

  
Councilmember Charles Allen

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary 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.

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 Second Temporary 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

36 affiliation with any law enforcement agency.” and inserting the phrase “There is established a  
37 Police Complaints Board. The Board shall be composed of 9 members, which shall include one  
38 member from each Ward and one at-large member, none of whom, after the expiration of the  
39 term of the currently serving member of the MPD, shall be affiliated with any law enforcement  
40 agency.” in its place.

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

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

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

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

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

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

51 “(A) Intervene in or subsequently report any use of force incident in which  
52 the subject police officer observed another law enforcement officer, including an MPD officer,  
53 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order  
54 901.07, its successor directive, or a similar local or federal directive; or

55 “(B) Immediately report to their supervisor any violations of the rules and  
56 regulations of the MPD committed by any other MPD officer, and each instance of their use of  
57 force or a use of force committed by another MPD officer, pursuant to MPD General Order  
58 201.26, or any successor directive.”.

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

61                   Sec. 3. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as  
62 follows:           (a) Section 14-310(b)(4) is amended as follows:

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

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

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

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

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

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

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

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

79                   Sec. 4. Applicability.

80 Section 2 shall expire on the applicability date of section 105 of the Comprehensive  
81 Policing and Justice Reform Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-  
82 345; 70 DCR 953).

83 Sec. 5. Fiscal impact statement.

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

87 Sec. 6. Effective date.

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

92 (b) This act shall expire after 225 days of its having taken effect.