

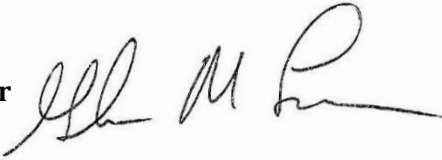
Government of the District of Columbia
Office of the Chief Financial Officer



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: September 16, 2022

SUBJECT: Fiscal Impact Statement – Expanding Supports for Crime Victims
Amendment Act of 2022

REFERENCE: Bill 24-75, Committee Print as provided to the Office of Revenue
Analysis on September 1, 2022

Conclusion

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill will cost \$784,000 in fiscal year 2023 and \$4.91 million over the financial plan.

Background

The bill establishes, expands, and updates certain programs that provide assistance to crime victims in the District of Columbia. Each of these provisions are summarized below.

Address Confidentiality Program Expansion

The District's Address Confidentiality Program (ACP) is administered by the Office of Victim Services and Justice Grants (OVSJG) and provides a legal substitute address for eligible DC residents to maintain the confidentiality of her or his actual address. The bill expands¹ the ACP to include District government employees. Employees who wish to participate in the ACP must submit a request to the Department of Human Resources (DCHR).

¹ By amending Section 206(a)(1) of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-536(a)(1)).

Crime Victims Compensation Program Expansion

The D.C. Superior Court's Crime Victims Compensation Program (CVCP) provides to victims of violent crime and their families financial assistance and reimbursement with crime-related expenses such as funeral and burial costs, medical and mental health expenses, lost wages, loss of support, crime scene clean up, and temporary emergency shelter and relocation. The bill expands² eligibility to receive compensation from the CVCP by:

- Clarifying offenses covered under current law and expanding eligibility to include new offenses;³
- Approving out-patient counseling by licensed professional counselors as medical expenses for which victims can receive compensation;
- Clarifying rules for what documents must accompany a claim of compensation to reduce the administrative burden on claimants;
- Expanding alternatives to the general requirement that victims report the crime to law enforcement to be eligible for compensation; and,
- Increasing the maximum amount of compensation available to parents, guardians, custodians, or primary caregivers, with more than two children.

Mandatory Reporting

The bill clarifies⁴ mandatory reporting laws to make reporting obligations consistent between sexual assault counselors, human trafficking counselors and domestic violence counselors. Under current law, human trafficking counselors and domestic violence counselors are subject to fewer mandatory reporting requirements than sexual assault counselors.

The bill also establishes a training program on mandatory reports in the Office of Attorney General (OAG), in consultation with the Child and Family Services Agency (CFSA). The trainings must address the dynamics surrounding abuse, neglect, and other forms of child victimization and how to make a report.

Firearms Restriction Clarification

A firearms relief program is the legal process through which an individual who has had their right to possess firearms restricted can request relief from that restriction. The bill clarifies⁵ that firearms relief program applicants may only obtain relief if firearms were restricted because of voluntary admission, commitment, incapacity determination, or adjudication that occurred in the District. If firearms were restricted in another jurisdiction, that jurisdiction must be petitioned for relief.

² By amending The Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501 et seq.).

³ Including criminal abuse of a vulnerable adult or elderly person, financial exploitation of a vulnerable adult or elderly person, criminal negligence, cruelty to animals of the victim's animal, and malicious injury to personal property that resulted from the discharge of a firearm into the victim's residence or vehicle or was committed by an intimate partner.

⁴ By amending An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.01 et seq.).

⁵ By amending Section 203 of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.03).

Hospital-based Violence Intervention Programs and Crime Victim Counselors

The bill establishes qualifications and legal protections for hospital-based violence intervention programs (HVIP) and crime victim counselors. HVIPs operate in several District hospitals and are funded through grants administered by the OVSJG. HVIPs provide intensive counseling, case management, and social services to victims at a hospital to prevent retaliatory violence. Crime victim counselors are individuals who render support, counseling, or assistance to victims. The bill makes communications between victims, HVIP employees, and crime victim counselors confidential unless written consent is given by a victim. The bill also gives HVIP employees the right to accompany victims to forensic medical, evidentiary, or physical examinations at the hospital and interviews with law enforcement at the hospital.

