

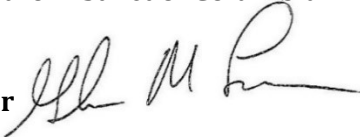
Government of the District of Columbia  
Office of the Chief Financial Officer



**Glen Lee**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** January 17, 2024

**SUBJECT:** Fiscal Impact Statement – Secure DC Omnibus Amendment Act of 2024

**REFERENCE:** Draft Committee Print as provided to the Office of Revenue Analysis on  
January 15, 2024

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**Conclusion**

Funds are not sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill would cost \$4.5 million in fiscal year 2024 and \$42.3 million over the FY2024-FY2027 financial plan period to implement.

**Background**

The Secure DC Omnibus Amendment Act of 2024 changes the District’s policing, law enforcement, criminal justice, and legal systems and involves nearly all District justice agencies and operations. The bill addresses police conduct and misconduct, changes to the criminal code, enhanced penalties for certain crimes and crimes against various vulnerable groups, changes in programs and operations of the Deputy Mayor for Public Safety and Justice (DMPSJ), the Metropolitan Police Department (MPD), other public safety agencies, and new programs for public safety in specified areas and on or near the metro.

The bill also revises provisions in the Comprehensive Policing and Justice Reform Amendment Act (CPJRAA) of 2022<sup>1</sup>, which focused primarily on police conduct, training, continuing education, and

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<sup>1</sup> Effective Apr. 21, 2023 (D.C Law 24-345; 70 DCR 6316). Fiscal Impact Statement: [FIS Comprehensive Policing and Justice Reform.pdf \(dc.gov\)](#). Parts of CPJRAA became effective upon enactment (applying to MPD and the Office of the Auditor of the District of Columbia). Provisions requiring disclosure of police misconduct records and development of a publicly searchable police misconduct database remain subject to appropriations.

certain prohibited practices such as chokeholds. The bill also makes permanent some provisions modifying criminal statutes, criminal sentencing, and pre-trial detention presently in law on an emergency basis and passed as a temporary act.<sup>2</sup>

## **Section 2. Safe Commercial Corridors and Transit Corridor Safety and Emergency Response Program**

The Safe Commercial Corridors pilot was authorized in the 2024 Budget Support Act of 2023<sup>3</sup> to provide grant funding to organizations that serve the residents, visitors, and businesses in one of three neighborhoods (Downtown, Shaw, or Adams Morgan) and maintain public and commercial spaces in those areas. The approved budget and financial plan included one-time funding of \$1.1 million for grants<sup>4</sup> and one FTE to operate the program.

This section in Secure DC creates a permanent Safe Commercial Corridors program and expands it to any commercial neighborhood in the District. Grants may fund activities that include relationship-building, connecting residents, business owners, and visitors with other services, assisting businesses with safety protocols and procedures, conducting de-escalation and crime mitigation techniques, and supporting other strategies supporting public safety.

This section also establishes a new, 2-year pilot program operated by DMPSJ, in consultation with the DC Department of Transportation, MPD, and the Metropolitan Transit Police, that would install surveillance and monitoring systems and rapid communications networks at bus stops, train stations, and other areas. Emergency communications and surveillance systems would connect District residents and visitors to emergency services, and video and audio surveillance would be used to assist in criminal investigation.

In determining the appropriate locations for the pilot program, DMPSJ shall prioritize areas of high crime or harassment and late-night or early-morning ridership. Each ward shall have at least one emergency and communications system. DMPSJ will be responsible for the routine maintenance and repair of the monitoring, rapid response, and video surveillance systems.

Each system must have a bright light indicating its presence to the public, emergency communication to a response dispatcher, and continuous video surveillance. Video or voice media must be of sufficiently high quality to permit identification of individuals involved in any situation or altercation, if possible. Two reports on the pilot program's operation and efficacy are required: 1 year after the bill is enacted and 60 days after the conclusion of the pilot program. The bill also requires that DMPSJ conduct a study on the prevalence of violence and crime at bus stops, train stations, and other public areas.

## **Section 3. Call Data Collection and Posting and 311 Services**

This section establishes a monthly reporting requirement for the Office of Unified Communications (OUC) on several customer service, safety, and oversight metrics for calls to 911. The bill requires

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<sup>2</sup> The Prioritizing Public Safety Emergency Amendment Act of 2023, enacted July 20, 2023 (D.C. Act 25-175; 70 DCR 10358); the Prioritizing Public Safety Second Congressional Review Emergency Act of 2023, enacted Dec. 21, 2023 (D.C. Act 25-339; 70 DCR 16594); and the Prioritizing Public Safety Temporary Amendment Act of 2023, enacted Oct. 5, 2023 (D.C. Act 25-229; 70 DCR 13762) (under Congressional review).

