

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 5.**  
**POLICE, FIREFIGHTERS, MEDICAL**  
**EXAMINER, AND FORENSIC SCIENCES.**

**CHAPTER 1.**  
**METROPOLITAN POLICE.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 1. METROPOLITAN POLICE.

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### TABLE OF CONTENTS

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#### **Subchapter I. Police Districts; Police Services Areas.**

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- § 5-101.01. Police District created.
- § 5-101.02. Boundaries and subdivision of Police District.
- § 5-101.03. General duties of Mayor.
- § 5-101.04. Police Services Areas.

#### **Subchapter II. Police Code.**

---

- § 5-103.01. Publication authorized.
- § 5-103.02. Legal effect.

#### **Subchapter III. Personnel.**

---

- § 5-105.01. Appointments; assignments; promotions; applicable civil service provisions; vacancies.
- § 5-105.02. District of Columbia Chief of Police.[Repealed]
- § 5-105.03. Oath of office.
- § 5-105.04. Probation period.
- § 5-105.05. Composition of force; duties of positions.
- § 5-105.06. Assistant to inspector commanding detective bureau.
- § 5-105.07. Age limits in original appointments.
- § 5-105.08. Residence requirements for members of the Police and Fire Departments; waiver thereof; maintenance of telephone at residence.[Repealed]
- § 5-105.09. Service of process.

#### **Subchapter IV. Metropolitan Police Department Application, Appointment, and Training Requirements.**

---

- § 5-107.01. Minimum standards for members of the Metropolitan Police Department.
- § 5-107.01a. Obligated service.
- § 5-107.02. Mandatory continuing education program for sworn members of the Metropolitan Police Department.
- § 5-107.02a. Physical examinations and agility standards.
- § 5-107.03. Establishment of District of Columbia Police Officers Standards and Training Board.
- § 5-107.04. Duties of the Board; standards for applicants; continuing education program.

#### **Subchapter V. Cadet Program.**

---

- § 5-109.01. Cadet program authorized; purpose; preference for appointment; appropriations.
- § 5-109.02. Rules.

#### **Subchapter VI. Clothing.**

---

- § 5-111.01. Clothing--Rules of uniformity; failure to comply with rules.
- § 5-111.02. Display of United States flag or colors.
- § 5-111.03. Appropriations.

#### **Subchapter VII. Records.**

---

- Part A. General -- Metropolitan Police Department.
  - § 5-113.01. Records--Required.
  - § 5-113.02. Criminal offenses.
  - § 5-113.03. Reports by other police.
  - § 5-113.04. Participation of District of Columbia Metropolitan Police Department in the National Crime Information System.
  - § 5-113.05. Notice of release of prisoners.
  - § 5-113.06. Records open to public inspection.
  - § 5-113.07. Preservation and destruction of records.
- Part B. Preservation of Crime Investigation Records -- Law Enforcement Agencies.
  - § 5-113.31. Definitions.
  - § 5-113.32. Retention of records and preservation of evidence from open homicide, sexual assault, and violent crime investigations.
  - § 5-113.33. Penalties; private right of action.
  - § 5-113.34. Records retention schedule.

### **Subchapter VII-A. Demand for Proof of Insurance from Motorists.**

---

- § 5-114.01. Definitions.
- § 5-114.02. Demand for proof of motor vehicle insurance.
- § 5-114.03. Inclusion of insurance information on traffic accident reports.
- § 5-114.04. Report on enforcement of compulsory insurance requirements.

### **Subchapter VIII. Arrests.**

---

- § 5-115.01. Limitation on period of questioning; advisement of rights; release uncharged; admissibility of confessions.
- § 5-115.02. Duty to make known; return notice.
- § 5-115.03. Neglect to make for offense committed in presence.
- § 5-115.04. Legal assistance for police in wrongful arrest cases.
- § 5-115.05. Detention of witnesses.
- § 5-115.06. Gaming and bawdy houses and sale of lottery tickets--Arrest of persons; seizure of implements.
- § 5-115.07. Gaming and bawdy houses and sale of lottery tickets--Prosecution of persons; destruction of seized articles; closing of premises.

### **Subchapter VIII-A. Electronic Recording Procedures.**

---

- § 5-116.01. Procedures for electronic recording of interrogations.
- § 5-116.02. Authority to establish additional procedures.
- § 5-116.03. Evidentiary presumption.

### **Subchapter IX. Supervisory Power Over Certain Businesses.**

---

- § 5-117.01. Generally.[Repealed]
- § 5-117.02. Examination of books and premises.
- § 5-117.03. Examination of property pledged to pawnbroker.
- § 5-117.04. Interference with police.
- § 5-117.05. False or fictitious reports to Metropolitan Police.

### **Subchapter X. Property.**

---

- § 5-119.01. Property Clerk office created; definitions.
- § 5-119.02. Lost, stolen or abandoned property--Custody.
- § 5-119.03. Registration record.
- § 5-119.04. Powers of notaries public.
- § 5-119.05. Administration of oaths; certification of depositions.

- § 5-119.06. Property clerk--Return of property--General requirements; multiple claimants; immunity; property needed as evidence; notice to owner; disposition upon failure to claim.
- § 5-119.07. Acquittal of accused.
- § 5-119.08. Ownership claim by other than person arrested.
- § 5-119.09. Property transmitted; deceased and incompetent persons; storage; fees; sale.
- § 5-119.10. Sale at public auction; motor vehicle with lien of record; disposition of proceeds from sale.
- § 5-119.11. Immunity from damages to property; exception; "gross negligence" defined.
- § 5-119.12. Sale of unclaimed animals.
- § 5-119.13. Sale of perishable property.
- § 5-119.14. Property delivered to owner preceding trial--Generally.
- § 5-119.15. Property delivered to owner preceding trial--Perishable property.
- § 5-119.16. Property delivered to owner preceding trial--Large quantities of goods held for sale.
- § 5-119.17. Use of property as evidence.
- § 5-119.18. Property treated as abandoned.
- § 5-119.19. Abandoned intangible personal property.

### **Subchapter XI. Private Detectives.**

---

- § 5-121.01. Bond required; conditions thereof; suits by injured parties.
- § 5-121.02. Duty in making arrest.
- § 5-121.03. Acting without compliance with law.
- § 5-121.04. Applicable police provisions.
- § 5-121.05. Compromise of felony; withholding information; receiving compensation from person arrested or liable to arrest; permitting escape.

### **Subchapter XII. General Prohibitions.**

---

- § 5-123.01. Prohibitions; affiliation with organization advocating strikes; conspiracy to interfere with operation of police force by strike; notice of intention to resign.
- § 5-123.02. Use of unnecessary or wanton force.

### **Subchapter XIII. Limitation on Chokehold.**

---

- § 5-125.01. Intent of Council.
- § 5-125.02. Definitions.
- § 5-125.03. Trachea hold prohibited; carotid artery hold restricted.

### **Subchapter XIV. General Powers and Duties.**

---

- § 5-127.01. Conduct of force; power to fine, suspend and dismiss; written charges; opportunity to be heard; removal without trial; amendment of charges.
- § 5-127.02. Affirmations and oaths to depositions.
- § 5-127.03. Duty to respect and obey Chief of Police.
- § 5-127.04. Police to have power of constables; authorization to execute certain Superior Court orders.
- § 5-127.05. Execution of warrants.

### **Subchapter XV. Special Police.**

---

- Part A. General.
  - § 5-129.01. Crossings and intersections; penalty for failure to stop car.[Repealed]
  - § 5-129.02. Property of individual or corporation; compensation and regulation.
  - § 5-129.03. Appointment of special police without pay.
- Part B. Security Officer Advisory Commission.
  - § 5-129.21. Security Officer Advisory Commission.

### **Subchapter XV-A. Detective Advisors.**

---

- § 5-129.31. Detective advisers.[Expired]

## **Subchapter XV-B. Reserve Corps.**

---

- § 5-129.51. Metropolitan Police Department Reserve Corps.

## **Subchapter XVI. Performing Police Band.**

---

- § 5-131.01. Authorization; detail of local officers; employment and compensation of Director.
- § 5-131.02. Detail of federal officers.
- § 5-131.03. Retirement of Director--Conditions; annuities.
- § 5-131.04. Applicable statutory provisions; transfer of moneys from Civil Service Retirement and Disability Fund.
- § 5-131.05. Appropriations.

## **Subchapter XVI-A. Contracting Procedures for Public School Security.**

---

- § 5-132.01. Definitions.
- § 5-132.02. Establishment of the Metropolitan Police Department School Safety Division; functions of the School Safety Division.
- § 5-132.03. Training for school security personnel.
- § 5-132.04. Comprehensive plan on school security; Memorandum of Agreement.
- § 5-132.05. Authority to issue RFP's for school security related contracts.
- § 5-132.06. Applicability of §§ 5-132.02 and 5-132.03.

## **Subchapter XVI-B. Establishment of Safe Passage Zones Near Schools.**

---

- § 5-132.21. School safe passage emergency zones.

## **Subchapter XVII. Miscellaneous.**

---

- § 5-133.01. [Reserved]
- § 5-133.02. Allowance for use of private motor vehicles by inspectors.
- § 5-133.03. Detail of privates.
- § 5-133.04. Watchmen at Municipal Building.[Repealed]
- § 5-133.04a. Watchmen at Municipal Building.
- § 5-133.05. Public buildings and grounds belonging to the United States.
- § 5-133.06. Trial boards.
- § 5-133.07. Police surgeons.[Repealed]
- § 5-133.08. Chief of Police to make quarterly reports.
- § 5-133.09. Exemption from military or jury duty, civil arrest or process.
- § 5-133.10. Rewards, presents, fees or emoluments prohibited; exception; notice to Mayor required; failure to give notice.
- § 5-133.11. Discriminating laws not to be enforced.
- § 5-133.12. Bonds.
- § 5-133.13. Mobile laboratory.
- § 5-133.14. Expenditures for the prevention and detection of crime.
- § 5-133.15. Attendance at pistol matches.
- § 5-133.16. Transfer of ammunition feeding devices prohibited.
- § 5-133.17. Cooperative agreements between federal agencies and Metropolitan Police Department.
- § 5-133.18. Proceeds from sales of excess vehicles.
- § 5-133.19. Regulations for use of video surveillance by Metropolitan Police Department.
- § 5-133.20. Procedures for electronic recording of interrogations.[Repealed]
- § 5-133.21. Motor vehicle theft prevention teams.

# **CHAPTER 1. METROPOLITAN POLICE.**

## **SUBCHAPTER I. POLICE DISTRICTS; POLICE SERVICES AREAS.**

### **§ 5-101.01. POLICE DISTRICT CREATED.**

The District is constituted a police district, to be called "The Metropolitan Police District of the District of Columbia."

(R.S., D.C., § 321.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-101.

1973 Ed., § 4-101.

##### *Miscellaneous Notes*

Council Police Misconduct and Personnel Management Special Committee Creation Emergency Resolution of 1997: Pursuant to Resolution 12-344, effective December 16, 1997, the Council approved the creation of a special committee for the Council of Police Misconduct and Personnel Management.

Special Committee on Police Misconduct and Personnel Management Extension Resolution of 1998: Pursuant to Resolution 12-690, effective September 22, 1998, the Council approved an extension for the Special Committee on Police Misconduct and Personnel Management.

### **§ 5-101.02. BOUNDARIES AND SUBDIVISION OF POLICE DISTRICT.**

The Metropolitan Police District of the District of Columbia shall be coextensive with the District of Columbia, and shall be subdivided into such police districts and precincts as the Council of the District of Columbia may from time to time direct.

(Feb. 28, 1901, 31 Stat. 819, ch. 623, § 1; June 8, 1906, 34 Stat. 221, ch. 3056.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-103.

1973 Ed., § 4-102.

##### *Editor's Notes*

Prior to Home Rule, the District of Columbia Council, via section 7.9 of Regulation No. 72-2, approved January 14, 1972, 18 DCR 417, delegated the authority to change the geographical boundaries of the police patrol districts to the Chief of Police.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(89) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively.

Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-101.03. GENERAL DUTIES OF MAYOR.**

It shall be the duty of the Mayor of the District of Columbia at all times of the day and night within the boundaries of said Police District:

- (1) To preserve the public peace;
- (2) To prevent crime and arrest offenders;
- (3) To protect the rights of persons and of property;
- (4) To guard the public health;
- (5) To preserve order at every public election;
- (6) To remove nuisances existing in the public streets, roads, alleys, highways, and other places;
- (7) To provide a proper police force at every fire, in order that thereby the firemen and property may be protected;
- (8) To protect strangers and travelers at steamboat and ship landings and railway stations;
- (9) To see that all laws relating to the observance of Sunday, and regarding pawnbrokers, mock auctions, elections, gambling, intemperance, lottery dealers, vagrants, disorderly persons, and the public health, are promptly enforced; and
- (10) To enforce and obey all laws and ordinances in force in the District, or any part thereof, which are properly applicable to police or health, and not inconsistent with the provisions of this title. The police shall, as far as practicable, aid in the enforcement of garbage regulations.

(R.S., D.C., § 335; June 11, 1878, 20 Stat. 107, ch. 180, § 6; July 14, 1892, 27 Stat. 160, ch. 171.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-115.

1973 Ed., § 4-119.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-101.04. POLICE SERVICES AREAS.**

(a) By January 1, 2001, the Chief of the Metropolitan Police Department ("MPD") shall submit to the Council a study performed by MPD on the efficacy of the Police Service Area ("PSA") model, including:

- (1) Whether re-engineering of the model is necessary;
- (2) Whether PSA boundaries need to be redrawn; and
- (3) Whether PSA staffing is appropriate.

(b) By April 1, 2001, the Chief of MPD shall submit a plan to the Council for redeploying sworn officers into the PSA system. Pursuant to this redeployment plan, a minimum of 60% of all sworn officers who are available for full duty would be assigned to the PSA system. For this purpose, these officers would be assigned to street patrol and available to respond to calls for service.

(c) The requirement set forth in subsection (b) of this section does not preclude the Chief of Police from also submitting alternatives to the redeployment plan required by the Council.

(d)(1) Until MPD attains 3,700 sworn officers, the Chief of the MPD shall deploy sworn officers as necessary to ensure that a minimum of 62% of all sworn police personnel are assigned to direct service delivery in the PSAs. Sworn officers assigned to PSAs shall not be deployed outside of their respective

PSAs at any time, unless responding to an emergency situation.

(2) For the purposes of this subsection, the term:

(A) "Sworn police personnel" is limited to all of the sworn lieutenants, sergeants, and officers.

(B) "Emergency situation" means any extraordinary occurrence in the District of Columbia which requires the use of sworn police personnel to protect the health and safety of residents and visitors, including civil disorder, riots, acts of terrorism, or natural disasters."

(e) The deployment of sworn officers to the PSAs shall be based on the following considerations:

(1) The number of Part 1 offenses;

(2) Drug activities;

(3) The number of arrests;

(4) The need for traffic enforcement; and

(5) The number of calls for service.

(f) Until MPD attains 3,800 sworn officers, all newly sworn officers who were recruited by MPD to become police officers shall be assigned to neighborhood patrols in the PSAs.

(Oct. 19, 2000, D.C. Law 13-172, § 842, 47 DCR 6308; Nov. 13, 2003, D.C. Law 15-39, § 3002, 50 DCR 5668; Apr. 13, 2005, D.C. Law 15-354, § 97, 52 DCR 2638.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-39 added subsecs. (d), (e), and (f).

D.C. Law 15-354 substituted "Police Services Area" for "Patrol Services Area".

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 2 of PSA Restructuring Council Review Temporary Act of 2003 (D.C. Law 15-79, March 10, 2004, law notification 51 DCR 3371).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 842 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 2 of the Public Safety Crisis Emergency Amendment Act of 2003 (D.C. Act 15-26, February 24, 2003, 50 DCR 2148).

For temporary (90 day) amendment of section, see § 2902 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) amendment of section, see § 2902 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

For temporary (90 day) prohibition of implementation of Metropolitan Police Department's Police Service Areas restructuring plan prior to Council review, see § 2 of PSA Restructuring Council Review Emergency Act of 2003 (D.C. Act 15-206, October 24, 2003, 50 DCR 9850).

For temporary (90 day) prohibition of implementation of Metropolitan Police Department's Police Service Areas restructuring plan prior to Council review, see § 2 of PSA Restructuring Council Review Congressional Review Emergency Act of 2004 (D.C. Act 15-337, January 29, 2004, 51 DCR 1813).

##### *Legislative History of Laws*

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 18, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-375 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

Law 15-39, the "Fiscal Year 2004 Budget Support Act of 2003", was introduced in Council and assigned Bill No. 15-218, which was referred to Committee on Whole. The Bill was adopted on first and second readings on May 6, 2003, and June 3, 2003, respectively. Signed by the Mayor on June 20, 2003, it was assigned Act No. 15-106 and transmitted to both Houses of Congress for its review. D.C. Law 15-39 became effective on November 13, 2003.

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.



Short title of title XXX of Law 15-39: Section 3001 of D.C. Law 15-39 provided that title XXX of the act may be cited as the Neighborhood Safety Amendment Act of 2003.

*Applicability*

Section 3003 of D.C. Law 15-39 provides:

"This title shall apply as of October 1, 2003. The delayed applicability of the title shall not be construed as prohibiting the Chief of the Metropolitan Police Department from implementing the changes mandated by the title prior to October 1, 2003."

## **SUBCHAPTER II. POLICE CODE.**

### **§ 5-103.01. PUBLICATION AUTHORIZED.**

The Mayor of the District of Columbia is authorized, from time to time, without expense to the United States, to cause to be collected into compact form all the laws and ordinances in force in the District having relation and applicable to police and health, and to publish the same in a form easily accessible to all members of the community as the Police Code of the District.

(R.S., D.C., § 437; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-177.

1973 Ed., § 4-177.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-103.02. LEGAL EFFECT.**

The Police Code, prepared in accordance with § 5-103.01 and such rules as the Mayor of the District of Columbia may from time to time adopt for the purpose of enforcing and carrying out the provisions thereof, shall constitute the law of the District upon the matters therein contained.

(R.S., D.C., § 438.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-178.

1973 Ed., § 4-178.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## SUBCHAPTER III. PERSONNEL.

### **§ 5-105.01. APPOINTMENTS; ASSIGNMENTS; PROMOTIONS; APPLICABLE CIVIL SERVICE PROVISIONS; VACANCIES.**

(a) The Mayor of said District shall appoint to office, assign to such duty or duties as he may prescribe, and promote all officers and members of said Metropolitan Police force; provided, that all officers, members, and civilian employees of the force except the Chief of Police, the Assistant and Deputy Chiefs of Police, and the inspectors, shall be appointed and promoted in accordance with the provisions of §§ 1101-1103, 1105, 1301-1303, 1307, 1308, 2102, 2951, 3302-3306, 3318, 3319, 3321, 3361, 7152, 7321, 7322, and 7352 of Title 5, United States Code, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States; 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: Provided further, that privates of class 1, if found efficient, shall serve 1 year on probation, privates of class 2 shall serve 2 years subsequent to service in class 1, and privates of class 3 shall include all those privates who have served efficiently 3 or more years. In order that the full complement of the Metropolitan Police force may at all times be maintained, as authorized by law, the Mayor of the District of Columbia is authorized, when vacancies occur in classes 2 and 3 of said Metropolitan Police force, which cannot be filled by promotion, to appoint privates in class 1 equal in number to the positions vacated in said classes 2 and 3; and the respective salaries specifically provided for such vacant positions may be reduced to pay the salaries of the privates so appointed to class 1.

