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2 Chairman Phil Mendelson

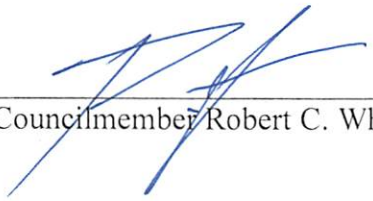
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6 Councilmember Anita Bonds

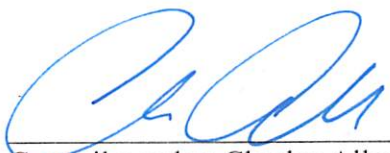
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10 Councilmember Jack Evans

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14 Councilmember David Grosso


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18 Councilmember Brianne K. Nadeau

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26 Councilmember Robert C. White, Jr.

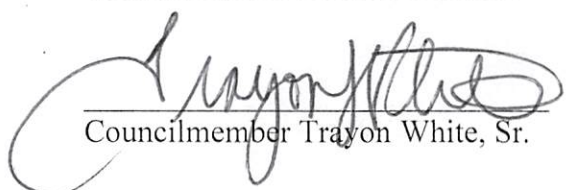

Councilmember Charles Allen


Councilmember Mary M. Cheh


Councilmember Vincent C. Gray


Councilmember Kenyan R. McDuffie


Councilmember Elissa Silverman


Councilmember Trayon White, Sr.

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30 A BILL

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34 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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39 To amend the Office of Citizen Complaint Review Establishment Act of 1998 to require the Office
40 of Police Complaints to make recommendations to the District of Columbia Housing
41 Authority and the Department of Consumer and Regulatory Affairs regarding the incidence
42 of police misconduct, to require that the Office of Police Complaints review data related to
43 complaints, subject officer and complainant demographics, recommended and imposed
44 discipline, uses of force, and in-custody deaths for the District of Columbia Housing
45 Authority, the Department of Consumer and Regulatory Affairs, and special police
46 officers, to prevent the disclosure of information received by the Office of Police

47 Complaints from the District of Columbia Housing Authority and the Department of
48 Consumer and Regulatory Affairs, to require that the Office of Police Complaints deliver
49 an annual report that analyzes information related to the District of Columbia Housing
50 Authority and the Department of Consumer and Regulatory Affairs beginning December
51 31, 2021, to disallow current or former employees of the District of Columbia Housing
52 Authority and the Department of Consumer and Regulatory Affairs from serving as
53 complaint investigators or carrying out mediation and complaint determination functions,
54 to authorize the Office of Police Complaints to receive, investigate, and mediate complaints
55 against special police officers and recommend discipline to the designated agency
56 principal, to require that the District of Columbia Housing Authority and the Department
57 of Consumer and Regulatory Affairs transfer citizen complaints to the Office of Police
58 Complaints within 3 business days, to allow the Executive Director of the Office of Police
59 Complaints to initiate his or her own complaint based on observed abuse or misuse of
60 police powers, to require that the Executive Director of the Office of Police Complaints
61 give notice to the designated agency principal that a matter has been referred to the U.S.
62 Attorney's Office, to require that employees of the District of Columbia Housing Authority
63 and the Department of Consumer and Regulatory Affairs cooperate with the Office of
64 Police Complaints and to prohibit retaliation against complainants, to establish a process
65 by which the designated agency principal reviews a merits determination from the Office
66 of Police Complaints and disciplines the subject officer, and to clarify a designated agency
67 principal's authority to implement discipline before and after receipt of a complaint.
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69 BE IT ENACED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act

70 may be cited as the "Special Police Officer Oversight Amendment Act of 2019".

71 Sec. 2. The Office of Citizen Complaint Review Establishment Act of 1998, effective
72 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

73 (a) Section 2 (D.C. Official Code § 5-1101) is amended by adding a new paragraph (3A)
74 to read as follows:

75 "(3A) Special police officers and members of the District of Columbia Housing
76 Authority Police Department ("DCHAPD") are also authorized to make arrests, carry a firearm,
77 and perform other functions normally reserved for members of the Metropolitan Police
78 Department. Since the powers of special police officers and members of the DCHAPD closely
79 resemble the powers of MPD officers, an effective system for police oversight must include a
80 process for resolving allegations of misconduct concerning those officers."

81 (b) Section 4 (D.C. Official Code § 5-1103) is amended as follows:

82 (1) New paragraphs (2A), (2B), (2C), and (2D) are added to read as follows:

83 “(2A) “DCHA” means the District of Columbia Housing Authority.

84 “(2B) “DCHAPD” means the District of Columbia Housing Authority Police
85 Department.

86 “(2C) “DCRA” means the Department of Consumer and Regulatory Affairs.

