

2015-2016

Councilmember Brandon T. Todd

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish an Elder Abuse Response Team to coordinate the functioning of victim services, medical forensic care, investigations, and prosecutions available to victims of all types of elder abuse cases

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Elder Abuse Response Team Act of 2018".

Sec. 2. Definitions.

(a) For purposes of this subchapter, the term:

(1) "APS" means the Adult Protective Services at the Department of Human Services of the District of Columbia.

(2) "Case Review Subcommittee" means the EART subcommittee established by this subchapter.

(3) "Chief of Police" means the Chief of Police of the MPD for the District of Columbia.

(4) "DC Forensic Nurse Examiners Program" means the 501(c)(3) non-profit,

32 specialty organization established to improve both the health and outcome of victims of violence
33 in the District of Columbia.

34 (5) "Elder abuse" means:

35 (A) The criminal abuse of an elderly person as defined by § 22-933;

36 (B) The financial exploitation of an elderly person as defined by § 22-
37 933.01; or

38 (C) Criminal negligence suffered by an elderly person as defined by § 22-
39 934.

40 (6) "Elderly Person" is a person 65 years of age or older.

41 (7) "Long-Term Care Ombudsman Program" means the program of the Legal
42 Counsel for the Elderly charged with advocating for District residents receiving long-term care
43 services and supports.

44 (8) "MPD" means the Metropolitan Police Department of the District of
45 Columbia.

46 Sec. 3. Establishment of an Elder Abuse Response Team.

47 (a) There is established the Elder Abuse Response Team.

48 (b) The EART shall be a partnership of public and private agencies that coordinate a
49 high-quality, multidisciplinary, victim-centered response to elder abuse cases.

50 (c) Membership on the EART shall include the following individuals:

51 (1) The Director of the District Office for Victim Services and Justice Grants, or
52 his or her designee;

53 (2) The Director of the District of Columbia Office on Aging, or his or her
54 designee;

- 55 (3) A representative from the Office of Attorney General;
- 56 (4) The Chief of Police, or his or her designee, provided, that the designee is a
57 member of the Financial and Cyber Crimes Unit with the rank of Captain or above;
- 58 (5) The United States Attorney's Office for the District of Columbia, Superior
59 Court Division, or his or her designee, provided, that the designee is an attorney assigned to the
60 Sex Offense and Domestic Violence Section;
- 61 (6) The Director of a legal services organization that primarily represents District
62 residents who are 60 years or older in areas of consumer fraud and financial abuse, landlord and
63 tenant, and public benefits, or his or her designee.
- 64 (7) The Long-Term Care Ombudsman, or his or her designee.
- 65 (8) The Director of the DC Forensic Nurse Examiners Program, or its successor
66 program, or his or her designee.
- 67 (9) The Director of the community-based advocacy organization that coordinates
68 DC TROV, as defined in (a)(5) of this subchapter, or its successor program, or his or her
69 designee.
- 70 (10) The Director from APS, or his or her designee;
- 71 (11) The Director from an organization representing residents who are 50 years
72 old and older, or his or her designee; and
- 73 (12) A representative of the District Department of Insurance, Securities, and
74 Banking.
- 75 (d) The EART shall hold its initial meeting within 90 days after the effective date of this
76 act.

77 (e) The EART shall be co-chaired by the Office of Attorney General and Legal Counsel
78 for the Elderly.

79 (f) The EART shall meet at least 6 times each calendar year.

80 (g) The EART shall establish its own procedures and requirements with respect to the
81 place and manner in which the EART will conduct its meetings, and how any new members of
82 EART not listed in this shall be selected.

83 (h) The Office of the Attorney General shall provide administrative support for the
84 EART.

85 (i) The Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official
86 Code §2-571 *et seq.*), shall not apply to meetings of the EART or its subcommittees.

87 Sec. 4. Duties and responsibilities of the EART.

88 The EART shall:

89 (1) Improve the coordination and functioning of victim services, medical forensic
90 care, investigations, and prosecutions available to victims of all types of elder abuse cases;

91 (2) Conduct regular case reviews, through the Case Review Subcommittee
92 established in section 5, of all parties involved in elder abuse responses, including a review of
93 elder abuse reports and investigations by APS and the MPD, and cases reported to any member
94 of the EART; and

95 (3)(A) Develop a protocol to ensure that feedback and recommendations from the
96 Case Review Subcommittee established in section 5 are reviewed by EART governmental
97 agency members for potential inclusion in policies, procedures, practices, training, and decisions
98 to re-examine investigations, if applicable.

99 (B) If a decision is made by a District agency not to implement a
100 recommendation made by the Case Review Subcommittee, the agency shall submit an
101 explanation to the Council containing the reasons why a recommendation was not implemented
102 or was implemented in a manner that varied from the recommendation within 180 of the decision
103 to not accept the recommendation.

104 Sec. 5. The EART Case Review Subcommittee.

105 (a) There is established the Case Review Subcommittee.

106 (b)(1) The Case Review Subcommittee shall be comprised of the individuals listed in
107 section 3(c)(3)-(9).

108 (c) Other District agencies or private organizations involved in the crisis response,
109 criminal investigation, or prosecution of elder abuse may be asked to participate in the Case
110 Review Subcommittee on an *ad hoc* basis during the review of cases that concern those agencies
111 or organizations, or where the agencies or organizations participated significantly in the
112 response, criminal investigation, or prosecution of the case.

113 (d) The Case Review Subcommittee shall conduct case reviews of the following types of
114 cases:

115 (1) A random sample of investigations that involve elder abuse; and

116 (2) Specific cases as identified and requested by members of the EART or the
117 Case Review Subcommittee.

118 (e) The Case Review Subcommittee shall:

119 (1) Develop a case review protocol, including a standard review form and
120 appropriate safeguards to protect confidential or privileged information and other personal
121 information that is protected from disclosure by federal or District law.

122 (A) The protocol shall be reviewed on an annual basis and revised as
123 needed.

124 (B) The standard review form required by this subsection shall include the
125 following information:

126 (i) Any prosecutorial actions taken; and

127 (ii) The use of forensic evidence in the investigation and
128 prosecution of the case.

129 (2) Submit feedback and recommendations to the EART when the subcommittee
130 identifies concerns or problems during the case review process.

131 (f) All non-governmental organizations participating in the work or activities of the Case
132 Review Subcommittee shall follow the ethical requirements and confidentiality policies required
133 by their organization and the Subcommittee at all times, including when participating in the
134 review of cases.

135 Sec. 6. Fiscal Impact Statement.

136 The Council adopts the fiscal impact statement in the committee report as the fiscal
137 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
138 approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

139 Sec. 7. Effective date.

140 This act shall take effect following approval by the Mayor (or in the event of veto by the
141 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
142 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
143 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
144 Columbia Register.