(a-1)(1) The Mayor shall appoint the Chief of Police, with the advice and consent of the Council, pursuant to § 1-523.01(a).

(2) The Chief of Police may be selected for appointment from among the ranks of officers and members of the Metropolitan Police Department, or from outside the department.

(3) A person selected for appointment as Chief of Police from outside the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to § 1-610.52 and, unless otherwise provided by law, shall be eligible to receive retirement and other benefits as prescribed in subchapter X-A of Chapter 6 of Title 1.

(4) A person selected for appointment as Chief of Police from among the ranks of officers and members of the department shall be paid from the DX Schedule for subordinate agency heads pursuant to § 1-610.52 and, unless otherwise provided by law, shall be subject to the retirement provisions for officers and members of the Metropolitan Police Department.

(b)(1) The Chief of Police shall recommend to the Director of Personnel criteria for Career Service promotions and Excepted Service appointments to Inspector, Commander, and Assistant Chief of Police that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Chief of Police shall review national standards, such as the Commission on Accreditation for Law Enforcement Agencies.

(2) All candidates for the positions of Inspector, Commander, and Assistant Chief of Police shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.

(c) Effective April 21, 2003, Charles H. Ramsey, Chief of Police, shall serve in the capacity of Chief of Police for a term of 5 years, except that the Mayor may earlier terminate Chief Ramsey with or without cause.

(Feb. 28, 1901, 31 Stat. 819, ch. 623, § 1; June 8, 1906, 34 Stat. 221, ch. 3056; May 26, 1908, 35 Stat. 296, ch. 198; Dec. 5, 1919, 41 Stat. 363, ch. 1, § 1; Sept. 30, 2004, D.C. Law 15-194, § 102, 51 DCR 9406; Mar. 2, 2007, D.C. Law 16-199, § 3, 53 DCR 8832; May 13, 2008, D.C. Law 17-154, § 3, 55 DCR 3678.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-104.

1973 Ed., § 4-103.

##### *Effect of Amendments*

D.C. Law 15-194 designated the existing text as subsection (a); and added subsec. (b).

D.C. Law 16-199 added subsec. (c).

D.C. Law 17-154 added subsec. (a-1).

#### *Emergency Act Amendments*

For temporary (90 day) enactment, see § 501 of Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006 (D.C. Act 16-446, July 21, 2006, 53 DCR 6477).

#### *Legislative History of Laws*

Law 15-194, the "Omnibus Public Safety Agency Reform Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-32, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 6, 2004, and June 1, 2004, respectively. Signed by the Mayor on June 24, 2004, it was assigned Act No. 15-463 and transmitted to both Houses of Congress for its review. D.C. Law 15-194 became effective on September 30, 2004.

Law 16-199, the "Separation Pay, Term of Office and Voluntary Retirement Modifications for Chief of Police Charles H. Ramsey Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-733, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on July 11, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 23, 2006, it was assigned Act No. 16-494 and transmitted to both Houses of Congress for its review. D.C. Law 16-199 became effective on March 2, 2007.

Law 17-154 the "Omnibus Executive Service System, Police and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-249 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on February 5, 2008, and March 4, 2008, respectively. Signed by the Mayor on March 19, 2008, it was assigned Act No. 17-326 and transmitted to both Houses of Congress for its review. D.C. Law 17-154 became effective on May 13, 2008.

#### *References in Text*

5 U.S.C. § 3306, referred to in the second proviso of the first sentence, was repealed February 10, 1978, 92 Stat. 25, Pub. L. 95-228, § 1. 5 U.S.C. § 3319 was repealed October 13, 1978, 92 Stat. 1149, Pub. L. 95-454, § 307. 5 U.S.C. § 7152 was transferred October 13, 1978, 92 Stat. 1216, Pub. L. 95-454.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: The Office of the Major and Superintendent of Metropolitan Police was abolished and all functions of that Office transferred to and vested in the Chief of Police. The Assistant Superintendent, Executive Officer of the Metropolitan Police Department was designated "Deputy Chief of Police, Executive Officer." The Assistant Superintendent of the Metropolitan Police in command of the Detective Bureau was designated "Deputy Chief of Police, Chief of Detectives." Each other Assistant Superintendent of the Metropolitan Police was designated "Deputy Chief of Police."

Delegation of Personnel Authority in the Metropolitan Police Department to the Chief of Police: See Mayor's Order 97-88, May 9, 1997 (44 DCR 2959).

## **§ 5-105.02. DISTRICT OF COLUMBIA CHIEF OF POLICE.[REPEALED]**

(May 1, 1998, 112 Stat. 100, Pub. L. 105-174, § 10007; May 13, 2008, D.C. Law 17-154, § 4, 55 DCR 3678.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-104.1.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 832 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

#### *Legislative History of Laws*

For Law 13-172, see notes following § 5-101.4.

For Law 17-154, see notes following § 5-105.01.

### **§ 5-105.03. OATH OF OFFICE.**

The Mayor of the District of Columbia shall require an oath of office to be taken by the members of the police force, and shall make suitable provisions respecting the same, and for the registry thereof, and such oath may be taken before said Mayor, who is empowered to administer the same.

(R.S., D.C., § 351; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-105.

1973 Ed., § 4-104.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-105.04. PROBATION PERIOD.**

No person shall receive a permanent appointment who has not served the required probationary period, but the service during probation shall be deemed to be service in the uniformed force if succeeded by a permanent appointment, and as such shall be included and counted in determining eligibility for advancement, promotion, retirement, and pension in accordance with existing law. If at any time during the period of probation, the conduct or capacity of the probationer is determined by the Mayor of the District of Columbia, or his designated agent, to be unsatisfactory, the probationer shall be separated from the service after advance written notification of the reasons for and the effective date of the separation. The retention of the probationer in the service after satisfactory completion of the probationary period shall be equivalent to a permanent appointment therein.

(Aug. 31, 1918, 40 Stat. 938, ch. 164; May 27, 1968, 82 Stat. 145, Pub. L. 90-320, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-106.

1973 Ed., § 4-105.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Miscellaneous Notes*

Delegation of Personnel Authority in the Metropolitan Police Department to the Chief of Police: See Mayor's Order 97-88, May 9, 1997 (44 DCR 2959).

## **§ 5-105.05. COMPOSITION OF FORCE; DUTIES OF POSITIONS.**

The said Metropolitan Police force shall consist of 1 Chief of Police, who shall continue to be invested with such powers and charged with such duties as is provided by existing law; and also of 1 Assistant Superintendent with the rank of inspector; 4 surgeons for the Police and Fire Departments; 3 inspectors; 10 captains; 12 lieutenants, one of whom shall be Harbor Master; and such number of sergeants; and privates of class 3; privates of class 2; privates of class 1; mounted inspectors, captains, lieutenants, sergeants, and privates on horses and bicycles, and such others as said Mayor may deem necessary within the appropriations made by Congress; provided, that the inspectors shall perform the duties required on June 8, 1906, of captains in the force, that the captains shall command police precincts and perform such duty or duties in connection therewith as the laws and regulations of the said Mayor may prescribe. The Chief of Police shall be charged with the enforcement of all laws and regulations relating to the harbor, and employ the lieutenant, force, and means provided for this service in the execution of the duties appertaining thereto. The Metropolitan Police force shall consist of not less than 3,000 officers and members, in addition to the persons appointed as surgeons for the Metropolitan Police force, appointed as police matrons, or appointed as special privates pursuant to § 5-129.03, and in addition to any retired officer or member of the Metropolitan Police force called back into service pursuant to § 5-712(a).

(Feb. 28, 1901, 31 Stat. 819, ch. 623, § 1; Mar. 3, 1905, 33 Stat. 902, ch. 1406; June 8, 1906, 34 Stat. 221, ch. 3056; May 9, 1956, 70 Stat. 148, ch. 243, § 1; June 27, 1961, 75 Stat. 121, Pub. L. 87-60, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-107.

1973 Ed., § 4-106.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

Establishment of drug free zones: For provisions regarding procedures for the establishment of a public area as a drug free zone by the Chief of Police, see § 48-1002.

For temporary provisions regarding procedures for the establishment of a public area as a drug free zone by the Chief of Police, see § 3 of the Anti-Loitering/Drug Free Zone Emergency Act of 1996 (D.C. Act 11-278, May 29, 1996, 43 DCR 2974), § 3 of the Anti-Loitering/Drug Free Zone Legislative Review Emergency Act of 1996 (D.C. Act 11-319, July 31, 1996, 43 DCR 4487), § 3 of the Anti-Loitering/Drug Free Zone Congressional Review Emergency Act of 1996 (D.C. Act 11-426, October 28, 1996, 43 DCR 6331), § 3 of the Anti-Loitering/Drug Free Zone Second Congressional Review Emergency Act of 1996 (D.C. Act 11-468, December 30, 1996, 44 DCR 175), and § 3 of the Anti-Loitering/Drug Free Zone Congressional Review Emergency Act of 1997 (D.C. Act 12-55, March 31, 1997, 44 DCR 2219).

## **§ 5-105.06. ASSISTANT TO INSPECTOR COMMANDING DETECTIVE BUREAU.**

On and after June 20, 1942, the Mayor of the District of Columbia may assign to duty as assistant to the inspector commanding the detective bureau in the Metropolitan Police Department any officer or member of the Metropolitan Police force and, during the period of such assignment, the said officer or member shall hold the rank and receive the pay of a captain of police and shall be eligible for assignment, by the said Mayor, as chief of detectives. For the duration of such latter assignment such officer or member shall hold the rank and receive the pay of a Deputy Chief of Police.

(June 20, 1942, 56 Stat. 374, ch. 427, § 1.)

### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-108.

1973 Ed., § 4-106a.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

*Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-105.07. AGE LIMITS IN ORIGINAL APPOINTMENTS.**

The Council of the District of Columbia is authorized to determine and fix the minimum and maximum limits of age within which original appointments to the Metropolitan Police Department may be made.

(Jan. 24, 1920, 41 Stat. 398, ch. 54, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-109.

1973 Ed., § 4-107.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(90) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

*Miscellaneous Notes*

New implementing regulations: Pursuant to this section, the following new regulations were adopted in 1979: The "Police Manual Amendment Act of 1979" (D.C. Law 3-32, Oct. 18, 1979, 26 DCR 778).

## **§ 5-105.08. RESIDENCE REQUIREMENTS FOR MEMBERS OF THE POLICE AND FIRE DEPARTMENTS; WAIVER THEREOF; MAINTENANCE OF TELEPHONE AT RESIDENCE.[REPEALED]**

(July 25, 1956, 70 Stat. 646, ch. 726, § 1; Aug. 30, 1964, 78 Stat. 698, Pub. L. 88-517, § 1; June 30, 1970, 84 Stat. 358, Pub. L. 91-297, title II, § 203.; June 24, 2004, D.C. Law 15-194, § 1201(a), 51 DCR 9406.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-129.

1973 Ed., § 4-132a.

*Legislative History of Laws*

## **§ 5-105.09. SERVICE OF PROCESS.**

No later than 60 days following March 6, 2007, the Chief of Police, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules establishing a procedure for service of process upon sworn members of the Metropolitan Police Department for actions arising out of the performance of their duties. The rules shall include the following:

- (1) A process whereby the sworn member is notified that service of process is being attempted on him or her;
- (2) A process for notifying a process server and the public of a specific time and place where service will be made;
- (3) The designation of one or more offices, at the command level or the department's general counsel, where service shall be accepted on behalf of the sworn member, and
- (4) The discipline to be meted out against any sworn member who avoids service of process.

(Mar. 6, 2007, D.C. Law 16-223, § 101, 53 DCR 10221.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

Law 16-223, the "Metropolitan Police Department Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-586, which was referred to Committee on Judiciary. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 19, 2006, it was assigned Act No. 16-552 and transmitted to both Houses of Congress for its review. D.C. Law 16-223 became effective on March 6, 2007.

## **SUBCHAPTER IV. METROPOLITAN POLICE DEPARTMENT APPLICATION, APPOINTMENT, AND TRAINING REQUIREMENTS.**

### **§ 5-107.01. MINIMUM STANDARDS FOR MEMBERS OF THE METROPOLITAN POLICE DEPARTMENT.**

- (a) Repealed.
- (b) Repealed.
- (c) Repealed.
- (d) Repealed.
- (e) As of March 6, 2007, to be eligible for appointment as a sworn member of the Metropolitan Police Department, an applicant shall have either:
  - (1) Successfully completed 60 hours of post-secondary education at an accredited college or university;
  - (2) Served in the Armed Forces of the United States, including the Organized Reserves and National Guard, for at least 3 years on active duty and if separated from the military, have received an honorable discharge; or
  - (3) Served at least 5 years in a full-duty status with a full-service police department in a municipality or state within the United States and have resigned or retired in good standing.

(Oct. 4, 2000, D.C. Law 13-160, § 202, 47 DCR 4619; Sept. 30, 2004, D.C. Law 15-194, § 702(a), 51 DCR 9406; Mar. 6, 2007, D.C. Law 16-223, § 201(a), 53 DCR 10221.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 15-194 rewrote subsec. (a) and added subsec. (d). Prior to amendment, subsec. (a) had read as follows:

"(a) To be eligible for appointment as a sworn member of the Metropolitan Police Department, as of December 31, 2003, an applicant must have successfully completed 2 years of post-secondary education."

D.C. Law 16-223, repealed subsecs. (a) to (d), and added subsec. (e). Prior to repeal subsecs. (a) to (d)

read:

"(a)(1) Except as provided in paragraph (2) of this subsection, to be eligible for appointment as a sworn member of the Metropolitan Police Department, as of December 31, 2003, an applicant shall have successfully completed at least 60 post-secondary semester hours from an accredited university.

"(2) A candidate for appointment as a sworn member of the Metropolitan Police Department whose application is pending as of December 31, 2003, and who is subsequently appointed shall have successfully completed at least 60 post-secondary semester hours from an accredited university within 5 years from January 28, 2004.

"(b) Within one year of October 4, 2000, the Mayor shall report to the Council on whether the requirement in subsection (a) of this section has had a positive impact on recruiting and whether the additional educational requirement should be expanded.

"(c) Subsection (a) of this section shall apply when the Metropolitan Police Department Cadet Program, authorized by 5-109.01(a), is funded, to the extent provided for by appropriations.

"(d) A sworn Metropolitan Police Department officer appointed after January 11, 2000, and prior to December 31, 2003, shall have successfully completed at least 60 post-secondary semester hours from an accredited university within 5 years from January 28, 2004."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2 of Metropolitan Police Department Education Requirement Clarification Temporary Amendment Act of 2004 (D.C. Law 15-147, April 22, 2004, law notification 51 DCR 4931).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Metropolitan Police Department Educational Requirement Clarification Emergency Amendment Act of 2004 (D.C. Act 15-323, January 28, 2004, 51 DCR 1586).

#### *Legislative History of Laws*

Law 13-160, the "Omnibus Police Reform Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-118, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on February 1, 2000, and April 3, 2000, respectively. Signed by the Mayor on April 24, 2000, it was assigned Act No. 13-334 and transmitted to both Houses of Congress for its review. D.C. Law 13-160 became effective on October 4, 2000.

For Law 15-194, see notes following § 5-105.01.

For Law 16-223, see notes following § 5-105.09.

### **§ 5-107.01A. OBLIGATED SERVICE.**

(a) A candidate for appointment as a sworn member of the Metropolitan Police Department shall execute an agreement obligating the candidate to serve a minimum of 2 years as a sworn member upon successful completion of the initial training program.

(b) Except as provided in subsection (c) of this section, a sworn member who voluntarily leaves the Metropolitan Police Department before fulfilling the 2- year term of obligated service required under subsection (a) of this section shall reimburse the District for expenses incurred by it, up to \$5,000, in connection with that member's initial training, other than the member's pay. The Chief of Police may increase the \$5,000 limit on reimbursement by General Order or rulemaking.

(c) A sworn member who voluntarily leaves the Metropolitan Police Department before fulfilling the 2-year term of obligated service shall not be liable for reimbursement to the District if:

- (1) The separation is directly due to the need to care for an individual in the member's immediate family; or
- (2) The member transfers to another law enforcement agency within the District government and completes the 2-year term at that agency.

(d) The Office of the Attorney General for the District of Columbia may bring a civil action in the Superior Court of the District of Columbia to recover the monies owed the District under subsection (b) of this section along with the costs of the action, including reasonable attorney's fees.

(Oct. 4, 2000, D.C. Law 13-160, § 202a, as added Mar. 6, 2007, D.C. Law 16-223, § 201(b), 53 DCR 10221.)

#### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*



## **§ 5-107.02. MANDATORY CONTINUING EDUCATION PROGRAM FOR SWORN MEMBERS OF THE METROPOLITAN POLICE DEPARTMENT.**

The Department shall implement a program of continuing education for its sworn members, which shall consist of a minimum of 32 hours of training each year.

(Oct. 4, 2000, D.C. Law 13-160, § 203, 47 DCR 4619.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For Law 13-160, see notes following § 5-107.01.

## **§ 5-107.02A. PHYSICAL EXAMINATIONS AND AGILITY STANDARDS.**

(a) All sworn members of the Metropolitan Police Department shall be required to pass, at least biennially, a physical examination and a physical agility test. The physical examination shall be performed by a physician at the Police and Fire Clinic using current medical standards adopted after consultation with medical professionals within 180 days of September 30, 2004. The physical agility testing shall be based on full-duty physical performance standards adopted within 180 days of the September 30, 2004.

(b) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this section within 180 days of September 30, 2004.

(Oct. 4, 2000, D.C. Law 13-160, § 203a, as added Sept. 30, 2004, D.C. Law 15-194, § 702(b), 51 DCR 9406.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For Law 15-194, see notes following § 5-105.01.

## **§ 5-107.03. ESTABLISHMENT OF DISTRICT OF COLUMBIA POLICE OFFICERS STANDARDS AND TRAINING BOARD.**

(a) There is hereby established the District of Columbia Police Officers Standards and Training Board ("Board").

(b) Membership on the Board shall consist of the following 11 persons who shall be voting members:

- (1) The Mayor or the Mayor's designee;
- (2) Chief of Police, Metropolitan Police Department or the Chief of Police's designee;
- (3) Corporation Counsel for the District of Columbia or the Corporation Counsel's designee;
- (4) United States Attorney for the District of Columbia or the United States Attorney's designee;
- (5) Assistant Director in Charge, Washington Field Office, Federal Bureau of Investigation or the Assistant Director's designee;
- (6) Representative of the District of Columbia Superior Court appointed by the Mayor in consultation with the Chief Judge of the Superior Court;
- (7) One criminal justice educator appointed by the Mayor;
- (8) One police representative appointed by the certified collective bargaining agent, and one police representative appointed by the Mayor in consultation with the Chief of Police.
- (9) Two community representatives appointed by the Mayor.

(b-1) The Mayor, in consultation with the Chief of Police, shall appoint one Metropolitan Police Department Reserve Corps representative as an advisory, nonvoting member of the Board.

(c) The following persons may be advisory, nonvoting members of the Board:

- (1) The Executive Director, Maryland Police and Correctional Training Commissions; and
- (2) The Director, Division of Training and Standards, Virginia Department of Criminal Justice.

(d) The appointments to the Board shall be for a 3-year term.

(e) No member shall serve beyond the time when he or she holds the office or employment by reason of

which he or she was initially eligible for appointment and any member chosen to fill a vacancy created otherwise than by expiration of a term shall be appointed for the unexpired portion of the term of the member whom he or she succeeds.

(f) The members shall receive no salary but members shall be reimbursed for their expenses lawfully incurred in the performance of their official functions.

