

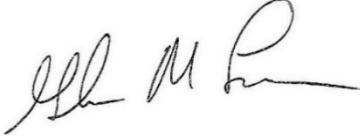
Government of the District of Columbia
Office of the Chief Financial Officer



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: October 17, 2024

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

REFERENCE: Secure DC Omnibus Amendment Act of 2024, effective June 8, 2024
(D.C. Law L25-175, 71 DCR 7353)

This updated Fiscal Impact Statement for the Secure DC Omnibus Act of 2024, as enacted, replaces the previous FIS¹ of the draft committee print—released January 17, 2024—in its entirety. This Fiscal Impact Statement incorporates amendments passed at first and second reading. The law was enacted and became Law 25-175, effective June 8, 2024.

The FIS also incorporates funding provided in the approved budget and financial plan through the Fiscal Year 2024 Revised Local Budget Emergency Act of 2024, the Fiscal Year 2025 Local Budget Act of 2024, and the Fiscal Year 2025 Budget Support Act of 2024.

Conclusion

As of July 8, 2024, funds are sufficient to implement the following sections of the law that were included in Section 45 as applicable at the date of inclusion of their fiscal effect in an approved budget and financial plan: Subsections 30(f), (g), (h), and (k) (Pretrial detention). Effective October 1, 2024, funds are sufficient to implement the following additional sections of the law: Section 2(a) (repeal of the safe commercial corridors pilot), the first subsection designated Section 2(b) (Safe Commercial Corridors), Section 16 (Private Security Incentive Program), the following subsections of Section 28: 28(b)(1); 28(b)(2); amendatory subsections (b-5), (b-6), (b-7), (b-8), (b-9) (b-10) within Section 28(b)(3); and the second subsection designated Section 28(b)(3) (CJCC reporting); Section 28(c)

¹ Fiscal Impact Statement—Secure DC Omnibus Amendment Act of 2024.

https://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20Secure%20DC%20Act%20of%202024.pdf

(Diversion Task Force), Section 30 (f), (g), (h), (k) (Pretrial Detention), Section 40 (Second Chance Amendment Act), and Section 41 (conforming Second Chance Amendment Act repeal).

The Fiscal Year 2025 Budget and the fiscal year 2025 through fiscal year 2028 financial plan includes \$4.8 million in fiscal year 2025 and \$13.3 million over the 2025 through 2028 period to carry out these sections.

Funds are not sufficient to implement the following sections of the law: the second subsection designated (b) in Section 2 (Transit Corridor Program), Section 5 (FOIA exemptions from disclosure), Section 9 (Office of Victim Services and Justice Grants coordination), Section 14 (Office of Police Complaints and Database), amendatory subsection (b-11) in Section 28(b)(3) (witness protection program study), Section 32 (Healthy Food at Correctional Facilities), Section 33 (Director of Emerging Adult Services), amendatory subsection 7 in Section 37 (Drug-Free Zone reporting), and Section 44 (public safety plan).

Those sections cost \$7.7 million in fiscal year 2025 and \$28.0 million over the 2025 through 2028 financial plan period. Those sections will take effect upon inclusion in a budget and financial plan.

The remaining sections of the law had no cost or costs were absorbed when the bill was passed, and they were applicable as of the law's effective date.

Background

The Secure DC Omnibus Amendment Act of 2024 ("Secure DC") addresses police conduct and misconduct; makes changes to the criminal code; enhances penalties for certain crimes and crimes against various vulnerable groups; changes programs and operations of the Deputy Mayor for Public Safety and Justice (DMPSJ), the Metropolitan Police Department (MPD) and other public safety agencies; and establishes new programs for public safety in specified areas on or near the metro.

