

Committee Print 1
Committee on Public Safety and the Judiciary 2
June 29, 2010 3

4

A BILL 5

18-344 6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 7

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To amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to clarify 9
the procedures governing the release of Department of Youth Rehabilitation Services 10
records and to permit the Metropolitan Police Department to obtain, without a court 11
order, certain records of the Department of Youth Rehabilitation Services for the purpose 12
of investigating a crime allegedly involving a juvenile in the custody of the department; 13
and to amend Chapter 23 of Title 16 of the District of Columbia Official Code to allow 14
information contained in juvenile case records, juvenile social records, and law 15
enforcement records pertaining to a child to be disclosed to persons who have a 16
professional interest in the protection, welfare, treatment, and rehabilitation of the child. 17

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this 18
act may be cited as the “Expanding Access to Juvenile Records Amendment Act of 2010”. 19

Sec. 2. Section 106 of the Department of Youth Rehabilitation Services Establishment 20
Act of 2004, effective April 12, 2005, (D.C. Law 15-335; D.C. Official Code § 2-1515.06), is 21
amended as follows: 22

a) Subsection (a) is amended to read as follows: 23

“(a) (1) Records pertaining to youth in the custody of the Department or contract providers shall be privileged and confidential and shall be released only in accordance with this subsection.

“(2) Juvenile case records shall be released only to persons and entities permitted to inspect those records under D.C. Official Code § 16-2331 and in accordance with the procedures governing the release of records under that section.

“(3) Juvenile social records shall be released only to persons and entities permitted to inspect those records under D.C. Official Code § 16-2332 and in accordance with the procedures governing the release of records under that section.

“(4) Law enforcement records shall be released only to person and entities permitted to inspect those records under D.C. Official Code § 16-2333 and in accordance with the procedures governing the release of records under that section.

“(5) All other Department records pertaining to youth in the custody of the Department shall be released only to persons and entities permitted to inspect juvenile social records under section 16-2332 and in accordance with the procedures governing the release of records under that section.”.

b) A new subsection (d) is added to read as follows:

“(d) Notwithstanding the confidentiality requirements of this section, or any other provision of law, the Metropolitan Police Department is authorized to obtain records pertaining to youth in the custody of the Department, other than juvenile case records as defined in D.C. Official Code § 16-2331 and social records as defined in D.C. Official Code § 16-2332, for the purpose of investigating a crime allegedly involving a youth in the custody of the Department.

The confidentiality of any information disclosed to the Metropolitan Police Department pursuant to this subsection shall be maintained pursuant to D.C. Official Code § 16-2333.”.

Sec. 3. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2331 is amended to read as follows:

“§ 16-2331. Juvenile case records; confidentiality; inspection and disclosure.

“(a) For the purposes of this section, the term “juvenile case records” refers to the following records of a case over which the Family Court has jurisdiction under § 11-1101 (13):

“(1) Notices filed with the court by an arresting officer pursuant to this subchapter.

“(2) The docket of the court and entries therein.

“(3) Complaints, petitions, and other legal papers filed in the case.

“(4) Transcripts of proceedings before the court.

“(5) Findings, verdicts, judgments, orders, and decrees.

“(6) Other writings filed in proceedings before the court, other than social records.

“(b) Except as otherwise provided in this section and in § 16-2333.01, juvenile case records shall be kept confidential and shall not be open to inspection, nor shall information from records inspected be divulged to unauthorized persons.

“(c) Subject to the limitations of subsection (f) of this section, the following entities and persons may inspect juvenile case records:

“(1) The Courts:

“(A) Judges and professional staff of the Superior Court; or

“(B) Any court in which the respondent is charged or convicted as a
respondent in a delinquency matter, or status offense, or as a defendant in a criminal offense, or
the court’s probation staff.