<sup>3</sup> Effective Sept. 6, 2023, (D.C. Law 25-50; 70 DCR 12679).

<sup>4</sup> FY20224 Safe Commercial Corridors Request for Applications (RFA).

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FIS: "Secure DC Omnibus Amendment Act of 2024," Draft Committee Print as provided to the Office of Revenue Analysis on January 15, 2024

OUC to report monthly on the number of calls diverted or eligible for diversion, dispatcher errors, staffing levels, average and maximum call wait times (including by type), calls dropped, and overall response times from call to dispatch and dispatch to arrival, among other statistics.

The bill also requires OUC to include additional categories of 311 reporting, including porous flexible sidewalks, fire hydrants, leaf collection, and graffiti removal. Additionally, the bill also directs OUC to facilitate referrals to utility providers for the maintenance of electric wires, utility poles, and fire hydrants and to the Alcohol Beverage and Cannabis Administration (ABCA) regarding alcohol sales.

#### **Section 4. Confidentiality of Youth Records**

This provision expands the general language governing the disclosure of youth records to cover individuals previously in the care of the Department of Youth Rehabilitation Services (DYRS) and establishes procedures permitting a law enforcement officer to obtain needed records to conduct a criminal investigation. The provision also requires DYRS to notify the Office of the Attorney General (OAG) when DYRS releases a committed youth, changes a youth's type of placement, and when a youth escapes or absconds from a placement. OAG may further disclose this information to certain authorized parties such as a victim, eyewitness, attorney, or parent or guardian of the committed youth.

#### **Sections 5. FOIA Exemptions from Disclosure**

CPJRAA added a clause to the Freedom of Information Act (FOIA) exemptions stating that, as a matter of practice, a request for police officer disciplinary records shall not automatically be denied or redacted based on that officer's right to privacy. It established a list of criteria for what material could be disclosed under FOIA (including a description of the infraction, the officer's name, and any resulting reports or background material) and a set of limited items that can be redacted.

The bill modifies the requirement for FOIA disclosure to define disciplinary records as those related to the officer's commission of a crime, the officer's interactions with the public, or an adverse credibility finding. The provision also changes the information that may be redacted (including the officer's personal contact information, medical treatment, and use of an employee assistance program).

#### **Section 6. Sentencing Commission Membership**

The Sentencing Commission reviews and evaluates trends in sentencing practices and the District's Voluntary Sentencing Guidelines and issues findings and recommendations in an annual report. The bill revises the composition of the Sentencing Commission from 12 voting commissioners to 15, with the three additional members appointed by the Chair of the DC Council, the Mayor, and the Metropolitan Police Department. The provision also adds the Deputy Mayor for Public Safety and Justice as a nonvoting member.

### **Section 7. Crime Victim Compensation**

The Crime Victim Compensation Fund, administered by the DC Superior Court, provides financial assistance to victims of crimes and their families. The bill changes the eligibility to permit victims to file claims for up to one year after post-conviction motions.

### **Section 8. Office of Victim Services and Justice Grants Reporting**

The bill requires that the Office of Victim Services and Justice Grants report on the number of victims served and the disposition of those services yearly.

### **Section 9. Office of Victim Services and Justice Grants and Victim Services Coordinator**

The bill requires the Office of Victim Services and Justice Grants (OVSJG) to conduct a public awareness campaign about government and community-based services for victims of violence. The bill also establishes a Victim Services Coordinator within OVSJG. The Coordinator will work with MPD, OVSJG, and other public safety agencies to develop protocols and procedures for working with victims of violence, including working with hospital-based violence intervention programs to connect victims and their families to appropriate services.

### **Section 10. Confidentiality of Child Protection Records**

The bill gives the Office of the Attorney General the authority to obtain information from the child protection register for investigating cases involving a delinquent child. The Child and Family Services Agency (CFSA) may disclose information regarding abuse or neglect of a child to the Ombudsperson for Children for an investigation, diversion, or prosecution of either a child that committed delinquent acts (and needs supervision) or a parent that has violated school attendance requirements.

### **Section 11. MPD Reporting**

The bill makes permanent requirements currently in effect under temporary legislation for MPD to report case closure rates quarterly on its website for violent crimes, by offense, and non-fatal shootings.

### **Section 12. Body Worn Cameras**

The provision modifies the provisions of CPJRAA regarding MPD's use of body-worn cameras and disclosure of video. CPJRAA prohibited MPD officers from viewing body-worn camera footage before writing their initial incident reports. It also required that officers state in the report what footage was viewed. The bill changes that requirement to apply only to incidents meeting the serious use of force standard, including firearm discharges (aside from certain discharges that may occur at a training site or that do not imperil a member of the public); head strikes, other specified use of force; and MPD canine bites.

