

# ENROLLMENT(S)

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# COUNCIL OF THE DISTRICT OF COLUMBIA

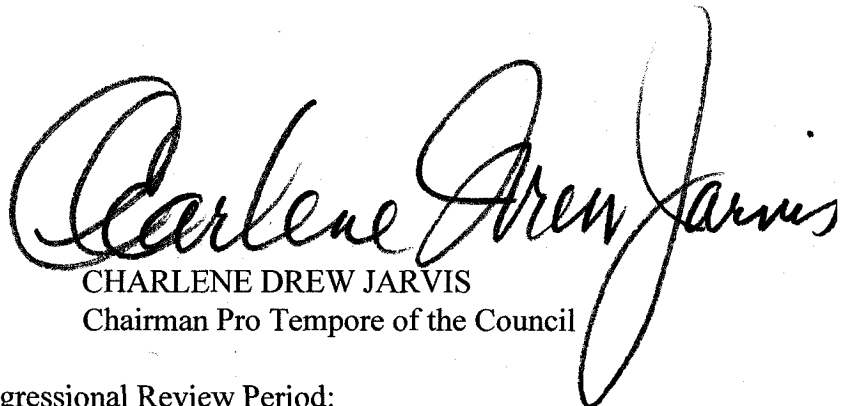
## NOTICE

D.C. LAW 11-214

**"Reorganization Plan No. 5 for the Department of Human  
Services and Department of Corrections  
Temporary Act of 1996".**

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. 11-805, on first and second readings, July 3, 1996 and July 17, 1996, respectively. Following the signature of the Mayor on August 9, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-392, and published in the September 13, 1996, edition of the D.C. Register (Vol. 43 page 4992) and transmitted to Congress on January 15, 1997 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 11-214, effective April 9, 1997.

  
CHARLENE DREW JARVIS  
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb.	3,4,5,6,7,10,11,12,13,24,25,26,27,28
Mar.	3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr.	7,8

**ENROLLED ORIGINAL**

AN ACT  
D.C. ACT 11-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
AUGUST 7, 1996

*Codification  
District of  
Columbia  
Code  
1997 Supp.*

To reorganize, on a temporary basis, the Department of Human Services 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. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1996".

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 herein reorganizes the Department of Human Services to transfer the Bureau of Correctional Services from the Department of Human Services to the Department of Corrections as set forth in section 3.

*Note, Section  
1-227*

*Volume 1*

Sec. 3. Reorganization of the Department of Human Services.

**Reorganization of the Department of Human Services**

**STATEMENT**

This reorganization 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.

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

## ENROLLED ORIGINAL

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

### **Sec. 4. Fiscal impact statement**

(a) The Department of Corrections indicates that the Department of Human Services has transferred the 26 employees to the Department of Corrections; however, the Department of Corrections has not received any monies associated with these employees nor has it received any increase in the number of FTE's to accommodate these employees.

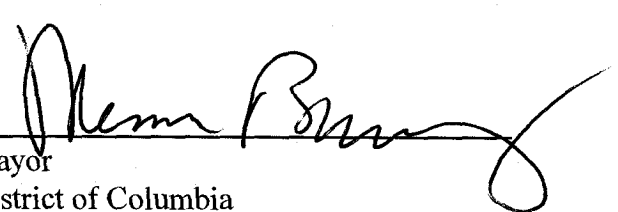
(b) Since the enactment of the emergency and temporary legislation, the Committee on Human Services has failed to introduce permanent legislation regarding the reorganization, and as of June 7, 1996, all prior legislation has expired.

(c) The Department of Corrections states that it does not have any other way to recoup the \$350,749 that the Department of Human Services currently owes the Department of Corrections other than by way of this reorganization.

**ENROLLED ORIGINAL**

Sec. 5. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of Congressional review 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 the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

  
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Chairman Pro Tempore  
Council of the District of Columbia  
\_\_\_\_\_  
Mayor  
District of Columbia

APPROVED: August 9, 1996



## COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

## RECORD OF OFFICIAL COUNCIL VOTE

Docket No. \_\_\_\_\_

B11-805

☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE \_\_\_\_\_

ADOPTED FIRST READING, 7-3-96

☒ VOICE VOTE \_\_\_\_\_

APPROVED

RECORDED VOTE ON REQUEST \_\_\_\_\_

ABSENT \_\_\_\_\_

CHAVOUS, THOMAS, LIGHTFOOT AND RAY

☐ 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

July 23, 1996  
Date☐ ITEM ON CONSENT CALENDAR☒ ACTION & DATE \_\_\_\_\_

ADOPTED FINAL READING, 7-17-96

☒ VOICE VOTE \_\_\_\_\_

APPROVED

RECORDED VOTE ON REQUEST \_\_\_\_\_

ABSENT \_\_\_\_\_

CHAVOUS AND SMITH

☐ 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 no AB-Absent NV-Present not voting

CERTIFICATION RECORD

Secretary to the Council

July 23, 1996  
Date☐ ITEM ON CONSENT CALENDAR☐ ACTION & DATE \_\_\_\_\_☐ VOICE VOTE \_\_\_\_\_

RECORDED VOTE ON REQUEST \_\_\_\_\_

ABSENT \_\_\_\_\_

☐ 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