“(2) Family court case participants:

“(A) The Attorney General and his assistants assigned to the Family
Court;

“(B) The respondent, his parents or guardians, and their duly authorized
attorneys;

“(C) Unless the release of the information is otherwise prohibited by law
or includes mental health information, each victim, or the immediate family member or
custodians of each victim if the victim is a child or is deceased or incapacitated, and their duly
authorized attorneys, at the discretion of the Attorney General and when the information relates
to:

“(i) Release status;

“(ii) The level of respondent’s placement;

“(iii) Stay away orders imposed;

“(iv) Respondent’s participation in diversion or a consent decree;

“(v) The offenses charged in the petition;

“(vi) The terms of any plea agreements, findings, or verdicts
related to the adjudication of the case; or

“(vii) Commitment or probational status;

“(D) Unless the release of information is otherwise prohibited by law or
includes mental health information, each eyewitness, or the immediate family members or

custodians of each eyewitness if the eyewitness is a child or is deceased or incapacitated, and
their duly authorized attorney, at the discretion of the Attorney General or of the respondent's
attorney and when the information relates to:

“(i) Release status;

“(ii) The level of respondent's placement;

“(iii) Stay away orders imposed;

“(iv) Respondent's participation in diversion or a consent decree;

“(v) The offenses charged in the petition;

“(vi) The terms of any plea agreements, findings, or verdicts

related to the adjudication of the case; or

“(vii) Commitment or probational status;

“(E) Public or private agencies or institutions providing supervision or
treatment or having custody of the child, if supervision, treatment, or custody is under order of
the Family Court;

“(3) Other court case participants and law enforcement:

“(A) Counsel for the respondent or defendant in any case in any court in
which respondent is charged or convicted as a respondent in a delinquency matter, or status
offense, or as a defendant in a criminal offense;

“(B) The United States Attorney for the District of Columbia, his
assistants, and any other prosecuting attorneys, or defense attorneys, when necessary for the
discharge of their official duties; or

“(C) Any law enforcement personnel when necessary for the discharge of
their official duties.

“(D) The Pretrial Services Agency of the District of Columbia when necessary for the discharge of its official duties.

“(E) The Court Services and Offender Supervision Agency for the District of Columbia when necessary for the discharge of its official duties.

“(4) Government agencies and entities.

“(A) The Mayor in accordance with the Motor Vehicle Operator's Permit Revocation Amendment Act of 1988;

“(B) Authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department of Mental Health, the Child and Family Services Agency, the Department of Human Services, and the District of Columbia Public Schools for the purpose of delivery of services to individuals under the jurisdiction of the Family Court, or their families;

“(C) The Child Fatality Review Committee for the purposes of examining past events and circumstances surrounding deaths of children in the District of Columbia or of children who are either residents or wards of the District of Columbia, or for the discharge of its official duties;

“(D) The Children's Advocacy Center and the public and private agencies and institutions that are members of the multidisciplinary investigation team, for purposes of carrying out their official duties, except that only information contained in the records, and not the records or copies of the records, may be provided pursuant to this paragraph;

“(E) The Child and Family Services Agency, for the purposes of carrying out its official duties;

“(F) The Juvenile Abscondence Review Committee for the purposes of
examining circumstances and events surrounding any homicide, assault with intent to kill, and
assault with a deadly weapon committed in the District by or to a juvenile in abscondence.

“(5) Other persons having a professional interest in the protection, welfare,
treatment, and rehabilitation of the respondent or of a member of his/her family, or in the work
of the Superior Court, if authorized by rule or special order of the court.

“(d) The prosecuting attorney inspecting records pursuant to paragraph (3)(B) of this
subsection may divulge the contents to the extent required in the prosecution of a criminal case,
and the United States Attorney for the District of Columbia and his assistants may inspect a
transcript of the testimony of any witness and divulge the contents to the extent required by the
prosecution of the witness for perjury, without, wherever possible, naming or otherwise
revealing the identity of a child under the jurisdiction of the Family Court.

“(e) Notwithstanding subsection (b) of this section, the Family Court, upon application of
the Attorney General and notice and opportunity for respondent or his counsel to respond to the
application, may order the release of certain information contained in the case record if:

“(1) The respondent has escaped from detention or from the custody of the
Department of Youth Rehabilitation Services and is likely to pose a danger or threat of bodily
harm to another person;

“(2) Release of such information is necessary to protect the public safety and
welfare; and

“(3) The respondent has been charged with a crime of violence as defined in § 23-
1331(4).

