

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-69

**"Reorganization Plan No. 1 of 1995 for the Department of
Human Services and Department of Corrections
Temporary Act of 1995".**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-381 on first and second readings, July 11, 1995 and July 29, 1995 respectively. Following the signature of the Mayor on August 9, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-132 and published in the August 18, 1995, edition of the D.C. Register (Vol. 42 page 4332) and transmitted to Congress on August 15, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-69, effective October 26, 1995.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Sept. 5,6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29

Oct. 10,11,12,13,17,18,19,20,23,24,25

ENROLLED ORIGINAL

AN ACT
D.C. ACT 11-132

*Codification
District of
Columbia
Code
1996 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 9, 1995

To adopt, on an temporary basis, Reorganization Plan No. 1 of 1995 to transfer the Bureau of Correctional Services from the Department of Human Services to the Department of Corrections.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reorganization Plan No. 1 of 1995 for the Department of Human Services and Department of Corrections Temporary Act of 1995".

Sec. 2. Pursuant to section 404(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; D.C. Code § 1-227(b)), the council adopts Reorganization Plan. No. 1 of 1995 to transfer the Bureau of Correctional Services from the Department of Human Services to the Department of Corrections as set forth in section 3.

**D.C. Code
Volume 1**

Sec. 3. Reorganization Plan No. 1 of 1995.

**Reorganization Plan No. 1
of 1995**

STATEMENT

Reorganization Plan No. 1 of 1995 would consolidate all psychiatric services provided to inmates at the Central Detention Facility ("D.C. Jail") and the Lorton Correctional Facility within the Department of Corrections ("DOC") to improve the medical and psychiatric services provided to inmates at these locations.

ENROLLED ORIGINAL

The genesis of this proposed Reorganization Plan is Campbell v. McGruder, C.A. No. 1462-71 (D.D.C. 1971) and Inmates of D.C. Jail v. Jackson, C.A. No. 75-1668 (D.D.C. 1975), cases active in U.S. District Court. On January 27, 1995, the Court ordered the District of Columbia government ("District") to implement the Special Officer's Initial Remedial Plan for Mental Health Care, Medical Care and Compliance Monitoring at the District of Columbia Jail ("Initial Remedial Plan"), which requires DOC to assume full responsibility for all medical and psychiatric services provided to inmates at the Central Detention Facility and at the Lorton Correctional Facility. The Initial Remedial Plan further requires staff who provide psychiatric services to be hired under the exclusive budget authority and auspices of DOC, and that all staff currently detailed to provide mental health services at the D.C. Jail shall become employees of DOC if they meet the standards for employment. The Initial Remedial Plan establishes staffing requirements and deadlines for hiring appropriate staff. Fines are not assessed for failure to terminate the details to the Department of Human Services ("DHS") staff. However, the District has been fined for failure to hire staff within the time set forth in the Initial Remedial Plan.

Under the current organizational structure, DOC is responsible for providing housing, security, general medical care, and other services to inmates, but not mental health services. DHS, through an informal arrangement that began in the 1960s, has provided consultative mental health services to DOC, and in 1980, pursuant to the decree in Campbell v. McGruder, administered and funded an intermediate care program for 160 residents in 2 mental health units. This consultative arrangement was formalized with Reorganization Plan No. 1 of 1986, also known as the Final Mental Health System Implementation Plan. Under this consultative arrangement, DHS recommended treatment, but DOC retained responsibility for providing such treatment.

Unfortunately, this bifurcated arrangement did not provide maximum clinical services in an efficient and economical manner. The sharing of information was hampered by the strict confidentiality requirements of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 *et seq.*). Further, the bifurcation of responsibility, whereby DOC physicians treat mental problems and DHS physicians treat mental illness, at times impedes the efficient delivery of services, results in redundant services, and makes tracking of inmates difficult.

