

APPENDIX

**APPENDIX A — ORDER OF THE DISTRICT OF
COLUMBIA COURT OF APPEALS, FILED
NOVEMBER 12, 2020**

**DISTRICT OF COLUMBIA
COURT OF APPEALS**

No. 20-OA-12
2019 CAB 8534

IN RE MICHAEL VARCO

BEFORE: Thompson and Beckwith, Associate Judges,
and Nebeker, Senior Judge.

ORDER

On consideration of petitioner's lodged petition for writ of mandamus filed pursuant to 18 U.S.C. § 3771(d)(3) and the lodged opposition of Peter Newsham, and it appearing that petitioner has failed to tender the filing fee, it is

ORDERED *sua sponte* that the Clerk shall file the lodged petition for writ of mandamus and lodged opposition. It is

FURTHER ORDERED that the petition for writ of mandamus is denied. The trial court correctly denied petitioner's Motion to Enforce Crime Victim's Rights finding it lacked jurisdiction because the Crime Victims' Rights Act, 18 U.S.C. § 3771, does not apply to Peter Newsham as the Chief of Police for the District of Columbia. Although the Act provides protections to victims of a crime

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in criminal cases prosecuted in the District of Columbia, and there is no dispute that petitioner was a victim of an assault, in this case no assailant has ever been identified. The Act imposes obligations on judges to protect victim's rights once a criminal case has been filed; otherwise the obligation falls to officers and agents of the Department of Justice or employees of a federal agency. It is clear that after the passage of the Home Rule Act, D.C. Code § 1-210, *et seq.*, the District became an independent municipal corporation vested with the authority of self-government and interested in its own pecuniary interests and was not a government agency. Further, the Home Rule Act gives the authority to the Council to establish the Metropolitan Police Department and gives the Mayor the authority to appoint the Chief, making the Chief an employee of the District, not of the federal government. Therefore, the federal Crime Victims Act does not apply to Newsham or MPD or provide petitioner a cause of action against Peter Newsham. To the extent petitioner is entitled to crime victim protection under the District's Crime Victims' Bill of Rights statute, D.C. Code § 23-1901, that statute does not provide petitioner with a private right of action.

PER CURIAM

**APPENDIX B — ORDER OF THE SUPERIOR
COURT OF THE DISTRICT OF COLUMBIA, CIVIL
DIVISION—CIVIL ACTIONS BRANCH,
DATED SEPTEMBER 23, 2020**

**SUPERIOR COURT OF THE DISTRICT
OF COLUMBIA CIVIL DIVISION—
CIVIL ACTIONS BRANCH**

MICHAEL VARCO,

Plaintiff,

v.

PETER NEWSHAM,

Defendant.

Civil Case No. 2019 CA 008534 B

Civil II, Calendar I

Judge Kelly A. Higashi

**ORDER DENYING PLAINTIFF'S MOTION TO
ENFORCE CRIME VICTIM'S RIGHTS**

Plaintiff Michael Varco, *pro se*, brought this pending matter to the Court seeking a declaratory judgment that he is entitled to certain protections from the federal Crime Victims' Rights Act ("CVRA") (18 U.S.C. §3771) from Defendant Peter Newsham, acting in his official capacity as Chief of the Metropolitan Police Department

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of the District of Columbia (“MPD”). The Court dismisses Plaintiff’s case, styled as a Motion to Enforce Crime Victim’s Rights (“Motion”), for lack of subject matter jurisdiction because as an entity of the District of Columbia government, MPD is not an “agenc[y] of the United States” under 18 U.S.C. §3771(c)(1). The Court also denies as moot Plaintiff’s other motions.

Plaintiff alleges that on July 31, 2016, he suffered a physical attack that caused facial and jaw fractures. Motion at 2. The MPD filed an incident report and classified the attack as an alleged aggravated assault. *Id.* Plaintiff alleges that the MPD failed, in a number of ways, to either find those who attacked him or to protect his privacy or personal information from the public. *Id.* at 3-4. He seeks a number of remedies pursuant to the CVRA. *Id.* at 18-25.

