

Vincent C. Gray
Councilmember Vincent C. Gray

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Police and Firemen’s Salary Act of 1958 to authorize the Mayor to fund recruitment and retention incentives for the Fraternal Order of Police Metropolitan Police Department (“MPD”) Labor Committee (Compensation Unit 3) that will allow the District of Columbia to increase staffing at MPD until it reaches 4,200 sworn officers; and to repeal Subtitle L, Subtitle M, and Subtitle Z of the Comprehensive Policing and Justice Reform Amendment Act of 2022 and restore previous statutory language, in order to treat MPD officers equitably with other organized labor unions, and to not discriminate against officers or potential recruits in a manner that discourages them from serving in the District.

BE IT ENACTED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Police Officer Recruitment and Retention Act of 2023”.

Sec. 2. Findings.

The Council of the District of Columbia finds that:

(1) Over the past two decades in the District of Columbia there is strong evidence of causation demonstrating that having an adequate number of sworn police officers resulted in reduced homicide rates, as well other violent crimes.

(2) In 2011, the Metropolitan Police Department (“MPD”) was facing a retirement bubble. Cathy Lanier, then-Chief of Police, indicated that MPD was on a trajectory of falling below 3,600 officers, and that MPD would be unable to properly police the District of Columbia

1 with any number less than 3,800 sworn officers. Chief Lanier recommended increasing the
2 number of sworn officers to 4,000, and indicated that the additional 400 officers would be
3 deployed to community policing.

4 (3) Then-Mayor Vincent Gray approved retention incentives to slow attrition and
5 hiring bonuses to attract new recruits and transfers from other federal and state public safety
6 departments. Additionally, Mayor Gray supported funding for training the maximum number of
7 officers in the MPD academy and Cadet Program that Chief Lanier indicated could be trained
8 safely and effectively by MPD. This increased MPD to 4,010 sworn officers by 2013.

9 (4) Chief Lanier and then-Deputy Mayor for Public Safety and Justice Paul
10 Quander deployed officers in a variety of community policing strategies in which officers
11 developed relationships in neighborhoods by attending community meetings and events, and
12 deterred crime by patrolling neighborhoods on foot and by bicycle. A surge of officers was
13 deployed to neighborhoods if there was a violent act thought to be committed between feuding
14 groups to avoid a retaliation and escalation over the following days.

15 (5) These community policing efforts proved effective, and reduced homicides to
16 a 50-year low from 2011-2014. During this time period, the District of Columbia averaged
17 101.25 homicides per year.

18 (6) In 2014, Chief Lanier recommended increasing the number of sworn officers
19 to 4,200. Instead, the number of sworn officers has dropped from 4,010 in 2013 to 3,386, as of
20 February 2023, a reduction of 15.6 percent in the number of sworn officers. This reduction has
21 been driven by six consecutive years of cuts to the Mayor's proposed funding level for sworn
22 police officers by the Council of the District of Columbia and by provisions in legislation such as

1 the “Comprehensive Policing and Justice Reform Amendment Act of 2022” (D.C. Act 24-781),
2 which repealed certain collective bargaining rights for MPD officers.

3 (7) The homicide rate during the four years from 2019 to 2022 was 97 homicides
4 higher, on average, than the District’s homicide rates from 2011 to 2014. Following a significant
5 reduction to MPD funding in 2020 by the Council, homicides rose by over 10 percent the
6 following year and were above 200 for the first time in 18 years. In 2022, homicides were over
7 200 as well.

8 (8) There is an urgent need to authorize the Mayor to disburse recruitment and
9 retention incentives, and to repeal legislative provisions that make it harder to recruit and retain
10 police officers, in order to rebuild the number of sworn officers at MPD.

11 Sec. 3. The District of Columbia Police and Firemen’s Salary Act of 1958, approved
12 August 1, 1958 (72 Stat. 480; D.C. Official Code § 5-541.01 *et seq.*), is amended by adding a
13 new section 501(a) to read as follows:

14 “Sec. 501a. MPD Workforce Investment Fund.