“(f) Notwithstanding subsections (b) and (c) of this section, the Superior Court may by rule or special order provide that particular items or classes of items in juvenile case records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

“(g) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile case records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

“(h) (1) Notwithstanding subsection (b) of this section, for every respondent against whom the Office of the Attorney General has filed a petition for the following:

“(A) A crime of violence (as defined in § 23-1331(4));

“(B) A weapons offense;

“(C) Unauthorized use of a vehicle;

“(D) Theft in the first degree where the property obtained or used is a motor vehicle (as defined in § 22-3215(a)); or

“(E) The Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court of the Superior Court of the District of Columbia pursuant to section 16-2313(b)(3), the Family Court shall provide, within 48 hours of the decision not to detain the respondent, the following case record information to the Chief of the Metropolitan Police Department ("Chief"):

“(I) Respondent's name and date of birth; 1

“(ii) Last known address of the respondent; 2

“(iii) Last known address of respondent's parents, guardians,
caretakers, and custodians; 3
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“(iv) Address where the respondent will be placed and the name
and address of the person into whose custody the respondent will be placed; and 5
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“(v) All terms of the placement or conditions of release. 7

“(2) Notwithstanding subsection (b), of this section, the Family Court shall 8
provide the following case record information to the Chief for all cases in which the respondent 9
is not detained by the Family Court pursuant to section 16-2313(b)(3) and cases in which the 10
respondent is placed on probation pursuant to section 16-2320(c)(3): 11

“(A) Respondent's name and date of birth; 12

“(B) All terms or conditions of any stay-away order; and 13

“(C) All terms or conditions of any curfew order. 14

“(3) The Chief shall utilize information obtained from the Family Court and may 15
disclose such information to law enforcement officers or law enforcement entities only as 16
necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise 17
disclose this information, except as authorized by this section. 18

“(4) If the Chief discloses information pursuant to paragraph (3) of this 19
subsection, the Chief shall notify the recipient that the information may only be re-disclosed to 20
law enforcement officers and only to the extent necessary to preserve public safety or the safety 21
of the respondent. The Chief shall notify the recipient of the information that any other use or 22
disclosure of the information shall be governed by this section and sections 16-2332 and 16- 23

2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

“(5) If the petition filed against the juvenile does not result in disposition, the Family Court, within 48 hours of the entry of the decision by the court to dismiss or close the case, or the withdrawal of the petition by the Office of the Attorney General, shall notify the Chief of the Metropolitan Police Department that the case has not resulted in a disposition. The Chief shall, within 48 hours of the notification, destroy and erase from Metropolitan Police Department files the case record information received from the Family Court pursuant to this subsection and shall notify all parties and agencies to which it transmitted case record information pursuant to paragraph (3) of this subsection that the juvenile's case did not result in a disposition and any information that has been transmitted shall be destroyed and erased.

“(i) No person shall disclose, inspect, or use records in violation of this section.”.

(b) Section 16-2332 is amended as follows:

“§ 16-2332. Juvenile social records; confidentiality; inspection and disclosure.

“(a) For the purposes of this section, the term "juvenile social records" refers to all social records made with respect to a child in any proceedings over which the Family Court has jurisdiction under section 11-1101(13), including preliminary inquiries, predisposition studies, and examination reports.

“(b) Except as otherwise provided in this section and in § 16-2333.01, juvenile social records shall be kept confidential and shall not be open to inspection.

“(c) Subject to the limitations of subsection (e) of this section, the following persons and entities may inspect juvenile social records –

“(1) Courts:	1
“(A) Judges and professional staff of the Superior Court;	2
“(B) Any court or its probation staff, for purposes of sentencing the child	3
as a defendant in a criminal case;	4
“(2) Family Court Case Participants:	5
“(A) The Attorney General and his assistants assigned to the Family	6
Court;	7
“(B) The respondent and his duly authorized attorney at any stage of a	8
proceeding in the Family Court, including intake;	9
“(C) Public or private agencies or institutions providing supervision or	10
treatment, or having custody of the child, if the supervision, treatment, or custody is under the	11
order of the Family Court;	12
“(3) Other Court Case Participants and Law Enforcement:	13
“(A) The attorney for the child charged as a defendant in a criminal case;	14
“(B) Law enforcement officers of the United States, the District of	15
Columbia, and other jurisdictions when a custody order has issued for the respondent, except that	16
such records shall be limited to photographs of the child, a physical description of the child, and	17
any addresses where the child may be found, and the law enforcement officer may not be	18
permitted to access to any other documents or information contained in the social file;	19
“(4) Government agencies and entities:	20
“(A) Professional employees of the Department of Youth Rehabilitation	21
Services when necessary for the discharge of their official duties;	22
“(B) The Child and Family Services Agency when necessary for the	23

