



Submitted via electronic mail

Councilmember Charles Allen
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September 14, 2022

Dear Mr. Allen,

My name is Bridgette Stumpf, and I am the co-founder and Executive Director of the Network for Victim Recovery of DC (“NVRDC”). On behalf of NVRDC, I wish to express support for B24-0075, the “Expanding Supports for Crime Victims Amendment Act of 2022” (Expanding Supports).

Founded in May 2012, NVRDC has provided holistic services to thousands of victims of crime in the District. Our services include free legal representation, advocacy, and case management in Title IX, crime victims’ rights enforcement, and civil protection order cases. In addition to wraparound services, NVRDC also provides advocacy services as part of the District of Columbia’s 24-hour sexual assault crisis response program for adults seeking a medical forensic exam following a sexual assault in DC. Due to the nature of our services, NVRDC also provides extensive support or representation to survivors filing Crimes Victims’ Compensation (CVC) claims.

Based on NVRDC’s unique direct-service experiences, I hope to highlight our support for Expanding Supports and indicate just a few of the significant achievements contained in the bill.

1. GIVING VICTIMS THE RIGHT TO SEEK INJUNCTIVE RELIEF (NOT DAMAGES) WHEN THEIR STATUTORY RIGHTS ARE VIOLATED.

Survivors of crime in the District enjoy a variety of substantive and procedural rights under both federal and local laws. The DC Crime Victims’ Bill of Rights and the Sexual Assault Victims Rights Amendment Act provide legal protections to crime victims generally, and further protections to sexual assault victims specifically, but neither of these local laws have an enforcement mechanism. Expanding Supports would change that for sexual assault victims and permit these survivors to initiate independent legal action and ask the court to enforce their rights. This new cause of action is for injunctive relief only, and does not permit lawsuits seeking damages.

As of now, survivors can only enforce their rights pursuant to federal statutes – which don’t contain many of the important protections provided to District residents. Although NVRDC would like to

see injunctive relief expanded to all of the District's crime victims' rights laws, Expanding Supports is a fundamental step towards ensuring that the legal protections afforded to sexual assault victims are not illusory, but actually meaningful.

2. EXPANDING CVC ELIGIBILITY.

The Crime Victims' Compensation Program is a lifeline to many survivors in the aftermath of crime. As NVRDC and other community organizations have increasingly helped survivors access CVC and pursue claims, gaps in the existing framework have become more apparent.

Expanding Supports provides significant corrective and pragmatic changes to CVC. To name a few, Expanding Supports provides specific requirements for how CVC claims examiners can obtain and verify a survivor's eligibility for mental health/medical treatment without unnecessarily violating their privacy. It also expands the ability of survivors to obtain out-patient counseling by licensed professionals and streamlines the administrative documentation necessary to process claims.

Expanding Supports also updates the existing eligibility requirements for survivors who have not reported to law enforcement. Expanding Supports achieves this by updating the statute to include the new Anti-Stalking Order available in the District, as well as clarifying a discrepancy between the current CVC statute and the Court Rules regarding eligibility for those seeking a civil protection or anti-stalking order (and the corresponding temporary variants).

Finally, Expanding Supports updates the current list of eligible offenses to include destruction of property under certain conditions, such as when a firearm is involved. This is a crucial correction because, as the statute currently stands, a victim may not be able to receive compensation to make safe external doors or windows that were damaged by gunfire unless it is clear that the victim was the intended target of the shooting. As it is now, survivors who have had windows or doors destroyed by drive-by, ricochet, or stray gunfire may not be eligible. This loophole is fixed by including destruction of property under conditional circumstances.

3. PROTECTING THE PRIVACY OF CRIME VICTIMS BY ENSURING THEIR CONFIDENTIAL RECORDS CANNOT BE OBTAINED WITHOUT COURT PROCESS AND NOTICE.

In the District, a survivor's privileged, personal, or confidential records are protected by law to the extent that the parties to a criminal legal proceeding cannot obtain them without court approval. Unfortunately, the only guidance as to how a victim's right to privacy should be procedurally adjudicated derives from the federal criminal rules, and this federal-rules-based approach has proven inadequate and inconsistent for District survivors. Expanding Supports provides critical notice and due process guarantees to victims, ensuring that the courts and relevant parties have a clear, consistent process to follow that protects confidential information in the manner intended by District law.

4. ESTABLISHING AND STRENGTHENING NEW SUPPORT ROLES FOR VICTIMS OF CRIME.

The District has been a national leader in terms of understanding the intersection of a crime victim's legal and medical needs in the aftermath of a crime, and then, addressing those needs through the District's legal and medical infrastructure. Expanding Supports establishes two vital support roles at this critical intersection: crime victim counselors and hospital-based violence intervention program (HVIP) members. In order for these roles to serve their intended purpose, the roles must have both access to survivors at the time of intersection as well the statutory communication privileges necessary to enable communication with victims. Expanding Supports crafts the definitions, scope, and qualifications of these roles -- providing necessary clarity to the community, medical professionals, law enforcement, and other stakeholders.

Regarding HVIPs, Expanding Supports is careful to define the extent of members' access to survivors, as well as the scope of privileged communications, without creating a burden on hospitals to necessarily host a violence intervention program. This serves the purpose of providing the functional protections necessary for hospitals choosing to create HVIP protocols without requiring hospitals to fund an HVIP where it may not be feasible.

5. ESTABLISHING OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS (OVSJG) BY STATUTE.

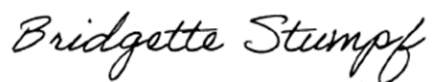
Currently, OVSJG exercises its legal authority through a Mayoral order. This has complicated the council's oversight, particularly regarding OVSJG's grant-awarding functions, and inhibited the council's authority to ensure OVSJG is funding specific, necessary initiatives. Expanding Supports aims to bring accountability and transparency to the agency by outlining OVSJG's operations and directing funding to specific priorities identified by the community organizations and stakeholders working with survivors of crime.

6. CONCLUSION

These are just a few of the high-level achievements in Expanding Supports, which has come about through careful collaboration between organizations (like NVRDC), victims of crime, and system-based stakeholders as well. Moreover, Expanding Supports establishes the support roles to crime victims that are necessary to bring equity and uniformity to survivors' experiences at the critical intersection of the law and medical care.

Of all things, Expanding Supports is most effective in the ways it brings specific clarity, definition, and procedural safeguards to many of the more ambiguous or dysfunctional existing statutory components. These changes are functional and clear to the frontline organizations directly serving victims and they promise accountability, consistency, and pragmatism to survivors.

Sincerely,



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