The bill clarifies⁶ procedures for disclosing confidential communications with a domestic violence counselor, human trafficking counselor, sexual assault counselor, HVIP employee, or crime victim advocate. The new procedure requires that victims be notified of, and given an opportunity to object to, requests to compel disclosure of confidential communications.

The bill also establishes a safe harbor provision for sexual assault victims, which prohibits custodial arrests of sexual assault victims while they are seeking emergency medical treatment or medical forensic care at a hospital.

New Criminal Offenses

The bill establishes two new criminal offenses by:

- Prohibiting ⁷ sexual conduct by law enforcement officials with arrestees or detainees and establishes a penalty for individuals that engage in this conduct, and;
- Prohibiting the intentional violation of a court order to stay away from or have no contact with an individual or location as a condition of release from custody.

Task Force on Hospital-Based Violence Intervention Programs (HVIP) and Pilot Program

The bill requires OVSJG to establish a Task Force on Hospital-Based Violence Intervention Programs (Task Force) beginning on October 1, 2022. The Task Force will study and develop recommendations for:

- Improving service delivery and outcomes;
- Promoting collaboration between HVIPs, hospital staff, medical providers, and other programs; and,
- Evaluating the right to accompany victims in certain circumstance.

The task force must include representatives from the Metropolitan Police Department, OAG, OVSJG, Office of Neighborhood Safety and Engagement, HVIP hospitals, professional organizations, District-based victim services providers, and residents who have had personal experience with a HVIP. The Task Force must issue a report by December 31, 2023 on its findings.

⁶ By amending Chapter 3 of Title 14 of the District of Columbia Official Code.

⁷ By amending The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 et seq.).

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The bill requires OVSJG to issues grants in fiscal year 2023 and fiscal year 2024 that fund evidence-based policies, protocols, and training program for hospital staff on HVIPs. The pilot must be conducted by a District-based entity and that entity must evaluate the outcomes of the pilot program. A report on the program must be issued by September 30, 2024 and must be presented before the Task Force on Hospital-Based Violence Intervention Programs.

SART/SAVRAA Standards of Care

The bill requires⁸ OVSJG to review the feedback and recommendations from the Sexual Assault Response Team (SART) Case Review Subcommittee and national best practices to establish minimum standards of care for entities participating in continuum of services for sexual assault victims. OVSJG must consult with the Sexual Assault Victim's Rights Amendment Act (SAVRAA) Independent Expert Consultant on the standards of care.

Batterer Intervention Program

The bill requires OVSJG to coordinate with the Domestic Violence Fatality Review Board to fund a peer-led batterer intervention program by December 31, 2023. The program must use a public health approach to reduce a future risk of violence and be informed by best practices.

OVSJG Specific Statutory Requirements

The bill requires the OVSJG to create a domestic violence questionnaire and service referral resource for use in Family Court proceedings in consultation with the Superior Court of the District of Columbia and the Domestic Violence Fatality Review Board.

The bill codifies the existing duties and responsibilities of the OVSJG. The agency is currently authorized through executive order.

Financial Plan Impact

Funds are not sufficient in the fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. The bill will cost \$784,000 in fiscal year 2023 and \$4.91 million over the financial plan.

Expanding Supports for Crime Victims Amendment Act of 2022					
Total Costs					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
HVIP Task Force/Pilot Program	\$315,000	\$851,000	\$0	\$0	\$1,166,000
SART/SAVRAA Analyst	\$135,000	\$135,000	\$137,000	\$140,000	\$547,000
Batterer Prevention Program	\$0	\$566,000	\$632,000	\$635,000	\$1,833,000
Administrative Costs	\$334,000	\$336,000	\$343,000	\$351,000	\$1,364,000
Total	\$784,000	\$1,888,000	\$1,112,000	\$1,126,000	\$4,910,000

⁸ By amending The Sexual Assault Victims' Rights Act of 2014, effective November 20, 2014 (D.C. Law 20-139; D.C. Official Code § 4-561.01 *et seq.*).