discharge of its official duties; 1

“(C) The Child Fatality Review Committee for the purposes of examining 2
past events and circumstances surrounding deaths of children in the District of Columbia or of 3
children who are either residents or wards of the District of Columbia, or for the discharge of its 4
official duties; 5

“(D) Authorized personnel in the Mayor’s Family Court Liaison, the 6
Department of Health, the Department of Mental Health, the Child and Family Services Agency, 7
the Department of Human Services, and the District of Columbia Public Schools for the purpose 8
of delivery of services to individuals under the jurisdiction of the Family Court, or their families; 9

“(5) Other persons having a professional interest in the protection, welfare, 10
treatment, and rehabilitation of the respondent or of a member of his family, or in the work of the 11
Family Court, if authorized by rule or special order of the court. 12

“(d) (1) Except as otherwise provided in this section and in § 16-2333.01, records 13
inspected pursuant to subsection (c) of this section may not be divulged to unauthorized persons. 14

“(2) (A) Notwithstanding paragraph (1) of this subsection, health and human 15
services information in the possession of institutions or agencies pursuant to subsections 16
(c)(2)(C), (c)(4)(A), (c)(4)(B) or (c)(4)(D) of this section may divulge that information for the 17
purposes of and in accordance with Title I of the Data-Sharing and Information Coordination 18
Amendment Act of 2010, passed on 2nd reading on June 29, 2010 (Enrolled version of Bill 18- 19
356) (“Data-Sharing Act”). 20

“(B) For the purposes of this paragraph, the term “health and human 21
services information” shall have the same meaning as provided in section 101(3) of the Data- 22
Sharing Act. 23

“(e) Notwithstanding subsection (b) of this section, the Superior Court may by rule or special order provide that particular items or classes of items in juvenile social records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

“(f) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile social records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

“(g) (1) Notwithstanding subsections (b), (c), (d) or (e) of this section, for every respondent committed to the Department of Youth Rehabilitation Services ("Department") pursuant to section 16-2320(c)(2) who has been adjudicated of:

“(A) A crime of violence (as defined in section 23-1331(4));

“(B) A weapons offense;

“(C) Unauthorized use of a vehicle;

“(D) Theft in the first degree where property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or

“(E) Adjudicated 3 or more times, the Mayor may direct the Director of the Department ("Director") to provide notice to the Chief of the Metropolitan Police Department ("Chief") of any assignment or placement of the respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, as

soon as practicable prior to the assignment or placement. 1

“(2) Notwithstanding subsections (b), (c), (d) or (e) of this section, for any 2
respondent who is detained or committed to the Department, the Director shall provide notice to 3
the Chief of any respondent who has absconded or escaped from any Department facility, or 4
residential or other placement, including any facility or placement operated by an agent or 5
contractor, within one hour of the absconding or escaping. 6

“(3) Notice issued pursuant to this subsection shall include the following 7
information, as applicable: 8

“(A) Respondent's name and date of birth; 9

“(B) Last known address of the respondent; 10

“(C) Last known address of the respondent's parents, guardians, 11
caretakers, and custodians; 12

“(D) Address to which the respondent will be assigned, placed, or released 13
and the name and address of the person into whose custody the respondent will be placed if the 14
respondent is not placed into a Department facility; and 15

“(E) A recent photograph of the respondent, if available. 16

“(4) The Chief shall utilize information obtained from the Director and may 17
disclose such information to law enforcement persons or law enforcement entities only as 18
necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise 19
disclose this information, except as authorized by this section. 20

“(5) If the Chief discloses information pursuant to paragraph (4) of this 21
subsection, the Chief shall notify the recipient that the information may only be re-disclosed to 22
law enforcement officers and only to the extent necessary to preserve public safety or the safety 23

of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

“(6) The Chief may make additional case-specific inquiries to the Mayor based on information disclosed under paragraph (1) of this subsection. The Mayor may direct the Director to provide such additional information, when requested by the Chief, but only as necessary to protect public safety or the safety of the respondent.

