



2014 MAY 29 PM 1:18

OFFICE OF THE
SECRETARY

VINCENT C. GRAY
MAYOR
MAY 29 2014

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and enactment by the Council is the "Police and Fire Departments Commencement of Discipline Amendment Act of 2014."

Currently, pursuant to section 502(a) of the Omnibus Public Safety Agency Reform Amendment Act of 2004 (Act), effective September 30, 2004, D.C. Law 15-194, D.C. Official Code § 5-1031(a) (2008 Repl.), no corrective or adverse action may be taken against a sworn or civilian member of the D.C. Fire and Emergency Medical Services Department (FEMS) or the Metropolitan Police Department (MPD) more than 90 days after the agency knew, or should have known, of the act or occurrence allegedly constituting cause for the corrective or adverse action. Section 502(b) of the Act tolls the 90-day timeline, if the act or occurrence for which discipline is proposed is the subject of a criminal investigation by MPD, the U.S. Attorney for the District of Columbia, the Office of the Attorney General, or the Office of Police Complaints.

The existing law unnecessarily undermines employee discipline processes for both MPD and FEMS and leads to expensive and distracting legal proceedings. Thus, the enclosed bill would repeal section 502 of the Act.

I urge you to take prompt and favorable action on the enclosed legislation.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".

Vincent C. Gray



Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To amend the Omnibus Public Safety Agency Reform Amendment Act of 2004 by repealing Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Police and Fire Departments Commencement of Discipline Amendment Act of 2014".

Sec. 2. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031) is repealed.

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

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602 (c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



Legal Counsel Division

MEMORANDUM

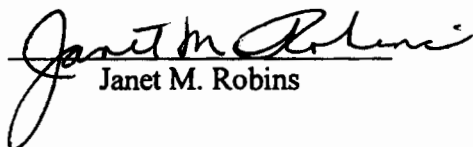
**TO: Lolita S. Alston
Director
Office of Legislative Support**

**FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division**

DATE: May 22, 2014

**SUBJECT: Draft Bill, the "Police and Fire Departments Commencement of Discipline
Amendment Act of 2014"
(AE-08-865 F)**

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 724-5524.


Janet M. Robins

JMR/phg