The bill also changes the serious use of force standard for this section to include an officer-involved death; discharge of a firearm (excepting some negligent discharges that do not put the public at risk); a head strike with an impact weapon; or use of force that results in serious bodily injury. Serious bodily injury is one resulting in a substantial risk of death, serious disfigurement, disability, impairment, or an extended period of unconsciousness.

### **Section 13. Neck Restraints**

CPJRAA defined asphyxiating restraint and neck restraint and prohibited their use by law enforcement officers. The bill modifies the definition of neck restraint to exclude cases where the contact is brief and unintentional or occurs during good-faith medical care or resuscitation.

### **Section 14. Defining Serious Bodily Injury and Law Enforcement Vehicular Pursuit**

The bill modifies the definition of "serious bodily injury" and the circumstances under which an officer may determine that a vehicular pursuit may be necessary. The Act also changes the phrasing regarding the threat posed by the suspects (from immediate threat to imminent threat). The bill eliminates certain actions taken by officers while in pursuit of a suspect from categorization as a serious or deadly use of force. Those actions are boxing in, caravanning, deploying a roadblock, deploying a tire deflation device, paralleling, and ramming.

### **Section 15. Disclosure of Adverse Action Hearings**

CPJRAA required MPD to make publicly available the hearing schedule of adverse action cases for police officers where the proposed disciplinary action is termination. The bill removes the officer's name and badge number from that public notification.

### **Section 16. Office of Police Complaints Access and Disciplinary Database**

The bill changes the language providing OPC access to MPD information from "unfettered access" as granted in CPJRAA to "unfettered access to all information that is relevant to OPC's investigation into an officer's alleged misconduct." The bill also adds a specific confidentiality provision for OPC. CPJRAA requires that MPD develop a publicly accessible database containing any substantiated allegations of police misconduct. This provision was not funded, and so is not in effect. The bill would modify the disclosures permitted in the database to exclude duty status and add race and gender.

### **Section 17. Firearm and Ammunition Provisions, Shooting Reviews and Reporting**

This bill explicitly permits the sale of self-defense sprays labeled as such. It clarifies other language defining large-capacity ammunition feeding devices, such as a magazine, and prohibiting the use, sale, or transfer of such devices. The bill changes the maximum penalty for automatic weapons with ammunition feeders to three years served consecutively (vs. concurrently as under current law). It also changes the provision offering an administrative remedy of a fine paid to limit it to only those individuals without conviction of a felony.

The bill extends the timeframe for establishing the Extreme Risk Protection Orders (ERPO) working group. ERPOs are orders issued by the Court prohibiting an individual from obtaining or possessing a firearm due to the substantiated risk of causing injury to oneself or others. The bill also requires MPD and OAG to develop material informing the public about ERPOs.

The bill requires MPD to establish regular Law Enforcement Shooting Reviews (at least twice monthly) for any shootings by law enforcement officers since the last review to assess the conditions contributing to any shootings by law enforcement officers and address downstream effects. DMPSJ must also coordinate a Coordination Meeting/Intervention Services Shooting Review at least twice monthly to provide outreach and engagement to individuals affected by the shooting.

The bill requires that the Mayor report yearly on the total number of recovered firearms in the District, where they were recovered, and other factors that could assist in tracking firearms from purchase/manufacture to recovery.

### **Section 18. Private Security Camera Incentive Expansion**

The Private Security Camera Incentive Program is administered by OVSJG. The program reimburses residents and businesses who purchase and install security systems on their property, provided they register the system with MPD.<sup>5</sup> The bill allows the Mayor to set the maximum rebate amount through rule-making and adds two additional security systems that can be rebated for businesses with less than \$2.5 million in federal gross receipts: a security camera on the interior; and interior glass break sensors. The bill also expands the camera vouchers available to specified low-income individuals to include individuals receiving SNAP benefits. The bill also requires OVSJG to report on the program's operations.

### **Section 19. Confidential Information Regarding Victims of Crime**

The bill slightly modifies the disclosure of confidential information regarding victims of crime when it is required in the interest of justice.

### **Section 20. Right to Jury Trial, Board Membership, and Criteria for Detention**

CPJRAA added three criminal offenses for which a defendant may demand a jury trial when the victim-complainant is a law enforcement officer – assault, resisting arrest, and threats to do bodily harm. The bill adds that the law enforcement officer must have been in uniform or acting in their official capacity during the offense.

The bill adds a representative from the Office of Unified Communications to the Domestic Violence Fatality Review Board.

