

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Omnibus Public Safety Agency Reform Amendment Act of 2004 to clarify when the period of time during which the Metropolitan Police Department may commence a disciplinary procedure against an employee begins to run and to add additional tolling provisions for criminal investigations occurring in any jurisdiction within the United States and investigations by the Office of the Inspector General and the Office of the District of Columbia Auditor; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 and An Act Relating to the Metropolitan police of the District of Columbia to allow the Chief of Police to appoint to command ranks from among the Metropolitan Police Department's lieutenants.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Commencement of Discipline and Command Staff Appointment Emergency Amendment Act of 2014".

TITLE I – COMMENCEMENT OF DISCIPLINE

Sec. 101. 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 amended as follows:

(a) Subsection (a) is amended by striking the phrase "or the Metropolitan Police Department" wherever it appears.

(b) A new subsection (a-1) is added to read as follows:

"(a-1)(1) Except as provided in subsection (b) of this section, no corrective or adverse action against any sworn member or civilian employee of the Metropolitan Police Department shall be commenced more than 90 days, not including Saturdays, Sundays, or legal holidays, after the date that the Metropolitan Police Department had notice of the act or occurrence allegedly constituting cause.

"(2) For the purposes of paragraph (1) of this subsection, the Metropolitan Police Department has notice of the act or occurrence allegedly constituting cause on the date that the Metropolitan Police Department generates an internal investigation system tracking number for the act or occurrence."

(c) Subsection (b) is amended to read as follows:

“(b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department or any law enforcement agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General, or is the subject of an investigation by the Office of the Inspector General, the Office of the District of Columbia Auditor, or the Office of Police Complaints, the 90-day period for commencing a corrective or adverse action under subsection (a) or (a-1) of this section shall be tolled until the conclusion of the investigation.”.

TITLE II – COMMAND STAFF APPOINTMENT

Sec. 201. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 801(d-1) (D.C. Official Code § 1-608.01(d-1)) is amended by striking the phrase “the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines” and inserting the phrase “the Assistant Chiefs of Police, Deputy Chiefs of Police, and inspectors shall be selected from among the lieutenants and captains of the force and shall be returned to the same civil service rank when the Mayor so determines” in its place.

(b) Section 3203(c) (D.C. Official Code § 1-632.03(c)) is amended by striking the phrase “the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines” and inserting the phrase “the Assistant Chiefs of Police, Deputy Chiefs of Police, and inspectors shall be selected from among the lieutenants and captains of the force and shall be returned to the same civil service rank when the Mayor so determines” in its place.

Sec. 202. Section 1(a) of An Act Relating to the Metropolitan police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01(a)), is amended by striking the phrase “provided further, that the Assistant and Deputy Chiefs of Police and inspectors shall be selected from among the captains of the force and shall be returned to the rank of captain when the Mayor so determines” and inserting the phrase “provided further, that the Assistant Chiefs of Police, Deputy Chiefs of Police, and inspectors shall be selected from among the lieutenants and captains of the force and shall be returned to the same civil service rank when the Mayor so determines” in its place.

TITLE III – FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Metropolitan Police Department Commencement of Discipline and Command Staff Appointment Amendment Act of 2014, passed on 2nd reading on November 18, 2014 (Enrolled version of Bill 20-810), 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)).

ENROLLED ORIGINAL

Sec. 302. Effective date.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia