



**Statement of Elizabeth Wilkins
Senior Counsel for Policy
Office of the Attorney General for the District of Columbia**

Before

**The Committee on the Judiciary & Public Safety
The Honorable Charles Allen, Chair**

**Public Oversight Roundtable
On**

Bill 22-829, the "All-Terrain Vehicle Clarification Amendment Act of 2018"

Bill 22-838, the "Elder Abuse Response Team Act of 2018"

**Bill 22-843, the "Center for Firearm Violence Prevention Research
Establishment Act of 2018"**

**Bill 22-877, the "Protecting Immigrants from Extortion
Amendment Act of 2018"**

**Bill 22-907, the "Sexual Misconduct Sunshine
Amendment Act of 2018"**

October 4, 2018

10:30 am

Room 120

John A. Wilson Building

1350 Pennsylvania Avenue, NW

Washington, District of Columbia 20004

Introduction

Greetings Chairman Allen, Councilmembers, staff, and residents. My name is Elizabeth Wilkins, and I serve as the Senior Counsel for Policy in the Office of the Attorney General for the District of Columbia (OAG). I am pleased to appear before the Committee on the Judiciary and Public Safety (Committee) on behalf of Attorney General Karl A. Racine. While OAG supports the goals of each of the bills on the agenda today, I will focus my testimony on the Attorney General's support for five of the bills under Committee's consideration: Bill 22-838, The "Elder Abuse Response Team Act Of 2018"; Bill 22-843, The "Center for Firearm Violence Prevention Research Establishment Act Of 2018"; Bill 22-877, The "Protecting Immigrants from Extortion Amendment Act Of 2018"; and Bill 22-907, The "Sexual Misconduct Sunshine Amendment Act Of 2018." We have some technical amendments to the committee that we will follow up on, so I will limit my remarks to more substantive matters.

Bill 22-829, the "All-Terrain Vehicle Clarification Amendment Act of 2018"

OAG consulted with the Metropolitan Police Department on this measure, and we appreciate you moving this clarification on June 5, 2018 as emergency and temporary legislation. This bill makes permanent the clarification in the definition on what constitutes an "All-Terrain Vehicle" (ATV). The problem, as you know, is that under the previous language, finding an expert who can testify from pictures whether the vehicle's tires are "low pressure" was extremely difficult. Under the current emergency measure, and through this proposed bill, we removed this challenge and made the definition of ATVs easier to understand for both law enforcement and the community.

Bill 22-838, the "Elder Abuse Response Team Act of 2018"

Elder abuse is a major concern in the District and a high priority for OAG. The District is home to nearly 75,000 people over the age of 65, and according to national averages for elder abuse, its estimated that approximately 7,000 of them may be experiencing abuse, neglect, and exploitation, often at the hands of a care-giver or family member. We have an obligation to do everything we can to protect our seniors.

Thanks to the Mayor and the Council, OAG has important staff resources that we can use to combat elder abuse. Two of these new staff members, an elder abuse investigator and an elder abuse attorney, were budgeted for the District's upcoming fiscal year. Attorney General Racine greatly appreciates these investments to bolster OAG's commitment to addressing the challenge of elder abuse. There are four main ways our office works to protect seniors in the District from abuse and neglect:

- First, we monitor the work of nursing and assisted living facilities and, when necessary, take action to ensure proper care. For example, in one case, our office and the Department of Justice reached a \$2 million settlement with a home that not only committed Medicaid fraud, but also failed to nourish their residents properly, treat their bedsores, or adequately protect them from falls.
- Second, we protect seniors from financial exploitation. Thanks to a recent collaboration with Councilmember Anita Bonds, we passed the "Criminal Abuse, Neglect and Financial Exploitation of Vulnerable Adults and the Elderly Act of 2016," which expanded our authority to go after individuals and companies that abuse and exploit seniors. For example, in one case, we sued a home health aide who stole more than \$1,100 in rent money from her 93-year-old client. We've sued for \$25,000 in fines and a

permanent injunction to prevent the defendant from working with the elderly again. We have a number of other investigations underway.

- Third, we represent the Adult Protective Services to bring legal actions in individual cases to protect seniors from abuse and neglect, including by asking courts to appoint guardians or conservators for incapacitated individuals.
- And fourth, our Office of Consumer Protection protects seniors who are frequently targeted by consumer scams like IRS and identity theft schemes by educating seniors as well as taking legal actions against unscrupulous companies that target them.
- In addition, our office recently announced the formation of a new Special Victims Unit in which our prosecutors will be specially trained to work with traumatized victims that need extra care, like seniors, when crimes are committed against them.