The bill also makes permanent the requirements currently in effect on an emergency and temporary basis<sup>6</sup> governing the detention of a child. There shall be a rebuttable presumption to detain a child in advance of a trial if the child is alleged to have committed a dangerous crime while armed with a gun or a knife or alleged to have committed or intended to commit murder, first-degree sexual abuse, carjacking, or assault. The Department of Youth Rehabilitation Services (DYRS) receives and houses youth referred to them by the courts while awaiting a hearing, or after commitment to DYRS by family court.<sup>7</sup>

The bill expands the authorities granted to the family court in the case of a child with a custody order to ask MPD to take a missing persons' report and expands the circumstances under which police, schools, and other authorized parties may obtain juvenile records. The bill also permits public

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<sup>5</sup> The Private Security Camera Rebate Program: [The Private Security Camera Rebate Program | ovsjg \(dc.gov\)](https://ovsjg.dc.gov)

<sup>6</sup> The Prioritizing Public Safety Emergency Amendment Act of 2023, enacted July 20, 2023, (D.C. Act 25-175; 70 DCR 10358); the Prioritizing Public Safety Second Congressional Review Emergency Act of 2023, enacted Dec. 21, 2023 (D.C. Act 25-339; 70 DCR 16594); and the Prioritizing Public Safety Temporary Amendment Act of 2023, enacted Oct. 5, 2023 (D.C. Act 25-229; 70 DCR 13762) (under Congressional review).

<sup>7</sup> Youth in DYRS custody can be placed in residential settings, secure facilities, hospitals, foster care, jails, or residential treatment centers. This placement is based on a needs and risks assessment conducted by DYRS (with court input).

reporting of certain juvenile information in certain cases if the data is aggregated and doesn't disclose identifiable or confidential information.

## **Section 21. Definition of Significant Bodily Injury, Strangulation, and Carjacking**

The bill makes several modifications to criminal statutes and makes conforming edits throughout the D.C. Criminal Code.

Significant bodily injury is an injury requiring hospitalization or medical attention, a fracture, serious laceration or burn, or loss of consciousness. The bill defines *serious* bodily injury as a significant bodily injury that involves a substantial risk of death, protracted and obvious disfigurement, loss, or impairment of the functioning of an organ, faculty, or body part, loss of consciousness, a traumatic brain injury, a third-degree burn, or gunshot wound.

The bill creates a criminal definition of strangulation and provides for a fine or sentence of up to five years. It adds enhanced penalties for strangulation if the victim was under an order of protection or the assailant was limited by court order to not contact the victim or was convicted of an intrafamily offense. The bill also defines the crime of carjacking.

## **Section 22. Assault on Public Safety Personnel**

The bill adds Emergency Medical Services employees and paramedics to the reporting requirement for assaults on public safety employees and updates the definition of significant bodily injury.

## **Section 23. Sexual Abuse of a Child or Minor**

The bill makes permanent legislation currently in effect on an emergency and temporary basis that clarifies an adult in a position of power over a child for the purposes of sexual abuse statutes. The bill adds penalties for misdemeanor sexual abuse if it is a subsequent sexual abuse offense and raises the victim age from 12 to 13 at which enhanced penalties apply.

## **Section 24. Criminalization of Non-Consensual Pornography**

The bill modifies the definition of consent to exclude individuals who may not be able to consent due to impairment, age, disability, or another inability to make a sound judgment and clarifies that consent cannot be obtained by coercion, force, or deception. The bill also extends this knowledge of likely non-consent (and liability) to distributors of pornography.

## **Section 25. Changes to DC Criminal Code Regarding Theft and White-Collar Crime, and Enhanced Penalties for Certain Crimes**

The bill creates a new felony offense of directing organized retail theft, which is the organization, recruitment, and execution of coordinated merchandise theft with the intent to resell the merchandise or return it for a refund. Individuals convicted of this offense can be imprisoned for up to 15 years, subject to financial penalties, or both. The bill also adds to first-degree theft a maximum sentence of 10 years if the theft exceeds \$500 or consists of 10 or more items stolen over a thirty-day period, or if the individual commits assault or destroys retail property in carrying out such theft.

The bill modifies the enhanced penalties for a senior victim of crime to state that it applies whenever a crime of violence occurs (replacing an enumerated list of offenses). The bill also adds a penalty enhancement category for individuals who commit a dangerous crime or a crime of violence while

on Department of Parks and Recreation property. The bill creates enhanced penalties for crimes committed against vulnerable adults.

### **Section 26. Wearing Masks**

The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982 prohibited individuals from wearing masks with the intention to discriminate, intimidate, or break the law. CPJRAA repealed this prohibition.

The bill restores the prohibition, making it a crime for an individual to conceal one's face with a mask in a public place if their intent is to engage in prohibited conduct; deprive any person or class of people equal protection under the law, force or threaten the use of force against anyone because of their exercise of legally-protected rights; intimidate, threaten, abuse, or harass anyone; or cause another person to fear for their personal safety.