The law also revises provisions in the Comprehensive Policing and Justice Reform Amendment Act (CPJRAA) of 2022, which focused primarily on police conduct, training, continuing education, and certain prohibited practices such as chokeholds. The law also makes permanent provisions modifying criminal statutes, criminal sentencing, and pre-trial detention previously in effect on an emergency basis and passed as a temporary act.²

Section 2 - Safe Commercial Corridors and Transit Corridor Safety and Emergency Response Program

The Safe Commercial Corridors pilot was authorized in the Fiscal Year 2024 Budget Support Act of 2023³ 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 fiscal year 2024 budget included one-time funding of \$1.1 million for grants⁴ and one FTE to operate the program.

The first Subsection designated as 2(b) in Secure DC creates a permanent Safe Commercial Corridors program and expands it to any commercial neighborhood in the District. Grants may fund activities

² 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.

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

⁴ FY2024 Safe Commercial Corridors Request for Applications (RFA). [Microsoft Word - Safe Commercial Corridor Grant RFA FINAL \(dc.gov\)](#)

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 to enhance public safety.

The second Subsection designated as 2(b) 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 law is enacted and 60 days after the conclusion of the pilot program. The law 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 law requires 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 law also requires OUC to include additional categories of 311 reporting, including porous flexible sidewalks, fire hydrants, leaf collection, and graffiti removal. Additionally, the law 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. This provision adds a requirement that when the court issues a stay-away order, it must also provide it to OAG who may share it with any affected victim or witness. Finally, the law clarifies the timeframes for releasing youth from custody in certain circumstances.

Section 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 law 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 law 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 law 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 law 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 Coordination

The law 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.

Section 10 - MPD Reporting

The law makes permanent requirements that were effective under temporary legislation for MPD to report case closure rates quarterly on its website for violent crimes, by offense, and non-fatal shootings.

Section 11 - 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 law changes that requirement to apply only to incidents meeting the serious use of force standard. Serious use of force, for this provision, is a 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 12 - Neck Restraints

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

Section 13 - Defining Serious Bodily Injury and Law Enforcement Vehicular Pursuit

The law modifies the definition of “serious bodily injury” and the circumstances under which an officer may determine that a vehicular pursuit may be necessary. The law also changes the phrasing regarding the threat posed by the suspects (from immediate threat to imminent threat). The law requires that MPD report to the public on certain facts and merit determinations resulting from its Use of Force Review Board investigations. The law 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 14 - Office of Police Complaints (OPC) Access and Disciplinary Database

The law 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 law would modify the disclosures permitted in the database to add race and gender.

Section 15 - Firearm and Ammunition Provisions, Shooting Reviews and Reporting

This law 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 law 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 law 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 law also requires MPD and OAG to develop material informing the public about ERPOs.

The law 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 law 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 16 - 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.⁵ The law 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

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

than \$2.5 million in federal gross receipts: a security camera on the interior; and interior glass break sensors. The law also expands the camera vouchers available to specified low-income individuals to include individuals receiving SNAP benefits. The law also requires OVSJG to report on the program's operations.

Section 17 - Confidential Information Regarding Victims of Crime

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

Section 18 - 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 law adds that the law enforcement officer must have been in uniform or acting in their official capacity during the offense. The law adds a representative from the Office of Unified Communications to the Domestic Violence Fatality Review Board.

The law extends the requirements that were in effect on an emergency and temporary basis⁶ 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.⁷ These provisions governing detention of a child expire 225 days after enactment.

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

Section 19 - Definition of Significant Bodily Injury, Strangulation, and Carjacking

The law 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 law 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 law 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 law also defines the crime of carjacking.

⁶ 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).

⁷ 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).

Section 20. - Assault on Public Safety Personnel

The law 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 21 - Sexual Abuse of a Child or Minor

The law 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 law 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 22 - Criminalization of Non-Consensual Pornography

The law 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 law also extends this knowledge of likely non-consent (and liability) to distributors of pornography.

Section 23 - Changes to DC Criminal Code Regarding Theft and White-Collar Crime, and Enhanced Penalties for Certain Crimes

The law 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 law also adds to first-degree theft a maximum sentence of 10 years if the theft exceeds \$1,000.

