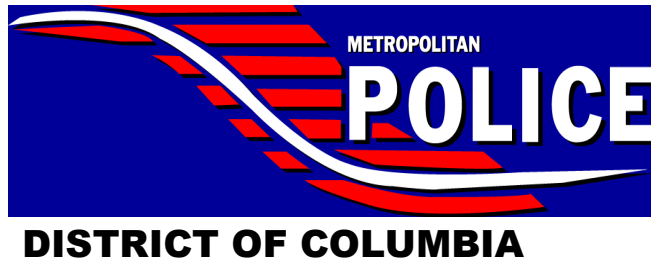


CIRCULAR



Title	Expanding Supports for Crime Victims Amendment Act of 2022
Number	CIR-23-05
Effective Date	April 27, 2023
Expiration Date	April 28, 2025

The purpose of this circular is to inform members of the *Expanding Supports for Crime Victims Amendment Act of 2022* that became effective on April 6, 2023, and provide details regarding these legislative changes. The new law includes but is not limited to, the following updates:

- A. Explicitly criminalizes the first- or second-degree sexual abuse of an arrestee or detainee.
- B. Creates a new offense for violating a stay away order while on post-conviction supervised release.
- C. Prohibits members from arresting a sexual assault victim or a person with an intentionally inflicted gunshot or stab wound who is receiving medical care at a hospital or undergoing an exam under the circumstances specified below.
- D. Provides certain victims the right to have a member of a hospital-based violence intervention program (HVIP) present during any forensic medical, evidentiary, or physical examination at the hospital or interviews with law enforcement at the hospital.
- E. Allows HVIP members and crime victim counselors to disclose confidential communication to protect victims in certain circumstances.

Additional details regarding these changes appear below.

A. Prohibition on Sexual Acts or Contact with Arrestees, Detainees, or Prisoners

Need to Know	The act clarifies that members shall not engage in a sexual act or sexual contact with an arrestee, detainee, or prisoner; or cause an arrestee, detainee, or prisoner to engage in or submit to sexual contact.
Penalties	First degree sexual abuse of an arrestee, detainee, or prisoner is punishable by not more than 10 years of incarceration, a \$25,000 fine, or both. Second degree sexual abuse of an arrestee, detainee, or prisoner is punishable by not more than five years of incarceration, a \$12,500 fine, or both.
Reference	DC Official Code § 22-3013 (First degree sexual abuse of a ward, patient, client, arrestee, detainee, or prisoner) DC Official Code § 22-3014 (Second degree sexual abuse of a ward, patient, client, arrestee, detainee, or prisoner)

B. New Offense: Violating a Stay Away Order on Post-Conviction Supervised Release

Need to Know	The act creates a new offense for violating a stay away order while on post-conviction supervised release. The act authorizes a warrantless arrest for a person on supervised release, probation, or parole who intentionally violates any condition of release regarding staying away from, or having no contact with, an individual or location.
Penalties	Whoever violates the stay away order, if the condition of a release was imposed as part of supervised release, probation, or parole for a felony : five years incarceration, \$12,500 fine, or both. Whoever violates the stay away order, if the condition of a release was imposed as part of supervised release, probation, or parole for a misdemeanor : 180 days incarceration, \$1,000, or both.
Reference	DC Official Code § 23-581 (Arrest without warrant by law enforcement officers) DC Official Code § 23-1329 (Penalties for violation of conditions of release)

C. Prohibition on Arresting a Sexual Assault Victim or Victim Seeking Emergency Medical Care for Intentionally Inflicted Gunshot or Stab Wound in Certain Circumstances

Need to Know	Members shall not make a custodial arrest of sexual assault victim while the victim is receiving emergency medical treatment or forensic care at the hospital for the sexual assault, or an intentionally inflicted gunshot or stab wound unless an arrest warrant for a dangerous crime (DC Official Code § 23-1331(3)) or crime of violence (DC Official Code § 23-1331(4)) has been issued.
Reference	DC Official Code § 23-1912 (Limitations on law enforcement actions against sexual assault victims seeking medical treatment)

D. Right to HVIP

Need to Know	A HVIP member shall, if the victim consents, have the right to remain physically present with a victim at any: <ul style="list-style-type: none"> • Forensic medical, evidentiary, or physical examination at the hospital; or • Interview with law enforcement at the hospital. <p>MPD will be part of a HVIP task force organized by the Office of Victim Services and Justice Grants to improve service delivery and outcomes for victims served by HVIP programs.</p> <p>NOTE: An individual whose rights were violated may bring a civil action against the District agencies responsible for the violation.</p>
Reference	DC Official Code § 23-1904a (Right to member of a hospital-based violence intervention program) DC Official Code § 14-313 Hospital-based violence intervention programs

E. Exceptions to Disclosing Confidential Information

<p>Need to Know</p>	<p>Notwithstanding any other law, domestic violence counselors, human trafficking counselors, and sexual assault counselors shall report to the MPD or CFSA any crime disclosed in confidential communication if the domestic violence counselor, human trafficking counselor, or sexual assault counselor has actual knowledge that the crime disclosed to the domestic violence counselor involves:</p> <ul style="list-style-type: none"> • A victim under the age of 13; • A perpetrator or alleged perpetrator with whom the victim has a significant relationship; or • A perpetrator or alleged perpetrator who is 18 or older who is more than four years older than a child victim. <p>A HVIP member and a crime victim counselor shall not disclose a confidential communication except to “MPD or other law enforcement agencies, to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury” among other exceptions outlined in the law.</p>
<p>Reference</p>	<p>DC Official Code § 14-310 (Domestic violence counselors) DC Official Code § 14-311 (Human trafficking counselors) DC Official Code § 14-312 (Sexual assault counselors) DC Official Code § 14-313 DC Official Code § 22-3001 defines “child” as a person who has not yet attained the age of 16 years.</p>

While this circular will expire on April 28, 2025, changes made to the DC Official Code as described in this circular will be permanent until such time as they are amended.



Robert J. Contee III
 Chief of Police

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