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Address Confidentiality Program Expansion

Expanding ACP to include District government employees does not have a cost. DCHR already has the capability to make employee addresses confidential and can absorb any workload associated with implementing the expansion.

Crime Victims Compensation Program Expansion

The District of Columbia Courts collect all fines and fees related to court proceedings in the Crime Victims Compensation Fund (Fund). This Fund is used to provide compensation to qualifying crime victims who participate in the CVCP. The court must transfer half of any unobligated Fund balance at the end of each fiscal year to the District's Crime Victims Assistance Fund, which is used by OVSJG to provide grants that increase outreach to crime victims. Expanding who is eligible to receive compensation and expanding the services that are covered under the CVCP may reduce the amount of funding transferred to the OVSJG to conduct outreach to crime victims; however, these grants are discretionary and subject to funding available in the Fund.

Mandatory Reporting

Establishing a training program on mandatory reports in the OAG does not have a cost. CFSA already offers a free training to mandatory reporters that can be used by the OAG to comply with the requirements in the bill.

Firearms Restriction Clarification

There is no fiscal impact for clarifying that firearms relief program applicants must petition the jurisdiction where the restriction occurred for relief.

Task Force on Hospital-Based Violence Intervention Programs (HVIP) and Pilot Program

The OVSJG requires additional resources to implement the HVIP pilot program and coordinate the task force. Specifically, the agency will need \$500,000 in fiscal year 2024 to fund HVIP grants that will go towards the service provider participating in the pilot program. The fiscal year 2023 budget already includes \$500,000 for this purpose. OVSJG will hire a contractor in fiscal year 2023 through fiscal year 2024 to evaluate the pilot program. OVSJG will hire a program coordinator for two years to oversee the pilot project and to provide support to the HVIP task force. OVSJG will also hire a grants management specialist to work part-time on the pilot program. In year two of the pilot, this position will work part-time on the Batterer Intervention Program before transferring full time to that program in fiscal year 2025. These costs are shown in the Batterer Intervention chart below. This employee will manage grants and coordinate programmatic and fiscal reporting. The total cost of the HVIP Pilot program is \$315,000 in fiscal year 2023 and \$1.17 million over the financial plan.

Task Force on Hospital-Based Violence Intervention Programs (HVIP) and Pilot Program Total Cost					
HVIP Task Force/Pilot Program	FY 2023	FY 2024	FY 2025	FY 2026	Total
Grant Awards	\$0	\$500,000	\$0	\$0	\$500,000
Contractor ^(a)	\$50,000	\$150,000	\$0	\$0	\$200,000

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Program Coordinator ^(b)	\$125,000	\$128,000	\$0	\$0	\$253,000
Grant Management Specialist ^(c)	\$121,000	\$62,000	\$0	\$0	\$183,000
Computer, Phone, Office Supplies, Office Space ^(d)	\$19,000	\$11,000	\$0	\$0	\$30,000
Total	\$315,000	\$851,000	\$0	\$0	\$1,166,000

Table Notes:

- (a) Contractor costs are higher in fiscal year 2025 to account for deliverables.
- (b) Salary and fringe for one Grade 13, Step 5 Program Coordinator. Assumes salary growth rate of 1.75 percent. Assumes fringe benefit rate of 21.8 percent and cost growth of 2.375 percent.
- (c) Salary and fringe for one Grade 14, Step 5 Grand Management Specialist. Assumes salary growth rate of 1.75 percent. Assumes fringe benefit rate of 21.8 percent and cost growth of 2.375 percent. Position is shared in fiscal year 2024 with the Batterer Intervention Program.
- (d) Assumes computer, phone, and office supplies of \$3,500 in year one for each employee and \$1,000 for office supplies for each employee beginning in fiscal year 2024. Rent per employee is assumed to cost \$6,000 annually. Rent is split with the Batterer Intervention Program in fiscal year 2024.

SART/SAVRAA Standards of Care

OVSJG will hire a program coordinator to develop and oversee and implement the standards of care in collaboration with the SART and SAVRAA independent consultant. The total cost of this employee is \$135,000 in fiscal year 2023 and \$547,000 over the financial plan.

