

A BILL

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 when the time period begins running during which the Metropolitan Police Department may commence a disciplinary procedure against an employee; to add additional tolling provisions for criminal investigations occurring in any jurisdiction within the United States, investigations by the Office of the Inspector General and the Office of the District of Columbia Auditor; 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, approved February 28, 1901 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 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

37 shall be commenced more than 90 days, not including Saturdays, Sundays, or legal holidays,  
38 after the date that the Metropolitan Police Department had notice of the act or occurrence  
39 allegedly constituting cause.

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

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

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

## 52 Title II – COMMAND STAFF APPOINTMENT

53 Sec. 201. The District of Columbia Government Comprehensive Merit Personnel Act of  
54 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is  
55 amended as follows:

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

60 and inspectors shall be selected from among the lieutenants and captains of the force and shall be  
61 returned to the same civil service rank when the Mayor so determines”.

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

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

76 TITLE III – FISCAL IMPACT; EFFECTIVE DATE

77 Sec. 301. Fiscal impact statement.

78 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
79 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December  
80 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

81 Sec. 302. Effective date.

82 This act shall take effect following approval by the Mayor (or in the event of veto by the  
83 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

84 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
85 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
86 D.C. Official Code § 1-204.12(a)).