(g) Members appointed to the Board by the Mayor may be removed by the Mayor for incompetence, neglect of duty, or misconduct.

(h) The Chairperson shall be appointed by the Mayor from among the voting members of the Board and the vice chair shall be elected from among the voting members.

(i) The Board shall hold its initial meeting promptly after the appointment and qualification of its members. Thereafter, the Board shall meet a minimum of twice each calendar year and at other times as it or the Board's Chairperson may determine. The majority of the voting members of the Board shall constitute a quorum for the transaction of business, the performance of duties or for the exercise of any of its authority. Advisory members shall be entitled to participate in the business and deliberation of the Board, but shall not be entitled to vote. The Board shall establish its own procedures and requirements with respect to the place and conduct of its meetings.

(Oct. 4, 2000, D.C. Law 13-160, § 204, 47 DCR 4619; Sept. 30, 2004, D.C. Law 15-194, § 302(a), 51 DCR 9406.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-194, in the section heading and subsec. (a), substituted "District of Columbia Police Officers Standards and Training Board" for "District of Columbia Police Training and Standards Board"; rewrote par. (8) of subsec. (b); added subsec. (b-1); in subsec. (c), substituted "Commissions" for "Commission" in par. (1), and rewrote par. (2). Prior to amendment, par. (8) of subsec. (b), and par. (2) of subsec. (c) read as follows:

"(2) The Executive Director, Virginia Division of Training and Standards.

"(8) Two police representatives appointed by the Mayor in consultation with the Chief of Police; and"

##### *Legislative History of Laws*

For Law 13-160, see notes following § 5-107.01.

For Law 15-194, see notes following § 5-105.01.

### **§ 5-107.04. DUTIES OF THE BOARD; STANDARDS FOR APPLICANTS; CONTINUING EDUCATION PROGRAM.**

(a) The Board shall establish application and appointment criteria that include the following:

- (1) That an applicant be a citizen of the United States at the time of application;
- (2) Age limits;
- (3) Height and weight guidelines;
- (4) Physical fitness and health standards;
- (5) Psychological fitness and health standards;
- (6) The completion of a criminal background investigation;
- (7) The consideration to be placed on an applicant's participation in court-ordered community supervision or probation for any criminal offense at any time from application through appointment;
- (8) The consideration to be placed on an applicant's criminal history, including juvenile records;
- (9) The completion of a background investigation;
- (10) Military discharge classification information;
- (11) Information on the prior service with the Metropolitan Police Department.

(b) The administrative work of the Board shall be carried out by members of the Metropolitan Police Department as appointed by the Chief of Police.

(c) Notwithstanding the standards established by the Board in accordance with subsection (a) of this section, the Chief of Police is authorized to deny employment to any applicant based upon conduct occurring while the applicant was a minor if, considering the totality of the circumstances, the Chief of Police determines that the applicant has not displayed the good moral character or integrity necessary to perform the duties of a sworn member of the Metropolitan Police Department.

(d) Each applicant selected for appointment as a sworn member of the Metropolitan Police Department shall successfully complete an initial training program developed by the Board, unless the applicant receives a waiver pursuant to paragraph (5) of this subsection.

(1) The Board shall determine:

- (A) The minimum number of hours required for the initial training program;
- (B) If and under what circumstances the initial training program will include temporary deployment of the applicant prior to regular deployment as a sworn member; and
- (C) The subjects to be included as part of every applicant's initial training.

(2) Prior to deployment, each applicant shall successfully complete an initial firearms training program developed by the Board.

(3) The Board shall determine the appropriate sequence, content, and duration of the initial training program and of the initial firearms training program.

(4) The Metropolitan Police Department is authorized to utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel to satisfy any portion of the initial training program or the initial firearms training program.

(5) The Chief of Police is authorized to modify or waive the initial training program and initial firearms training program requirements for either of the following:

- (A) Any applicant who is a former sworn member of the Metropolitan Police Department who has been separated from employment with the Metropolitan Police Department for less than 3 years; or
- (B) Any former member of a federal, state, or local law enforcement agency who has completed training similar to the Metropolitan Police Department's initial training program and initial firearms training program and who has been separated from employment with a federal, state, or local law enforcement agency for less than 3 years.

(e) The Board shall:

- (A) Develop and implement a program of continuing education for its sworn members.
- (B) Determine the components for the Metropolitan Police Department's continuing education program;
- (C) Determine the appropriate consequence, including ineligibility for promotion, if a member fails to satisfy the continuing education requirement; and
- (D) Require each sworn member to successfully complete a firearms training program.
- (E) The Metropolitan Police Department is authorized to utilize the services of other law enforcement agencies or organizations engaged in the education and training of law enforcement personnel to satisfy any portion of the required continuing education or the firearms training program. The Board shall establish guidelines for the approval of any training program.

(f) The Board shall:

- (A) Establish the minimum requirements for any instructor of any component of the Metropolitan Police Department's initial training program, continuing education program, or firearms training program; and
- (B) Through the Chief of Police, not later than October 31 of each calendar year, deliver a report to the Mayor and the Council concerning the Metropolitan Police Department's initial training program, continuing education program, and firearms training program.
- (C) The report shall include the number of:
  - (i) Applicants who have successfully completed the application process;
  - (ii) Applicants who have completed the initial training program;
  - (iii) Sworn members who have completed the continuing education and firearms training programs; and
  - (iv) A plan for the following calendar year's recruiting efforts and initial and continuing education programs, including plans for correcting any deficiencies indicated by the data from the preceding calendar year.

(f-1) Within 24 months of September 30, 2004, the Board shall:

- (1) Review the tuition assistance program;
- (2) Evaluate and make recommendations on the issue of creating separate career tracks for patrol and investigations;
- (3) Establish minimum selection and training standards for members of the District of Columbia Housing Authority Police Department; and

(4) Review the Metropolitan Police Department Reserve Corps program's training and standards and make recommendations, as necessary.

(g) Any applicant who met the age requirement at the time of application and who was denied appointment on the basis of racial discrimination, as determined by the Director of the Office of Human Rights, may be appointed notwithstanding the applicant's age at the time of that determination.

(h) Applications for appointment to the Metropolitan Police Department shall be made on forms furnished by the Metropolitan Police Department.

(i) Appointments to the Metropolitan Police Department shall be for a probationary period to be determined by the Board. Continuation of service after the expiration of that period shall be dependent upon the conduct of the appointee and his or her capacity for the performance of the duties to which assigned, as indicated by reports of superior officers. The probationary period shall be an extension of the examination period.

(j) If the Police and Fire Clinic shall find any probationer physically or mentally unfit to continue his or her duties, that probationer shall be required to appear before the Police and Firefighter's Retirement and Relief Board. That Board shall make any findings as are required pursuant to § 5-713, and those findings shall be incorporated in a recommendation submitted to the Mayor.

(k) Each police officer appointed shall maintain a level of physical fitness to be determined by the Board. The final determination with respect to inappropriate fitness levels shall be made by the Medical Director of the Police and Fire Clinic.

(l) This section shall become effective upon adoption by the Chief of Police of regulations to implement this section.

(Oct. 4, 2000, D.C. Law 13-160, § 205, 47 DCR 4619; Sept. 30, 2004, D.C. Law 15-194, § 302(b), 51 DCR 9406.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 15-194 substituted "Board" for "Training and Standards Board" in the introductory language of subsec. (d), par. (1) of subsec. (d), subsec. (e), the introductory language of subsec. (f), and subsecs. (i) and (k); substituted "October 31" for "November 31" in subpar. (B) of subsec. (f); and added subsec. (f-1).

##### *Legislative History of Laws*

For Law 13-160, see notes following § 5-107.01.

For Law 15-194, see notes following § 5-105.01.

## **SUBCHAPTER V. CADET PROGRAM.**

### **§ 5-109.01. CADET PROGRAM AUTHORIZED; PURPOSE; PREFERENCE FOR APPOINTMENT; APPROPRIATIONS.**

(a) The Chief of the Metropolitan Police Department shall establish a police officer cadet program, which shall include senior year high school students and young adults under 21 years of age residing in the District of Columbia who are graduates of a high school in the District, for the purpose of instructing, training, and exposing interested persons to the operations of the Metropolitan Police Department and the duties, tasks, and responsibilities of serving as a police officer with the Metropolitan Police Department.

(b) A person successfully completing the required training and service in a cadet program established pursuant to this section shall be accorded full preference for appointment as a member of the Metropolitan Police Department or of the Fire and Emergency Medical Services Department, if the person shall have met all other requirements pertaining to membership in the chosen Department.

(c) There may be appropriated the funds necessary for the administration of this section.

(Mar. 9, 1983, D.C. Law 4-172, § 2(a), (c), (d), 29 DCR 5745; Oct. 19, 2000, D.C. Law 13-172, § 832, 47 DCR 6308; June 19, 2001, D.C. Law 13-313, § 20(a), 48 DCR 1873; Sept. 30, 2004, D.C. Law 15-194, § 402(b), 51 DCR 9406.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-107.1.

##### *Effect of Amendments*

D.C. Law 13-172 rewrote subsec. (a), which had read:

"The Chief of the Metropolitan Police Department may establish a police officer cadet program for the purpose of instructing, training, and exposing interested persons, primarily young adults residing in the District of Columbia, to the operations of the Metropolitan Police Department and the duties, tasks, and responsibilities of serving as a police officer with the Metropolitan Police Department."

D.C. Law 13-313, in subsec. (a), substituted "21 years" for "the 21 years".

D.C. Law 15-194, in subsec. (b), substituted "Fire and Emergency Medical Services Department" for "District of Columbia Fire Department".

#### *Emergency Act Amendments*

For temporary (90-day) amendment of section, see § 832 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

#### *Legislative History of Laws*

Law 4-172, the "Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982," was introduced in Council and assigned Bill No. 4-421, which was referred to the Committee on the Judiciary and the Committee on Education. The Bill was adopted on first and second readings on October 19, 1982, and November 16, 1982, respectively. Signed by the Mayor on December 8, 1982, it was assigned Act No. 4-254 and transmitted to both Houses of Congress for its review.

Law 13-313, the "Technical Amendments Act of 2000", was introduced in Council and assigned Bill No. 13-879, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 19, 2001, it was assigned Act No. 13-574 and transmitted to Both Houses of Congress for its review. D.C. Law 13-313 became effective on June 19, 2001.

For Law 15-194, see notes following § 5-105.01.

## **§ 5-109.02. RULES.**

The Mayor or the Mayor's designated agent may issue rules necessary for the implementation and operation of the cadet programs established pursuant to §§ 5-109.01 and 5-418.

(Mar. 9, 1983, D.C. Law 4-172, § 6, 29 DCR 5745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-107.2.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-172, see Historical and Statutory Notes following § 5-109.01.

## **SUBCHAPTER VI. CLOTHING.**

### **§ 5-111.01. CLOTHING--RULES OF UNIFORMITY; FAILURE TO COMPLY WITH RULES.**

The Council of the District of Columbia shall provide specific rules for uniform clothing of the police force, and any member shall be removed from the force for not complying with such rules.

(R.S., D.C., § 365; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-126.

1973 Ed., § 4-130.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(96) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental

Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-111.02. DISPLAY OF UNITED STATES FLAG OR COLORS.**

(a) The uniform of officers and members of the United States Park Police force, the United States Secret Service Uniformed Division, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case in the United States Park Police force, the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division, the Capitol Police Board in the case of the Capitol Police, and the Mayor of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(c) This section shall take effect 180 days after June 30, 1970.

(June 30, 1970, 84 Stat. 357, Pub. L. 91-297, title II, § 201; Nov. 15, 1977, 91 Stat. 1371, Pub. L. 95-179.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-127.

1973 Ed., § 4-130a.

#### *Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-111.03. APPROPRIATIONS.**

(a) For furnishing uniforms and all other official equipment prescribed by Department regulations as necessary and requisite in the performance of duty there is hereby authorized to be appropriated a sum not exceeding \$75 per annum for each member of the Metropolitan Police, to be expended subject to rules and regulations to be prescribed by the Mayor of the District of Columbia.

(b) The Chief of Police of the Metropolitan Police force, the Fire Chief of the District of Columbia Fire Department, the Commanding Officer of the United States Secret Service Uniformed Division, and the Commanding Officer of the United States Park Police force are each authorized to provide a clothing allowance, not to exceed \$300 in any 1 year, to an officer or member assigned to perform duties in "plainclothes." Such clothing allowance is not to be treated as part of the officer's or member's basic compensation and shall not be used for the purpose of computing his overtime, promotions, or retirement benefits. Such allowance for any officer or member may be discontinued at any time upon written notification by the authorizing official.

(May 25, 1926, 44 Stat. 635, ch. 381; Aug. 29, 1972, 86 Stat. 639, Pub. L. 92-410, title I, § 112; Nov. 15, 1977, 91 Stat. 1371, Pub. L. 95-179; June 4, 1982, D.C. Law 4-115, § 3, 29 DCR 1701.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-128.

1973 Ed., § 4-131.

#### *Legislative History of Laws*

Law 4-115, the "District of Columbia Protective Services Police Identification Act of 1982," was introduced in Council and assigned Bill No. 4-379, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on March 23, 1982, and April 6, 1982, respectively. Signed by the Mayor on April 12, 1982, it was assigned Act No. 4-178 and transmitted to both Houses of Congress for

its review.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **SUBCHAPTER VII. RECORDS.**

### **PART A. GENERAL -- METROPOLITAN POLICE DEPARTMENT.**

#### **§ 5-113.01. RECORDS--REQUIRED.**

The Mayor of the District of Columbia shall cause the Metropolitan Police force to keep the following records:

- (1) General complaint files, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant;
- (2) Records of lost, missing, or stolen property;
- (3) A personnel record of each member of the Metropolitan Police force, which shall contain his name and residence; the date and place of his birth; his marital status; the date he became a citizen, if foreign born; his age; his former occupation; and the dates of his appointment and separation from office, together with the cause of the latter;
- (4) Arrest books, which shall contain the following information:
  - (A) Case number, date of arrest, and time of recording arrest in arrest book;
  - (B) Name, address, date of birth, color, birthplace, occupation, and marital status of person arrested;
  - (C) Offense with which person arrested was charged and place where person was arrested;
  - (D) Name and address of complainant;
  - (E) Name of arresting officer; and
  - (F) Disposition of case;
- (4A) The Metropolitan Police force shall maintain a computerized record of a civil protection order or bench warrant issued as a result of an intrafamily offense; and
- (5) Such other records as the Council of the District of Columbia considers necessary for the efficient operation of the Metropolitan Police force.

(R.S., D.C., § 386; June 11, 1878, 20 Stat. 107, ch. 180, § 6; June 29, 1953, 67 Stat. 99, ch. 159, title III, § 301(a); Aug. 20, 1954, 68 Stat. 755, ch. 778, § 1; Apr. 30, 1991, D.C. Law 8-261, § 4, 37 DCR 5001.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-131.

1973 Ed., § 4-134.

*Legislative History of Laws*

Law 8-261, the "District of Columbia Prevention of Domestic Violence Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-192, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 26, 1990, and July 10, 1990, respectively. Signed by the Mayor on July 18, 1990, it was assigned Act No. 8-239 and transmitted to both Houses of Congress for its review.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(98) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-113.02. CRIMINAL OFFENSES.**

(a) In addition to the records kept under § 5-113.01, the Metropolitan Police force shall keep a record of each case in which an individual in the custody of any police force or of the United States Marshal is charged with having committed a criminal offense in the District (except those traffic violations and other petty offenses to which the Council of the District of Columbia determines this section should not apply). The record shall show:

- (1) The circumstances under which the individual came into the custody of the police or the United States Marshal;
- (2) The charge originally placed against him, and any subsequent changes in the charge (if he is charged with murder, manslaughter, or causing the death of another by the operation of a vehicle at an immoderate speed or in a careless, reckless, or negligent manner, the charge shall be recorded as "homicide");
- (3) If he is released (except on bail) without having his guilt or innocence of the charge determined by a court, the circumstances under which he is released;
- (4) If his guilt or innocence is so determined, the judgment of the court;
- (5) If he is convicted, the sentence imposed; and
- (6) If, after being confined in a correctional institution, he is released therefrom, the circumstances of his release.

(b) The Attorney General, the Corporation Counsel, the United States Magistrate for the District, the Clerk of the District Court, the Clerk of the Superior Court of the District of Columbia, and the Director of the Department of Corrections shall furnish the Chief of Police with such information as the Mayor of the District of Columbia considers necessary to enable the Metropolitan Police force to carry out this section.

(June 29, 1953, 67 Stat. 100, ch. 159, title III, § 302; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-132.

1973 Ed., § 4-134a.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(99) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-113.03. REPORTS BY OTHER POLICE.**

Reports shall be made to the Chief of Police, in accordance with regulations prescribed by the Mayor of the District of Columbia, of each offense reported to, and each arrest made by, any other police force



operating in the District.

(June 29, 1953, 67 Stat. 100, ch. 159, title III, § 303.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-133.

1973 Ed., § 4-134b.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 5-113.04. PARTICIPATION OF DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT IN THE NATIONAL CRIME INFORMATION SYSTEM.**

(a) *Dissemination of adult arrest records to lawenforcement agents.* – (1) Notwithstanding any other provision of law, the Metropolitan Police Department of the District of Columbia shall disseminate its unexpurgated adult arrest records to members of the court and law enforcement agents, including the Identification Division of the Federal Bureau of Investigation. Such dissemination shall be done without cost and without the authorization of the persons to whom such records relate.

(2) Any records disseminated under this section shall be used in a manner that complies with applicable federal law and regulations.

(b) *Definitions.* – For purposes of this section:

(1) The term "member of the court" shall include judges, prosecutors, defense attorneys (with respect to the records of their client defendants), clerks of the court, and penal and probation officers.

(2) The term "law enforcement agent" shall include police officers and federal agents having the power to arrest.

(3) The term "unexpurgated adult arrest records" shall include arrest fingerprint cards.

(Dec. 12, 1989, 103 Stat. 1903, Pub. L. 101-223, § 7.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-133.1.

**§ 5-113.05. NOTICE OF RELEASE OF PRISONERS.**

(a) Whenever the Board of Parole of the District of Columbia has authorized the release of a prisoner under § 24-404, or the United States Board of Parole has authorized the release of a prisoner under § 24-406, it shall notify the Chief of Police of that fact as far in advance of the prisoner's release as possible.

(b) Except in cases covered by subsection (a) of this section, notice that a prisoner under sentence of 6 months or more is to be released from an institution under the management and regulation of the Director of the Department of Corrections shall be given to the Chief of Police as far in advance of the prisoner's release as possible.

(June 29, 1953, 67 Stat. 100, ch. 159, title III, § 304.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-134.

1973 Ed., § 4-134c.

## **§ 5-113.06. RECORDS OPEN TO PUBLIC INSPECTION.**

(a) Except as provided in subsection (c) of this section, the records to be kept by paragraphs (1), (2), and (4) of § 5-113.01 shall be open to public inspection when not in actual use, and this requirement shall be enforceable by mandatory injunction issued by the Superior Court of the District of Columbia on the application of any person.

(b) The name, address, date of birth, occupation, and photograph of any person convicted of a violation of Chapter 27 of Title 22, shall be made available to the public upon written request, in exchange for a reasonable fee established by the Mayor or his or her designee.

(c)(1) Notwithstanding any other law, the Metropolitan Police Department shall not release or otherwise make available reports of motor vehicle accidents to any person prohibited from soliciting or procuring clients, patients, or customers pursuant to § 22-3225.14. This section does not prohibit an attorney retained by a person involved in an accident, or the agent of that attorney, from obtaining the report of that accident.