“(h) No person shall disclose, inspect, or use records in violation of this section.”.

(c) Section 16-2333 is amended to read as follows:

“§ 16-2333. Police and other law enforcement records.

“(a) Except as otherwise provided in this section and in § 16-2333.01, law enforcement records and files concerning a child shall not be open to public inspection nor shall their contents or existence be disclosed to the public unless:

“(1) A charge of delinquency is transferred for criminal prosecution under section 16-2307;

“(2) The interest of national security requires; or

“(3) The court otherwise orders in the interest of the child.

“(b) Inspection of such records and files is permitted by:

“(1) Courts:

“(A) The Superior Court, having the child currently before it in any proceedings;

“(B) Any court in which respondent is charged or convicted as a
respondent in a delinquency matter, or status offense, or as a defendant in a criminal offense, or
the court’s probation staff, or by officials of rehabilitation or penal institutions and other
rehabilitation or penal facilities to which he is committed, or by a parole board in considering his
parole or discharge or in exercising supervision over him;

“(2) Case participants:

“(A) The child, his parents or guardians, and counsel for the child;

“(B) Counsel for the respondent or defendant in a case in any court in
which respondent or defendant in a case in any court in which respondent is charged or
convicted in a delinquency matter, or status offense, or as a defendant in a criminal case;

“(C) Each eyewitness, victim, or the immediate family members or
caretakers of the eyewitness or victim if the eyewitness or victim is a child or is deceased or
incapacitated, and his/her duly authorized attorney, when the records relate to the incident in
which s/he were an eyewitness or a victim.

“(D) The officers of public and private institutions or agencies to which
the child is currently committed, and those professional persons or agencies responsible for his
supervision after release;

“(3) Prosecutors and law enforcement:

“(A) Law enforcement officers of the United States, the District of
Columbia, and other jurisdictions when necessary for the discharge of their current official
duties;

“(B) The United States Attorney for the District of Columbia, his
assistants, and any other prosecuting attorneys when necessary for the discharge of their official

duties; 1

“(4) Government agencies and entities: 2

 “(A) Professional employees of the Department of Youth Rehabilitation 3
Services when necessary for the discharge of their official duties; 4

 “(B) The Child Fatality Review Committee when necessary for the 5
discharge of its official duties; 6

 “(C) Authorized personnel in the Mayor’s Family Court Liaison, the 7
Department of Health, the Department Mental Health, the Child and Family Services Agency, 8
the Department of Human Services, and the District of Columbia Public Schools for the purpose 9
of delivery of services to individuals under the jurisdiction of the Family Court, or their families; 10

 “(D) The Children’s Advocacy Center and the public and private agencies 11
and institutions that are members of the multi-disciplinary investigation team, for purposes of 12
carrying out their official duties, except that only information contained in the records, and not 13
the records of copies of the records, may be provided pursuant to this paragraph. 14

 “(E) The Juvenile Abscondence Review Committee for the purposes of 15
examining circumstances and events surrounding any homicide, assault with intent to kill, and 16
assault with a deadly weapon committed in the District by or to a juvenile in abscondence. 17

“(5) Any other person, agency or institution, by order of the court, having a 18
professional interest in the child or in the work of the law enforcement department. 19

“(c) The Family Court, upon application of the Attorney General and notice and 20
opportunity for respondent or his counsel to the application, may order the release of certain 21
information contained in the law enforcement records if: 22

 “(1) The respondent has escaped from detention or from the custody of the 23

Department of Youth Rehabilitation Services and is likely to pose a danger or threat of bodily harm to another person;

“(2) Release of such information is necessary to protect the public safety and welfare; and

“(3) The respondent has been charged with a crime of violence as defined in section 23-1331(4).