But we can't do this work alone. The best way for the city to protect seniors is through close coordination between District agencies and with community groups. OAG already works significantly with APS, but this bill goes further to ensuring that everyone involved in the care of seniors is at the table. It is an important step toward ensuring that we have a handle on the challenges facing our seniors and that we use our combined resources strategically to protect them effectively. As the Committee moves forward, OAG appreciates the opportunity to discuss appropriate staffing and other logistical concerns to ensure the best possible outcomes.

Bill 22-843, the "Center for Firearm Violence Prevention Research Establishment Act of 2018"

OAG fully supports this effort to create a Center dedicated to researching firearm violence. Attorney General Racine has been advocating for adopting evidence-based approaches to preventing violence in the District since he came into office, and our experience at OAG has

only strengthened our belief that gun violence is a disease that is plaguing in particular our young people. Right now, we are experiencing a 40 percent increase in homicides over the same period last year, and in the District's Summer Public Safety and Crime Prevention Efforts roundtable a week ago, we heard compelling testimony from residents about how this is affecting people's daily lives. Our one suggestion is that OAG be added to Section 2(d) as an entity that works with the Center to "identify, implement, and evaluate innovative firearm violence prevention polices and programs."

At OAG, we see the consequences of trauma inflicted on children by exposure to violence in their neighborhoods in our role as juvenile prosecutors. When children are exposed to gun violence, the fight-or-flight stress hormone cascades through their bodies, making it harder for them to feel safe in their homes and neighborhoods, harder for them to concentrate in school, and harder for them to distinguish between real and perceived threats to their personal safety. The Centers for Disease Control has determined that traumatized children experience lifelong negative consequences. They are more likely to struggle in school and drop out, to suffer from substance abuse and mental illness, to experience chronic disease, and, importantly, more likely to engage in crime and violence themselves.

This bill is a step in the right direction toward developing the evidence base necessary to put in place policies that will help stem the tide of firearm violence and protect our communities and our children – we look forward to collaborating in the effort in the future.

Bill 22-877, the "Protecting Immigrants from Extortion Amendment Act of 2018"

OAG supports this bill, which will protect immigrants against extortion based on their immigration status. All too often, we see that the fear undocumented immigrants experience can be used to scam or coerce them. For instance, our office prosecutes "Notario Fraud," a practice

where fraudsters hold themselves out as persons able to provide legal immigration services, only to leave their victims swindled out of hundreds of dollars and without the green card, legal immigration status, or other crucial benefits they expected. Far too often, this crime goes underreported because the victims have a disincentive in contacting the authorities. Notario fraudsters know this, and therefore prey upon this vulnerable population. Combating this same predatory behavior is at the core of Bill 22-877. This bill, which criminalizes extortion based on threats to report a person's immigration status to government authorities, goes a major step further toward protecting our immigrant communities, and Attorney General Racine fully encourages enactment of this measure.

Bill 22-907, the "Sexual Misconduct Sunshine Amendment Act of 2018"

Attorney General Racine is grateful that you, Chairman Allen, and your colleagues introduced this vitally important bill, and OAG strongly supports its enactment.

As we have seen over the past year, sexual harassment in the workplace is far more prevalent than public discussions about the topic would suggest. Employees suffer in silence, without awareness that others have been victimized, and in fear of retaliation if they speak up about their experiences. Nondisclosure agreements that prevent employees from discussing harassment in the workplace are an important tool for employers to maintain this atmosphere of silence and fear. In order to begin to change this culture, give victims a voice and prevent future offending, one important first step is to create rules of the road that force transparency.

OAG believes that this bill is a good step in that direction. We support banning nondisclosure agreements entered into as a condition of employment that bar discussion of sexual assault, sexual harassment, and other forms of employment discrimination.

We also support the Council's efforts to examine nondisclosure agreements in the settlement context. This context is more nuanced: An alleged victim of harassment may well have valid reasons for wanting to keep personal details confidential, and those reasons have to be carefully weighed against the public interest in transparency. We are glad that the Council is having this hearing to explore further the nuances in these circumstances.

We would urge the Council to consider broadening the subjects for which nondisclosure agreements are barred or limited. Over the past year we have gained experience enforcing workers' rights to minimum wage, overtime, and sick leave and know that workers suffer from other violations, such as health and safety violations. We believe that employers ought not be able to silence workers on any of these topics.

Finally, we are fully supportive of the reporting requirement that the bill places on the Mayor and OAG to report on claims settled against the District government. The city should be a model of transparency, and we look forward to working with the Executive and the Council in support of that goal.

Conclusion

I greatly appreciate the opportunity to testify at this this Public Hearing concerning these important bills. OAG stands ready to continue our work with the Council, Executive, community, and other stakeholders to improve public safety and justice for District residents. I am happy to answer any questions that members may have.