Plaintiff originally brought an action in the U.S. District Court for the District of Columbia. In that case, Judge Mehta determined that the CVRA did not apply to the MPD because it was not an “agency of the United States.” *Varco v. Newsham*, No. 2019-0004, Mem. Op. & J. (D.D.C. Mar. 29, 2019). When Plaintiff petitioned for a writ of mandamus, a D.C. Circuit panel dismissed the case for lack of jurisdiction, holding that because “no prosecution is underway and the only potential charge is for a D.C. Code offense,” Plaintiff “must assert his rights, if any, that arise under the Crime Victims’ Rights Act ... in Superior Court for the District of Columbia.” *In re Varco*, 2019 U.S. App. LEXIS 21654 (D.C. Cir. July 19, 2019) (per curiam). Plaintiff subsequently filed this action.

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While the meaning of the term is somewhat ambiguous, the Court ultimately agrees with Defendant and Judge Mehta that the MPD cannot be construed as an “agency of the United States” under the CVRA. 18 U.S.C. §3771(c)(1) states, in relevant part, that “[o]fficers and employees of the Department of Justice and *other departments and agencies of the United States* engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights” accorded by the CVRA (emphasis added). “Agency” is defined in this section of the U.S. Code as “any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.” 18 U.S.C. §6.

While no court has determined whether 18 U.S.C. §3771(c)(1) applies to the MPD, federal district courts have found that identical language in other statutes does not apply to agencies, such as the MPD, that operate under the authority of the District of Columbia government. In *District of Columbia v. Owens-Corning Fiberglas Corp.*, 604 F. Supp. 1459 (D.D.C. 1985), the court determined that District of Columbia was not an agency of the United States pursuant to the federal court jurisdiction statute. Interpreting language identical to 18 U.S.C. §6, the court noted that the District government “functions as an independent municipal corporation with broad legislative powers over local matters.” *Id.* at 1462. While the District performs function “of a governmental

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nature...they serve a primarily local proprietary interest rather than a federal or national proprietary interest.” *Id.* The Court further noted that when Congress exercised its constitutional powers to delegate legislative powers to the District of Columbia government, it did “so not with any federal interest in mind but instead while acting in its role as a local legislator.” *Id.* (citing *District of Columbia v. Thompson*, 346 U.S. 100, 104-07 (1953)). Accordingly, the court reasoned that the District of Columbia was not an agency of the United States because its purpose was entirely local rather than national in scope. *Id.*; *see also Tyler v. Wash., D.C. Corr.*, 2015 U.S. Dist. LEXIS 108480 at *1 n.1 (D. Md. Aug. 17, 2015) (similarly reasoning that the District of Columbia Department of Corrections was not an agency of the United States).

Additional support comes from the Supreme Court’s treatment of the Appointments Clause of the U.S. Constitution, which applies to “Officers of the United States.” U.S. Const. art. II, §2, cl. 2. Just this year, the Court reiterated that the term “of the United States” “suggests a distinction between federal officers—officers exercising power of the National Government—and nonfederal officers—officers exercising power of some other government.” *Fin. Oversight & Mgmt. Bd for P.R. v. Aurelius Inv., LLC*, 140 S. Ct. 1649, 1658 (2020). The District of Columbia government and those of territories such as Puerto Rico, “staffed by local officials, who themselves have made and enforced local law,” are exercising, the Court concluded, “power of the local government, not the Federal Government.” *Id.* at 1659. That Congress created those governments does not, under “[l]ongstanding practice[,]... automatically make [an

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officer of those governments] an ‘Officer of the United States.’” *Id.* Accordingly, the Court reiterated that “local officers that Congress vests with primarily local duties” are not “Officers of the United States.” *Id.* at 1661.

The same reasoning applies to this case. The MPD’s jurisdiction is entirely local. D.C. Code §5-101.02. The Chief of Police is appointed by a local official—the Mayor—with the advice and consent of other local officials—the D.C. Council. D.C. Code §5-105.01(a-1)(1). The MPD primarily enforces local laws, which include the offense that Plaintiff is alleging harmed him. *See* D.C. Code §22-404. These considerations all point to the conclusion that the MPD is not an “agency of the United States” under the CVRA.

