

A RESOLUTION

25-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 21, 2023

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Emergency Act of 1980 to clarify the types of circumstances that may constitute a public emergency, to authorize the Mayor to extend the duration of the public emergencies related to the opioid crisis and juvenile crime, to authorize the Mayor to waive the requirements of Title IV of the Procurement Practices Reform Act of 2010 in exercising her authority under the public emergencies related to the opioid crisis and juvenile crime, and to require the Mayor to provide written notice to the Council before extending the duration of the public emergencies or waiving the requirements of Title IV of the Procurement Practices Reform Act of 2010.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Opioid Crisis and Juvenile Crime Public Emergencies Extension Authorization Emergency Declaration Resolution of 2023”.

Sec. 2. Opioid crisis.

(a) As recognized by the Council of the District of Columbia in the Sense of the Council on the Opioid and Fentanyl Epidemic Resolution of 2023, effective November 7, 2023 (Res. 25-342; 70 DCR 15048), opioids have inflicted profound harm on communities within the District and across the nation, causing staggering mortality rates, strain on the healthcare system, transmission of infectious diseases through needle sharing, adverse effects on families and communities, economic burdens, and treatment barriers.

(b) Between 2018 and 2022, opioid-related fatal overdoses in the District have more than doubled, from 213 to 461 lives lost per year. Between January and July 2023, opioid fatalities averaged 42 fatalities per month, up from 38 per month in 2022.

(c) Fentanyl and its analogs, potent synthetic opioids, were linked to 96% of the opioid-related fatal overdoses in the District in 2022. In 2023 to date, there has been an increasing percentage of these substances linked to death, with fentanyl and its analogs now linked to 98% of the deaths.

(d) People who use other drugs are also at risk of fentanyl deaths, as fentanyl pervades the supply of illegal drugs. Many people who use drugs have managed their addictions for years, yet they too can, and often do, overdose and die when their drugs are laced with even small amounts of fentanyl and its analogs due to the potency of these opioids.

(e) Opioid deaths in the District fall most heavily among Blacks, males, and residents of Wards 5, 7, and 8, underscoring that this crisis raises health equity and systemic concerns.

(f) Opioid abuse is an imminent threat to the health, safety, and welfare of District residents that requires emergency protective actions be undertaken by the District government.

(g) On November 13, 2023, the Mayor issued Mayor’s Order 2023-141, which declared a public emergency regarding the opioid crisis. The declaration of emergency allows District agencies to respond more flexibly, cooperatively, and expeditiously to the opioid crisis. In particular, the Mayor’s Order directs agencies to take steps to improve information sharing in order to allow them to more quickly identify communities heavily affected by opioid-linked fatalities and to better provide services and care to those communities.

(h) However, under District law, the public emergency declaration may not extend beyond 15 days without Council authorization. Without such Council authorization, the enhanced authorities of District agencies will expire.

(i) It is therefore important that the Mayor be authorized to extend the public emergency regarding the opioid crisis beyond November 28, 2023, and that District agencies retain their enhanced authorities under the public emergency to respond to the opioid crisis, to continue to address this ongoing threat to the health, safety, and welfare of District residents.

(j) In addition, to ensure that the scope of public health circumstances that may constitute a public emergency under the District’s public emergency law aligns with the Council’s intent, it is important to amend the public emergency law to clearly include within its scope the full breadth of public health circumstances that may warrant the declaration of a public emergency.

Sec. 3. Juvenile crime.

(a) The District is experiencing an increase in violent crime, including concerning trends among its youth. In the first 9 months of 2023, there have been 458 arrests of juveniles for robbery, including carjacking, homicide, or assault with a dangerous weapon—a number which is already 10% more than the total number of such arrests in all of 2022. This year, more than 100 juveniles have been arrested for carjackings, based on the most serious charge or “top charge.” There has also been a marked increase in the number of juvenile girls arrested for engaging in dangerous criminal activity.

(b) The number of District youth victimized by violent crime has also increased significantly. Between January and October 2023, 97 juveniles suffered gunshot wounds, including 15 homicides, a 9% increase from the same period in 2022. In just the last 6 weeks, 5 youth under the D.C. Superior Court’s Family Court Social Services Division (CSSD) electronic monitoring have been killed. This violence is having a devastating impact on victims, their families, communities, and the District as a whole.

(c) On November 13, 2023, the Mayor declared a public emergency regarding juvenile crime. The declaration of emergency allows District agencies to respond more flexibly, cooperatively, and expeditiously to issues related to juvenile crime.

(d) Among other things, Mayor’s Order 2023-141 directs the Department of Youth Rehabilitation Services (“DYRS”), the Deputy Mayor for Public Safety and Justice (“DMPSJ”), and the Office of Contracting and Procurement (“OCP”) to take steps to increase capacity for

youth in DYRS's custody. Specifically, Mayor's Order 2023-141 directs the agencies to work to procure additional placements for youth at shelter homes and secure facilities outside of DYRS's facilities. Mayor's Order 2023-141 also directs DYRS to work with CSSD to improve monitoring and response for youth who are subject to electronic monitoring. In addition, Mayor's Order 2023-141 directs DMPSJ and other relevant agencies to deploy roving Safe Passage teams and additional "Public Safety Go Teams" to neighborhoods experiencing the highest levels of youth violence.

(e) However, under District law, the emergency declaration may not extend beyond 15 days without Council authorization. Without such Council authorization, the enhanced authorities of District agencies will expire.

(f) It is therefore important that the Mayor be authorized to extend the public emergency regarding juvenile crime, and that District agencies retain their enhanced authorities under the public emergency to respond to issues related to juvenile crime, to continue to address this ongoing threat to the health, safety, and welfare of District residents and visitors, and in particular our youth.

Sec. 4. The Council of the District of Columbia determines that the circumstances enumerated in sections 2 and 3 constitute emergency circumstances making it necessary that the Opioid Crisis and Juvenile Crime Public Emergencies Extension Authorization Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 5. This resolution shall take effect immediately.