The law 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 law 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 law creates enhanced penalties for crimes committed against vulnerable adults.

Section 24 - 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 law 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 prohibit identification while engaging in a dangerous crime, a crime of violence, theft, or threats to bodily harm.

Section 25 - Enhanced Penalties for Crimes Against Transportation Drivers or on Public Transportation

The law 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 26 - Sex Offenses

The law 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 27 - DNA Collection of Arrestees and Defendants

The law 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. MPD may enter into cooperative agreements with other law enforcement entities to carry out this requirement.

Section 28 - CJCC Data Posting and Reporting Requirements

The law expands the Criminal Justice Coordinating Council's (CJCC's) duties and requirements. Amendatory subsections (b-5), (b-6), (b-7) and (b-8) in Section 28(b)(3) require that CJCC issue quarterly reports on diversion, pre-trial suspension, detention, prosecution, sentencing, incarceration, probation, parole, supervised release, and deferred prosecution or sentencing agreements, and monthly reports on arrests by offense and gun data. CJCC will also be required to report annually on MPD's felony crime statistics. Some of these reporting requirements were previously in effect on an emergency and temporary basis.⁸

Amendatory subsections (b-9) and (b-10) in Section 28(b)(3) require CJCC to submit two reports on the efficacy of the pretrial provisions included in the Secure DC Act—one for the pretrial provisions applicable to adults and one to youth. Subsection (b-11) in Section 28(b)(3) requires CJCC to conduct a study and produce a report on the District's witness assistance programs. The second section titled Subsection 28(b)(3) requires CJCC to coordinate with the Department of Health Care Finance on assessing childhood factors on gun violence.

Subsection 28(c) establishes a pre-arrest diversion task force within CJCC and defines 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.

Section 29 - Endangerment with a Firearm and Other Firearm Sentence Enhancements

The law 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 law creates an offense for discarding firearms or ammunition improperly and a criminal offense for filing off a gun's serial number.

The law 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.⁹

⁸ 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).

⁹ 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 30 - Statute of Limitation for Related Crimes, Extraditable Misdemeanors, and Pre-Trial Release

The law 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 law 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 law for intrafamily or sexual offenses. The law also modifies the definition of fleeing the scene.

The law 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 law 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. These changes expire 225 days after the provisions take effect.

The law 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 law changes the standard used to rebut the presumption of detention from a substantial probability to probable cause.

The law 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 law also permits extension of detention upon request. The Department of Corrections has custody of individuals detained while 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 law. The law requires any agency supervising justice-involved individuals¹⁰ 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 31 - Court Services and Offender Supervision Agency

The Court Services and Offender Supervision Agency (CSOSA) provides supervision to individuals on probation, parole, or supervised release under the DC code, as well as certain individuals sentenced by other states who wish to reside in the District. The law adds clauses to the Agency’s responsibilities that explicitly permit its supervision officers to use incentives and intermediate sanctions (such as electronic monitoring or drug testing). The law also requires the Agency to supervise all individuals placed on probation by the Superior Court, subject to appropriations and program funding. CSOSA operations are funded by the federal government.

Section 32 - Healthy Food at Correctional Facilities and Hospitality Training

The law revises the meal requirements provided to individuals held at the Department of Corrections (DOC) facilities. Specifically, the law 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 law’s enactment, DOC’s meals must

¹⁰ Agencies include DYRS, the Offender Supervision Agency, and the Pretrial Services Agency.

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

Section 33 - Director of Emerging Adult Services

The law 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 law 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 34 - 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 35 - Metro Safety

The law 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.

Section 36 - 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 37 - Establishment of Drug-Free Zones

The law 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, as well as any licensed medical or social service providers in or next to the proposed 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.

Under Amendatory subsection 7, MPD must report yearly on Drug-Free zones, including the boundaries of the zones, the timeframes, and crime rates and arrest statistics before, during and after the declaration of the zone; along with the quantitative information used by MPD in determining where to establish the zones.