“(d) Photographs may be displayed to potential witnesses for identification purposes, in accordance with the standards of fairness applicable to adults.

“(e) (1) Certain juvenile crime information (but not records) shall not be confidential and shall be disclosable to the public strictly in accordance with the provisions of this subsection.

“(2) The public availability of the information regarding a child shall be limited to:

“(A) The child’s name;

“(B) The fact that the child was arrested;

“(C) The charges at arrest;

“(D) The charges in the petition filed pursuant to § 16-2305;

“(E) Whether the petition resulted in an adjudication and the charges for which the child was found involved; and

“(F) If the child was found involved, whether at initial disposition the child was placed on probation or committed to the custody of the Department of Youth Rehabilitation Services.

“(3) The information shall be available only regarding:

“(A) A juvenile who has been adjudicated delinquent of a crime of

violence (as defined in § 23-1331(4)), or any felony offense under Chapter 45 of Title 22
(weapons) or Chapter 23 of Title 6 (Firearms Control);

“(B) A juvenile who has been adjudicated delinquent 2 or more times of a
dangerous crime (as defined in § 23-1331(3)) that is not included in subparagraph (A) of this
paragraph, unauthorized use of a vehicle, theft in the first degree where the property obtained or
used is a motor vehicle (as defined in § 22-3215(a)), or an assault (as defined in § 22-404(a)(2)),
or any combination thereof; and

“(C) An adult offender (including a juvenile tried as an adult under this
chapter) convicted of a felony or of misdemeanor assault, provided that no more than 3 years
have lapsed between the completion of his or her juvenile sentence and the adult conviction.

“(4) This subsection permits the limited disclosure of information contained in
records and files otherwise protected from disclosure under § 16-2333, but does not authorize
disclosure of the records and files.

“(5) This subsection shall apply only to individuals adjudicated after October 1,
2010, regardless of when the criminal offense occurred.

“(6) Any law enforcement information shared with the public shall comply with
Metropolitan Police Regulations that apply to adult criminal records, including but not limited to
the Duncan Ordinance (D.C. Mun. Regs. Title 1, § 1000 (2010)).”.

“(f) Notwithstanding the confidentiality requirements of subsection (b) of this section, the
Metropolitan Police Department of the District of Columbia shall make reports available to the
public every 6 months of the number of children arrested in the District by the location of the
police service area within which the juvenile suspect lives, and giving the location of the police
service area within which the crime occurred, the charge(s), and the date of the crime.”.

“(g) No person shall disclose, inspect, or use records in violation of this section.”. 1

(d) A new Section 16-2333.01 is added to read as follows: 2

“§ 16-2333.01. Permitted disclosures of juvenile information. 3

“(a) An official of the Family Court, the Department of Youth Rehabilitation Services, 4
or the Metropolitan Police Department, may disclose information (but not records) about a 5
juvenile otherwise protected from disclosure under §§ 16-2331, 16-2332, and 16-2333 in 6
accordance with this section if, in the professional judgment of the official, disclosing the 7
information will assist in the protection, welfare, treatment, or rehabilitation of the juvenile. 8

“(b) Information disclosed under this section may be disclosed only to: 9

“(1) A principal, teacher, or counselor at a school that the juvenile attends or has 10
attended; or 11

“(2) A mental health professional as defined in Section 101(11) of the District of 12
Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; 13
D.C. Official Code 7-1201.01(11). 14

“(c) The information that may be disclosed under this section shall be limited to: 15

“(1) The juvenile’s name; 16

“(2) Whether the juvenile is in the custody of the Department; 17

“(3) Whether the juvenile has absconded while in the custody of the Department; 18

“(4) Whether the juvenile has been arrested by the Metropolitan Police 19
Department, or another law enforcement agency, and the charges brought against the juvenile; 20

“(5) The disposition of the charges brought against the juvenile. 21

“(d) Information disclosed pursuant to this section shall be: 22

“(1) Kept confidential and shall not be disclosed by the recipient to another 23

individual or entity except in accordance with § 16-2331, 16-2332, or 16-2333; and 1

“(2) Limited to the greatest extent possible consistent with its express purpose. 2