SART/SAVRAA Standards of Care Total Cost					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
Program Coordinator ^(a)	\$125,000	\$128,000	\$130,000	\$133,000	\$516,000
Computer, Phone, Office Supplies, Office Space ^(b)	\$10,000	\$7,000	\$7,000	\$7,000	\$31,000
Total	\$135,000	\$135,000	\$137,000	\$140,000	\$547,000

Table Notes:

- (a) Salary and fringe for one Grade 13, Step 5 Program Coordinator. Assumes salary growth rate of 1.75 percent. Assumes fringe benefit rate of 21.8 percent and cost growth of 2.375 percent.
- (b) Assumes computer, phone, and office supplies of \$3,500 in year one for each employee and \$1,000 for office supplies for each employee beginning in fiscal year 2024. Rent per employee is assumed to cost \$6,000 annually.

Batterer Intervention Program

OVSJG will require funding to issue grants beginning in fiscal year 2024 to implement the Batterer Intervention Program. The program will award \$500,000 each fiscal year to programs operating in the District. Grant disbursements will be overseen by grant management specialist who will be transferred from the HVIP Pilot program. The total cost of the program is \$566,000 in fiscal year 2024 and \$1.83 million over the financial plan.

Batterer Intervention Program Total Cost					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
Batterer Intervention Grants	\$0	\$500,000	\$500,000	\$500,000	\$1,500,000
Grant Management Specialist ^(a)	\$0	\$62,000	\$125,000	\$128,000	\$315,000
Computer, Phone, Office Supplies, Office Space ^(b)	\$0	\$4,000	\$7,000	\$7,000	\$18,000
Total	\$0	\$566,000	\$632,000	\$635,000	\$1,833,000

Table Notes:

- (a) Salary and fringe for one Grade 14, Step 5 Grand Management Specialist. Assumes salary growth rate of 1.75 percent. Assumes fringe benefit rate of 21.8 percent and cost growth of 2.375 percent. Position is shared in fiscal year 2024 with the HVIP Pilot Program.
- (b) Assumes \$1,000 for office supplies for each employee beginning in fiscal year 2024. Rent per employee is assumed to cost \$6,000 annually. Rent is split with the HVIP Pilot program in fiscal year 2024.

Additional OVSJG Administrative Costs

While there is no cost to codifying the existing duties and responsibilities of the OVSJG, the office must hire office support staff because of the workload generated by additional employees and new programs. Specifically, the office must hire a staff assistant and a general counsel to oversee legal aspects of the new contracts and grants. OVSJG will also reclassify an existing position into a management position to supervise new employees. The total cost of additional office support staff is \$334,000 in fiscal year 2023 and \$1.36 million over the financial plan.

OVSJG Administrative Costs Total Cost					
	FY 2023	FY 2024	FY 2025	FY 2026	Total
Position Reclassification ^(a)	\$33,000	\$33,000	\$34,000	\$35,000	\$135,000
Staff Assistant ^(b)	\$78,000	\$79,000	\$81,000	\$83,000	\$321,000
General Counsel ^(c)	\$204,000	\$209,000	\$213,000	\$218,000	\$844,000
Computer, Phone, Office Supplies, Office Space ^(d)	\$19,000	\$15,000	\$15,000	\$15,000	\$64,000
Total	\$334,000	\$336,000	\$343,000	\$351,000	\$1,364,000

Table Notes:

- (a) Salary and fringe difference between a Grade 14, Step 10 Administrative Assistant and a MSS Step 16 Associate Director.
- (b) Salary and fringe for one Grade 11, Step 1 Staff Assistant. Assumes salary growth rate of 1.75 percent. Assumes fringe benefit rate of 21.8 percent and cost growth of 2.375 percent
- (c) Salary and fringe for one Grade 15, Step 5 Attorney. Assumes salary growth rate of 1.75 percent. Assumes fringe benefit rate of 21.8 percent and cost growth of 2.375 percent.
- (d) Assumes computer, phone, and office supplies of \$3,500 in year one for each new employee and \$1,000 for office supplies for each employee beginning in fiscal year 2024. Rent per employee is assumed to cost \$6,000 annually.