Plaintiff’s countervailing arguments are not convincing. He argues that crime victims’ rights are a federal interest, as evidenced by the CVRA. While that may be true, it does not change the fact that the MPD primarily serves local interests. He also points to statutory language, recently in the news, that allows the President to take control of the MPD during emergency situations. *See* D.C. Code 1-207.40. But such presidential intervention is extremely rare; direct control of the MPD rests almost entirely with the Mayor and the D.C. Council.¹

1. In his Motion for Leave to File Notice of Supplemental Authority, Plaintiff cites dicta in *Metro. RR Co. v. District of Columbia*, 132 U.S. 1 (1889) stating that unlike a state, the District of Columbia is not a separate sovereign entity and instead is fully controlled by the U.S. government. *Id.* at 8-9. However, this case

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Similarly, the text and legislative history of the CVRA do not support Plaintiff's interpretation. While 18 U.S.C. §3771(b)(2) does include the more limited definition of "agency of the Executive Branch of the Federal Government," it is in the context of rules for "Federal habeas corpus proceedings arising out of a State conviction." As such, because this narrower definition applies to a specific context with both state and federal components, it does not connote a more expansive definition for "agency of the United States" in 18 U.S.C. §3771(c)(1).

Further, while it is true that the CVRA applies to criminal cases brought in D.C. Superior Court, as well as to crime victims who are "directly and proximately harmed as a result of...an offense in the District of Columbia," *see* 18 U.S.C. §3771(e), it does not follow that CVRA obligations flow directly to local agencies such as the MPD.² As for Plaintiff's citations to legislative history, they provide no support for applying the CVRA to local agencies with local duties.

dealt with a distinct issue—the capacity of the District of Columbia to sue—and was not meant to suggest that "Congress lacks the authority under the Constitution to delegate the powers of home rule to the District." *District of Columbia v. John R. Thompson Co.*, 346 U.S. 100, 107 (1953). Accordingly, the dicta cited by Plaintiff is not relevant to the issues in this case.

2. In contrast, the U.S. Attorney's Office for the District of Columbia, which prosecutes the vast majority of D.C. criminal offenses, clearly has CVRA obligations as a division of the U.S. Department of Justice.

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For these reasons, the Court finds that the MPD is not covered by the CVRA and denies Plaintiff's motion. Because the Court lacks subject matter jurisdiction, it dismisses the case and denies all other pending motions as moot. *See* D.C. Super. Ct. Civ. R. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

Accordingly, it is this **23rd** day of **September, 2020**, hereby

ORDERED that Plaintiff's Motion to Enforce Crime Victim's Rights is **DENIED**; and it is further

ORDERED that Plaintiff's Motion for Preliminary Injunction is **DENIED AS MOOT**; and it is further

ORDERED that Plaintiff's Motion to Supplement the Record and Request for In-Camera Review of MPD Video Evidence is **DENIED AS MOOT**; and it is further

ORDERED that Plaintiff's Motion for Leave to File a Notice of Supplemental Authority is **DENIED AS MOOT**; and it is further

ORDERED that Plaintiff's Motion for Leave to Appear Telephonically or Via Video Conference is **DENIED AS MOOT**; and it is further

ORDERED that Plaintiff's Motion for Leave to Supplement the Record with Notice of Relevant Statute is **DENIED AS MOOT**; and it is further

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ORDERED that the initial scheduling conference scheduled for September 25, 2020 is **VACATED** and this case is **DISMISSED**.

s/

Kelly A. Higashi
Associate Judge
(Signed in Chambers)

COPIES TO:

Michael Varco
Michael K. Addo
Benjamin E. Bryant
Via CaseFileXpress

**APPENDIX C — DENIAL OF REHEARINGS
OF THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT,
FILED SEPTEMBER 26, 2019**

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-3046
September Term, 2019
1:19-mc-00004-APM

IN RE: MICHAEL VARCO,

Petitioner.

Filed On: September 26, 2019

BEFORE: Garland, Chief Judge, and Henderson, Rogers, Tatel, Griffith, Srinivasan, Millett, Pillard, Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

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Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY /s/
Michael C. McGrail
Deputy Clerk

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BEFORE: Millett, Pillard, and Wilkins, Circuit Judges

ORDER

Upon consideration of the petition for rehearing, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

**APPENDIX D — ORDER OF THE UNITED
STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT,
DATED JULY 19, 2019**

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-3046

September Term, 2018

1:19-mc-00004-APM

Filed On: July 19, 2019

IN RE: MICHAEL VARCO,

Petitioner.