87 “(2D) “Designated agency principal” means:

88 “(A) The Police Chief, for cases in which the subject police officer or
89 employee is a member of the MPD or a special police officer; or

90 “(B) The DCHA Director, for cases in which the subject police officer or
91 employee is a member of the DCHAPD.”.

92 (2) A new paragraph (3B) is added to read as follows:

93 “(3B) “MPD” means the Metropolitan Police Department.”.

94 (3) A new paragraph (6) is added to read as follows:

95 “(6) “Special police officer” shall have the same meaning as provided in D.C.
96 Official Code § 47-2839.01(a)(5).”.

97 (c) Section 5 (D.C. Official Code § 5-1104) is amended as follows:

98 (1) Subsection (d) is amended by striking the phrase “MPD affecting” and inserting
99 the phrase “MPD, the DCHA, or the DCRA affecting” in its place.

100 (2) Subsection (d-2) is amended as follows:

101 (A) Paragraph (1) is amended by striking the phrase “the MPD” and
102 inserting the phrase “the MPD, the DCHAPD, and special police officers” in its place.

103 (B) Paragraph (3) is amended by striking the phrase “the MPD to” and
104 inserting the phrase “the MPD, the DCHA, or the DCRA to” in its place.

105 (C) Paragraph (4) is amended by striking the phrase “the MPD to” both
106 times it appears and inserting the phrase “the MPD, the DCHA, or the DCRA to” in its place.

107 (D) Paragraph (5) is amended by striking the phrase “the MPD” and
108 inserting the phrase “the MPD, the DCHA, or the DCRA, respectively” in its place.

109 (E) Paragraph (6) is amended to read as follows:

110 “(6) On December 31 of each year, the Board shall deliver a report to the Mayor
111 and the Council that analyzes the information evaluated by the Board under paragraph (1) of this
112 subsection; provided, that the report shall not include an analysis of the information evaluated by
113 the Board related to the DCHA or the DCRA until December 31, 2021.”.

114 (d) Section 7 (D.C. Official Code § 5-1106) is amended as follows:

115 (1) Subsection (a) is amended by striking the phrase “complaint investigators may
116 not be persons currently or formerly employed by the MPD” and inserting the phrase “complaint
117 investigators shall not be persons currently or formerly employed by the MPD, the DCHA, the
118 DCRA, or as a special police officer” in its place.

119 (2) Subsection (c) is amended by striking the phrase “No member of the pool shall
120 be a current or former employee of the MPD” and inserting the phrase “Members of the pool shall
121 not be persons currently or formerly employed by the MPD, the DCHA, the DCRA, or as a special
122 police officer” in its place.

123 (e) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

124 (1) Strike the phrase “HAPD” where it appears and insert the phrase “DCHAPD”
125 in its place.

126 (2) Subsection (a) is amended by striking the phrase “against a member or members
127 of the MPD, and” and inserting the phrase “against members of the MPD, special police officers,
128 and” in its place.

129 (3) Subsection (a-1) is amended by striking the phrase “the MPD” both times it
130 appears and inserting the phrase “the MPD, the DCHA, or the DCRA” in its place.

131 (4) Subsection (g)(6) is amended by striking the period and inserting the phrase “;
132 provided, that the MPD shall provide the policy training for referrals where the subject police
133 officer is a special police officer.” in its place.

134 (5) A new subsection (g-1) is added to read as follows:

135 “(g-1) If the Executive Director discovers evidence of abuse or misuse of police powers
136 that was not alleged by the complainant in his or her citizen complaint, the Executive Director
137 may:

138 “(A) Initiate his or her own complaint against the subject police officer; and

139 “(B) Take any of the actions described in subsection (g)(2) through (6) of this
140 section.”.

141 (6) Subsection (h) is amended by striking the phrase “subsection (g)” and inserting
142 the phrase “subsections (g) or (g-1)” in its place.

143 (7) Subsection (h-2) is amended as follows:

144 (A) Paragraph (3) is amended by striking the phrase “the MPD or the HAPD
145 to” and inserting the phrase “the MPD, the DCHA, or the DCRA to” in its place.

146 (B) Paragraph (4) is amended by striking the phrase “the MPD or the
147 HAPD” and inserting the phrase “the MPD, the DCHA, or the DCRA” in its place.

148 (8) Subsection (i) is repealed.

149 (f) Section 10(b) (D.C. Official Code § 5-1109(b)) is amended to read as follows:

150 “(b) The Executive Director shall give written notification of such referral to the
151 complainant, the subject officer or officers, and the designated agency principal.”.