### **Section 27. Enhanced Penalties for Crimes Against Transportation Drivers or on Public Transportation**

The bill adds enhanced penalties (of up to 1.5 times the statutory maximum conviction for fines or imprisonment) for crimes committed against transportation providers (such as taxi drivers), transit operators, metro rail station managers, and passengers.

### **Section 28. Sex Offenses**

The bill increases the victim age at which an offender receives a requirement of lifetime registration on the sex offender registry when convicted of first-degree sexual abuse, from under the age of 12 to under the age of 13.

### **Section 29. DNA Collection of Arrestees and Defendants**

The bill permits MPD to collect a DNA sample for individuals arrested for certain crimes, provided that their DNA was not already obtained (or will be collected by another entity, such as the courts). The DNA information can be entered into the Combined DNA Index System (CODIS) and can be expunged if the individual is not convicted of the crime. Individuals who refuse to provide their DNA can be charged with a misdemeanor and fined for up to one year. MPD may enter into cooperative agreements with other law enforcement entities to carry out this requirement.

### **Section 30. CJCC Data Posting**

The bill requires the Criminal Justice Coordinating Council (CJCC) to issue monthly reports on diversion, pre-trial suspension, detention, prosecution, sentencing, incarceration, probation, parole, supervised release, and deferred prosecution or sentencing agreements. Finally, CJCC will also be required to report quarterly on arrests and prosecutions for bench warrants. This provision is currently in effect on an emergency and temporary basis.<sup>8</sup>

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<sup>8</sup> The Prioritizing Public Safety Emergency Amendment Act of 2023, enacted July 20, 2023, (D.C. Act 25-175; 70 DCR 10358); the Prioritizing Public Safety Second Congressional Review Emergency Act of 2023, enacted Dec. 21, 2023 (D.C. Act 25-339; 70 DCR 16594); and the Prioritizing Public Safety Temporary Amendment Act of 2023, enacted Oct. 5, 2023 (D.C. Act 25-229; 70 DCR 13762) (under Congressional review).



### **Section 31. Endangerment with a Firearm and Other Firearm Sentence Enhancements**

The bill creates new offenses for firing a gun in a public location (including defining what counts as a public location). It establishes penalty enhancements if the assailant fires more than five projectiles or has been convicted of a felony. The bill creates an offense for discarding firearms or ammunition improperly and a criminal offense for filing off a gun's serial number.

The bill also establishes two new criminal provisions—endangerment with a firearm and improperly discarding a firearm or ammunition. Enhanced penalties are in effect for conviction of possession of either a sawed-off shotgun or machine gun or if an individual was already convicted of a felony. These provisions are currently in effect on an emergency and temporary basis.<sup>9</sup>

### **Section 32. Statute of Limitation for Related Crimes, Extraditable Misdemeanors, and Pre-Trial Release**

The bill extends the statute of limitation for the category of "related crimes" from 10 years to 15 years. Related crimes are joined to a crime without any statute of limitation (such as first-degree murder). The bill permits a warrant or summons for a misdemeanor to be served anywhere in the United States if a judge finds good cause. Good cause for the warrant or summons is presumed under the bill for intrafamily or sexual offenses. The bill also modifies the definition of fleeing the scene.

The bill establishes a pre-arrest diversion task force within CJCC and establishes its membership and chairperson. The task force's duties include reviewing best practices, making recommendations on prearrest diversion, implementing processes as needed, and identifying any police training or procedures. The task force is required to meet monthly and issue a public report after one year.

The bill expands required pre-trial detention to include the additional offenses of second-degree murder, first-degree sexual abuse, and first-degree child sexual abuse (as well as first-degree murder).

The bill makes several changes to the standards considered for pre-trial release and detention for adults charged, which makes it more likely that a court officer will order pre-trial detention over pre-trial release for certain violent crimes. The bill requires that a judge document the facts of the case and, if releasing an individual, the court officer must document the reasons that the individual was released despite the factors otherwise presuming detention. Additionally, the bill changes the standard used to rebut the presumption of detention from a substantial probability to probable cause.

The bill also adds a "previous conviction of a crime of violence" to the factors establishing a rebuttable presumption towards detention to protect the public. Pre-trial release may be permitted only if the individual cooperates with DNA collection if required by law. The bill also permits extension of detention upon request. The Department of Corrections has custody of individuals detained while

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<sup>9</sup> The Prioritizing Public Safety Emergency Amendment Act of 2023, enacted July 20, 2023, (D.C. Act 25-175; 70 DCR 10358); the Prioritizing Public Safety Second Congressional Review Emergency Act of 2023, enacted Dec. 21, 2023 (D.C. Act 25-339; 70 DCR 16594); and the Prioritizing Public Safety Temporary Amendment Act of 2023, enacted Oct. 5, 2023 (D.C. Act 25-229; 70 DCR 13762) (under Congressional review).

awaiting trial and youth charged in adult court (as well as individuals convicted of a misdemeanor and individuals convicted of a felony who will be transferred to the federal Bureau of Prisons system.)