BEFORE: Millett, Pillard, and Wilkins, Circuit
Judges

ORDER

Upon consideration of the petition for writ of mandamus, the opposition thereto, which includes a motion to dismiss, and the reply, it is

ORDERED that the motion to dismiss the petition be granted. Under the facts presented here, where no prosecution is underway and the only potential charge is for a D.C. Code offense, the victim must assert his rights, if any, that arise under the Crime Victims' Rights

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Act, 18 U.S.C. § 3771, in Superior Court for the District of Columbia. As a result, the proper court of appeals to review a petition for writ of mandamus is the District of Columbia Court of Appeals. *See* 18 U.S.C. § 3771(e)(1)(B).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

**APPENDIX E — OPINION OF THE UNITED
STATES DISTRICT COURT FOR THE DISTRICT
OF COLUMBIA, DATED MARCH 29, 2019**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHAEL VARCO,

Plaintiff,

v.

PETER NEWSHAM,

Defendant.

Case No. 19-mc-00004 (APM)

UNDER SEAL

MEMORANDUM OPINION

Plaintiff Michael Varco, the victim of an aggravated assault that took place in the District of Columbia, moves this court to enforce the federal Crime Victims' Rights Act ("CVRA"), 18 U.S.C. § 3771, against Peter Newsham, the Chief of Police of the Metropolitan Police Department of the District of Columbia ("MPD"). Plaintiff seeks to compel Chief Newsham "to protect [Plaintiff's] personal information better, handle [his] case more fairly, and provide [him] images of the people who attacked [him]." See Pl.'s Mot., ECF No. 3, at 1.

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This matter must be dismissed because, on its face, the CVRA does not apply to local law enforcement authorities, like the MPD, or to local law enforcement officials, like Chief Newsham. The statute requires “[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime” to “make their best efforts” to accord crime victims certain rights enumerated by the Act. 18 U.S.C. § 3771(c) (1). The MPD is not a department or agency of the United States, and the Chief of MPD is not an officer or employee of the Department of Justice or any other federal law enforcement agency. Accordingly, the CVRA, by its very terms, does not reach the MPD or Chief Newsham.

To avoid this conclusion, Plaintiff points to various provisions of the CVRA that reference enforcement of the District of Columbia criminal code. For instance, Plaintiff notes that the CVRA defines a “crime victim” as “a person . . . harmed as a result of the commission of . . . an offense in the District of Columbia.” See Pl.’s Reply Mem., ECF No. 6, at 4 (citing 18 U.S.C. § 3771(e)(2)). Relatedly, the statute defines “district court” to include “the Superior Court of the District of Columbia,” 18 U.S.C. § 3771(e)(3), and “court of appeals” to include “the District of Columbia Court of Appeals,” § 3771(e)(1)(B). Although these provisions make plain that the CVRA reaches victims of D.C. Code offenders, it does not follow that the statute provides any cause of action against the MPD. Instead, the provisions upon which Plaintiff relies are directed to ensuring that the U.S. Attorney’s Office for the District of Columbia—which prosecutes federal

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offenses and D.C. Code offenses—accords victims the Act’s enumerated rights in its prosecutions. Nothing in the CVRA extends its coverage to the District of Columbia’s municipal law enforcement agency.

For the foregoing reasons, Plaintiff’s Motion to Enforce the CVRA is denied. A separate final, appealable order accompanies this Memorandum Opinion.

Dated: March 29, 2019

/s/

Amit P. Mehta
United States District Judge

**APPENDIX F — RELEVANT STATUTORY
PROVISIONS**

18 U.S.C. § 5. United States defined

The term "United States", as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.

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18 U.S.C. § 6. Department and agency defined

As used in this title:

The term "department" means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

The term "agency" includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.

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18 U.S.C. § 3771. Crime victims' rights

(a) **RIGHTS OF CRIME VICTIMS.**—A crime victim has the following rights:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- (5) The reasonable right to confer with the attorney for the Government in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.

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(8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

(9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.

(10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.

(b) RIGHTS AFFORDED.—

(1) IN GENERAL.—In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). Before making a determination described in subsection (a)(3), the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding. The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

(2) HABEAS CORPUS PROCEEDINGS.—

(A) IN GENERAL.—In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded

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the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

(B) ENFORCEMENT.—

(i) IN GENERAL.—These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

(ii) MULTIPLE VICTIMS.—In a case involving multiple victims, subsection (d)(2) shall also apply.

(C) LIMITATION.—This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

(D) DEFINITION.—For purposes of this paragraph, the term "crime victim" means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.

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(c) BEST EFFORTS TO ACCORD RIGHTS.—

(1) GOVERNMENT.—Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).

(2) ADVICE OF ATTORNEY.—The prosecutor shall advise the crime victim that the crime victim can seek the advice of an attorney with respect to the rights described in subsection (a).