152 (g) Section 11 (D.C. Official Code § 5-1110) is amended as follows:

153 (1) Strike the phrase “Police Chief” wherever it appears and insert the phrase
154 “designated agency principal” in its place.

155 (2) Subsection (f) is amended by striking the phrase “Office or the MPD” and
156 inserting the phrase “Office, the MPD, the DCHA, or the DCRA” in its place.

157 (h) Section 12 (D.C. Official Code § 5-1111) is amended as follows:

158 (1) Strike the phrase “Police Chief” where it appears and insert the phrase
159 “designated agency principal” in its place.

160 (2) Subsection (c) is amended as follows:

161 (A) Strike the phrase “MPD may be effected by service on the Police Chief
162 or on his designee” and insert the phrase “MPD, the DCHA, or the DCRA may be effected by
163 service on the designated agency principal or on his or her designee” in its place.

164 (B) Strike the phrase “or his designee” and insert the phrase “or his or her
165 designee” in its place.

166 (3) Subsection (d) is amended to read as follows:

167 “(d) Employees of the MPD, the DCHA, and the DCRA shall cooperate fully with the
168 Office in the investigation and adjudication of a complaint. Upon notification by the Executive
169 Director that an employee has not cooperated as requested, the designated agency principal shall
170 cause appropriate disciplinary action to be instituted against the employee and shall notify the
171 Executive Director of the outcome of such action. An employee of the MPD, the DCHA, or the

172 DCRA shall not retaliate, directly or indirectly, against a person who files a complaint under this
173 act. If a complaint of retaliation is sustained under this act, the subject police officer or employee
174 shall be subject to appropriate penalty, including dismissal. Such disciplinary action shall not be
175 taken with respect to an officer or employee's invocation of the Fifth Amendment privilege against
176 self-incrimination."

177 (4) Subsection (h) is amended by striking the phrase "MPD regulation" and
178 inserting the phrase "the MPD, the DCHA, or the DCRA regulation" in its place.

179 (i) Section 13 (D.C. Official Code § 5-1112) is amended as follows:

180 (1) The subject heading is amended to read as follows:

181 "Sec. 13. Action by the designated agency principal."

182 (2) Strike the phrase "Police Chief" wherever it appears and insert the phrase
183 "designated agency principal" in its place.

184 (j) Section 15 (D.C. Official Code § 5-1114) is amended as follows:

185 (1) Subsection (a) is amended as follows:

186 (A) Strike the phrase "The MPD shall" and insert the phrase "The
187 designated agency principal shall" in its place.

188 (B) Strike the phrase "the MPD with" and insert the phrase "the MPD, the
189 DCHA, and the DCRA with" in its place.

190 (2) Subsection (b) is amended to read as follows:

191 "(b) If the designated agency principal has initiated disciplinary proceedings against an
192 officer for alleged misconduct, the subsequent timely filing with the Office of a complaint against
193 the same officer or officers, alleging the same misconduct, shall not preclude the MPD, the DCHA,
194 or the DCRA from proceeding with its own disciplinary process. Nor shall the fact that the

195 designated agency principal has initiated disciplinary proceedings against a police officer for
196 alleged misconduct preclude the Office from processing a complaint that was timely filed against
197 the same officer and alleging the same misconduct, except that the designated agency principal
198 may not punish the same officer more than once for the same act or omission that constitutes
199 misconduct.”.

200 (3) Subsection (c) is amended by striking the phrase “the MPD” and inserting the
201 phrase “the designated agency principal” in its place.

202 (4) Subsection (d) is amended by striking the phrase “the MPD from” and inserting
203 the phrase “the designated agency principal” in its place.

204 (5) Subsection (e) is amended by striking the phrase “Police Chief” and inserting
205 the phrase “designated agency principal” in its place.

206 (6) Subsection (f) is amended by striking the phrase “Police Chief” and inserting
207 the phrase “designated agency principal” in its place.

208 (k) Section 16 (D.C. Official Code § 5-1115) is repealed.

209 Sec. 3. Section 1100.6 of Title 6 of the District of Columbia Municipal Regulations is
210 amended to read as follows:

211 “1100.6 Special police officers appointed under the provisions of § 1100.1, § 1100.4 or §
212 1100.5 shall be subject to any applicable general orders, special orders, circulars, standard
213 operating procedures, bureau or division orders, and any other written guidance issued to members
214 of the Metropolitan Police Department, including written guidance related to performing searches
215 and seizures, making arrests, using force, and any associated reporting requirements.”.

216 Sec. 4. Fiscal impact statement.

217 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
218 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
219 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

220 Sec. 5. Effective date.

221 This act shall take effect following approval by the Mayor (or in the event of veto by the
222 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
223 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
224 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
225 Columbia Register.