With the Reorganization Plan, DOC will assume responsibility for meeting all of the medical needs of the inmate population, including mental health, which should improve services to inmates by streamlining the administration and provision of services. To carry out its new functions, DOC will augment its Psychiatric Services Program, established in 1992, by the transfer of all vacant and funded positions and the corresponding appropriated budget from the Bureau of Correctional Services, Forensic Services Administration, Commission on Mental

ENROLLED ORIGINAL

Health Services ("CMHS") to DOC.

The Reorganization will not affect court-ordered criminal pretrial and post trial examinations requested by District or United States courts, as these examinations will continue to be the responsibility of the CMHS. Commitments under applicable law following an acquittal by reason of insanity or transfers of inmates to CMHS in accordance with section 928 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1340; D.C. Code § 24-302), or Superior Court Mental Health Rule 9 also are unaffected.

I. PURPOSE

The purpose of this reorganization is to consolidate the provision of medical and mental health services provided to inmates at the Central Detention Facility and the Lorton Correctional Facility within the Department of Corrections, to improve the coordination of mental health and medical services, and to eliminate barriers to the exchange of mental health information created by the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 *et seq.*).

II. TRANSFER OF FUNCTIONS

The function of providing mental health services to inmates in Department of Corrections facilities provided by the Bureau of Correctional Services, Commission on Mental Health Services, is hereby transferred to the Department of Corrections.

III. OTHER TRANSFERS

All vacant and filled positions, personnel, property and unexpended balances of appropriations, allocations, and other funds available or to be made available to perform the functions set forth under Section II above are hereby transferred to the Department of Corrections.

All records relating to the duties and functions transferred in Section II are hereby transferred to the Department of Corrections, except that mental health records shall be transferred only in accordance with the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Code § 6-2001 *et seq.*).

IV. REORGANIZATION

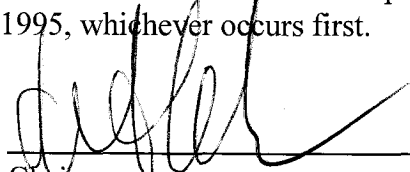
The Director of the Department of Corrections is authorized to organize the personnel and property transferred herein into such organizational components as the Director deems

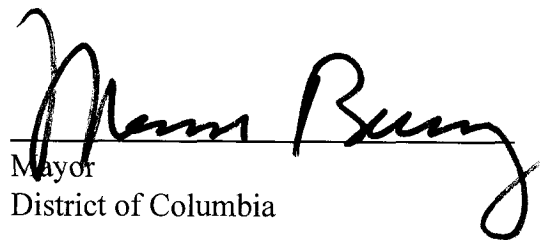
ENROLLED ORIGINAL

appropriate, and is authorized to develop any reports and evaluation systems necessary to assess the effectiveness of the Reorganization Plan.

Sec. 4. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) This act shall expire after 225 days of its having taken effect or upon the effective date of the Reorganization Plan No. 1 of 1995 for the Department of Human Services and Department of Corrections Act of 1995, whichever occurs first.



Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: August 9, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-381

Docket No. _____

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE _____☒ VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT _____

ADOPTED FIRST READING, 07-11-95
APPROVED

CHAVOUS AND EVANS

☐ ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

☒ ITEM ON CONSENT CALENDAR☒ ACTION & DATE _____☒ VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT _____

ADOPTED FINAL READING, 07-29-95

APPROVED

LIGHTFOOT

☐ ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
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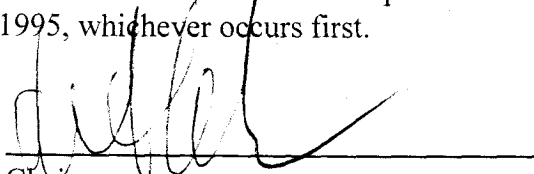
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CERTIFICATION RECORD

Secretary to the Council

Date

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ADOPTED FINAL READING, 07-29-95

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RECORDED VOTE ON REQUEST

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LIGHTFOOT

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