(3) NOTICE.—Notice of release otherwise required pursuant to this chapter shall not be given if such notice may endanger the safety of any person.

(d) ENFORCEMENT AND LIMITATIONS.—

(1) RIGHTS.—The crime victim or the crime victim's lawful representative, and the attorney for the Government may assert the rights described in subsection (a). A person accused of the crime may not obtain any form of relief under this chapter.

(2) MULTIPLE CRIME VICTIMS.—In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this

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chapter that does not unduly complicate or prolong the proceedings.

(3) MOTION FOR RELIEF AND WRIT OF MANDAMUS.—The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed, unless the litigants, with the approval of the court, have stipulated to a different time period for consideration. In deciding such application, the court of appeals shall apply ordinary standards of appellate review. In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.

(4) ERROR.—In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.

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(5) LIMITATION ON RELIEF.—In no case shall a failure to afford a right under this chapter provide grounds for a new trial. A victim may make a motion to re-open a plea or sentence only if—

- (A) the victim has asserted the right to be heard before or during the proceeding at issue and such right was denied;
- (B) the victim petitions the court of appeals for a writ of mandamus within 14 days; and
- (C) in the case of a plea, the accused has not pled to the highest offense charged.

This paragraph does not affect the victim's right to restitution as provided in title 18, United States Code.

(6) NO CAUSE OF ACTION.—Nothing in this chapter shall be construed to authorize a cause of action for damages or to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States or any of its officers or employees could be held liable in damages. Nothing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction.

(e) DEFINITIONS.—For the purposes of this chapter:

(1) COURT OF APPEALS.—The term "court of appeals" means—

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- (A) the United States court of appeals for the judicial district in which a defendant is being prosecuted; or
- (B) for a prosecution in the Superior Court of the District of Columbia, the District of Columbia Court of Appeals.

(2) CRIME VICTIM.—

- (A) IN GENERAL.—The term “crime victim” means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia.
- (B) MINORS AND CERTAIN OTHER VICTIMS.—In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim’s estate, family members, or any other persons appointed as suitable by the court, may assume the crime victim’s rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

(3) DISTRICT COURT; COURT.—The terms “district court” and “court” include the Superior Court of the District of Columbia.

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(f) PROCEDURES TO PROMOTE COMPLIANCE.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this chapter, the Attorney General of the United States shall promulgate regulations to enforce the rights of crime victims and to ensure compliance by responsible officials with the obligations described in law respecting crime victims.

(2) CONTENTS.—The regulations promulgated under paragraph (1) shall—

(A) designate an administrative authority within the Department of Justice to receive and investigate complaints relating to the provision or violation of the rights of a crime victim;

(B) require a course of training for employees and offices of the Department of Justice that fail to comply with provisions of Federal law pertaining to the treatment of crime victims, and otherwise assist such employees and offices in responding more effectively to the needs of crime victims;

(C) contain disciplinary sanctions, including suspension or termination from employment, for employees of the Department of Justice who willfully or wantonly fail to comply with provisions of Federal law pertaining to the treatment of crime victims; and

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(D) provide that the Attorney General, or the designee of the Attorney General, shall be the final arbiter of the complaint, and that there shall be no judicial review of the final decision of the Attorney General by a complainant.

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D.C. Law § 23–1901. Crime victims' bill of rights.

(a) Officers or employees of the District of Columbia engaged in the detection, investigation, or prosecution of crime or the judicial process shall make their best efforts to see that victims of crime are accorded the rights described in subsection (b) of this section.

(b) A crime victim has the right to:

- (1) Be treated with fairness and with respect for the victim's dignity and privacy;
- (2) Be reasonably protected from the accused offender;
- (3) Be notified of court proceedings;
- (4) Be present at all court proceedings related to the offense, including the sentencing, and release, parole, record-sealing, and post-conviction hearings, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony or where the needs of justice otherwise require;
- (5) Confer with an attorney for the prosecution in the case which does not include the authority to direct the prosecution of the case;
- (6) An order of restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;
- (7) Information about the conviction, sentencing, imprisonment, detention, and release of the offender,

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and about any court order to seal the offender's criminal records;

(8) Notice of the rights provided in this chapter and under the laws of the District of Columbia; and

(9) Be notified of any available victim advocate or other appropriate person to develop a safety plan and appropriate services.

(c) This section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the rights enumerated in subsection (b) of this section.