

A RESOLUTION

25-456

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 5, 2024

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 and 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 2024”.

Sec. 2. (a) As recognized by the Mayor in Mayor’s Order 2023-141, dated November 13, 2023 (Declaration of Public Emergency: Opioid Crisis and Declaration of Public Emergency: Juvenile Crime) and 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 more than doubled, from 213 to 461 lives lost per year. Between January and November 2023, there were 474 fatal overdoses, an average of 44 deaths per month compared to 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, there was an increasing percentage of these substances linked to death, with fentanyl and its analogs 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.

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(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. That declaration of emergency allowed District agencies to respond more flexibly, cooperatively, and expeditiously to the opioid crisis. Pursuant to the Opioid Crisis and Juvenile Crime Public Emergencies Extension Authorization Temporary Amendment Act of 2023, effective February 22, 2024 (D.C. Law 25-126; 71 DCR 645), Mayor's Order 2023-141 could not be extended beyond February 15, 2024, and, absent Council action to extend the Mayor's authority, expired on that date.

(h) Since the issuance of the Mayor's Order, the Office of the Deputy Mayor for Health and Human Services ("DMHHS") and cluster agencies have worked with the Opioid Abatement Advisory Commission to identify and plan for grants and contracts to further advance the District's opioid response. Several of those grants and contracts are now ready to be awarded and expedited procurement and grant-making authority is necessary to allow the District to respond to the opioid crisis with speed and urgency.

(i) Therefore, on February 27, 2024, the Mayor issued Mayor's Order 2024-035, which declared a public emergency regarding the opioid crisis. That declaration of emergency provides District agencies with authority to expedite procurement and the issuance of grants tailored to respond to the public emergency.

(j) 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.

(k) It is therefore important that the Mayor be authorized to extend the public emergency regarding the opioid crisis beyond March 13, 2024, 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.

Sec. 3. (a) As recognized by the Mayor in Mayor's Order 2023-141, dated November 13, 2023 (Declaration of Public Emergency: Opioid Crisis and Declaration of Public Emergency: Juvenile Crime), the District has experienced an increase in violent crime, including concerning trends among its youth. In 2023, there were 552 arrests of juveniles for robbery, including carjacking, homicide, or assault with a dangerous weapon, a number which is 45% more than the total number of such arrests in all of 2022. For 143 of those youth (26%), that arrest was their first arrest. Last year, more than 100 juveniles were arrested for carjackings, based on the most serious charge or top charge. This year, juveniles have been arrested for over half of the District's carjacking arrests, representing 11 out of 18 carjacking arrests thus far. There has also been a marked increase in arrests of younger children aged 11-12.

(b) The number of District youth victimized by violent crime has also increased significantly. In 2023, 109 juveniles suffered gunshot wounds, including 16 homicides, a 4.6%

increase from 2022. Seven juveniles suffered gunshot wounds in the first eight weeks of this year. 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, by Mayor's Order 2023-141, declared a public emergency regarding juvenile crime. That declaration of emergency allowed District agencies to respond more flexibly, cooperatively, and expeditiously to issues related to juvenile crime.

(d) Among other things, Mayor's Order 2023-141 directed the Department of Youth Rehabilitation Services ("DYRS"), the Deputy Mayor for Public Safety and Justice ("DMPSJ"), and the Office of Contracting and Procurement to take steps to increase capacity for youth in DYRS's custody. Specifically, Mayor's Order 2023-141 directed these 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 directed 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 directed 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) Pursuant to the Opioid Crisis and Juvenile Crime Public Emergencies Extension Authorization Temporary Amendment Act of 2023, effective February 22, 2024 (D.C. Law 25-126; 71 DCR 645), Mayor's Order 2023-141 could not be extended beyond February 15, 2024, and, absent Council action to extend the Mayor's authority, expired on that date.

(f) On February 27, 2024, the Mayor issued Mayor's Order 2024-035, which declared a public emergency regarding juvenile crime. That declaration of emergency provides District agencies with authority to expedite procurement and the issuance of grants tailored to respond to the public emergency.

(g) Specifically, DYRS, in consultation with the Deputy Mayor for Public Safety and Justice and the Office of Contracting and Procurement, intends to utilize this authority to implement measures to increase capacity across the continuum of placements for youth in its custody, including:

(1) Procuring additional placements for youth at shelter homes, group homes, supervised independent living facilities, secure facilities, residential treatment centers, psychiatric residential treatment centers, and foster homes;

(2) Engaging in cooperative agreements for programs and placements for detained and committed youth, including rehabilitative, therapeutic, substance-abuse, and trauma-informed programs; and

(3) Incentivizing private providers to open additional shelter homes, group homes, and shelter beds for girls.

(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 March 13, 2024, and that District agencies retain their

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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.

(j) To ensure transparency, the bill requires the executive to publicly post any grants awarded or contracts entered using the authority granted by the bill within 15 days after awarding or entering them.

Sec. 4. The Council 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 2024 be adopted after a single reading.

Sec. 5. This resolution shall take effect immediately.