“(e) This subsection permits the limited disclosure of information contained in records 3
and files otherwise protected from disclosure under §§ 16-2331, 16-2332, and 16-2333, but does 4
not authorize disclosure of the records and files.”. 5

(e) A new Section 16-2333.02 is added to read as follows: 6

“§ 16-2333.02. Juvenile Abscondence Review Committee. 7

“(a) Establishment and purpose. 8

“(1) There is established, as part of the District of Columbia government, a 9
Juvenile Abscondence Review Committee (“Committee”). Facilities and other administrative 10
support may be provided in a specific department or directly to the Committee, as determined by 11
the Mayor. 12

“(2) For the purposes of this section, the term “abscondence” means the status of 13
a youth who is in the custody of the Department and: 14

“(A) Has escaped from detention at New Beginnings or the Youth 15
Services Center and for whom the Department has requested a custody order from the court; or 16

“(B) Has violated his or her Community Release Agreement with the 17
Department by not maintaining contact with his or her case manager or by leaving the place of 18
community placement and for whom the Department has requested a custody order from the 19
court. 20

“(3) The Committee shall: 21

“(A) Identify cases in which a homicide, assault with intent to kill, or 22
assault with a deadly weapon (firearm), was committed by or to a juvenile in abscondence; 23

“(B) Examine what steps could have been taken to prevent the juvenile
from absconding; and

“(C) Recommend systemic improvements to identify and locate high risk
youth that are in abscondence and have the propensity to commit or be involved in a homicide,
assault with intent to kill, or assault with a deadly weapon.

“(b) Composition of the Juvenile Abscondence Committee.

“(1) The following shall be members of the Committee:

“(A) The Director of the Department of Youth Rehabilitation Services, or
his/her designee; and

“(B) The Chief of the Metropolitan Police Department, or his/her
designee;

“(C) The Chief Judge of the Superior Court of the District of Columbia, or
his/her designee;

“(D) The United States Attorney for the District of Columbia, or his/her
designee; and

“(E) A public member, appointed by The Mayor, with advice and consent
of the Council, who shall serve a 2-year term.

“(2) All members of the Committee (including their designees) shall have
expertise in programs providing services to children or in locating high risk youth that are in
abscondence and have the propensity to commit or be involved in a violent crime.

“(3) The Chairman of the Committee of Council of the District of Columbia
responsible for public safety and the judiciary and the Chairman of the committee responsible for
oversight of the Department of Youth Rehabilitation Services (but not their designees) shall

serve as an ex officio members. 1

“(4) Vacancies in membership shall be filled in the same manner in which the original appointment was made. 2 3

“(5) The Committee shall establish quorum and other procedural requirements as it considers necessary. 4 5

“(c) Disclosure of findings and information. 6

“(1) Notwithstanding the confidentiality requirements of §§ 16-2331 and 16-2333, the Committee shall make a report available to the public of its findings and information related to a juvenile in abscondence within 6 months of the occurrence of the crime for which he or she was the victim or the alleged perpetrator. 7 8 9 10

“(2) The report shall include only information that could be released under and in accordance with section 16-2333 (e). 11 12

“(3) The report shall not include any information that: 13

“(A) Interferes with an ongoing law enforcement investigation or proceeding pertaining to the homicide, assault with intent to kill, or assault with a deadly weapon; 14 15 16

“(B) Deprives a person of a right to a fair trial or an impartial adjudication; 17 18

“(C) Endangers the life or safety of any person; or
“(D) Is in violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).” 19 20

(e) Section 16-2335 is amended by adding a new subsection (h) to read as follows: 21

“(h) Notwithstanding the availability of information pursuant to section 16-2333 (e), a juvenile shall not be required to disclose and shall have the right to refuse disclosure of his or her 22 23

juvenile delinquency history in an application for employment, education or housing.”. 1

Sec. 4. Fiscal impact statement. 2

The Council adopts the fiscal impact statement in the committee report as the fiscal 3
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, 4
approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)). 5

Sec. 5. Effective date. 6

This act shall take effect following approval by the Mayor (or in the event of veto by the 7
Mayor, action by the Council to override the veto), a 30-day period of Congressional review as 8
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 9
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 10
Columbia Register. 11