

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




Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Philip H. Mendelson
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: November 15, 2012 

SUBJECT: Revised Fiscal Impact Statement – “Child Sexual Abuse Reporting Amendment Act of 2012”

REFERENCE: Bill 19-647, Draft Committee Print shared with the Office of Revenue Analysis on September 11, 2012

This revised fiscal impact statement incorporates new information from District agencies and replaces the statement issued by the OCFO on November 9, 2012

Conclusion

Funds are sufficient in the FY 2013 through FY 2016 budget and financial plan to implement the bill.

Background

Under current law, many medical professionals and District agency employees and representatives¹ are required to report incidents of attempted or actual child sexual abuse when professionals, employees and representatives discover such incidents in their professional or official capacity. Current law also permits reporting by any other person who knows or has reason to suspect that a child is being abused.

Sexual abuse incidents can be reported to the Metropolitan Police Department (MPD) or via the Child and Family Services’ (CFSA) hotline.² If the reported abuse is intra-familial,³ CFSA’s Child Protection Services (CPS) works with MPD to investigate the claim. If the abuse is non-familial, CPS will refer the report to MPD for investigation.

¹ Specific positions and professions are detailed in D.C. Official Code § 4-1321.02(b).

² 202-671-SAFE (7233).

³ Intra-familial is defined as the abuse of a child committed by a person who is related to the child by blood, legal custody or marriage or has assumed parental responsibilities or obligations for the child.

The bill requires any person,⁴ and not just professionals, government employees and representatives, to report to MPD⁵ any actual knowledge or reasonable suspicion that a child is a victim sexual abuse.⁶ Exceptions to the reporting requirements include actual victims of sexual abuse if the alleged perpetrator is the same as the victim's abuser, attorney-client privilege, and duly ordained ministers of religion when the confession is made directly to the minister in the course of activities considered confidential by church doctrine. The bill also establishes a civil penalty of \$300 for a person's failure to report actual or suspected abuse. Lastly, the bill provides immunity for those persons who, in good faith, report cases of abuse from civil and criminal repercussions and from employment discrimination.

Financial Plan Impact

Funds are sufficient in the FY 2013 through FY 2016 budget and financial plan to implement the bill.

The bill could increase the number of reports received, and thus cases investigated, but it is not possible to reliably estimate the magnitude of this incremental increase. The District already permits reporting by the general public, and data from MPD shows that reporting of suspected child abuse cases increase significantly in response to high profile cases. For example, following the Banita Jacks⁷ case in 2009 and the Jerry Sandusky⁸ case in 2011, MPD experienced a 48 percent increase.⁹ Over the same time period, the number of confirmed cases of abuse has decreased 35 percent.¹⁰

In the absence of such high profile cases, the bill's impact on reporting is likely to be small, and MPD and CFSA can absorb the costs associated with increased reports and investigations through existing resources. But it is important to note that should reporting increase significantly because of mandatory reporting for everyone, combined with another high profile case, both agencies would have to reallocating resources from other initiatives. For example, for MPD, this would mean more police officers investigating these cases, and fewer officers allocated to other crimes. For CFSA, higher reporting would require more resources devoted to its hotline, which would then result to more investigations and possibly more cases for its existing social workers.

⁴ A person is defined in the bill as any individual 18 years of age or older.

⁵ A call to CFSA or 9-1-1 is considered a call to the police.

⁶ The bill amends the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), by adding a new section to expand the reporting requirements around actual or suspected cases of child sexual abuse.

⁷ <http://www.washingtonpost.com/wp-dyn/content/article/2009/07/11/AR2009071102661.html?sid=ST2009070603102>.

⁸ http://espn.go.com/ncf/topics/_/page/penn-state-scandal.

⁹ MPD received 99 allegations per month in 2009 and 146 per month in 2012 (through September). All allegations must be investigated.

¹⁰ MPD confirmed 29 cases per month in 2009 and has confirmed 19 cases per month in 2012 (through September).