Other changes include expanding the definition of a crime of violence to include nonconsensual sexual conduct, strangulation, or nonconsensual sexual conduct as defined elsewhere in the bill. The bill requires any agency supervising justice-involved individuals<sup>10</sup> to provide location data to MPD upon request, provided MPD determines it is necessary for a law enforcement investigation. The information collected from a device may be used in a legal proceeding determining guilt.

### **Section 33. Healthy Food at Correctional Facilities and Hospitality Training**

The bill revises the meal requirements provided to individuals held at the Department of Corrections (DOC) facilities. Specifically, the bill defines nutrient-dense foods as a meal pattern that includes at least 2 servings of green vegetables per day, three additional servings of vegetables, 2 servings of raw fruit, and 5 ounces of protein-rich foods. Within one year of the bill's enactment, DOC's meals must be nutrient-dense and meet or exceed federal nutritional standards. DOC facilities must also serve a plant-based, kosher, halal, or medically necessary meal option to DOC residents when requested.

The bill also requires DOC to make public reports on food inspection results and environmental safety and sanitation. The bill also requires that the Mayor establish a hospitality and culinary arts training program for DOC residents within eight months of the bill's enactment and sets minimum participation requirements for the program.

### **Section 34. Director of Emerging Adult Services**

The bill creates a new Director of Emerging Adult Services within the Office of the City Administrator. Emerging adults are those individuals between the ages of 18 and 24. The Director will oversee the implementation of the Youth Rehabilitation Amendment Act, including developing a 4-year strategic plan for supporting emerging adults. The Director will work with other city agencies responsible for emerging adults, including DYRS, the Office of Neighborhood Safety and Engagement (ONSE), the Office of the State Superintendent for Education (OSSE), and OAG.

The bill also establishes a new Advisory Board to advise on the hiring of the Director and guide the Director's work. The Advisory Board will consist of 7 members and two co-chairs (one appointed by the Council and one appointed by the Mayor).

### **Section 35. Cash Payments**

This provision delays the effective date of the provision in law banning retailers from discriminating against cash as a form of payment to January 1, 2025.

### **Section 36. Metro Safety**

The bill requires that any individual stopped by the police on the Metro for fare evasion must provide their actual name. A fine of up to \$100 may be imposed if the individual does not comply.

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<sup>10</sup> Agencies include DYRS, the Offender Supervision Agency, and the Pretrial Services Agency.

### **Section 37. Penalty Enhancement for Transit Operators/Passengers**

WMATA must notify the public of enhanced penalties when committed against transit operators, employees, and the public on metro property.

### **Section 38. Establishment of Drug-Free Zones**

The bill establishes a new drug-free zone policy. The Chief of the Metropolitan Police Department can establish a drug-free zone for up to 120 hours. In determining whether to designate an area as a drug-free zone, the Chief may consider arrests for drug possession or distribution, police reports for violent and dangerous crimes, homicides, or other relevant factors that indicate a high likelihood that the location is the site of the purchase, sale, or use of illegal drugs.

Drug-free zones must be identified using a flyer, barrier, or tape, and signs must disclose that the area is a drug-free zone, the timeframe the drug-free zone is in effect, and the requirements for dispersal. The Chief of Police will notify the Chairman of the DC Council of any declaration of a drug-free zone.

In drug-free zones, officers are permitted to instruct groups of 2 or more people to disperse if the officer reasonably believes that the individuals are gathering to engage in the purchase, sale, or use of illegal drugs. In making that determination, the officer may consider the individual's behavior or conduct, identification of an individual as a member of a gang or association that engages in illegal drug activity, or an individual that is known to the officer as a known drug user, possessor, or seller (and has been convicted of such crime), among other factors. The provision cannot be used for the primary purpose of removing encampments of unhoused persons or with the effect of depriving persons of social or medical services. An individual who doesn't disperse upon being directed to do so can be convicted of up to a \$300 fine and up to 180 days in prison.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill. The bill will cost \$4.5 million in 2024 and \$42.3 million over the financial plan.

Many of the bill's provisions do not have a fiscal impact. The Metropolitan Police Department can absorb the provisions reverting to pre-CJPRAA law within their current funding levels. The policies changing criminal statutes and charging guidelines will not have a fiscal impact on the District, as the federal government pays for all adult judicial proceedings. Training for public safety officers on the bill's changes to criminal statutes and sentences, the anti-mask provision, and drug-free zones can be absorbed within MPD's current resources. There is no cost to changing the procedures around the use of body-worn camera footage for officer reports.