(2) In addition to any other requirements, a person requesting to inspect or copy a motor vehicle accident report within 21 days of the accident shall:

(A) Produce for inspection and copying a government-issued, photo identification; and

(B) Provide a signed statement that:

(i) Identifies the requested report;

(ii) Includes the printed name of the requestor; and

(iii) Attests that the requestor is not prohibited from obtaining the report under paragraph (1) of this subsection.

(3) For each request to inspect or copy a motor vehicle accident report made within 21 days of the accident, the Metropolitan Police Department shall maintain for one year a copy of the requestor's photo identification and the statement provided pursuant to paragraph (2) of this subsection.

(R.S., D.C., § 389; June 29, 1953, 67 Stat. 99, ch. 159, title III, § 301(b); Aug. 20, 1954, 68 Stat. 755, ch. 778, § 2; July 29, 1970, 84 Stat. 571, Pub. L. 91-358, title I, § 155(c)(13); Oct. 25, 1972, 86 Stat. 1108, Pub. L. 92-543, § 1; May 24, 1996, D.C. Law 11-130, § 2, 43 DCR 1570; July 25, 2006, D.C. Law 16-144, § 3, 53 DCR 2838.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-135.

1973 Ed., § 4-135.

#### *Effect of Amendments*

D.C. Law 16-144, in subsec. (a), substituted "Except as provided in subsection (c) of this section, the records" for "The records"; and added subsec. (c).

#### *Emergency Act Amendments*

For temporary amendment of section, see § 2 of the Safe Streets Anti-Prostitution Emergency Amendment Act of 1996 (D.C. Act 11-252, April 15, 1996, 43 DCR 2139).

#### *Legislative History of Laws*

Law 11-130, the "Safe Streets Anti-Prostitution Amendment Act of 1996," was introduced in Council and Assigned Bill No. 11-439, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 6, 1996, and March 5, 1996, respectively. Signed by the mayor on March 15, 1996, it was assigned Act No. 11-237 and transmitted to both Houses of Congress for its review. D.C. Law 11-130 became effective on May 24, 1996.

Law 16-144, the "White Collar Insurance Fraud Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-208 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 7, 2006, and March 7, 2006, respectively. Signed by the Mayor on March 30, 2006, it was assigned Act No. 16-340 and transmitted to both Houses of Congress for its review. D.C. Law 16-144 became effective on July 25, 2006.

## **§ 5-113.07. PRESERVATION AND DESTRUCTION OF RECORDS.**

All records of the Metropolitan Police Department shall be preserved, except that the Mayor, upon recommendation of the Chief of the Metropolitan Police Department and only pursuant to part B of this subchapter, may cause records which the Metropolitan Police Department considers to be obsolete or of

no further value to be destroyed.

(R.S., D.C., § 390; June 11, 1878, 20 Stat. 107, ch. 180, § 6; June 29, 1953, 67 Stat. 99, ch. 159, title III, § 301(c); July 15, 2004, D.C. Law 15-174, § 302, 51 DCR 3677; Apr. 13, 2005, D.C. Law 15-354, § 88, 52 DCR 2638; Mar. 2, 2007, D.C. Law 16-191, § 24, 53 DCR 6794.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-137.

1973 Ed., § 4-137.

##### *Effect of Amendments*

D.C. Law 15-174 rewrote the section which had read as follows:

"All records of the Metropolitan Police force shall be preserved, except that the Mayor of the District of Columbia, upon recommendation of the Chief of Police, may cause records which it considers to be obsolete or of no further value to be destroyed."

D.C. Law 15-354 validated a previously made technical correction.

D.C. Law 16-191 validated a previously made technical correction.

##### *Legislative History of Laws*

Law 15-174, the "Millicent Allewelt Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-34, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 6, 2004, and March 2, 2004, respectively. Signed by the Mayor on March 23, 2004, it was assigned Act No. 15-408 and transmitted to both Houses of Congress for its review. D.C. Law 15-174 became effective on July 15, 2004.

For Law 15-354, see notes following § 5-101.04.

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **PART B. PRESERVATION OF CRIME INVESTIGATION RECORDS -- LAW ENFORCEMENT AGENCIES.**

### **§ 5-113.31. DEFINITIONS.**

For the purposes of this part, the term:

(1) "Biological material" means a sexual assault forensic examination kit, semen, vaginal fluid, blood, saliva, observable skin tissue, or hair which apparently derived from the perpetrator of a crime or, under circumstances that may be probative of the perpetrator's identity, apparently derived from the victim of a crime.

(2) "Case jacket" means the primary file for an investigation of a crime which contains all of the investigative reports, papers, and documents specific to the investigation, including notes, transcripts of interviews, witness statements, photos, and audio and video tapes.

(3)(A) "Closed investigation" means the investigation of a crime:

(i) In which the suspect or, in a case with multiple suspects, each of the suspects:

(I) Has been found or pled guilty and judgment has been entered;

(II) Has been found not guilty by reason of insanity;

(III) Has been found incompetent to stand trial and is not likely to regain competency before the expiration of the statute of limitations;

(IV) Is incarcerated and serving a sentence of either life without release or a term of years that is equivalent to life without release for a crime other than the crime being investigated; or

(V) Has died; or

(ii) In which the United States Attorney for the District of Columbia or the Corporation Counsel for the District of Columbia has declined prosecution on grounds that permanently eliminate all possibility of prosecution and has authorized the return of evidence to the rightful owner.

(B) A law enforcement agency shall consider a crime closed under subparagraph (A)(i)(IV) or (V) of this paragraph only if the United States Attorney for the District of Columbia or the Corporation Counsel for the District of Columbia has certified, for investigations under the prosecutorial jurisdiction of each, that there would be sufficient evidence to prosecute the suspect or suspects if the suspect or suspects were alive or not incarcerated, and declines prosecution on the grounds that the suspect or suspects are dead or incarcerated.

(4) "Crime scene examination case file" means the primary file for an investigation's crime scene which contains investigative documents and reports; toxicology, DNA testing, and other forensic examination results; evidence reports; photographs; and other documents pertaining to the investigation.

(5) "DNA" means deoxyribonucleic acid.

(6) "DNA testing" means forensic DNA analysis of biological material.

(7) "Domestic partner" has the same meaning as contained in § 32-701(3).

(8) "Family" means:

(A) A homicide victim's spouse, spouse's parents, domestic partner, children, including biological, step, and adopted, grandchildren, parents, grandparents, stepparents, nieces, nephews, siblings, or half siblings;

(B) A person who is a survivor of a homicide victim and who was primarily dependent upon the victim for care and support at the time of the commission of the homicide, including a child of the victim born after the victim's death; or

(C) A person who is a survivor of a homicide victim and upon whom the victim was primarily dependent for care and support at the time of the commission of the homicide.

(9) "Law enforcement agencies" means the Metropolitan Police Department, the Corporation Counsel for the District of Columbia, prosecutors, or any other governmental agency, with the exception of the Office of the Chief Medical Examiner, that has the authority to investigate, make arrests for, or prosecute or adjudicate District of Columbia criminal or delinquency offenses. The term "law enforcement agencies" shall include law enforcement agencies that have entered into cooperative agreements with the Metropolitan Police Department pursuant to § 5-133.17, to the extent the law enforcement agency is acting pursuant to such a cooperative agreement.

(10) "Open investigation" means the investigation of a crime other than those considered to be closed investigations as described in paragraph (3) of this section.

(11) "Records retention schedule" means a document listing all of the records originating in the Metropolitan Police Department, specifying series of records to be retained permanently, and authorizing on a continued basis the destruction of other series of records after a specified time period has elapsed.

(12) "Statute of limitations" means the time limitations imposed on actions for criminal violations pursuant to § 23-113.

(July 15, 2004, D.C. Law 15-174, § 101, 51 DCR 3677.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 15-174, the "Millicent Allewelt Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-34, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 6, 2004, and March 2, 2004, respectively. Signed by the Mayor on March 23, 2004, it

was assigned Act No. 15-408 and transmitted to both Houses of Congress for its review. D.C. Law 15-174 became effective on July 15, 2004.

## **§ 5-113.32. RETENTION OF RECORDS AND PRESERVATION OF EVIDENCE FROM OPEN HOMICIDE, SEXUAL ASSAULT, AND VIOLENT CRIME INVESTIGATIONS.**

(a) In open homicide investigations, law enforcement agencies shall retain case jackets, crime scene examination case files, and any evidence collected during the course of the investigation for 65 years from the date the crime is first reported to the law enforcement agency.

(b) In open investigations of the following crimes, law enforcement agencies shall retain case jackets, crime scene examination case files, and any evidence collected during the course of the investigation for the length of each crime's statute of limitations:

- (1) Assault with intent to kill;
- (2) Aggravated assault;
- (3) Assault on a police officer with a dangerous weapon;
- (4) Burglary;
- (5) Mayhem;
- (6) Malicious disfigurement;
- (7) Sexual abuse and sex offenses; and
- (8) Any crime of violence, as that term is defined in § 22-4501, that is committed while armed, as that term is described in section § 22-4502.

(c) Evidence preserved pursuant to subsections (a) and (b) of this section shall be preserved in such a manner, including if necessary by refrigeration, as to maintain the ability to conduct forensic testing, including DNA testing.

(d) Law enforcement agencies shall not be required to preserve evidence pursuant to subsections (a) and (b) of this section that is of such a size, bulk, or physical character as to render retention impracticable. If practicable, law enforcement agencies shall remove and preserve portions of evidence if such portions contain sufficient evidence to permit future DNA or other forensic testing. When it is not practicable to preserve evidence pursuant to this subsection, law enforcement agencies shall photograph the evidence before disposing of it. When it is not practicable to preserve evidence in its entirety but portions of it are preserved pursuant to this subsection, law enforcement agencies shall photograph the evidence:

- (1) Prior to removing portions of the evidence; and
- (2) After removing portions of the evidence and before disposing of it.

(e) Photographs of evidence created pursuant to subsection (d) of this section shall be retained in the crime scene examination case files of the corresponding investigation.

(f) In closed investigations of the following crimes, law enforcement agencies shall retain case jackets and crime scene examination case files for as long as evidence is preserved for those investigations pursuant to Chapter 41A of Title 22.

- (1) Homicides;
- (2) Assault with intent to kill;
- (3) Aggravated assault;
- (4) Burglary;
- (5) Assault on a police officer with a dangerous weapon;
- (6) Mayhem;
- (7) Malicious disfigurement;
- (8) Sexual abuse and sex offenses; and
- (9) Any crime of violence, as that term is defined in § 22-4501, that is committed while armed, as that term is described in § 22-4502.

(g) Case jackets, crime scene examination case files, and evidence from open and closed homicide investigations shall not, under any circumstance, be destroyed or disposed of without the written approval of the Chief or the Property Clerk of the Metropolitan Police Department and without prior written approval of the United States Attorney for the District of Columbia, for investigations under the prosecutorial jurisdiction of the United States Attorney, and the Corporation Counsel for the District of Columbia, for investigations under the prosecutorial jurisdiction of the Corporation Counsel.

(h) Nothing in this section shall prohibit law enforcement agencies from:

- (1) Combining case jackets and crime scene examination files into one file;
- (2) Destroying duplicative copies of a record or document; or
- (3) Storing case jackets and crime scene investigation files electronically, so long as electronic storage will not compromise the admissibility of the records or documents.

(i) Nothing in this section shall be construed as a requirement that a law enforcement agency shall collect a particular item of evidence, in whole or in part.

(July 15, 2004, D.C. Law 15-174, § 102, 51 DCR 3677.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For 15-174, see notes following § 5-113.31.

### **§ 5-113.33. PENALTIES; PRIVATE RIGHT OF ACTION.**

(a) Whoever willfully or maliciously destroys, alters, conceals, or tampers with evidence or records that are being preserved and retained in accordance with this part shall be subject to:

- (1) Administrative sanctions, if the individual is an employee of the District of Columbia government, up to and including termination; and
- (2) A fine of not more than \$5,000, imprisonment for not more than one year, or both.

(b) Whoever willfully or maliciously destroys, alters, conceals, or tampers with evidence or records that are being preserved and retained in accordance with this part may be the subject of a civil action brought in the Superior Court of the District of Columbia by the family of a victim of homicide or by the victim of a crime enumerated in § 5-113.32(b) or (f). The civil action may be brought against the District of Columbia government employee or employees responsible, or against the District of Columbia if a pattern of violations of this section can be established.

(c) Subsection (b) of this section shall only apply to the willful or malicious destruction, alteration, concealment, or tampering with evidence or records that occurs on or after July 15, 2004.

(July 15, 2004, D.C. Law 15-174, § 103, 51 DCR 3677.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For 15-174, see notes following § 5-113.31.

### **§ 5-113.34. RECORDS RETENTION SCHEDULE.**

The Metropolitan Police Department shall issue a records retention schedule, in the form of a general order, consistent with this part.

(July 15, 2004, D.C. Law 15-174, § 104, 51 DCR 3677.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For 15-174, see notes following § 5-113.31.

## **SUBCHAPTER VII-A. DEMAND FOR PROOF OF INSURANCE FROM MOTORISTS.**

### **§ 5-114.01. DEFINITIONS.**

For the purposes of this subchapter, the term:

- (1) "Accident" means an untoward and unforeseen occurrence out of the maintenance or use of:
  - (A) A motor vehicle;
  - (B) A vehicle operated or designed for operation upon a highway by power other than muscular power with respect only to any pedestrian or any occupant of that vehicle other than the owner or operator of that vehicle; or

(C) Any other vehicle covered by the insurance coverage required by § 31- 2406.

(2) "Insurance Identification Card" means a current document issued by an insurer as proof of insurance for a motor vehicle that lists the name of the insurer, the policy number, the name of the insured, the period of coverage for the insurance, and the make, model, and vehicle identification number.

(3) "Insurer" means any person, company, or professional association licensed in the District of Columbia that provides motor vehicle liability protection or any self-insurer.

(4) "Law enforcement officer" means any officer of the Metropolitan Police Department, whether salaried or reserve, or of any other law enforcement agency operating in the District of Columbia with which the Metropolitan Police Department has an agreement authorizing its officers to enforce the provisions of this subchapter.

(5) "Motor vehicle" means any device propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, electric personal assistive mobility devices, as defined by § 50-2201.02(12), and battery-operated wheelchairs when operated by a person with a disability at speeds not exceeding 10 miles per hour.

(6) "Operator" means a person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a motor vehicle being pushed or towed by a motor vehicle.

(7) "Owner" means any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or other authority or other entity having the property or title to a vehicle or bicycle used or operated in the District; any registrant of a vehicle used or operated in the District; or any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or authority or other entity in business or renting or leasing vehicles or bicycles to be used or operated in the District.

(8) "Proof of insurance" means a valid Insurance Identification Card for a District of Columbia resident or its equivalent for the resident of another state. Other documentation from an insurance company that constitutes reasonable proof of valid insurance being in effect shall be adequate evidence of proof of insurance.

(9) "Self-insurer" means any person having received a certificate of self-insurance issued by the Mayor pursuant to § 50-1301.79.

(June 8, 2006, D.C. Law 16-117, § 101, 53 DCR 2548; Sept. 26, 2012, D.C. Law 19-169, § 12, 59 DCR 5567.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 19-169, in par. (5), substituted "person with a disability" for "handicapped person".

##### *Legislative History of Laws*

Law 16-117, the "Vehicle Insurance Enforcement Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-56 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 7, 2006, and March 7, 2006, respectively. Signed by the Mayor on March 23, 2006, it was assigned Act No. 16-319 and transmitted to both Houses of Congress for its review. D.C. Law 16-117 became effective on June 8, 2006.

Law 19-169, the "People First Respectful Language Modernization Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-189, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on March 6, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to both Houses of Congress for its review. D.C. Law 19-169 became effective on September 26, 2012.

## **§ 5-114.02. DEMAND FOR PROOF OF MOTOR VEHICLE INSURANCE.**

(a) Except when circumstances related to safety, law enforcement, or emergency medical care make it impracticable to do so, a law enforcement officer shall demand proof of insurance from the operator of any motor vehicle that:

- (1) Has been involved in a traffic accident to which the law enforcement officer has responded; or
- (2) Has been lawfully stopped by the law enforcement officer.

(b)(1) The failure of the operator of a motor vehicle to present proof of insurance upon demand, in violation of § 31-2413(a)(7), shall create a rebuttable presumption that the motor vehicle is being operated without

required insurance being in effect, in violation of § 31-2413(a)(3).

(2) If the operator of a motor vehicle is unable to present proof of insurance upon demand, the law enforcement officer shall issue notices of infraction for violations of § 31-2413(a)(3) and (a)(7).

(c) A law enforcement officer may not stop a motor vehicle solely for the purpose of demanding proof of insurance.

(June 8, 2006, D.C. Law 16-117, § 102, 53 DCR 2548.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For D.C. Law 16-117, see notes following § 5-114.01.

### **§ 5-114.03. INCLUSION OF INSURANCE INFORMATION ON TRAFFIC ACCIDENT REPORTS.**

(a) A law enforcement officer responding to the scene of a motor vehicle accident and completing a traffic accident report shall note the following information on the traffic accident report:

(1) The insurer or provider of insurance for the operator of each motor vehicle involved in the accident; and

(2) The insurer or provider of insurance for each motor vehicle involved in the accident.

(b)(1) Except as provided in paragraph (2) of this subsection, within 90 days of June 8, 2006, the Metropolitan Police Department shall utilize traffic accident report forms that contain adequate space on the form to identify the name of the insurer or provider of insurance for each motorist and motor vehicle involved in a motor vehicle accident. The word "Insurance" shall appear adjacent to the space on the form provided for the required insurance information.

(2) Until the Metropolitan Police Department makes the form specified in paragraph (1) of this subsection available to officers, officers shall enter the insurance information required by subsection (a) of this section in the narrative section of the existing traffic accident report form known as a PD-10. Until the supply of existing PD-10 forms in the inventory of the Metropolitan Police Department are depleted, officers may enter the required insurance information in the narrative section of the PD-10.

(June 8, 2006, D.C. Law 16-117, § 103, 53 DCR 2548.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For D.C. Law 16-117, see notes following § 5-114.01.

### **§ 5-114.04. REPORT ON ENFORCEMENT OF COMPULSORY INSURANCE REQUIREMENTS.**

(a) The Metropolitan Police Department shall annually publish and submit to the Council and to the Department of Insurance, Securities, and Banking a report on the effectiveness of enforcement of the requirements of compulsory motor vehicle insurance. The Mayor shall direct the appropriate agencies to provide the Metropolitan Police Department with the information needed to compile the report. The report shall include:

(1) Statistics regarding:

(A) The number of notices of infraction ("NOI") issued for failure to produce proof of insurance upon demand, and the number of such NOIs subsequently dismissed; and

(B) The number of NOIs for failure to maintain the required insurance, and the number of such NOIs subsequently dismissed; and

(2) An evaluation of the effectiveness of enforcement, including any recommendations for improvements to enforcement of compliance with compulsory insurance requirements.

(b) The report shall be on a calendar-year basis and shall be transmitted to the Council and the Department of Insurance, Securities, and Banking by January 31st, with the first report due January 31, 2007.

