

April 15, 2011



COUNCILMEMBER PHIL MENDELSON'S

AT-LARGE UPDATE

Drunk Driving Enforcement

Recently, I held a public oversight hearing on "Calibration Issues with Breathalyzer Instruments and the District's Response." This hearing was a direct response to the D.C. Attorney General's announcement that more drunk-driving cases would be dropped because of calibration problems with the Metropolitan Police Department's (MPD) breathalyzer machines. Although I was promised an agreement had been reached last June, the District's Medical Examiner's office has refused to certify the instruments over concerns with the program, leaving no objective oversight of the agency.

I held a similar hearing last July. However, because the previous hearing had not cultivated any results, and the status quo procedures had continued, I felt it necessary to once again press this issue. District residents need assurance that the DWI program is fixed, that the breathalyzer instruments are accurate. The interim process of talking urine samples as a way to prove the blood alcohol content of a suspected drunk driver is not a good alternative.

Early last year it was revealed that all of MPD's breathalyzer instruments were incorrectly calibrated. The Attorney General's office subsequently reported that results from the breath test machines potentially implicated nearly 400 DWI convictions. What I could not understand was why the equipment was being taken out of service instead of getting the equipment calibrated correctly.

The real issue is that the government has known about this problem for a year yet is still unable to use these breathalyzer instruments to get drunk drivers off our streets. It is obvious that having a fully functioning breath-testing program, providing immediate, accurate results, is preferable to the status quo – which seems to be the District continuing to tread water. An additional concern is that the government has not been completely candid about the extent of the problem nor committed to fixing it *post haste*.

I will be revisiting this issue within the next couple of months to ensure that everything is being done to correct the problem with the District's breathalyzers and to ensure that MPD is utilizing the best tools it needs to keep intoxicated drivers off District streets.

Mendelson Introduces Worker Friendly Legislation

I have introduced three bills to protect workers in the District of Columbia:

The first closes a loophole in the law that allows construction companies to avoid paying taxes and benefits by classifying workers as "independent contractors." *The Workplace Fraud Amendment Act of 2011*, co-introduced with Councilmember Michael Brown, establishes penalties, including debarment, for worker misclassification. "Because it both ensures fair treatment for workers and closes a tax-dodging loophole for unscrupulous construction companies" says Mendelson.

Constituent Services Corner

A barber in Northwest contacted my office annoyed by parking meters in front of his barbershop that permitted parking time longer than the time stated on the parking signs. The barber's business was affected since customers could not park near the barbershop because the meters allowed two hour parking reducing turnover. Many frustrating calls to the District Department of Transportation by the barber failed to achieve any results.

My office immediately contacted the DDOT and pressed them to adjust the parking meters to the posted time. This would allow small businesses on that block to pick up business since customers could again park close.

It took persistence, but DDOT ultimately agreed that the meters and signs should agree and that a 30 minute turnover would benefit the local shops. DDOT adjusted the meters, and customers began to regularly patronize those businesses once more.

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Committee on the Judiciary

UPCOMING HEARINGS:

April 25, 2011 at 6:00PM, Room TBD,
Hearing on Redistricting

April 27, 2011 at 10:00AM, Room TBD,
Hearing on Redistricting

May 2, 2011 at 10:00AM in Room 412.
Agency Budget Oversight Hearing for:

- **Dep. Mayor for Police & Safety**
- **Office of the Medical Examiner**
- **Department of Corrections**
- **Office of the Attorney General**
- **Office of Unified Comm.**
- **Homeland Security & Emergency Mgt.**

***Council Recess April 22-28!**

The next Quarterly ANC Meeting will be held on Thursday, April 28th from 6:30PM – 8:00PM in the Wilson Building. Police Chief Cathy Lanier and Chief of Fire and EMS Kenneth Ellerbe and William Howland from DPW have been invited.

All hearings will be held at the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, unless otherwise noted.

To sign up to testify or for more information, contact the Committee at: (202) 724-7808.

Mendelson Introduces Worker Friendly Legislation (cont.)

The *Large Retailer Community Agreement Act of 2011*, requires large retailers (defined as a store more than 75,000 square feet) to enter into a Community Benefits Agreement. The intent is to help the numerous community groups currently asking Wal-Mart to guarantee the benefits it promises as it seeks to open four stores in our city.

The third bill also is directed to large retailers (a store more than 75,000 square feet or larger and a parent company with more than \$1 billion annual gross revenues), The *Large Retailer Accountability Act of 2011*, requires large retailers to pay employees a living wage and benefits. Not only does this avoid “working poor” who barely earn enough and receive no benefits, but it avoids private sector shifting of public benefits programs, i.e. employees utilizing the District’s Healthcare Alliance because they do not have health benefits through their employer. This is nationally recognized as a problem for workers and a burden on government. This bill gets us ahead of the curve, learning from the experience of others.

Don’t Cut the Police!

The media reported recently that the Metropolitan Police Department has ceased hiring, and that the size of the force will fall below 3800 for the first time in several years. My office has received numerous letters and emails expressing concern.

It was a mystery to me why the police force would shrink below 3800 when the Council never voted for such a reduction. In 2009, we stopped trying to grow the force, but it was our intent that the size would stable. That was again our intent when we adopted the budget for this fiscal year. At the time – last May – there were 3948 sworn officers.

Neither Mayor Fenty nor Chief Lanier ever said the size of the force would drop below 3900, let alone 3800. It appears, though, that there were poor, and hidden, budgeting assumptions by the outgoing administration. The previous Mayor built the MPD budget on an overly optimistic assumption for federal reimbursements. Also, the reliance on unspent dollars resulting from temporary vacancies from ordinary turnover was unrealistically high.

Fifty officers cost about \$6 million. One year ago, the Council cut \$1.2 million to fund pay increases for the rank and file by agreeing to Chief Lanier’s suggestion to “stagger sworn hiring in FY 2011.” Last December, Mayor Fenty proposed another \$1.6 million cut “by reducing agency training and recruiting expenses.” Neither explanation indicated a reduction in officers. Even if that’s what they were, the cuts equal about 25 officers, less than 17% of the problem.

I don’t want to see the force drop. Nor do many of my colleagues. I pledge every effort to keep the force above 3850, with a goal to go higher the following year.