



POLICY STATEMENT

PRETRIAL SERVICES AGENCY
for the
DISTRICT of COLUMBIA

Title **Delegation of Authority and Succession for
the Director of the Pretrial Services Agency
for the District of Columbia**

Number **1010**

Effective Date **January 31, 2014**

Approval

Clifford T. Keenan

Clifford T. Keenan, Director

Delegation of Authority and Succession for the Director of the Pretrial Services Agency for the District of Columbia

Table of Contents

Overview	2
Purpose	2
Administrator	2
Judicial Review	2
Authorities	2
Delegation	3
Implementation of Orders of Succession	4
Continuity of Government Conditions (COGCON)	5

Overview

Purpose This is a delegation of authority for the continuity of essential functions at the Pretrial Services Agency for the District of Columbia (PSA) in case of the PSA Director's absence, death, resignation, inability to act during a disaster or national security emergency, or if the Director otherwise has become unable to perform the functions and duties of the Office of the Director.

Administrator This policy statement is administered by the Office of the Director for control and review.

Judicial Review This memorandum is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies or entities, its officers, employees or agents, or any other person.

Authorities The Homeland Security Act of 2002, P.L. 107-296, as amended.
The Federal Vacancies Reform Act of 1998, 5 U.S.C. § 3345, *et seq.*, as amended.
D.C. Code § 23-1303.

Delegation

The following officials, in the order listed below, have been delegated the authority to exercise the powers and perform the duties of the Director in case of the Director's absence, inability to perform, or vacancy in the office, until such time that condition ceases. In the event that the position of Director is vacant, as that term is used in the Federal Vacancies Reform Act of 1998, the Deputy Director shall act as Director until a successor is appointed by the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit and the Chief Judge of the United States District Court for the District of Columbia, in consultation with the other members of the Executive Committee of the Pretrial Services Agency for the District of Columbia, as provided for in D.C Code § 23-1304(b) .

- 1. Deputy Director**
- 2. Associate Director, Operations**
- 3. Director, Office of Finance and Administration**

The Deputy Director is hereby designated the "First Assistant" for the purposes of the Federal Vacancies Reform Act of 1998. If this position is vacant, the next designated official in the order of succession may exercise all the powers, duties, authorities, rights, and functions of the Office of the Director, but may not perform any function or duty required to be performed exclusively by the office holder.

Eligibility for succession to the Office of the Director is limited to officially assigned incumbents of the positions listed in the order of succession, above. Persons appointed on an acting basis, or on some other temporary basis, are ineligible to serve as a successor; therefore, the order of succession would fall to the next designated official in the approved order of succession.

Continued on next page

Delegation, Continued

The Director's order of succession is established by the PSA Director. Upon assumption of the duties of the Director, the successor will:

- Notify the PSA Continuity Manager and the Office of the General Counsel, Court Services and Offender Supervision Agency.

The PSA Continuity Manager will advise:

- All PSA Office/Programs;
- PSA partners;
- The Federal Emergency Management Agency (FEMA) Operations Center (FOC); and
- Other appropriate Federal departments and agencies.

In order to expedite responses to an emergency that may require *PSA's Continuity of Operations Plan (COOP)* implementation, the Director shall ensure annual training of personnel who may be making policy determinations and decisions.

Implementation of Orders of Succession

The successor, in consultation with the PSA Continuity Manager, will do the following when facing the issue of succession:

Step	Action
1	Confirm that the incumbent is debilitated or incapable of performing his/her legal authorized duties, roles, and responsibilities
2	Determine which official, by precedence in line of succession, is capable of assuming the role of the incumbent
3	Coordinate with Office of the General Counsel
4	Notify appropriate authorities when succession occurs

Continued on next page

Delegation, Continued

**Continuity of
Government
Conditions
(COGCON)**

In accordance with Continuity of Government Conditions (COGCON) requirements, and to the extent practicable, at COGCON Level 2, at least one successor to the Director should be out of the national capital area at all times. At COGCON Level 1, at least one successor to the Director must be ready to commence continuity of operations from outside the national capital area.

The Director will maintain leadership over PSA unless the Director cannot communicate, directly or indirectly, with members of the PSA Critical Functions Team. In this situation, or if the Director is not available, the next available individual in the Director's order of succession will exercise leadership over PSA until the Director or someone higher than that individual in the order of succession, is available.