(June 8, 2006, D.C. Law 16-117, § 104, 53 DCR 2548.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*



## **SUBCHAPTER VIII. ARRESTS.**

### **§ 5-115.01. LIMITATION ON PERIOD OF QUESTIONING; ADVISEMENT OF RIGHTS; RELEASE UNCHARGED; ADMISSIBILITY OF CONFESSIONS.**

(a) Any person arrested in the District of Columbia may be questioned with respect to any matter for a period not to exceed 3 hours immediately following his arrest. Such person shall be advised of and accorded his rights under applicable law respecting any such interrogation. In the case of any such arrested person who is released without being charged with a crime, his detention shall not be recorded as an arrest in any official record.

(b) Any statement, admission, or confession made by an arrested person within 3 hours immediately following his arrest shall not be excluded from evidence in the courts of the District of Columbia solely because of delay in presentment.

(Dec. 27, 1967, 81 Stat. 735, Pub. L. 90-226, title III, § 301.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-140.

1973 Ed., § 4-140a.

### **§ 5-115.02. DUTY TO MAKE KNOWN; RETURN NOTICE.**

Every case of arrest shall be made known within 6 hours thereafter to the lieutenant of police on duty in the precinct in which the arrest is made, by the person making the same; and it shall be the duty of the lieutenant within 12 hours after such notice, to make written return thereof, according to the rules and regulations of the Council of the District of Columbia, together with the name of the party arrested, the offense, the place of arrest, and the place of detention.

(R.S., D.C., § 399; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-141.

1973 Ed., § 4-142.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(100) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-115.03. NEGLECT TO MAKE FOR OFFENSE COMMITTED IN PRESENCE.**

If any member of the police force shall neglect making any arrest for an offense against the laws of the United States committed in his presence, he shall be deemed guilty of a misdemeanor and shall be punishable by imprisonment in the District Jail or Penitentiary not exceeding 2 years, or by a fine not exceeding \$500. A member of the police force who deals with an individual in accordance with § 24-604(b) shall not be considered as having violated this section.

(R.S., D.C., § 400; Aug. 3, 1968, 82 Stat. 618, Pub. L. 90-452, § 2(b).)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-142.

1973 Ed., § 4-143.

**§ 5-115.04. LEGAL ASSISTANCE FOR POLICE IN WRONGFUL ARREST CASES.**

(a) In accordance with regulations prescribed by the Council of the District of Columbia, the Corporation Counsel of the District of Columbia shall represent any officer or member of the Metropolitan Police Department, if he so requests, in any civil action for damages resulting from an alleged wrongful arrest by such officer or member.

(b) If the Corporation Counsel fails or is unable to represent such officer or member when requested to do so, the Mayor of the District of Columbia shall compensate such officer or member for reasonable attorney's fees (as determined by the court) incurred by him in his defense of the action against him.

(July 29, 1970, 84 Stat. 666, Pub. L. 91-358, title V, § 501.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-143.

1973 Ed., § 4-143a.

*Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 5-115.05. DETENTION OF WITNESSES.**

The Mayor of the District of Columbia shall provide suitable accommodations within the District for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all judges in committing witnesses to have regard to the rules and regulations of the Council of the District of Columbia in reference to their detention.

(R.S., D.C., § 401; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-144.

1973 Ed., § 4-144.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(101) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 5-115.06. GAMING AND BAWDY HOUSES AND SALE OF LOTTERY**

## **TICKETS--ARREST OF PERSONS; SEIZURE OF IMPLEMENTS.**

If any member of the police force, or if any 2 or more householders shall report in writing, under his or their signature, to the Chief of Police that there are good grounds, stating the same, for believing any house, room, or premises within the police district to be kept or used for any of the following purposes, namely: (1) as a common gaming house, common gaming room, or common gaming premises, for therein playing for wagers of money at any game of chance; (2) as a bawdy house, or as a house of prostitution, or for purposes of prostitution; (3) for lewd and obscene public amusement or entertainment; or (4) for the deposit or sale of lottery tickets or lottery policies, it shall be lawful for the Chief of Police to authorize any member or members of the police force to enter the same, who shall forthwith arrest all persons there found offending against law, and seize all implements of gaming, or lottery tickets, or lottery policies, and convey any person so arrested before the proper court, and bring the articles so seized to the office of the Mayor of the District of Columbia.

(R.S., D.C., § 402; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-145.

1973 Ed., § 4-145.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-115.07. GAMING AND BAWDY HOUSES AND SALE OF LOTTERY TICKETS--PROSECUTION OF PERSONS; DESTRUCTION OF SEIZED ARTICLES; CLOSING OF PREMISES.**

It shall be the duty of the Chief of Police to cause all persons arrested in pursuance of the provisions of § 5-115.06 to be rigorously prosecuted, the articles seized to be destroyed, and such room or house to be closed, and not again used for such unlawful purpose.

(R.S., D.C., § 403.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-146.

1973 Ed., § 4-146.

#### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **SUBCHAPTER VIII-A. ELECTRONIC RECORDING PROCEDURES.**

### **§ 5-116.01. PROCEDURES FOR ELECTRONIC RECORDING OF INTERROGATIONS.**

(a)(1) The Metropolitan Police Department shall electronically record, in their entirety, and to the greatest extent feasible, custodial interrogations of persons suspected of committing a crime of violence, as that term is defined in § 23-1331(4), when the interrogation takes place in Metropolitan Police Department interview rooms equipped with electronic recording equipment.

(2) The recording required by paragraph (1) of this subsection shall commence with the first contact between the suspect and law enforcement personnel once the suspect has been placed in the interview room and shall include all subsequent contacts between the suspect and law enforcement personnel in the interview room.

(3) Nothing in this subsection shall prevent the Metropolitan Police Department from recording the actions of the suspect while law enforcement personnel are not in the interview room.

(b) The recording required by subsection (a) of this section shall include the giving of any warnings as to rights required by law, the response of the suspect to such warnings, and the consent, if any, of the suspect to the interrogation. If the required warnings have been given prior to placing the suspect in the interview room, the suspect shall be asked to affirm that he was informed of and waived those rights.

(c)(1) If, after a suspect has been given the warnings as to rights required by law and voluntarily waived such rights, the suspect announces that the suspect will voluntarily speak with law enforcement personnel only on the express condition that the interrogation not be further recorded, the remainder of the interrogation need not be recorded. In such a case, the giving of any warnings, the suspect's response, the suspect's conditional consent, and all events preceding the conditional consent shall be recorded.

(2) Law enforcement personnel shall not expressly or implicitly encourage the suspect to give such conditional consent in lieu of a completely recorded interrogation.

(Apr. 13, 2005, D.C. Law 15-351, § 101, 52 DCR 2275.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 15-351, the "Electronic Recording Procedures Act of 2004", was introduced in Council and assigned Bill No. 15-1073 which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 1, 2005, it was assigned Act No. 15-751 and transmitted to both Houses of Congress for its review. D.C. Law 15-351 became effective on April 13, 2005.

### **§ 5-116.02. AUTHORITY TO ESTABLISH ADDITIONAL PROCEDURES.**

The Chief of Police may issue a General Order establishing additional procedures, not inconsistent with those prescribed in § 5-116.01, for the electronic recording of interrogations by the Metropolitan Police Department.

(Apr. 13, 2005, D.C. Law 15-351, § 102, 52 DCR 2275.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 15-351, see notes following § 5-116.01.

### **§ 5-116.03. EVIDENTIARY PRESUMPTION.**

Any statement of a person accused of a criminal offence in the Superior Court of the District of Columbia that is obtained in violation of § 5-116.01 shall be subject to the rebuttable presumption that it is involuntary. This presumption may be overcome if the prosecution proves by clear and convincing evidence that the statement was voluntarily given.

(Feb. 1, 2005, D.C. Law 15-351, § 103, 52 DCR 2275.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 15-351, see notes following § 5-116.01.

## **SUBCHAPTER IX. SUPERVISORY POWER OVER CERTAIN BUSINESSES.**

## **§ 5-117.01. GENERALLY.[REPEALED]**

(R.S., D.C., § 404; June 11, 1878, 20 Stat. 107, ch. 180, § 6; Apr. 20, 1999, D.C. Law 12-261, § 1231, 46 DCR 3142.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-147.

1973 Ed., § 4-147.

#### *Legislative History of Laws*

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced into Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-117.02. EXAMINATION OF BOOKS AND PREMISES.**

The Mayor of the District of Columbia may direct the Chief of Police to empower any member of the police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker or his business premises, or the business premises of any licensed vender or dealer in secondhand merchandise, or intelligence office keeper, or auctioneer of watches and jewelry, or suspected private banking house, or other doubtful establishment.

(R.S., D.C., § 405; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-148.

1973 Ed., § 4-148.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-117.03. EXAMINATION OF PROPERTY PLEDGED TO PAWNBROKER.**

Any member of the police force, when thereto authorized in writing by the Chief of Police, and having in his

possession a pawnbroker's receipt or ticket, shall be allowed to examine the property purporting to be pawned or pledged, or deposited upon said receipt or ticket, in whosoever possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of law.

(R.S., D.C., § 406.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-149.

1973 Ed., § 4-149.

*Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-117.04. INTERFERENCE WITH POLICE.**

Any willful interference with the Chief of Police, or with any member of the police force, by any of the persons named in § 5-117.01, while in official and due discharge of duty, shall be punishable as a misdemeanor.

(R.S., D.C., § 407.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-150.

1973 Ed., § 4-150.

*Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-117.05. FALSE OR FICTITIOUS REPORTS TO METROPOLITAN POLICE.**

Except as provided in § 22-1319, whoever shall make or cause to be made to the Metropolitan Police force of the District of Columbia, or to any officer or member thereof, a false or fictitious report of the commission of any criminal offense within the District of Columbia, or a false or fictitious report of any other matter or occurrence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such report to be false or fictitious; or who shall communicate or cause to be communicated to such Metropolitan Police force, or any officer or member thereof, any false information concerning the commission of any criminal offense within the District of Columbia or concerning any other matter or occurrence of which such Metropolitan Police force is required to receive reports, or in connection with which such Metropolitan Police force is required to conduct an investigation, knowing such information to be false, shall be punished by a fine of not exceeding \$300 or by imprisonment not exceeding 30 days.

(Dec. 27, 1967, 81 Stat. 739, Pub. L. 90-226, title VI, § 608; Oct. 17, 2002, D.C. Law 14-194, § 152, 49 DCR 5306.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-151.

1973 Ed., § 4-150a.

*Effect of Amendments*

D.C. Law 14-194 substituted "Except as provided in § 22-1319, whoever" for "Whoever".

*Legislative History of Laws*

Law 14-194, the "Omnibus Anti-Terrorism Act of 2002", was introduced in Council and assigned Bill No. 14-373, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 9, 2002, and May 7, 2002, respectively. Signed by the Mayor on June 3, 2002, it was assigned Act No. 14-380 and transmitted to both Houses of Congress for its review. D.C. Law 14-194

became effective on October 17, 2002.

## **SUBCHAPTER X. PROPERTY.**

### **§ 5-119.01. PROPERTY CLERK OFFICE CREATED; DEFINITIONS.**

(a) There shall be an office of the Metropolitan Police District known as the Office of the Property Clerk. The Property Clerk shall be a member of the Metropolitan Police force. The staff shall consist of civilians who are not members of the Metropolitan Police force, except that police officers may provide security for lost, stolen, or abandoned property held by the office.

(b) For purposes of §§ 5-119.02 through 5-119.10 and §§ 5-119.12 through 5-119.18:

(1) The term "lost property" means any personal property, tangible or intangible, except a motor vehicle, the owner of which is unknown and which has been casually or involuntarily parted with through negligence, carelessness, or inadvertence.

(2) The term "finder of lost property" means any person other than a public officer of the Metropolitan Police Department who has found lost property.

(R.S., D.C., § 408; Dec. 5, 1919, 41 Stat. 363, ch. 1, § 1; Mar. 5, 1981, D.C. Law 3-160, § 201, 27 DCR 5150; Sept. 9, 1989, D.C. Law 8-24, § 6(a), 36 DCR 4575; May 4, 1990, D.C. Law 8-118, § 2, 37 DCR 1736.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-152.

1973 Ed., § 4-151.

##### *Legislative History of Laws*

Law 3-160, the "Uniform Disposition of Unclaimed Property Act of 1980," was introduced in Council and assigned Bill No. 3-267, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 14, 1980 and October 28, 1980, respectively. Signed by the Mayor on November 10, 1980, it was assigned Act No. 3-287 and transmitted to both Houses of Congress for its review.

Law 8-24, the "District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-10, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on May 16, 1989 and May 30, 1989, respectively. Signed by the Mayor on June 14, 1989, it was assigned Act No. 8-46 and transmitted to both Houses of Congress for its review.

Law 8-118, the "Abandoned Property Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-419, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 30, 1990, and February 13, 1990, respectively. Approved without the signature of the Mayor on March 6, 1990, it was assigned Act No. 8-172 and transmitted to both Houses of Congress for its review.

##### *Delegation of Authority*

Delegation of authority under D.C. Law 8-24, the "D.C. Abandoned and Junk Vehicle Removal Amend. Act of 1989", see Mayor's Order 90-11, January 23, 1990.

### **§ 5-119.02. LOST, STOLEN OR ABANDONED PROPERTY--CUSTODY.**

All property, or money alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall be thereafter taken into the custody of any member of the police force, or the Superior Court of the District of Columbia, or which shall come into such custody, shall be, by such member, or by order of the Court, given into the custody of the Property Clerk and kept by him, except that the custody of any abandoned vehicle shall be transferred to the Abandoned and Junk Vehicle Division of the Department of Public Works.

(R.S., D.C., § 409; Sept. 9, 1989, D.C. Law 8-24, § 6(b), 36 DCR 4575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-153.

1973 Ed., § 4-152.

*Legislative History of Laws*

For legislative history of D.C. Law 8-24, see Historical and Statutory Notes following § 5-119.02.

*References in Text*

The Police Court of the District of Columbia and the Municipal Court for the District of Columbia were consolidated by the Act of April 1, 1942, 56 Stat. 190, ch. 207, § 1. The Act of July 8, 1963, § 1, substituted "District of Columbia Court of General Sessions" for "Municipal Court for the District of Columbia." The Act of July 29, 1970, Pub. L. 91-358, § 155(a), substituted "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions."

*Delegation of Authority*

Delegation of authority under D.C. Law 8-24, the "D.C. Abandoned and Junk Vehicle Removal Amend. Act of 1989", see Mayor's Order 90-11, January 23, 1990.

### **§ 5-119.03. REGISTRATION RECORD.**

All such property and money shall be particularly registered by the Property Clerk in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the place where found, the time of the seizure, the date of the receipt, the general circumstances connected therewith, and any final disposal of such property and money.

(R.S., D.C., § 410.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-154.

1973 Ed., § 4-153.

### **§ 5-119.04. POWERS OF NOTARIES PUBLIC.**

The Property Clerk is vested with all the powers conferred by law upon notaries public in the District.

(R.S., D.C., § 411.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-155.

1973 Ed., § 4-154.

### **§ 5-119.05. ADMINISTRATION OF OATHS; CERTIFICATION OF DEPOSITIONS.**

The Property Clerk may administer oaths and certify depositions which may be necessary to establish the ownership of any property or money lost, abandoned, or returned to him under the directions of the Mayor of the District of Columbia, including such property or money so returned which is alleged to have been feloniously obtained or to be the proceeds of crime.

(R.S., D.C., § 412; June 11, 1878, 20 Stat. 107, ch. 180, § 6; May 9, 1941, 55 Stat. 185, ch. 99, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-156.

1973 Ed., § 4-155.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of



Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 5-119.06. PROPERTY CLERK--RETURN OF PROPERTY--GENERAL REQUIREMENTS; MULTIPLE CLAIMANTS; IMMUNITY; PROPERTY NEEDED AS EVIDENCE; NOTICE TO OWNER; DISPOSITION UPON FAILURE TO CLAIM.**

(a) Upon satisfactory evidence of the ownership of property or money described in § 5-119.05 he shall deliver the same to the owner, his next of kin, or legal representative and to him or them only. If, in any case, it is proven impracticable for such owner, next of kin, or legal representative to appear, the Property Clerk may deliver such property or money to any person having a duly executed power of attorney from such owner, or his next of kin, or legal representative, upon the filing of such power of attorney in the office of said Clerk and the signing of a receipt for such property or money.

(a-1) Seizure or impoundment of property by the Metropolitan Police Department from an individual is prima facie evidence of that person's ownership of the property. The prima facie evidence shall constitute a presumption of ownership by possession and in the absence of other evidence or claims of title, shall be satisfactory evidence of ownership.

(b) In the event 2 or more persons claim ownership of any such property or money, the Property Clerk may give notice by registered mail to all such claimants of whom he shall have knowledge of the time and place of a hearing to determine the person to whom the property or money shall be delivered. At the time and place so designated the Property Clerk shall hear and receive evidence of ownership of the property or money concerned, and shall determine the identity of the owner. After such hearing, the Property Clerk shall deliver the property or money to the person whom the Property Clerk determines is the owner, his next of kin, or legal representative, and to him or them only. If, in any case, it is proven impracticable for such owner, next of kin, or legal representative to appear, the Property Clerk may deliver such property or money to any person having a duly executed power of attorney from such owner, his next of kin, or legal representative, upon the filing of such power of attorney in the office of said Clerk and the signing of a receipt for such property or money.

(c) The Property Clerk shall not be liable in damages for any official action performed hereunder in good faith.

(d) Except as provided in §§ 5-119.14, 5-119.15, and 5-119.16 hereof, no property or money in the possession of the Property Clerk alleged to have been feloniously obtained or to be the proceeds of crime shall be delivered under this section if it is required to be held under the provisions of § 5-119.08 hereof; nor shall it be delivered within 1 year after the date of receipt of said property or money by the Property Clerk unless the United States Attorney in and for the District of Columbia shall certify that such property or money is not needed as evidence in the prosecution of a crime.

(e) Whenever the owner of property in the custody of the Property Clerk has been notified by the Property Clerk, by registered or certified mail, to take possession of such property within 30 days after the date of mailing of such notification, and such owner fails so to do within such period, such property shall be thereafter treated as other unclaimed, abandoned, or lost property and shall be disposed of as provided in § 5-119.10; provided, that if, in the opinion of the Property Clerk, such property has no salable value, and if within 30 days after the date of mailing such notification such property is not reclaimed by its owner and removed by him from the custody of the Property Clerk, such property shall be disposed of by destruction or otherwise, as the Council of the District of Columbia by regulation or order shall provide.

(R.S., D.C., § 413; May 9, 1941, 55 Stat. 185, ch. 99, § 1; June 29, 1953, 67 Stat. 101, ch. 159, § 306(a); Sept. 25, 1962, 76 Stat. 589, Pub. L. 87-691, § 1; Mar. 16, 1985, D.C. Law 5-194, § 2, 32 DCR 1020.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-157.

1973 Ed., § 4-156.

*Legislative History of Laws*

Law 5-194, the "Metropolitan Police Department Presumption of Ownership from Possession Amendment Act of 1984," was introduced in Council and assigned Bill No. 5-503, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 4, 1984, and December 18, 1984, respectively. Signed by the Mayor on January 11, 1985, it was assigned Act No. 5-259 and transmitted

to both Houses of Congress for its review.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(102) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-119.07. ACQUITTAL OF ACCUSED.**

Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever so brought with such claimant and the person arrested before any court for trial, and the court shall be satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, said court may, in writing, order such property or money to be returned, and the Property Clerk, if he have it, to deliver such property or money to the accused person himself, and not to any attorney, agent, or clerk of such accused person.

(R.S., D.C., § 414.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-158.