Section 38 - Body Worn Cameras Regulation

This section amends the District of Columbia Municipal Regulations to conform to the requirements regarding body-worn cameras established in Section 11 of this law. The law defines the serious use of force standard to include firearm discharges by an officer (excluding certain negligent discharges); head strikes; other use of force (that results in serious bodily injury, protracted loss of consciousness, serious risk of death or disfigurement; results from prohibited practices (such as chokeholds); or a use of force that results in a death); or a canine bite. The law also defines serious bodily injury as extreme physical pain, illness or impairment of one's physical condition that involves a substantial risk of death, disfigurement, loss or impairment of a bodily member or organ, or an extended period of unconsciousness.

Section 39 - Temporary law repeal

This section repeals the temporary version of several provisions in effect at the time the bill was enacted.

Section 40 - Second Chance Amendment Act

The Second Chance Amendment Act of 2022¹¹ (Second Chance Act) establishes processes and timeframes for automatic and by-motion record sealing and expungement for certain criminal records once an individual has completed their sentence and performed any necessary restitution. The Second Chance Act expands the types of cases that can be sealed and expunged to include now-decriminalized acts as well as cases terminated under other circumstances. The Second Chance Act was passed subject to appropriations.

The Fiscal Year 2024 Budget Support Act of 2023¹² and the Fiscal Year 2024 Local Budget Act of 2023¹³ included funding to implement the Second Chance Amendment Act with an effective date of January 1, 2026 (when individuals can seek to have their records sealed by motion for the additional categories under the law) and required MPD to establish an automatic sealing and expungement process by October 1, 2029.

The Secure DC Omnibus Amendment Act of 2024 made two changes to the dates for the Second Chance Act. First, it changed the Second Chance Act's effective date to September 1, 2025. Second, it changed the deadline for automatic sealing and expungement to October 1, 2027. The effective date of the Second Chance Act was subsequently modified to March 1, 2025 in the Fiscal Year 2025 Budget Support Act of 2024.¹⁴

Section 41 - Subject to appropriations repeal, Second Chance Amendment Act

This section repeals the section of the 2024 Budget Support Act of 2023 that repealed the subject to appropriations clause for the Second Chance Act.

¹¹ Effective March 10, 2023 (D.C. Law 24-284, 70 DCR 315).

¹² Effective September 6, 2023 (D.C. Law 25-50, 70 DCR 12679).

¹³ Effective August 29, 2023 (D.C. Law L25-47, 70 DCR 12880).

¹⁴ Projected law date December 7, 2024 (D.C. Act 25-550, 71 DCR 9990).

Sections 42 and 43 - Data sharing

These sections clarify the data-sharing authorities and process for the Criminal Justice Coordinating Council.

Section 44 - Comprehensive Public Safety Plan

This section requires the Executive Office of the Mayor to produce a public safety plan every four years. This plan must include data and statistics on crime trends, geography, and contributing factors, and include community surveys.

Financial Plan Impact

As of July 8, 2024, funds are sufficient to implement the following sections of the law that were included in Section 45 as applicable at the date of inclusion of their fiscal effect in an approved budget and financial plan: Subsections 30(f), (g), (h), and (k) (Pretrial detention). Effective October 1, 2024, funds are sufficient to implement the following additional sections of the law: Section 2(a) (repeal of the safe commercial corridors pilot)¹⁵, the first subsection designated Section 2(b) (Safe Commercial Corridors), Section 16 (Private Security Incentive Program), the following subsections of Section 28: 28(b)(1); 28(b)(2); amendatory subsections (b-5), (b-6), (b-7), (b-8), (b-9) (b-10) within Section 28(b)(3); and the second subsection designated Section 28(b)(3) (CJCC reporting); Section 28(c) (Diversion Task Force), Section 30 (f), (g), (h), (k) (Pretrial Detention), Section 40 (Second Chance Amendment Act), and Section 41 (conforming Second Chance Amendment Act repeal)¹⁶. The fiscal year 2025 through fiscal year 2028 financial plan includes \$4.8 million in fiscal year 2025 and \$13.3 million over the 2025 through 2028 period to carry out these sections.