The following narrative further describes the fiscal impact of sections of the bill. Costs for each section, by fiscal year, are in the chart at the end of this fiscal impact statement.

### **Section 2. Safe Commercial Corridors and Transit Corridor Safety and Emergency Response Program**

DMPSJ will need to hire two FTEs—a program advisor and a grants coordinator—to operate the Safe Commercial Corridors program. Given the program's expansion District-wide, DMPSJ will also need \$2 million per year for Safe Commercial Corridor grants.

Beginning in fiscal year 2025, DMPSJ will also need to hire three FTEs to administer and run the Transit Corridor Safety and Emergency Response Program, including a program director, a data analyst, and a program coordinator. In addition, the program requires \$200,000 for the purchase of ten cameras and \$207,000 for power, maintenance, and replacement of the equipment, training, and other non-personnel costs each year. The program would run for two years.

### **Sections 5. FOIA Exemptions from Disclosure**

Enacting this provision does not change the fiscal impact of the unfunded sections of the CPJRAA. MPD will need funding to hire 6 FTEs employees (5 FOIA officers and one FOIA manager) to carry out the FOIA and disclosure requirements in this provision as well as funding for contract attorney work.

### **Section 9. Office of Victim Services and Justice Grants and Victim Services Coordinator**

OVSJG will need to hire a new Victim Services Coordinator at the grade 13 level plus contract support to work with hospital-based victims' services programs and produce public outreach materials for victims and their families.

### **Section 16. Office of Police Complaints Access and Disciplinary Database**

Enacting this provision does not change the fiscal impact of the unfunded sections of the CPJRAA. MPD will need to hire two staff, a management analyst, and a policy writer.

### **Section 18. Private Security Camera Incentive Expansion**

OVSJG will need to hire an additional program coordinator to expand the current security camera incentive program to include internal security cameras and roll break sensors. This additional employee would conduct on-site inspections for cameras and security equipment installed on the inside of a business. OVSJG also requires funding for outreach materials on the new reimbursement and a share of fleet costs. Because the program only provides rebates to the extent that funding is available, this provision of the bill can be enacted without additional rebate funding. However, the program is likely to need to turn down applicants without additional rebate funding for the newly authorized types of devices.

### **Section 20. Right to Jury Trial, Board Membership, and Criteria for Detention**

The bill's changes to the presumption of detention for youth in additional circumstances and for additional types of crime have been in effect under emergency and temporary legislation since July 2023. Youth held while awaiting trial will generally be housed in the Youth Services Center (YSC), a secure facility. The number of youth detained at YSC since July 2023 has varied month by month but doesn't show a clear rising trend. The changes to pre-trial detention for youth under the bill are less significant than the changes for adults (see Section 32, below). Given that trends in youth pre-trial detention remain relatively constant after enactment of the temporary and emergency legislation, DYRS does not need additional capacity or funding because of the bill.

### **Section 30. CJCC Data Posting**

CJCC will need to hire one new policy and research analyst to support the Council's reporting responsibilities under Section 30 and Section 32.

### **Section 32. Statute of Limitation for Related Crimes, Extraditable Misdemeanors, and Pre-Trial Release**

CJCC will need to hire one policy and research analyst who would support and manage the new Prearrest Diversion Task Force within CJCC. This employee would also support CJCC's additional reporting requirements under Section 30.

The bill's provisions that change the policies regarding pre-trial detention for adults will increase the number of individuals held at the Department of Corrections detention facilities. The average daily population held pre-trial at DOC facilities rose from 748 in July 2023 to 1,010 in January 2024 (an increase of 262 people). At this rate, DOC estimates that the average daily population held pre-trial at DOC will grow by an additional 400 people by the end of September 2024. Given the multiple factors underlying changes in detention counts, including crime trends and seasonality, sentencing trends and court backlogs, this fiscal estimate assumes that 10% of that projected increase in FY2024 population is due to the legislated change in pre-trial detention for adults. Using the federal per-person reimbursement amount as a proxy for DOC's costs of housing an additional person, DOC will require \$1.4 million in FY 2024 and \$10.4 million over the financial plan.

### **Section 33. Healthy Food at Correctional Facilities and Hospitality Training**

DOC's current food services contract<sup>11</sup> for the Central Detention Facility and the Correctional Treatment Facility does not require the fruit and vegetable minimums stated in the bill. DOC's current meals contract costs about \$6 million annually, and DOC has estimated that contracting for meals under the bill's additional requirements will require an additional \$4 million annually (including covering meals at the Central Cell Block). DOC would also require two additional employees to run the hospitality and culinary arts training program.