1973 Ed., § 4-157.

## **§ 5-119.08. OWNERSHIP CLAIM BY OTHER THAN PERSON ARRESTED.**

If any claim to the ownership of such property or money shall be made on oath before the court, by or in behalf of any other persons than the persons arrested, and the accused person shall be held for trial or examination, such property or money shall remain in the custody of the Property Clerk until the discharge or conviction of the persons accused.

(R.S., D.C., § 415.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-159.

1973 Ed., § 4-158.

## **§ 5-119.09. PROPERTY TRANSMITTED; DECEASED AND INCOMPETENT PERSONS; STORAGE; FEES; SALE.**

(a) All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into possession of any member of the police force, and all property and money taken from pawnbrokers as the proceeds of crime or from persons alleged to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the Property Clerk to be fully registered and advertised for the benefit of all parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police.

(b)(1) Whenever any money or property of a deceased person of a value of less than \$1,000 coming into the custody of the Property Clerk shall remain in his custody for a period of 6 months or more without being claimed and repossessed by the next of kin or the legal representative of such deceased person, such money or property shall be disposed of as lost or abandoned property as provided in § 5-119.10; provided, that prior to the disposition of such property of a deceased person it shall be the duty of the Property Clerk to ascertain whether there is pending in the court having probate jurisdiction any petition

seeking the appointment of a legal representative of such deceased person, and, if such a petition is pending in such court, the Property Clerk shall not dispose of such property until final disposition by the court of such petition; provided further, that in any case where the Property Clerk acquires actual knowledge that a petition for the appointment of a legal representative of such deceased person has been filed or is pending in a court outside of the District of Columbia, the Property Clerk shall not dispose of such property until final disposition by the court of such petition.

(2) Whenever any money or property of a deceased person shall be of a value of \$1,000 or more and shall have remained in the custody of the Property Clerk for at least 6 months, all records pertaining to the same shall be referred by the Property Clerk to the Corporation Counsel of the District of Columbia for the purpose of instituting appropriate proceedings to effect the appointment of an administrator of the estate of such decedent; provided, that upon expiration of the time for final settlement of such estate under law then in effect, the residue thereof in the absence of any claim by the heirs at law or next of kin of the decedent, as provided by law, shall be deposited into the registry of the court having probate jurisdiction, and upon the expiration of a period of 3 years, no demand having been made upon such funds by lawful heirs or other rightful claimants, the amount so deposited in such registry shall be deposited in the Treasury to the credit of the District of Columbia; provided further, that if the administrator does not take possession of such property within 3 months from the date of his appointment, the Property Clerk may, after giving such administrator 30 days notice by registered or certified mail, sell such property at public auction, and, after deducting the expenses of such sale, and expense incident to the maintenance of custody of such property, shall pay the remaining proceeds of such sale over to such administrator.

(c) Whenever the Property Clerk has custody of any property belonging to any person who has been adjudged of unsound mind and a committee has been appointed for such person but fails to take possession of the property of such person in the custody of the Property Clerk within 6 months from the date of such committee's appointment, the Property Clerk shall give such committee 60 days notice by registered or certified mail of his intention to sell such property at public auction or otherwise dispose of such property in accordance with law. If, upon the expiration of such 60 days notice, the committee has not taken custody of such property: (1) the Property Clerk is authorized to sell such property at public auction, and, after deducting the expenses of the sale, expenses incident to the maintenance and custody of such property, and any amounts due the District of Columbia for care and maintenance of the adjudicated patient, shall pay the remaining proceeds of the sale over to such committee; or (2) if in the opinion of the Property Clerk any such property has no salable value, he is authorized to dispose of such property by destruction or otherwise as the Council of the District of Columbia shall, by regulation, or the Mayor of the District of Columbia shall, by order, determine.

(d)(1) The said Mayor is authorized, in his discretion, to store in any commercial warehouse or garage in the District of Columbia, or in or on any facility under the jurisdiction of the District of Columbia, any property coming into the custody of the Property Clerk pursuant to this chapter, including vehicles impounded by any officer or member of the Metropolitan Police force.

(2) The Mayor is authorized to fix, by regulation, the fees to be charged to reimburse the District of Columbia for the cost of services rendered by the Metropolitan Police force in taking custody of and protecting such property and for the cost of storing such property in any commercial warehouse or garage, and whenever any such property is stored in or on any facility under the jurisdiction of the District of Columbia, the Mayor shall fix the storage fee in an amount reasonably estimated by him to be the value of the storage service rendered for each day during which such property is so stored, and to collect all such fees due and owing for such property before releasing such property to its owner or his legal representative; provided, that the Mayor is authorized, in his discretion, to waive the charging and collecting of such fees for property taken into custody as evidence, the proceeds of crime, or from persons supposed to be insane; provided further, that the Property Clerk is authorized to sell at public auction pursuant to subsection (b) of § 5-119.10 any property stored in a commercial garage or warehouse, when the storage charges for such property exceed 75% of its value as determined by the Property Clerk, regardless of the amount of time for which such property is required by other sections of this chapter to be held by the Property Clerk.

(3) Fees collected by reason of this section shall be deposited in the Treasury to the credit of the District of Columbia.

(R.S., D.C., § 416; May 29, 1896, 29 Stat. 191, ch. 270; Mar. 3, 1901, 31 Stat. 1208, ch. 854, § 116; Sept. 1, 1916, 39 Stat. 718, ch. 433, § 12; Mar. 3, 1936, 49 Stat. 1158, ch. 121, § 1; Sept. 25, 1962, 76 Stat. 589, Pub. L. 87-691, § 2; July 29, 1970, 84 Stat. 576, Pub. L. 91-358, title I, § 158(a)(1).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-160.

1973 Ed., § 4-159.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(103) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-119.10. SALE AT PUBLIC AUCTION; MOTOR VEHICLE WITH LIEN OF RECORD; DISPOSITION OF PROCEEDS FROM SALE.**

(a) With respect to all property (including money), except perishable property, animals, firearms and property of persons with mental illness, not otherwise disposed of in accordance with § 5-119.09, that shall remain in the custody of the Property Clerk for not less than 90 days without being claimed and repossessed, the Property Clerk shall:

(1) Publish or cause to be published in a newspaper of general circulation in the District, once a week for 2 consecutive weeks:

(A) Notice of the location where a full description of the property can be reviewed; and

(B) Notice that if such property is not claimed by the rightful owner within 45 days from the date of 1st publication, title to the property shall revert to the finder of lost property after deduction for the expenses of custody and publication, or to the District of Columbia in all other cases; and

(2) Post or cause to be posted in the Metropolitan Police Department headquarters, where public notices are commonly or usually posted, a description of the property, and a copy of the notice published in the newspaper of general circulation in the District, and shall make a record of the date when such publication and the posting of the notices are made; and

(3) Post or cause to be posted on the Metropolitan Police Department website a description of the property, and a copy of the notice published in the newspaper of general circulation in the District, and shall make a record of the date when such publication and the posting of the notices are made.

(b) If neither the rightful owner nor the finder appear to claim the lost property, title to such property shall transfer to the District government and the property may be retained by the Mayor for official government use or may be sold at public auction at such place and time as the Property Clerk may direct and in such a manner as to expose to the inspection of bidders all property so offered for sale. The Property Clerk needs not offer any property for sale if, in the Property Clerk's opinion, the probable cost of sale exceeds the value of the property.

(c) The purchaser at any sale conducted by the Property Clerk pursuant to this section shall receive title to the property purchased, free from all claims of the rightful owner or the finder of the property and all persons claiming through and under the rightful owner or the finder. The Property Clerk shall execute all documents necessary to complete the transfer of title.

(d) All proceeds from any sale under this section shall be deposited in the General Fund of the District government.

(e) Repealed.

(f)(1) The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue proposed rules to implement the provisions of this section.

(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(R.S., D.C., § 417; Sept. 1, 1916, 39 Stat. 718, ch. 433, § 12; Mar. 3, 1936, 49 Stat. 1158, ch. 121, § 2; Sept. 25, 1962, 76 Stat. 591, Pub. L. 87-691, § 4; Mar. 5, 1981, D.C. Law 3-160, § 202, 27 DCR 5150; Sept. 29, 1988, D.C. Law 7-164, § 2, 35 DCR 5739; Sept. 9, 1989, D.C. Law 8-24, § 6(c)-(e), 36 DCR 4575; Oct. 28, 2003, D.C. Law 15-35, § 13(a), 50 DCR 6579; Apr. 24, 2007, D.C. Law 16-305, § 16, 53 DCR 6198; Sept. 20, 2012, D.C. Law 19-168, § 3002, 59 DCR 8025.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-161.

1973 Ed., § 4-160.

*Effect of Amendments*

D.C. Law 15-35 repealed subsec. (e) which had read as follows:

"(e) Whenever the Abandoned and Junk Vehicle Division of the Department of Public Works shall have in its custody any motor vehicle upon which there is a lien or liens of record in the Office of the Recorder of Deeds of the District of Columbia, it shall, prior to the sale thereof pursuant to this section, notify by registered or certified mail each lienor and lienee in any such case of such custody and impending sale, and if such lienor or lienee fail to remove such property from the custody of the Abandoned and Junk Vehicle Division of the Department of Public Works within 45 days from the date of the mailing of such notification, such lien or liens shall be considered to have been abandoned, and shall be thenceforth null and void. Upon being notified in writing of such fact by the Abandoned and Junk Vehicle Division of the Department of Public Works, the Recorder of Deeds of the District of Columbia is authorized to indicate on his records that such lien or liens are thenceforth null and void and the Abandoned and Junk Vehicle Division of the Department of Public Works is authorized to sell any such motor vehicle at public auction free and clear of such lien and liens; except that the proceeds of such sale shall be available:

"(1) For the payment of all expenses incident to such sale and custody;

"(2) For the payment of such liens so declared null and void;

"(3) For payment to the owner in accordance with subsection (a) of this section; and

"(4) The remainder, if any, shall be deposited in the Treasury of the United States to the credit of the District of Columbia."

D.C. Law 16-305, in subsec. (a), substituted "persons with mental illness" for "insane persons".

D.C. Law 19-168 rewrote subsecs. (a)(1)(A) and (a)(2); and added subsec. (a)(3). Prior to amendment, subsecs. (a)(1)(A) and (a)(2) read as follows:

"(A) A description of the property; and"

"(2) Post or cause to be posted in the Metropolitan Police Department headquarters, where public notices are commonly or usually posted, a copy of the notice published in the newspaper of general circulation in the District, and shall make a record of the date when such publication and the posting of the notices are made."

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 13(a) of the Removal and Disposition of Abandoned, Dangerous and Other Unlawfully Parked Vehicles Reform Emergency Act of 2002 (D.C. Act 15-104, June 20, 2003, 50 DCR 5534).

For temporary (90 day) amendment of section, see § 13(a) of Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Congressional Review Emergency Act of 2003 (D.C. Act 15-171, October 6, 2003, 50 DCR 9163).

*Legislative History of Laws*

For legislative history of D.C. Law 3-160, see Historical and Statutory Notes following § 5-119.01.

Law 7-164, the "District of Columbia Forfeited Property Amendment Act of 1988," was introduced in Council and assigned Bill No. 7-325, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on June 28, 1988 and July 12, 1988, respectively. Signed by the Mayor on July 15, 1988, it was assigned Act No. 7-220 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 8-24, see Historical and Statutory Notes following § 5-119.01.

Law 15-35, the "Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003", was introduced in Council and assigned Bill No. 15-78, which was referred to Committee on Public Works and the Environment. The Bill was adopted on first and second readings on June 3, 2003, and July 8, 2003, respectively. Signed by the Mayor on July 29, 2003, it was assigned Act No. 15-113 and transmitted to both Houses of Congress for its review. D.C. Law 15-35 became effective on October 28, 2003.

Law 16-305, the "People First Respectful Language Modernization Act of 2006", was introduced in Council and assigned Bill No. 16-664, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 17, 2006, it was assigned Act No. 16-437 and transmitted to both Houses of Congress for its review. D.C. Law 16-305 became effective on April 24, 2007.

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

#### *Delegation of Authority*

Delegation of authority under D.C. Law 8-24, the "D.C. Abandoned and Junk Vehicle Removal Amend. Act of 1989", see Mayor's Order 90-11, January 23, 1990.

Delegation of authority pursuant to D.C. Law 7-164, the "D.C. Forfeited Property Amendment Act of 1988", see Mayor's Order 90-71, May 10, 1990.

#### *Miscellaneous Notes*

Effect of repeal provisions: Section 14 of D.C. Law 15-35 provides: "Any repeal of a law or regulation by this act shall not invalidate any enforcement action, adjudication, or any other action made or taken pursuant to such law or regulation."

Application of Law 15-35: Section 15 of D.C. Law 15-35 provides: "This act shall apply to all vehicles impounded after its effective date. This act shall also apply to all vehicles impounded prior to its effective date provided that notice is sent to the owners and lien holders in accordance with the provisions of subsections 7(b) or (c), as is applicable."

Short title: Section 3001 of D.C. Law 19-168 provided that subtitle A of title III of the act may be cited as "Notice of Unclaimed Property Modernization Amendment Act of 2012".

### **§ 5-119.11. IMMUNITY FROM DAMAGES TO PROPERTY; EXCEPTION; "GROSS NEGLIGENCE" DEFINED.**

Neither the government of the District of Columbia nor any officer or employee thereof shall be liable for damage to any property resulting from the removal of such property from public space, or the transportation of such property into the custody of the Property Clerk, Metropolitan Police Department, nor for damage to any such property while such property is in the custody of the Property Clerk, Metropolitan Police Department, when such custody is maintained pursuant to the requirements of law, except that the government of the District of Columbia or any such officer or employee may be liable for damage to such property as a result of gross negligence in the removal, transportation, or storage of such property; provided, that should a judgment be entered for the District of Columbia against any commercial warehouseman or garagekeeper for damage to such property in his care, recovery on such judgment, less all administrative expenses and court costs to the District of Columbia involved in such litigation, shall be paid by the District of Columbia to the owner of the damaged property as determined by the Property Clerk. For the purpose of this section, the term "gross negligence" means a willful intent to injure property, or a reckless or wanton disregard of the rights of another in his property.

(Sept. 25, 1962, 76 Stat. 591, Pub. L. 87-691, § 5.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-162.

1973 Ed., § 4-160a.

### **§ 5-119.12. SALE OF UNCLAIMED ANIMALS.**

Horses and other animals taken by the police and remaining unclaimed for 20 days may be advertised and sold upon 10 days public notice.

(R.S., D.C., § 418.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-163.

1973 Ed., § 4-161.

### **§ 5-119.13. SALE OF PERISHABLE PROPERTY.**

All perishable property so taken and unclaimed shall be sold at once.

(R.S., D.C., § 419.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-164.

1973 Ed., § 4-162.

#### **§ 5-119.14. PROPERTY DELIVERED TO OWNER PRECEDING TRIAL-- GENERALLY.**

When animals or articles of property (except perishable property) other than money, returned to the Property Clerk as the proceeds of crime, are shown by sufficient evidence to be necessary for the current use of the owner and not for sale, the Mayor of the District of Columbia has power, in his discretion, to authorize the Property Clerk to place the same in the custody of the owner, upon sufficient bonds being given by the owner in the sum of twice the value of the property, conditioned for the production of the same at any time within 1 year, when required for use in court as evidence in any proceedings thereon.

(R.S., D.C., § 420; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 4-165.

1973 Ed., § 4-163.

###### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### **§ 5-119.15. PROPERTY DELIVERED TO OWNER PRECEDING TRIAL-- PERISHABLE PROPERTY.**

Perishable property, returned to the Property Clerk as the proceeds of crime, may be delivered to the owner on ample security being taken by the court for his appearance to prosecute the case.

(R.S., D.C., § 421.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 4-166.

1973 Ed., § 4-164.

#### **§ 5-119.16. PROPERTY DELIVERED TO OWNER PRECEDING TRIAL--LARGE QUANTITIES OF GOODS HELD FOR SALE.**

When large quantities of goods held for sale by the owner, come into the possession of the Property Clerk as the proceeds of crime, the same may be delivered to the owner, his heirs or representatives, as provided in § 5-119.06, upon ample security to prosecute the case. But in such cases goods to the estimated value of \$50 shall be retained by the Property Clerk until the discharge or conviction of the accused.

(R.S., D.C., § 422.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 4-167.

1973 Ed., § 4-165.

## **§ 5-119.17. USE OF PROPERTY AS EVIDENCE.**

If any property or money placed in the custody of the Property Clerk shall be desired as evidence in the Superior Court of the District of Columbia, such property shall be delivered to any officer who shall present an order to that effect from such Court; but such property shall not be retained in the Court, but shall be returned to the Property Clerk, to be disposed of according to the provisions of this chapter.

(R.S., D.C., § 423.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-168.

1973 Ed., § 4-166.

#### *References in Text*

The Police Court of the District of Columbia and the Municipal Court for the District of Columbia were consolidated by the Act of April 1, 1942, 56 Stat. 190, ch. 270, § 1. The Act of July 8, 1963, § 1, substituted "District of Columbia Court of General Sessions" for "Municipal Court for the District of Columbia." The Act of July 29, 1970, Pub. L. 91-358, § 155(a), substituted "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions."

## **§ 5-119.18. PROPERTY TREATED AS ABANDONED.**

Any property or money returned to the Property Clerk as the proceeds of crime, and which shall not be called for as evidence by any proceeding in the courts of the District within 1 year from the date of such return, may, unless specially claimed by the owner within that time, be thereafter treated as other unclaimed, abandoned, or lost property or money, as provided in this chapter.

(R.S., D.C., § 424.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-169.

1973 Ed., § 4-167.

## **§ 5-119.19. ABANDONED INTANGIBLE PERSONAL PROPERTY.**

Nothing in §§ 5-119.01 through 5-119.10 and 5-119.12 through 5-119.18 shall be held to require the Property Clerk to make disposition of any abandoned intangible personal property except as provided for in Chapter 1 of Title 41.

(Mar. 5, 1981, D.C. Law 3-160, § 203, 27 DCR 5150.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 4-170.

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-160, see Historical and Statutory Notes following § 5-119.01.

## **SUBCHAPTER XI. PRIVATE DETECTIVES.**

### **§ 5-121.01. BOND REQUIRED; CONDITIONS THEREOF; SUITS BY INJURED PARTIES.**

The Council of the District of Columbia shall by regulation require that bonds in the amount of not more than \$25,000 shall be furnished and kept in force by all persons licensed as private detectives in the District of Columbia. Bonds required by this section shall be corporate bonds and shall run to the District and shall be conditioned upon the observance by the licensed private detective and any agent, employee, or person acting in behalf of the licensed private detective of all laws and regulations in force in the District of Columbia applicable to the conduct of persons licensed as private detectives. Such bonds shall be for the benefit of any person who may suffer damages as a result of violation of any law or regulation by or on



the part of any licensed private detective or any agent, employee, or person acting on the behalf of any private detective. In addition to any right to any other legal action, any person aggrieved by the violation of any law or regulation by a licensed private detective may bring suit against the surety on a bond required by this section either alone or jointly with the principal thereon and recover damages for such violation of law or regulation in an amount not to exceed the penal amount of the bond. The provisions of paragraphs (2), (3), and (5) of subsection (b) of § 1-301.01 shall be applicable to each bond authorized by this section as if it were the bond authorized by paragraph (1) of such subsection (b); provided, that nothing in this section shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished after any prior recovery or recoveries.

(Nov. 8, 1965, 79 Stat. 1309, Pub. L. 89-347, § 9(b).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-171.

