

Recommendations to Enhance the Expanding Supports for Crime Victims Amendment Act of 2021 ([B24-0075](#))

PRIORITY 1: Provide crime victims with consistent, equitable access to advocates, resources, and protections.

Crime victims whose victimizations fall outside of power-based violence--such as gun violence and stabbing survivors and surviving family members of homicide victims--lack the same resources and protections under the law, even though they might benefit immensely from such support. It is also important to name that young Black men, despite being disproportionately impacted by community violence, have historically been excluded from legislation and policy seeking to improve services for crime victims. To ensure that this group and other marginalized folks cease to be overlooked and underserved, we must address the inequities in the laws designed to protect and support victims. **Bill 24-0075 is a strong step in the right direction; however, significant measures should be implemented to further equity in victims services.**

How Bill 24-0075 can accomplish the goal of providing the right to a victim advocate for DC crime victims:

Like many jurisdictions, the District has specific advocates and counselors for survivors of sexual assault, domestic violence, and human trafficking. However, over time, the creation of these specialized roles has resulted in inconsistencies regarding testimonial privileges, mandatory reporting duties, and the availability of support for survivors. Recognizing that the right to a victim advocate for all DC crime victims would be a significant undertaking, Bill 24-0075 should create the infrastructure for accomplishing this goal in the following ways:

1) Guarantee gunshot, stabbing, and assault survivors a right to an advocate in hospital settings.

- **Bill Content:** The bill provides for the specific right for gunshot and stabbing survivors to have members¹ of a hospital-based violence intervention program with them during certain events and procedures at the hospital, including law enforcement interviews conducted at hospital.
- **Recommendation to enhance the bill:** Extend the eligibility for this program from gunshot and stabbing survivors to also include survivors of physical assaults.

2) Create a new “crime victim counselor” who can accompany survivors of all types of crimes to law enforcement interviews.

- **Bill Content:** The bill creates the role of crime victim advocates who assist survivors of certain violent crimes (e.g. attempted murder, aggravated assault) in navigating the civil/criminal legal systems. It also provides confidentiality protections and responsibilities for those who meet the definition of a crime victim advocate.
- **Recommendation to enhance the bill:** Create crime victim counselors for all types of victimizations, who would provide advocacy to survivors outside the hospital setting.²The creation of this role would allow for victims to have an advocate with them when being interviewed by law enforcement and ensure that crime victim counselors would have the same confidentiality and privilege requirements as sexual

¹ Members of these programs should be called “crime victim advocates” to provide clarity and consistency across victim support roles in the District.

² “Counselors” are the term used for advocates that assist domestic violence, sexual assault, and human trafficking survivors outside the hospital setting. Using the term crime victim counselor would be consistent with these other roles.

assault, domestic violence, and human trafficking counselors.³ It would also distinguish statutorily provided advocates available in the hospital setting from other support roles that are not provided by statute.

How Bill 24-0075 can strengthen privacy protections for DC crime victims.

- **Bill Content:** There are inconsistencies and gaps in the rules governing requests in court cases for victims' personal or confidential information (like medical or mental health records). This bill creates uniform procedures, regardless of the type of court case, for the process by which a court handles those requests, including providing the victim with notice and an opportunity to oppose the request.
- **Recommendation to enhance the bill:** This recommendation addresses many of the concerns brought up in local crime victims' rights litigation relating to violations of victims' right to privacy by providing clear and concrete guidance and clarifying victims' expectations.

How Bill 24-0075 can protect survivors who seek emergency medical services from being arrested when accessing care.

- **Bill Content:** The bill prohibits law enforcement from arrest survivors of sexual assault seeking emergency medical or forensic treatment unless there is an arrest warrant issued for the survivor for allegedly committing a dangerous crime or crime of violence. Even if such a warrant exists, the survivor cannot be arrested *until* the medical care/treatment is complete.
- **Recommendation to enhance the bill:** Expand this to: 1) other types of crime victims accessing emergency medical treatment or forensic care so that they too can receive treatment without law enforcement interference and 2) arrests by immigration authorities.

How Bill 24-0076 can create accountability when government actors violate victims' rights.

- **Bill Content:** Previously, sexual assault survivors were prohibited from suing entities that violated their rights. Bill 24-0075 now allows them to sue for injunctive relief.
- **Recommendation to enhance the bill:** While it is crucial for survivors to have accountability mechanisms when their rights are violated, such relief should be expanded to victims of any type of crime, not just sexual assault survivors. The relief should be available if the victims' rights were violated under DC Code § 23-1901--1910 (which includes the DC Crime Victims' Bill of Rights and Sexual Assault Victims' Rights) and any other appropriate statute.

PRIORITY 2: Enhance accessibility of DC's Crime Victims Compensation Program (CVCP).

- **Bill Content:** The bill expands the types of qualifying crimes someone can experience in order to be eligible for CVC. The bill allows for an increase in compensation amounts for caregivers to more than 2 children under certain circumstances. The bill also provides for the "facts of the crime" to be used when determining CVC eligibility, as opposed to reliance on an offense listed in a police report or criminal case filing.
- **Recommendation to enhance the bill:** Provide for additional alternatives for eligibility that do not require interaction with law enforcement or the court or medical-forensic examiners, such as certification from victim service providers.⁴

³These advocates could theoretically assist survivors of domestic violence, sexual assault and human trafficking, but should advise victims that counselors that specialize in those victimizations are also available to them and the survivor can choose who they prefer.

⁴ As seen in DC's Address Confidentiality Program.