15 “(a) There is established as a special fund, in the Workforce Investment Agency (UP0),
16 the MPD Workforce Investment Fund (“Fund”), which shall be administered by Office of the
17 Chief Financial Officer in accordance with subsections (d) and (e) of this section.

18 “(b) The Council authorizes the Mayor to use the money in the Fund as follows:

19 “(1) To provide any sworn officer of the Fraternal Order of Police MPD Labor
20 Committee (Compensation Unit 3) who is eligible to retire, but who continues working for an
21 additional 5 years after October 1, 2023, one-time additional compensation, at the end of the 5th
22 year, equal to the salary for regular pay earned by that officer in the 5th year; provided that the
23 employee was eligible to begin accruing the five years prior to October 1, 2028; and

1 “(2) Fund any other negotiated recruitment and retention incentives for the sworn
2 officers of the Fraternal Order of Police MPD Labor Committee (Compensation Unit 3).

3 “(c) As the number of MPD sworn officers increases, a higher proportion of the
4 additional officers shall be deployed to neighborhoods experiencing higher levels of violent
5 crime.”.

6 “(d) Upon the District reaching 4,200 sworn MPD officers, the Mayor shall not use the
7 Fund to offer recruitment of retention incentives to any new police officers, but is authorized to
8 continue to disburse previously agreed upon incentive payments.

9 “(e) Money deposited into the Fund shall be transferred by the Chief Financial Officer to
10 the Metropolitan Police Department only in accordance with subsection (b).

11 “(f) The Mayor shall be authorized to disburse or designate funds in the Fund, without
12 further Council approval, since all funds in the Workforce Investment Fund can be expended
13 without approved budget authority, so long as funds are certified by the Chief Financial Officer
14 and are being used for a statutorily approved workforce investment purpose.

15 “(g)(1) The money deposited into the Fund, shall not revert to the unassigned fund
16 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any
17 other time.

18 “(2) Subject to authorization in an approved budget and financial plan, any funds
19 appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

20 Sec. 4. The District of Columbia Government Comprehensive Merit Personnel Act of
21 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 et seq.), is
22 amended as follows:

23 (a) Section 801(d) (D.C. Official Code 1-608.01(d)) is amended to read as follows:

1 “(d) The Mayor may issue separate rules and regulations concerning the personnel system
2 affecting members of the uniform services of the Metropolitan Police Department (“MPD”) and
3 Fire and Emergency Medical Services Department (“FEMS”) which may provide for a
4 probationary period of at least 1 year. Other such separate rules and regulations may only be
5 issued to carry out provisions of this chapter which accord such member of the uniform services
6 of MPD and FEMS separate treatment under this chapter. Such separate rules and regulations are
7 not a bar to collective bargaining during the negotiation process between the Mayor and the
8 recognized labor organizations for MPD and FEMS, but shall be within the parameters of § 1-
9 617.08.”.

10 (b) Section 1708 (D.C. Official Code § 1-617.08) is amended by striking subsection (c) in
11 its entirety.

12 Sec. 5. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
13 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is
14 amended as follows:

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

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

21 (2) For the purposes of paragraph (1) of this subsection, the Metropolitan Police
22 Department has notice of the act or occurrence allegedly constituting cause on the date that the

1 Metropolitan Police Department generates an internal investigation system tracking number for
2 the act or occurrence.”.

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

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

12 (c) Strike subsection (c) in its entirety.

13 Sec. 6. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal
14 Regulations is amended by striking the phrase “reduce or increase the penalty” and inserting the
15 phrase “reduce the penalty” in its place.

16 Sec. 7. The District of Columbia Auditor Subpoena and Oath Authority Act of 2004,
17 effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 et seq.), is amended
18 by striking sections 4b and 4c.

19 Sec. 8. Section 903(a)(4) of the District of Columbia Government Comprehensive Merit
20 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
21 609.03(a)(4)), is amended by striking the phrase “than 5 persons” and inserting the phrase “than
22 4 persons” in its place.

23 Sec. 9. Fiscal impact statement.

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

4 Sec. 10. Effective date.

5 This act shall take effect following approval by the Mayor (or in the event of veto by the
6 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
7 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
8 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)) and publication in the District of
9 Columbia Register.