1973 Ed., § 4-171a.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(105) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-121.02. DUTY IN MAKING ARREST.**

It shall be the duty of every person prosecuting the business of a private detective, who may arrest a person for crime, to bring the person arrested, with all evidence of the alleged crime, including property or money which may become evidence, immediately to the office of the Chief of Police, or to the proper court, where the case shall undergo an examination.

(R.S., D.C., § 429.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-172.

1973 Ed., § 4-172.

##### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

### **§ 5-121.03. ACTING WITHOUT COMPLIANCE WITH LAW.**

Any person practicing as a private detective or advertising or holding himself out as such without first complying with the provisions of law relative to private detectives shall be guilty of a misdemeanor and subject to a fine not exceeding \$500 or imprisonment in the District Jail for a period not exceeding 11 months and 29 days.

(Feb. 28, 1901, 31 Stat. 820, ch. 623, § 5.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-173.

1973 Ed., § 4-173.

#### **§ 5-121.04. APPLICABLE POLICE PROVISIONS.**

All laws which govern the police force in the matters of persons, property, or money shall be applicable to all private detectives (or to persons practicing as detectives, whatever other name they may assume) and such detectives or persons shall make like returns and dispositions of such matters as required by law and the rules of the Mayor governing the police force.

(R.S., D.C., § 430; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 4-174.

1973 Ed., § 4-174.

###### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### **§ 5-121.05. COMPROMISE OF FELONY; WITHHOLDING INFORMATION; RECEIVING COMPENSATION FROM PERSON ARRESTED OR LIABLE TO ARREST; PERMITTING ESCAPE.**

It is unlawful for any private detective, or any member of the police force, or for any other person to compromise a felony or any other unlawful act, or to participate in, assent to, aid or assist any person suspected of crime to escape a full judicial examination by failing to give known facts or reasonable causes of suspicion, or withholding any information relative to the charge or suspicion from the proper judicial authorities; or in any manner to receive any money, property, favor, or other compensation from, or on account of, any person arrested or subject to arrest for any crime or supposed crime; or to permit any such person to go at large without due effort to secure an investigation of such supposed crime. And for any violation of the provisions of this section, or either of them, such member of the police force, or private detective, or other person guilty thereof, shall be deemed as having compromised a felony, and shall be thereafter prohibited from acting as an officer of said police force, or as a private detective, and shall be prosecuted to the extent of the law for aiding criminals to escape the ends of justice.

(R.S., D.C., § 431.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 4-175.

1973 Ed., § 4-175.

### **SUBCHAPTER XII. GENERAL PROHIBITIONS.**

#### **§ 5-123.01. PROHIBITIONS; AFFILIATION WITH ORGANIZATION ADVOCATING STRIKES; CONSPIRACY TO INTERFERE WITH OPERATION OF POLICE FORCE BY STRIKE; NOTICE OF INTENTION TO RESIGN.**

(a) No member of the Metropolitan Police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself, or any subordinate, component, or affiliated organization of which, holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Mayor of the District of Columbia that any member of the Metropolitan Police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Mayor of the District of Columbia to immediately discharge such member from the service.

(b) Any member of the Metropolitan Police who enters into a conspiracy, combination, or agreement with

the purpose of substantially interfering with or obstructing the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300 or by imprisonment of not more than 6 months, or by both.

(c) No officer or member of the said police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Mayor of the District of Columbia, unless he shall have given the Chief of Police 1 month's notice in writing of such intention.

(Feb. 28, 1901, 31 Stat. 819, ch. 623, § 1; June 8, 1906, 34 Stat. 223, ch. 3056; Dec. 5, 1919, 41 Stat. 364, ch. 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-121.

1973 Ed., § 4-125.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-123.02. USE OF UNNECESSARY OR WANTON FORCE.**

Any officer who uses unnecessary and wanton severity in arresting or imprisoning any person shall be deemed guilty of assault and battery, and, upon conviction, punished therefor.

(R.S., D.C., § 434.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-176.

1973 Ed., § 4-176.

## **SUBCHAPTER XIII. LIMITATION ON CHOKEHOLD.**

### **§ 5-125.01. INTENT OF COUNCIL.**

The Council of the District of Columbia finds and declares that the use of restraints generally known as chokeholds by law enforcement officers constitutes the use of lethal force, and that the unrestricted use of force presents an unnecessary danger to the public. These conclusions are based upon the testimony presented at the police oversight hearing conducted by the Committee on the Judiciary on February 23, 1984. During the hearing, statistics were revealed indicating that there have been 2 civilian deaths in as many years caused by an officer's use of the chokehold. Therefore, it is the intent of the Council in the enactment of this subchapter to specify the circumstances and procedures under which these restraints shall be permitted and to classify the chokehold as a service weapon.

(Jan. 25, 1986, D.C. Law 6-77, § 2, 32 DCR 6497.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-188.

Law 6-77, the "Limitation on the Use of the Chokehold Act of 1985," was introduced in Council and assigned Bill No. 6-15, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 8, 1985, and October 22, 1985, respectively. Signed by the Mayor on November 4, 1985, it was assigned Act No. 6-100 and transmitted to both Houses of Congress for its review.

*Miscellaneous Notes*

Mayor authorized to issue rules: Section 5 of D.C. Law 6-77 provided that the Mayor may issue rules to implement the provisions of the act pursuant to subchapter I of Chapter 15 of Title 1.

## **§ 5-125.02. DEFINITIONS.**

For the purposes of this subchapter, the term:

(1) A "trachea hold," "arm bar hold," or "bar-arm hold" means any weaponless technique or any technique using the officer's arm, a long or short police baton, or a flashlight or other firm object that attempts to control or disable a person by applying force or pressure against the trachea, windpipe, or the frontal area of the neck with the purpose or intent of controlling a person's movement or rendering a person unconscious by blocking the passage of air through the windpipe.

(2) A "carotid artery hold," "sleeper hold," or "v hold" means any weaponless technique which is applied in an effort to control or disable a person by applying pressure or force to the carotid artery or the jugular vein or the sides of the neck with the intent or purpose of controlling a person's movement or rendering a person unconscious by constricting the flow of blood to and from the brain.

(Jan. 25, 1986, D.C. Law 6-77, § 3, 32 DCR 6497.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-189.

*Legislative History of Laws*

For legislative history of D.C. Law 6-77, see Historical and Statutory Notes following § 5-125.01.

*Miscellaneous Notes*

Mayor authorized to issue rules: See Historical and Statutory Notes following § 5-125.01.

## **§ 5-125.03. TRACHEA HOLD PROHIBITED; CAROTID ARTERY HOLD RESTRICTED.**

(a) The use of the trachea hold by any police officer shall be prohibited under any circumstances and the carotid artery hold shall be prohibited except under those circumstances and conditions under which the use of lethal force is necessary to protect the life of a civilian or a law enforcement officer, and has been effected to control or subdue an individual, and the Metropolitan Police Department has issued procedures and policies which require, at a minimum, all the following:

- (1) That an officer shall have satisfactorily completed a course of training on the carotid artery hold;
- (2) That the officer who has applied the carotid hold on an individual render that person immediate first aid and emergency medical treatment if the person becomes unconscious as a result of the hold pending immediate transport of the person to the hospital;
- (3) That upon resuscitation of the unconscious person, the individual shall be transported immediately to an emergency medical facility for examination, treatment, and observation by a competent and qualified emergency medical technician or physician within a reasonable period of time not to exceed 1 hour; and
- (4) That where the person rendered unconscious through the use of a hold is unconscious for a period of 3 minutes or more, or appears to be under the influence of alcohol or drugs, or has shown signs of acute mental disturbance, that person shall be immediately transported to an emergency medical or acute care facility for examination, treatment, or observation by competent and qualified medical personnel within a reasonable period not to exceed 1 hour.

(b) The failure to provide immediately appropriate medical aid as required in subsection (a)(3) and (4) of this section to a person who has been rendered unconscious or subdued by the use of a hold shall for purposes of civil liability create a presumption, affecting the burden of proof, of willful negligence and reckless disregard for the safety and well-being of that person.

(c)(1) Every police officer who under color of authority willfully and intentionally violates the standards

prescribed in this section or any regulations issued pursuant to this subchapter shall, upon conviction, be subject to a fine of \$5,000, or imprisonment not exceeding 1 year, or both, and removal from office.

(2) Such conduct shall also be subject to any civil remedies related to a violation of standards set forth in the police manual or general orders of the Metropolitan Police Department.

(d) The trachea hold is prohibited and the carotid artery hold shall be classified as a service weapon and all relevant Metropolitan Police Department general orders, special orders, and circulars shall be applicable.

(Jan. 25, 1986, D.C. Law 6-77, § 4, 32 DCR 6497.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-190.

##### *Legislative History of Laws*

For legislative history of D.C. Law 6-77, see Historical and Statutory Notes following § 5-125.01.

##### *Miscellaneous Notes*

Mayor authorized to issue rules: See Historical and Statutory Notes following § 5-125.01.

## **SUBCHAPTER XIV. GENERAL POWERS AND DUTIES.**

### **§ 5-127.01. CONDUCT OF FORCE; POWER TO FINE, SUSPEND AND DISMISS; WRITTEN CHARGES; OPPORTUNITY TO BE HEARD; REMOVAL WITHOUT TRIAL; AMENDMENT OF CHARGES.**

In addition to the powers vested in them by law, the Council of the District of Columbia is hereby authorized and empowered to make and modify, and the Mayor of the District of Columbia is hereby authorized and empowered to enforce, under such penalties as the Council may deem necessary, all needful rules and regulations for the proper government, conduct, discipline, and good name of said Metropolitan Police force; and said Mayor is hereby authorized and empowered to fine, suspend with or without pay, and dismiss any officer or member of said police force for any offense against the laws of the United States or the laws and ordinances or regulations of the District of Columbia, whether before or after conviction thereof in any court or courts, and for misconduct in office, or for any breaches or violation of the rules and regulations made by the Council for the government, conduct, discipline, and good name of said police force; provided, that no person shall be removed from said police force except upon written charges preferred against him in the name of the Chief of Police of said police force to the trial board or boards hereinafter provided for and after an opportunity shall have been afforded him of being heard in his defense; but no person so removed shall be reappointed to any office in said police force; provided further, that special policemen and additional privates may be removed from office by the Mayor without cause and without trial; provided further, that charges preferred against any member of said police force to the trial board or boards hereinafter provided for may be altered or amended, in the discretion of such trial board or boards, at any time before final action by such board or boards, under such regulations as the Council may adopt, provided the accused have an opportunity to be heard thereon.

(Feb. 28, 1901, 31 Stat. 819, ch. 623, § 1; June 8, 1906, 34 Stat. 221, ch. 3056.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-117.

1973 Ed., § 4-121.

##### *Emergency Act Amendments*

For temporary (90 day) video surveillance regulations, see § 2 of Metropolitan Police Department Video Surveillance Regulations Emergency Act of 2003 (D.C. Act 15-10, January 27, 2003, 50 DCR 1481).

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(93) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of

Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

New implementing regulations: Pursuant to this section, the following new regulations were adopted in 1982: The "Police Officers Outside Employment Act of 1982" (D.C. Law 4-132, July 24, 1982, 29 DCR 2450).

Office of Major and Superintendent of Police abolished: See Historical and Statutory Notes following § 5-105.01.

Delegation of Personnel Authority in the Metropolitan Police Department to the Chief of Police: See Mayor's Order 97-88, May 9, 1997 (44 DCR 2959).

## **§ 5-127.02. AFFIRMATIONS AND OATHS TO DEPOSITIONS.**

The Mayor and the Chief of Police have power to administer, take, receive, and subscribe all affirmations and oaths to any depositions necessary by the rules and regulations of the Mayor, relating to the Metropolitan Police.

(R.S., D.C., § 392; June 11, 1878, 20 Stat. 107, ch. 180, § 6; June 8, 1906, 34 Stat. 221, ch. 3056.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-119.

1973 Ed., § 4-123.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-127.03. DUTY TO RESPECT AND OBEY CHIEF OF POLICE.**

It shall be the duty of the police force to respect and obey the Chief of Police as the head and chief of the police force, subject to the rules, regulations, and general orders of the Council of the District of Columbia and the Mayor of the District of Columbia.

(R.S., D.C., § 344; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-122.

1973 Ed., § 4-126.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of

Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

*Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

## **§ 5-127.04. POLICE TO HAVE POWER OF CONSTABLES; AUTHORIZATION TO EXECUTE CERTAIN SUPERIOR COURT ORDERS.**

(a) The Mayor of the District of Columbia, and the members of the police force, shall possess in every part of the District all the common-law powers of constables, except for the service of civil process and for the collection of strictly private debts, in which designation fines imposed for the breach of the ordinances in force in the District shall not be included.

(b) In addition to the powers enumerated in subsection (a) of this section, members of the Metropolitan Police Department shall execute orders of the Superior Court of the District of Columbia issued pursuant to § 16-1005.

(R.S., D.C., §§ 394, 1035; June 11, 1878, 20 Stat. 107, ch. 180, § 6; Sept. 14, 1982, D.C. Law 4-144, § 8, 29 DCR 3131.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-136.

1973 Ed., § 4-136.

*Legislative History of Laws*

Law 4-144, the "Proceedings Regarding Intrafamily Offenses Amendment Act of 1982," was introduced in Council and assigned Bill No. 4-195, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 8, 1982, and June 22, 1982, respectively. Signed by the Mayor on July 12, 1982, it was assigned Act No. 4-212 and transmitted to both Houses of Congress for its review.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-127.05. EXECUTION OF WARRANTS.**

Any warrant for search or arrest, issued by any judge of the District, may be executed in any part of the District by any member of the police force, without any backing or indorsement of the warrant, and according to the terms thereof; and all provisions of law in relation to bail in the District shall apply to this chapter.

(R.S., D.C., § 395.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-138.

1973 Ed., § 4-138.

*References in Text*

Pursuant to the District of Columbia Court Reorganization Act of 1970, "judge" was substituted for "magistrate" in this section.

## **SUBCHAPTER XV. SPECIAL POLICE.**

### **PART A. GENERAL.**

#### **§ 5-129.01. CROSSINGS AND INTERSECTIONS; PENALTY FOR FAILURE TO STOP CAR.[REPEALED]**

(May 10, 1989, D.C. Law 7-231, § 14a, 36 DCR 492.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 4-113.

###### *Legislative History of Laws*

Law 7-231, the "Technical Amendments Act of 1988," was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988, and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

#### **§ 5-129.02. PROPERTY OF INDIVIDUAL OR CORPORATION; COMPENSATION AND REGULATION.**

(a) The Mayor, on application of any corporation or individual, or in his own discretion, may appoint special police officers and security officers in connection with the property of, or under the charge of, such corporation or individual; provided, that the special police officers and security officers be paid wholly by the corporation or person on whose account their appointments are made.

(b) Special police officers and security officers, but not campus police officers, shall be required to complete minimum levels of pre-assignment, on-the-job, and in-service training.

(c) The Mayor, pursuant to subchapter I of chapter 5 of Title 2, may issue rules governing special police officers and security officers. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 45-day review period, the proposed rules shall be deemed approved.

(Mar. 3, 1899, 30 Stat. 1057, ch. 422; Nov. 16, 2006, D.C. Law 16-187, § 202, 53 DCR 6722.)

##### *HISTORICAL AND STATUTORY NOTES*

###### *Prior Codifications*

1981 Ed., § 4-114.

1973 Ed., § 4-115.

###### *Effect of Amendments*

D.C. Law 16-187 rewrote the section which had previously read as follows:

"The Mayor of the District of Columbia, on application of any corporation or individual, or in his own discretion, may appoint special policemen for duty in connection with the property of, or under the charge of, such corporation or individual; said special policemen to be paid wholly by the corporation or person on whose account their appointments are made, and to be subject to such general regulations as the Council of the District of Columbia may prescribe."

###### *Legislative History of Laws*

Law 16-187, the "Enhanced Professional Security Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-102, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 25, 2006, it was assigned Act No. 16-465 and transmitted to both Houses of Congress for its review. D.C. Law 16-187 became effective on November 16, 2006.

###### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of



Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(91) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

*Miscellaneous Notes*

Uniform requirements for security officers amended: Section 2 of D.C. Law 5- 180 amended § 4.2 of the Regulation Establishing Standards For Certification And Employment For Security Officers, to remove the prohibition against security officers wearing uniforms with stripes, enacted December 1, 1974 (Reg. 74-31; 17 DCMR 2112.1).

Delegation of Personnel Authority in the Metropolitan Police Department to the Chief of Police: See Mayor's Order 97-88, May 9, 1997 (44 DCR 2959).

### **§ 5-129.03. APPOINTMENT OF SPECIAL POLICE WITHOUT PAY.**

The Mayor of the District of Columbia may, upon any emergency of riot, pestilence, invasion, insurrection, or during any day of public election, ceremony, or celebration, appoint as many special privates without pay, from among the citizens, as he may deem advisable, and for a specified time. During the term of service of such special privates, they shall possess all the powers and privileges and perform all the duties of the privates of the standing police force of the District and such special privates shall wear an emblem to be presented by the Mayor.

(R.S., D.C., §§ 378, 379; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-130.

1973 Ed., § 4-133.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

*Delegation of Authority*

Delegation of Authority to the Chief of Police to Appoint Special Police Without Pay, see Mayor's Order 2009-4, January 16, 2009 (56 DCR 2018).

## **PART B. SECURITY OFFICER ADVISORY COMMISSION.**

### **§ 5-129.21. SECURITY OFFICER ADVISORY COMMISSION.**

(a) There is established a Security Officer Advisory Commission ("Commission") to make recommendations on the training of security officers.

(b) The Commission shall be comprised of the following 11 members, all of whom shall be District residents and who shall be appointed by the Mayor and confirmed by the Council in accordance with § 1-523.01(f):

- (1) Four representatives of security officer companies;
- (2) Three actively employed security officers;

- (3) One full-time faculty member of a college or university who teaches and whose area of expertise is in the field of security with insurance, risk management, lending, or underwriting experience;
- (4) Two representatives of organized labor with security guard members; and
- (5) One representative from owners or managers of commercial property in the District.
- (c) The Mayor and the Chief of the Metropolitan Police Department, or their designees, shall be ex-officio members of the Commission.
- (d) The Mayor shall designate one member to serve as Chairperson of the Commission.
- (e)(1) Except as provided in paragraph (2) of this subsection, all members of the Commission shall serve 3-year terms.
  - (2) Of the initial appointments, 3 members shall serve one-year terms and 2 members shall serve 2-year terms.
  - (3) A member may be reappointed for additional terms.
  - (4) Vacancies shall be filled in the same manner as appointments, with the appointed member to serve the remainder of the unexpired term.
- (f) The members of the Commission shall receive no compensation for their service, but shall be allowed their actual and necessary expenses incurred in the performance of their functions.
- (g) The Commission shall meet as frequently as it deems necessary but not less than 3 times each calendar year. Special meetings may be called by the Chairperson, at the request of the Mayor or the Chief of the Metropolitan Police Department, or upon the written request of 6 members of the Commission.
- (h) The Commission may establish its own procedures with respect to the conduct of its meetings and other affairs; provided, that all recommendations made by the Commission to the Mayor and the Chief of the Metropolitan Police Department shall require the affirmative vote of a majority of the Commission.
- (i)(1) The Commission shall make recommendations to the Mayor for rules pertaining to training for security officers, but not campus police officers, including:
  - (A) Minimum training duration and content required at training programs;
  - (B) Minimum qualifications for training instructors; and
  - (C) Training requirements which security officers and applicants must complete before being certified as security officers.
- (2) The Commission may:
  - (A) Conduct studies and surveys, and issue reports regarding the training of security officers;
  - (B) Visit and inspect any security officer training program; and
  - (C) Perform such other acts as may be necessary or appropriate to carry out its functions.