### **Section 34. Director of Emerging Adult Services**

The Office of the City Administrator (OCA) will need to hire two employees: a Director of Emerging Adult Services and an analyst. OCA also requires \$250,000 in contract support for the bill's outreach requirements and for assistance in developing the strategic plan.

### **Section 35. Cash Payments**

The bill delays implementation of the Cashless Retailers Prohibition Amendment Act of 2020<sup>12</sup> until January 1, 2025. This law was funded in the fiscal year 2024 budget and financial plan and included \$296,000 in fiscal year 2024 for the Department of Licensing and Consumer Protection to enforce the act (and a total of \$983,000 over the financial plan). The bill's delay in implementation allows the fiscal year 2024 funding to be re-programmed for other uses, but the funding currently in the financial plan for fiscal year 2025 through 2027 is still required.

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<sup>11</sup> [SUPPLIES AND SERVICES - CW90941 Aramark Food Mgmt Svc. executed 09.13..pdf \(dc.gov\)](#)

<sup>12</sup> Effective Mar. 16, 2021 (D.C. Law 23-187; 68 DCR 3403).

The chart below summarizes the costs to implement the bill.

<b>Secure DC Omnibus Amendment Act of 2024</b>					
<b>Fiscal Year 2024 – Fiscal Year 2027</b>					
<b>(\$ thousands)</b>					
	<b>FY2024<sup>1</sup></b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	<b>Total, FY2024- FY2027</b>
Section 2. Safe Commercial Corridors <sup>2</sup>	\$1,549	\$2,323	\$2,329	\$2,330	\$8,531
Section 2. Transit Corridor Safety and Emergency Response program <sup>3</sup>	\$0	\$838	\$853	\$0	\$1,691
<b>Section 2 Total. Safe Commercial Corridors and Safety Transit Grants</b>	<b>\$1,549</b>	<b>\$3,161</b>	<b>\$3,182</b>	<b>\$2,330</b>	<b>\$10,222</b>
<b>Section 5. FOIA Exemptions from Disclosure</b>	<b>\$549</b>	<b>\$823</b>	<b>\$838</b>	<b>\$854</b>	<b>\$3,064</b>
<b>Section 9. Office of Victim Services and Justice Grants and Victim Services Coordinator</b>	<b>\$166</b>	<b>\$249</b>	<b>\$253</b>	<b>\$258</b>	<b>\$927</b>
<b>Section 16. Office of Police Complaints Access and Disciplinary Database</b>	<b>\$169</b>	<b>\$219</b>	<b>\$223</b>	<b>\$228</b>	<b>\$839</b>
<b>Section 18. Private Security Camera Incentive Expansion</b>	<b>\$215</b>	<b>\$322</b>	<b>\$328</b>	<b>\$334</b>	<b>\$1,198</b>
Section 32. CJCC Diversion Task Force (and CJCC responsibilities under Section 30)	\$107	\$160	\$163	\$166	\$596
Section 32. DOC Impact from Changes to Pre-Trial Detention	\$1,372	\$2,948	\$3,008	\$3,070	\$10,398
<b>Section 32 Total. Statute of Limitation for Related Crimes, Extraditable Misdemeanors, and Pre-Trial Release</b>	<b>\$1,478</b>	<b>\$3,108</b>	<b>\$3,171</b>	<b>\$3,236</b>	<b>\$10,994</b>

<b>Secure DC Omnibus Amendment Act of 2024</b>					
<b>Fiscal Year 2024 – Fiscal Year 2027</b>					
<b>(\$ thousands)</b>					
	<b>FY2024<sup>1</sup></b>	<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	<b>Total, FY2024- FY2027</b>
<b>Section 33. Healthy Food at Correctional Facilities and Hospitality Training<sup>4</sup></b>	<b>\$0</b>	<b>\$4,220</b>	<b>\$4,293</b>	<b>\$4,366</b>	<b>\$12,879</b>
<b>Section 34. Director of Emerging Adult Services</b>	<b>\$399</b>	<b>\$598</b>	<b>\$609</b>	<b>\$620</b>	<b>\$2,226</b>
<b>TOTAL IMPLEMENTATION COSTS</b>	<b>\$4,524</b>	<b>\$12,700</b>	<b>\$12,898</b>	<b>\$12,226</b>	<b>\$42,348</b>

Table Notes:

1. Fiscal Year 2024 costs pro-rated for the remainder of the fiscal year.
2. The estimate for Section 2 assumes that \$2 million a year is made available for grants for the Safe Commercial Corridors program.
3. Safety Transit Corridors is a 2-year program.
4. Assumes Healthy Food at Correctional Facilities will be in effect beginning in 2025, as the bill requires those provisions "within one year."