


Councilmember Charles Allen

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Office of Citizen Complaint Review Establishment Act of 1998 to expand the membership of the Police Complaints Board, and to allow the Office of Police Complaints' Executive Director to initiate their own complaint if they discover evidence of abuse or misuse of police powers that was not alleged in the original complaint, including the failure to intervene or report to a supervisor when another officer used excessive force, engaged in other forms of misconduct, or violated a rule or regulation; and to amend Chapter 3 of Title 14 of the District of Columbia Official Code to clarify that certain provisions only apply to a victim who is under the age of 18; and to amend the Department of Transportation Establishment Act of 2002 to make a technical amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Policing and Justice Reform Technical Emergency Amendment Act of 2024".

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

(a) Section 4 (D.C. Official Code § 5-1103) is amended by adding a new paragraph (3B) to read as follows:

"(3B) "MPD" means the Metropolitan Police Department."

(b) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase "There is established a Police Complaints Board ("Board"). The Board shall be composed of 5 members, one of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with any law enforcement agency." and inserting the phrase "There is established a Police Complaints

36 Board. The Board shall be composed of 9 members, which shall include one member from each
37 Ward and one at-large member, none of whom, after the expiration of the term of the currently
38 serving member of the MPD, shall be affiliated with any law enforcement agency.” in its place.

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

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

41 “(g-1)(1) If the Executive Director discovers evidence of abuse or misuse of police powers
42 that was not alleged by the complainant in the complaint, the Executive Director may:

43 “(A) Initiate the Executive Director’s own complaint against the subject
44 police officer; and

45 “(B) Take any of the actions described in subsection (g)(2) through (6) of
46 this section.

47 “(2) The authority granted pursuant to paragraph (1) of this subsection shall include
48 circumstances in which the subject police officer failed to:

49 “(A) Intervene in or subsequently report any use of force incident in which
50 the subject police officer observed another law enforcement officer, including an MPD officer,
51 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
52 901.07, its successor directive, or a similar local or federal directive; or

53 “(B) Immediately report to their supervisor any violations of the rules and
54 regulations of the MPD committed by any other MPD officer, and each instance of their use of
55 force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26,
56 or any successor directive.”.

57 (2) Subsection (h) is amended by striking the phrase “subsection (g)” and inserting
58 the phrase “subsection (g) or (g-1)” in its place.

59 Sec. 3. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as
60 follows:

61 (a) Section 14-310(b)(4) is amended as follows:

62 (1) Subparagraph (B) is amended by striking the phrase “whom the victim has” and
63 inserting the phrase “whom a victim under 18 years of age has” in its place.

64 (2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting
65 the phrase “a victim who is under 18 years of age” in its place.

66 (b) Section 14-311(b)(4) is amended as follows:

67 (1) Subparagraph (B) is amended by striking the phrase “with whom the victim
68 has” and inserting the phrase “with whom a victim under 18 years of age has” in its place.

69 (2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting
70 the phrase “a victim who is under 18 years of age” in its place.

71 (c) Section 14-312(b)(4) is amended as follows:

72 (1) Subparagraph (B) is amended by striking the phrase “with whom the victim
73 has” and inserting the phrase “with whom a sexual assault victim under 18 years of age has” in its
74 place.

75 (2) Subparagraph (C) is amended by striking the phrase “the sexual assault victim”
76 and inserting the phrase “a sexual assault victim who is under 18 years of age” in its place.

77 Sec. 4. Technical amendment.

78 Section 9q(b) of the Department of Transportation Establishment Act of 2002, effective
79 November 13, 2021 (D.C. Law 24-45; D.C. Official Code § 50-921.25(b)), is amended as follows:

80 (a) The lead-in language is amended as follows:

81 (1) Strike the phrase “deposited in the revenue from fines” and insert the phrase
82 “deposited in the Fund revenue from fines” in its place.

83 (2) Strike the phrase “in excess of the following thresholds” and insert the phrase
84 “in excess of the following thresholds” in its place.

85 (b) Paragraph (4) is amended by striking the figure “\$227,341,000” and inserting the figure
86 “\$277,341,000” in its place.

87 Sec. 4. Applicability.

88 Section 2 shall expire on the applicability date of section 105 of the Comprehensive
89 Policing and Justice Reform Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-345;
90 70 DCR 953).

91 Sec. 5. Fiscal impact statement.

92 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
93 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
94 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

95 Sec. 6. Effective date.

96 This act shall take effect following approval by the Mayor (or in the event of veto by the
97 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
98 90 days, as provided for emergency acts of the Council of the District of Columbia in section
99 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
100 D.C. Official Code § 1-204.12(a)).