Funds are not sufficient to implement the following sections of the law: the second subsection designated (b) in Section 2 (Transit Corridor Program), Section 5 (FOIA exemptions from disclosure), Section 9 (Office of Victim Services and Justice Grants coordination), Section 14 (Office of Police Complaints and Database), amendatory subsection (b-11) in Section 28(b)(3) (witness protection program study), Section 32 (Healthy Food at Correctional Facilities), Section 33 (Director of Emerging Adult Services), amendatory subsection 7 in Section 37 (Drug-Free Zone reporting), and Section 44 (public safety plan). Those sections cost \$7.7 million in fiscal year 2025 and \$28.0 million over the 2025 through 2028 financial plan period. Those sections will take effect upon inclusion in a budget and financial plan.

The remaining sections of the law had no cost or costs were absorbed when the bill was passed, and they were applicable as of the law's effective date. 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 law's changes to criminal statutes and sentences and the anti-mask provision 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 law's changes to the presumption of detention for youth in additional circumstances and for additional types of crime were enacted on an emergency basis in July 2023¹⁷. Youth held while awaiting trial will generally be housed in the Youth Services Center (YSC), a secure facility. The

¹⁵ There is no cost to Section 2(a).

¹⁶ There is no cost to Section 41.

¹⁷ Prioritizing Public Safety Emergency Amendment Act of 2023, Effective July 20, 2023 (D.C. Act 25-175, 70 DCR 10358).

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 law are less significant than the changes for adults (see Section 30, below). Given that trends in youth pre-trial detention remain relatively constant after the enactment of the temporary and emergency legislation, DYRS does not need additional capacity or funding because of the law.

The bill delays implementation of the Cashless Retailers Prohibition Amendment Act of 2020 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 allowed the fiscal year 2024 funding to be re-programmed for other uses.

The following sections have been included in the approved fiscal year 2025 through fiscal year 2028 budget and financial plan:

Section 2(a) - Repeal of existing safe commercial corridors pilot

This section repeals the fiscal year 2024 pilot for safe commercial corridors that was established in the 2024 Budget Support Act of 2023.¹⁸ There is no cost to repealing this provision.

First subsection designated as Section 2(b) - Safe commercial corridors

DMPSJ required and received funding 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 also required funding of \$2 million per year for Safe Commercial Corridor grants.

Section 16 - Private Security Camera Incentive Expansion

OVSJG required and received funding 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 will conduct on-site inspections for cameras and security equipment installed inside a business. OVSJG also required and received 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, the law's expansion of eligible incentives can be implemented without additional rebate funding. However, without the additional rebate funding, the program is likely to need to reject grant applications once available funding is expended.

Section 28 - CJCC reporting requirements

There is no fiscal impact from Section 28(b)(1) and 28(b)(2). The additional reporting requirements outlined in amendatory subsections (b-5), (b-6), (b-7), and (b-8) of Section 28(b)(3) are associated with a budget enhancement for CJCC of \$170,000 in the 2025 Budget. The reports required by amendatory subsection (b-9), amendatory subsection (b-10), and the second subsection designated as 28(b)(3) can be absorbed within CJCC's current resources. The Criminal Justice Coordinating Council required and received funding to hire one policy and research analyst who would support and manage the new Prearrest Diversion Task Force in Section 28(c).

