated. Has it been spent? Has the procurement problem been overcome sufficiently so that this money is now being spent?

Chief SOULSBY. \$8.5 million has been spent or obligated. Another \$6.4 million is in the procurement process as we speak. As you well know, we submitted a plan to specify exactly what we were going to spend on each item. So we know exactly what we are buying across the board. It is a matter of getting it through the procurement process.

Some of this money was laid out over issues that were going to occur over 1½ years or so. But every penny of the \$15 million is specified for specific items.

Ms. NORTON. Thank you very much, and thank you, Mr. Chairman.

#### PAY RAISES TO INDIVIDUALS

Senator FAIRCLOTH. Thank you, Congresswoman Norton.

We are going to close here rather quickly. Chief Soulsby, I did want to ask you one or two questions that we are all going to have to answer. In the money for the emergency pay raises, are we going to be giving raises to people you anticipate firing?

Chief SOULSBY. What we are trying to do is move forward on that piece very quickly. That is a tough issue because there are about 200 people that we are looking at whether or not we should be firing them or not. That process will probably go through over the next 60 days. Within 60 days we should have resolved the issue with regard to each of those individuals. That would be a tough issue to give you a specific answer on. I anticipate within 60 days anyone that we intend to fire, we will move forward with specific recommendations to do so.

Senator FAIRCLOTH. Well, it will probably be 60 days before we get the money, so fire fast.

Chief SOULSBY. I will try hard. [Laughter.]

#### PAY RAISES TIED TO PERFORMANCE

Senator FAIRCLOTH. Do you intend to tie these pay raises to a change in performance standards and work rules?

Chief SOULSBY. Absolutely.

Senator FAIRCLOTH. Or have you already instituted the performance standards and work rule changes?

#### PERFORMANCE AND STANDARDS

Chief SOULSBY. Well, as I said in my opening statement, we have two different committees that are looking to specific performance. We are also working with Booz, Allen & Hamilton as far as establishing new rules. We are changing our entire process. So there will be heightened performance standards across the board on everyone.

Senator FAIRCLOTH. Would you have any problem with having some of these work rules written into the bill as a condition of receiving the funds? Would that be overly cumbersome? Is that practical?

Chief SOULSBY. It would probably be very cumbersome for us to do this because we are in the process of evolving and developing the system, but I am more than willing to work with your staff. If there is a way we can do it I would be happy to do it.

Senator FAIRCLOTH. I have no further questions.

I want to say that I am very, very new in this job, but I have been very much impressed by the Control Board and the new people that are on it. I have had an opportunity to work with General Becton, Chief Soulsby, and certainly Dr. Brimmer and Steve Harlan and all of you. I sense a renewed determination to make this city work. During the past 24 years we all could find many things to be ashamed of, and as I said, the question is management, not money.

We are going to have to convince the Congress as a whole that the money is going to be properly spent, that it is going to be accounted for in a proper and businesslike manner, and that we do not have an adversarial role between the Federal Government and the government of the city of Washington.

We all want the same thing. But when we have seen almost on a weekly basis one headline or another—and sometimes they become so commonplace they do not even make headlines anymore—of some scandal or misuse of city funds, that simply has got to stop. I know that you all are as devoted to making it stop as any group of people could be.

#### CONCLUSION OF HEARING

Congresswoman Norton, I have enjoyed watching the thorough knowledge and understanding you have of the city and your ability to cut through to the problems without a lot of persiflage. And I say that I think we have all reached a mindset that it is time to turn this city around and do what is necessary to make it the kind of city we are all proud of. I look forward to working with each of you and all of you to make it happen. I thank you.

Chief SOULSBY. Thank you.

General BECTON. Thank you.

Dr. BRIMMER. Thank you, Mr. Chairman.

Senator FAIRCLOTH. The hearing is recessed.

[Whereupon, at 12:10 p.m., Wednesday, April 23, the hearing was concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]