Section 30 (f), (g), (h), (k) - Pretrial detention for adults

The law's provisions that change the policies regarding adult pre-trial detention is estimated to 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 1,176 in August 2024. Given the multiple factors underlying changes in detention counts, including crime trends and

¹⁸ Effective September 6, 2023 (D.C. Act A25-0161, 70 DCR 12880).

seasonality, sentencing trends, and court backlogs, this fiscal estimate assumes that 10 percent of that projected increase in FY2024 population is due to the legislated change in adult pre-trial detention. The law sunsets these provisions affecting pretrial detention for adults after 225 days.

Using the federal per-person reimbursement amount as a proxy for DOC’s costs of housing an additional person, and pro-rating the costs for 225 days of the year, DOC required and received additional funding in the fiscal year 2024 supplemental budget and \$1.817 million in the fiscal year 2025 budget for the increase in population resulting from these changes to pre-trial detention.

Section 40 - Second Chance Amendment Act

Since the initial FIS for the Second Chance Amendment Act of 2022 was released, OCFO has been provided additional data regarding the estimated timeframe for the workload of by-motion cases that indicate a relatively slower pipeline of these cases. Based on that additional data and the Fiscal Year 2025 Budget Support Act’s change in the effective date to March 1, 2025, MPD required and received budget for additional resources beginning in June 2025. The total fiscal impact from the Secure DC provision to change the law’s effective date is an increase of 0.25 FTE at MPD in 2025 and two FTEs for half the year in 2026. This increase is offset by an equal reduction in the fiscal year 2028 funding, as case volume is expected to be reduced by then. The total cost over the four-year financial plan period (FY2025-FY2028) remains the same.

	FY2025	FY2026	FY2027	FY2028	Total
Funding to implement the Second Chance Amendment Act included in the 2024 Budget Support Act of 2023	\$300,000	\$2,937,000	\$2,639,000	\$2,695,000	\$8,571,000
Fiscal impact, Change in effective date in the FY 2025 Budget Support Act	+\$18,500	+\$37,000		-\$55,500	\$0
Total funding, Second Chance Amendment Act of 2022	\$318,500	\$2,974,000	\$2,639,000	\$2,639,500	\$8,571,000

Section 41. Second Chance Amendment Act funding repeal

This provision, which repeals the existing subject to appropriations repeal in the 2024 Budget Support Act of 2023, has no fiscal impact.

The following table summarizes the provisions included in the approved budget and financial plan.

Sections of the Secure DC Omnibus Amendment Act of 2024 included in the fiscal year 2025-fiscal year 2028 Budget and financial plan						
Fiscal Year 2025 – Fiscal Year 2028						
(\$ thousands)						
	Agency	FY 2025	FY 2026	FY 2027	FY 2028	FY2025-FY2028
The first Subsection designated 2(b): Safe Commercial Corridors	DMPSJ	\$2,323	\$2,329	\$2,335	\$2,342	\$9,330
Section 16: Private Security Incentive Program	OVSJG	\$322	\$328	\$334	\$340	\$1,323
Section 28 (b)(3), amendatory subsections (b-5), (b-6), (b-7), (b-8)	CJCC	\$170	\$0	\$0	\$0	\$170
Section 28 (c): Diversion Task Force	CJCC	\$160	\$163	\$166	\$170	\$659
Sections 30 (f), (g), (h), (k): Pretrial detention for adults	DOC	\$1,817	\$0	\$0	\$0	\$1,817
Section 40: Second Chance Amendment Act	MPD	\$18.5	\$37	\$0	\$(55)	\$0
Cost, included in the financial plan		\$4,811	\$2,857	\$2,835	\$2,797	\$13,299

Table Notes:

- a) Criminal Justice Coordinating Council (CJCC); Office of the Deputy Mayor for Public Safety and Justice (DMPSJ); Department of Corrections (DOC); Metropolitan Police Department (MPD); Office of Victim Safety and Justice Grants (OVSJG)

The following sections will take effect upon their inclusion in the budget and financial plan:

Second subsection designated 2(b) - Transit corridors safety and emergency response program

Beginning in fiscal year 2025, DMPSJ will 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.

Section 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 six employees (five FOIA officers and one FOIA manager) to carry out the FOIA and disclosure requirements in this provision and funding for contract attorney work.

Section 9 - Office of Victim Services and Justice Grants Coordination

OVSJG will need contract support to work with hospital-based victims' services programs and produce public outreach materials for victims and their families.

Section 14 - 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 members: a management analyst and a policy writer.

Amendatory subsection (b-11) of Section 28(b)(3) - Report on the safety and security of witnesses and witness assistance programs

CJCC will need one FTE and \$200,000 in contract funding to conduct the study on the safety and security of witnesses and witness assistance programs.

Section 32 - Healthy Food at Correctional Facilities and Hospitality Training

DOC's current food services contract¹⁹ for the Central Detention Facility and the Correctional Treatment Facility does not require the fruit and vegetable minimums stated in the law. DOC's current meals contract costs about \$6 million annually, and DOC has estimated that contracting for meals under the law's additional requirements will require an additional \$4 million annually (including covering meals at the Central Cell Block). DOC also requires two additional employees to run the hospitality and culinary arts training program.

Section 33 - 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 law's outreach requirements and for assistance in developing the strategic plan.

Section 37, Amendatory subsection 7 - Drug-Free zone reporting

The enacted law includes reporting requirements for MPD on drug-free zones. MPD will require one FTE to produce these reports.

Section 44. Comprehensive public safety plan

The law requires the Executive Office of the Mayor to produce a comprehensive public safety plan within a year of the enactment of Secure DC, and every four years thereafter. The Office of the Deputy Mayor for Public Safety and Justice will need one temporary employee in 2025 and \$250,000 in contract costs to carry out this requirement.

**Sections of the Secure DC Omnibus Amendment Act of 2024 not funded in the FY2025-FY2028 Budget and financial plan
Fiscal Year 2025 - Fiscal Year 2028
(\$ thousands)**

	Agency	FY2025	FY2026	FY2027	FY2028	FY2025- FY2028
Second Subsection designated 2(b): Transit Corridor Safety and Emergency Response program	DMPSJ	\$838	\$853	\$0	\$0	\$1,691

¹⁹ Contract CW90941 with Aramark Food Management

Sections of the Secure DC Omnibus Amendment Act of 2024 not funded in the FY2025-FY2028 Budget and financial plan Fiscal Year 2025 – Fiscal Year 2028 (\$ thousands)						
	Agency	FY2025	FY2026	FY2027	FY2028	FY2025- FY2028
Section 5: FOIA Exemptions from Disclosure	MPD	\$823	\$838	\$854	\$870	\$3,385
Section 9: Office of Victim Services and Justice Grants Coordination	OVSJG	\$124	\$126	\$128	\$130	\$509
Section 14: Office of Police Complaints Access and Disciplinary Database	MPD	\$242	\$223	\$228	\$232	\$925
Amendatory subsection (b-11) of Section 28(b)(3): Witness protection study	CJCC	\$370	\$173	\$177	\$180	\$900
Section 32: Healthy Food at Correctional Facilities and Hospitality Training	DOC	\$4,220	\$4,293	\$4,366	\$4,441	\$17,320
Section 33: Director of Emerging Adult Services	OCA	\$598	\$609	\$620	\$632	\$2,459
Amendatory subsection 7 within Section 37: Drug-free zone reporting	MPD	\$125	\$127	\$129	\$131	\$512
Section 44: Comprehensive Public Safety Plan	DMPSJ	\$343	\$0	\$0	\$0	\$343
Total cost, funds are not sufficient		\$7,683	\$7,243	\$6,502	\$6,617	\$28,044

Table Notes:

- a) Criminal Justice Coordinating Council (CJCC); Office of the Deputy Mayor for Public Safety and Justice (DMPSJ); Department of Corrections (DOC); Metropolitan Police Department (MPD); Office of the City Administrator (OCA); Office of Victim Safety and Justice Grants (OVSJG)