(Nov. 16, 2006, D.C. Law 16-187, § 101, 53 DCR 6722.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 16-187, the "Enhanced Professional Security Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-102, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 25, 2006, it was assigned Act No. 16-465 and transmitted to both Houses of Congress for its review. D.C. Law 16-187 became effective on November 16, 2006.

## **SUBCHAPTER XV-A. DETECTIVE ADVISORS.**

### **§ 5-129.31. DETECTIVE ADVISORS.[EXPIRED]**

(Sept. 30, 2004, D.C. Law 15-194, § 1102, 51 DCR 9406.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 15-194, the "Omnibus Public Safety Agency Reform Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-32, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 6, 2004, and June 1, 2004, respectively. Signed by the Mayor on June 24, 2004, it was assigned Act No. 15-463 and transmitted to both Houses of Congress for its review. D.C. Law

15-194 became effective on September 30, 2004.

*Editor's Notes*

Pursuant to subsec. (d), this section expired 2 years after September 30, 2004.

*Delegation of Authority*

Delegation of Mayor's Rulemaking Authority Pursuant to the Detective Adviser Act of 2004 to the Chief, Metropolitan Police Department, see Mayor's Order 2005-99, June 14, 2005 (52 DCR 8165).

## **SUBCHAPTER XV-B. RESERVE CORPS.**

### **§ 5-129.51. METROPOLITAN POLICE DEPARTMENT RESERVE CORPS.**

(a) The Mayor shall establish a Metropolitan Police Department Reserve Corps ("Reserve Corps") in the District of Columbia. The purpose of the Reserve Corps shall be to assist full-time, sworn police personnel in both the day-to-day and emergency delivery of law enforcement services, consistent with applicable law.

(b) The Reserve Corps shall have as its membership a corps of unpaid volunteers who fulfill police duties and responsibilities as determined by the Chief of the Metropolitan Police Department.

(c) The selection criteria required for and training provided to members of the Reserve Corps shall be similar to the selection criteria required for and training provided to full-time, sworn police personnel. When establishing the criteria, the Chief of Police shall review national standards, such as the Commission on Accreditation for Law Enforcement Agencies.

(d) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this section within 180 days of September 30, 2004. The rules shall:

- (1) Prescribe the duties and responsibilities of Reserve Corps members;
- (2) Define the scope of Reserve Corps members' authority and discretion in carrying out their duties and responsibilities, including any limitations on or restrictions to their authority and discretion; and
- (3) Delineate the supervision Reserve Corps members are to receive.

(Sept. 30, 2004, D.C. Law 15-194, § 1002, 51 DCR 9406.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

Law 15-194, the "Omnibus Public Safety Agency Reform Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-32, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 6, 2004, and June 1, 2004, respectively. Signed by the Mayor on June 24, 2004, it was assigned Act No. 15-463 and transmitted to both Houses of Congress for its review. D.C. Law 15-194 became effective on September 30, 2004.

*Delegation of Authority*

Delegation of Mayor's Rulemaking Authority Pursuant to the Metropolitan Police Department Reserve Corps Establishment Act of 2004 and the Volunteer Act of 1977 to the Chief, Metropolitan Police Department, see Mayor's Order 2006-57, May 19, 2006 (53 DCR 5313).

## **SUBCHAPTER XVI. PERFORMING POLICE BAND.**

### **§ 5-131.01. AUTHORIZATION; DETAIL OF LOCAL OFFICERS; EMPLOYMENT AND COMPENSATION OF DIRECTOR.**

There is hereby authorized to be established in the Metropolitan Police Department a band to perform at such municipal or civic functions and events as may be authorized by the Mayor of the District of Columbia. The Mayor is authorized in his discretion to detail officers and members of the Metropolitan Police force and the District of Columbia Fire Department to participate in the activities of such band. The said Mayor is authorized to employ, without reference to the civil service laws, 1 Director for such band with compensation at a rate not to exceed the rate of compensation to which a captain in the Metropolitan Police force is entitled.

(July 11, 1947, 61 Stat. 311, ch. 226, § 1; Aug. 14, 1957, 71 Stat. 345, Pub. L. 85-129, § 1; Aug. 16, 1971, 85 Stat. 343, Pub. L. 92-124, § 1(1).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-179.

1973 Ed., § 4-182.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-131.02. DETAIL OF FEDERAL OFFICERS.**

The Secretary of the Interior is authorized in his discretion to detail officers and members of the United States Park Police force to participate in the activities of the band established by this subchapter, and the Secretary of the Treasury is authorized in his discretion to detail officers and members of the United States Secret Service Uniformed Division to participate in the activities of such band.

(July 11, 1947, ch. 226, § 2; Aug. 16, 1971, 85 Stat. 343, Pub. L. 92-124, § 1(2); Nov. 15, 1977, 91 Stat. 1371, Pub. L. 95-179.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-180.

1973 Ed., § 4-182a.

## **§ 5-131.03. RETIREMENT OF DIRECTOR--CONDITIONS; ANNUITIES.**

(a) Notwithstanding the limitations of existing law, the person who is the Director of the Metropolitan Police Force band may elect to retire after having served 10 or more years in such capacity and having attained the age of 70 years. Upon such retirement, whether for age and service or for disability, said Director and his surviving spouse or domestic partner, shall be entitled to receive annuities in amounts equivalent to, and under the conditions applicable to, the annuities which a captain in the Metropolitan Police force and his surviving spouse or domestic partner, may be entitled to receive after such captain has retired from said force for substantially the same reason as that for which said Director may retire, whether for age and service or for disability, as the case may be. If the said Director shall apply for retirement for disability, he shall not be eligible to retire under § 5-710, but he shall be eligible to apply for retirement under § 5-709, in like manner as if the said Director were an officer or member of the Metropolitan Police force. The annuities hereby authorized shall be in addition to any pension or retirement compensation which said Director may be entitled to receive from any other source, whether from the United States or otherwise. The annuities payable to said Director and his surviving spouse or domestic partner pursuant to this subchapter shall be payable from District of Columbia appropriations, but shall not be considered as annuities payable to an officer or member of the Metropolitan Police force or to the surviving spouse or domestic partner, of such officer or member. Appropriations for the operations of the Metropolitan Police Department are made available for this purpose. Annuities authorized by this section shall be computed on the basis of compensated service rendered after July 11, 1947.

(b) For the purposes of this section, the term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(July 11, 1947, ch. 226, § 3; Sept. 22, 1959, 73 Stat. 640, Pub. L. 86-356; Aug. 29, 1972, 86 Stat. 642, Pub. L. 92-410, title II, § 202(a); Sept. 12, 2008, D.C. Law 17-231, § 14, 55 DCR 6758; Sept. 26, 2012, D.C. Law 19-171, § 37(a), 59 DCR 6190.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-181.

1973 Ed., § 4-183a.

#### *Effect of Amendments*

D.C. Law 17-231 designated subsec. (a); in subsec. (a), substituted "spouse, domestic partner," for "spouse"; and added subsec. (b).

D.C. Law 19-171, in subsec. (a), validated previously made technical corrections in subsec. (a).

#### *Legislative History of Laws*

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of Congress for its review. D.C. Law 17-231 became effective on September 12, 2008.

Law 19-171, the "Technical Amendments Act of 2012", was introduced in Council and assigned Bill No. 19-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 20, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to both Houses of Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

### **§ 5-131.04. APPLICABLE STATUTORY PROVISIONS; TRANSFER OF MONEYS FROM CIVIL SERVICE RETIREMENT AND DISABILITY FUND.**

The person who is the Director of the Metropolitan Police Force band shall, upon his retirement from such position, be retired under the provisions of this subchapter and not under subchapter III of Chapter 83 of Title 5, United States Code, and the moneys to his credit in the Civil Service Retirement and Disability Fund created under the authority of such subchapter, on the date of such retirement, together with such moneys in such Fund as may have been contributed by the District of Columbia toward the cost of his annuity under such subchapter, shall be transferred to the credit of the general revenues of the District of Columbia.

(July 11, 1947, ch. 226, § 4; Sept. 22, 1959, 73 Stat. 641, Pub. L. 86- 356; Aug. 29, 1972, 86 Stat. 642, Pub. L. 92-410, title II, § 202(b).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-182.

1973 Ed., § 4-183b.

##### *References in Text*

"Subchapter III of Chapter 83 of Title 5, United States Code" is codified at 5 U.S.C. §§ 8331 to 8351.

### **§ 5-131.05. APPROPRIATIONS.**

Appropriations to carry out the purpose of this subchapter is hereby authorized.

(July 11, 1947, 61 Stat. 311, ch. 226, § 5; Sept. 22, 1959, 73 Stat. 641, Pub. L. 86-356; Aug. 16, 1971, 85 Stat. 343, Pub. L. 92-124, § 1(3).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-183.

1973 Ed., § 4-184.

## **SUBCHAPTER XVI-A. CONTRACTING PROCEDURES FOR PUBLIC SCHOOL SECURITY.**

### **§ 5-132.01. DEFINITIONS.**

For the purposes of this subchapter, the term:

(1) "Chancellor" means the Chancellor of the District of Columbia Public Schools.

(1A) "DCPS" means the District of Columbia Public Schools.

(2) "MPD" means the Metropolitan Police Department.

(2A) "Public charter schools" shall have the same meaning as provided in § 38-1800.02(29).

(3) "School resource officer" means a sworn MPD officer assigned to DCPS or public charter schools for the purpose of working in collaboration with DCPS, public charter schools, and community-based organizations to:

(A) Prevent crime through community-oriented policing strategies;

(B) Address crime and disorder, gang, and drug activity problems affecting or occurring in or around the schools to which the school resource officer is assigned; and

(C) Ensure that DCPS schools and grounds and public charter schools and their grounds are safe environments for students, teachers, and staff.

(4) "School security guards" means un-armed personnel, trained and hired by the MPD School Safety Division.

(5) "School security personnel" means school resource officers and school security guards.

(6) "Superintendent" means the Superintendent of the District of Columbia Public Schools.

(Apr. 13, 2005, D.C. Law 15-350, § 101, 52 DCR 2005; Mar. 21, 2009, D.C. Law 17-320, § 2(a), 56 DCR 219; Oct. 2, 2010, D.C. Law 18-232, § 201(a), 57 DCR 4504.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-320 redesignated former par. (1) as par. (1A); and added par. (1).

D.C. Law 18-232 added par. (2A); in the lead-in language of par. (3), inserted "or public charter schools" and ", public charter schools,"; and, in par. (3)(C), substituted "DCPS schools and grounds and public charter schools and their grounds" for "DCPS schools and grounds".

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 2 of School Safety and Security Contracting Procedures Temporary Amendment Act of 2004 (D.C. Law 15-318, April 8, 2005, law notification 52 DCR 4707).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 2 of Metropolitan Police Department School Safety and Security Emergency Act of 2004 (D.C. Act 15-496, August 2, 2004, 51 DCR 8797).

For temporary (90 day) addition, see § 2 of School Safety and Security Contracting Procedures Emergency Act of 2004 (D.C. Act 15-596, November 30, 2004, 51 DCR 11219).

For temporary (90 day) addition, see § 2 of School Safety and Security Contracting Procedures Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-3, January 19, 2005, 52 DCR 2675).

##### *Legislative History of Laws*

Law 15-350, the "School Safety and Security Contracting Procedures Act of 2004", was introduced in Council and assigned Bill No. 15-725 which was referred to the Committee on Judiciary and the Committee on Education, Libraries and Recreation. The Bill was adopted on first and second readings on July 13, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-745 and transmitted to both Houses of Congress for its review. D.C. Law 15-350 became effective on April 13, 2005.

Law 17-320, the "School Safety and Security Contracting Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-742 which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 18, 2008, and December 2, 2008, respectively. Signed by the Mayor on December 22, 2008, it was assigned Act No. 17-624 and transmitted to both Houses of Congress for its review. D.C. Law 17-320 became effective on March 21, 2009.

Law 18-232, the "School Safe Passage Emergency Zone Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-555, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Signed by the Mayor on May 19, 2010, it was assigned Act No. 18-402 and transmitted to both Houses of Congress for its review. D.C. Law 18-232 became effective on October 2, 2010.

## **§ 5-132.02. ESTABLISHMENT OF THE METROPOLITAN POLICE DEPARTMENT SCHOOL SAFETY DIVISION; FUNCTIONS OF THE SCHOOL SAFETY DIVISION.**

- (a) There is established within the Metropolitan Police Department a School Safety Division that shall provide security for the District of Columbia Public Schools.
- (b) The School Safety Division shall be headed by a Director, appointed by, and reporting to, the Chief of Police with rank equal to a Commander or above.
- (c) The School Safety Division shall:
  - (1) Hire all school security personnel for DCPS;
  - (2)(A) Deploy school security personnel to DCPS; and
    - (B) Deploy school resource officers to public charter schools;
  - (3) Provide oversight over school security personnel and be responsible for administering all disciplinary actions related to school security personnel, including termination;
  - (4) Execute, approve, monitor, and provide oversight over any contract for school security personnel;
  - (5) Create and implement security and emergency operations plans for DCPS in concert with the Chancellor; and
  - (6) Provide recommendations to the Mayor, the Council, and the Chancellor regarding the impact of school closings, consolidations, grade reconfigurations, use of swing space during school reconstruction, and gang activity on the safety and well-being of children.
- (d)(1) The School Safety Division shall develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from DCPS and public charter schools and for protecting children from gang and crew violence on, in, and around DCPS and public charter schools' property. Beginning in 2009, this plan shall be provided to the Mayor, the Council, and the Chancellor, by August 15th of each year.
- (2) The plan shall include a description of:
  - (A) Safety issues children may face during passage to and from school, and recommended solutions to these issues; and
  - (B) A description of specific gang and crew conflicts and recommended solutions for the protection of children from gang and crew violence on, in, and around DCPS and public charter schools property.
- (3) The plan shall incorporate the recommendations of the District Department of Transportation on the deployment of school crossing guards required under § 38-3101(f-1).

(Apr. 13, 2005, D.C. Law 15-350, § 102, 52 DCR 2005; Mar. 21, 2009, D.C. Law 17-320, § 2(b), 56 DCR 219; Oct. 2, 2010, D.C. Law 18-232, § 201(b), 57 DCR 4504.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-320, in subsec. (b), substituted "a Commander or above" for "an Assistant Chief"; in subsec. (c)(4), deleted "and" from the end; in subsec. (c)(5), substituted "Chancellor; and" for "Superintendent."; and added subsecs. (c)(6) and (d).

D.C. Law 18-232 rewrote subsec. (c)(2); in subsec. (d)(1), rewrote the first sentence which had read: "The School Safety Division shall develop a plan to be implemented before the beginning of each DCPS school year for protecting children walking to and from school and for protecting children from gang and crew violence on, in, and around DCPS property."; and, in subsec. (d)(2)(B), substituted "DCPS and public charter schools property" for "DCPS property". Prior to amendment, subsec. (c)(2) read as follows:

"(2) Deploy school security personnel to DCPS;"

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 3 of School Safety and Security Contracting Procedures Temporary Amendment Act of 2004 (D.C. Law 15-318, April 8, 2005, law notification 52 DCR 4707).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 3 of Metropolitan Police Department School Safety and Security Emergency Act of 2004 (D.C. Act 15-496, August 2, 2004, 51 DCR 8797).

For temporary (90 day) addition, see § 3 of School Safety and Security Contracting Procedures Emergency Act of 2004 (D.C. Act 15-596, November 30, 2004, 51 DCR 11219).

For temporary (90 day) addition, see § 3 of School Safety and Security Contracting Procedures Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-3, January 19, 2005, 52 DCR 2675).

##### *Legislative History of Laws*

For Law 15-350, see notes following § 5-132.01.

For Law 17-320, see notes following § 5-132.01.

For Law 18-232, see notes following § 5-131.01.

### **§ 5-132.03. TRAINING FOR SCHOOL SECURITY PERSONNEL.**

The School Safety Division shall develop a training curriculum for all school security personnel providing security for DCPS. The curriculum shall be focused on training supervisory and on-site personnel so that they will provide appropriate security procedures for the various socioeconomic conditions at each educational facility. The curriculum shall include training in the following areas:

- (1) Child development;
- (2) Effective communication skills;
- (3) Behavior management;
- (4) Conflict resolution;
- (5) Substance abuse and its effect on youth;
- (6) Availability of social services for youth;
- (7) District of Columbia laws and regulations, including Board of Education regulations;
- (8) Constitutional standards for searches and seizures conducted by school security personnel on school grounds; and
- (9) Gang and crew violence prevention.

(Apr. 13, 2005, D.C. Law 15-350, § 103, 52 DCR 2005; Mar. 21, 2009, D.C. Law 17-320, § 2(c), 56 DCR 219.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-320, in par. (7), deleted "and" from the end; in par. (8), substituted "ground; and" for "ground."; and added par. (9).

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 4 of School Safety and Security Contracting Procedures Temporary Amendment Act of 2004 (D.C. Law 15-318, April 8, 2005, law notification 52 DCR 4707).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 4 of Metropolitan Police Department School Safety and Security Emergency Act of 2004 (D.C. Act 15-496, August 2, 2004, 51 DCR 8797).

For temporary (90 day) addition, see § 4 of School Safety and Security Contracting Procedures Emergency Act of 2004 (D.C. Act 15-596, November 30, 2004, 51 DCR 11219).

For temporary (90 day) addition, see § 4 of School Safety and Security Contracting Procedures Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-3, January 19, 2005, 52 DCR 2675).

##### *Legislative History of Laws*

For Law 15-350, see notes following § 5-132.01.

For Law 17-320, see notes following § 5-132.01.

### **§ 5-132.04. COMPREHENSIVE PLAN ON SCHOOL SECURITY; MEMORANDUM OF AGREEMENT.**

(a) By March 1, 2005, the Mayor shall recommend to the Council whether the school security guards shall be employees of the MPD, employees of DCPS, or contracted for by the MPD for Fiscal Year 2006 and beyond.

(b) By June 1, 2005, the Mayor, in coordination with the Superintendent, DCPS administrators, parents, students and teachers, shall develop a comprehensive plan to implement this subchapter and submit the plan to the Board of Education and the Council. The plan shall include the following:

- (1) The qualifications and hiring process for school security personnel;
- (2) The transfer of personnel, property, funds, and records including an ongoing procedure for



allocating DCPS capital funds to MPD for security needs; and

(3) Lines of authority, supervision, and communication between the MPD and DCPS, including a process for resolving disagreements between DCPS and MPD at all levels, accepted by both the Mayor and the Superintendent.

(c) The plan required by subsection (b) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day period, the proposed plan shall be deemed approved.

(d) MPD and DCPS shall enter into a Memorandum of Agreement that shall specify security terms and responsibilities as outlined in the recommendation and plan submitted by the Mayor pursuant to subsections (a) and (b) of this section.

(e) Both the comprehensive implementation plan and the Memorandum of Agreement required by this section shall describe in detail, but not be limited to, the following:

(1) How school security personnel deployed at each school will provide security in coordination with the school's principal; provided, that during emergencies, incident command shall be consistent with the District of Columbia response plan as defined by § 7-2301(1A); and

(2) How the operating and capital funds, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to DCPS that support the provision of security to DCPS will be utilized to carry out the provisions of this subchapter.

(Apr. 13, 2005, D.C. Law 15-350, § 104, 52 DCR 2005.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 5 of School Safety and Security Contracting Procedures Temporary Amendment Act of 2004 (D.C. Law 15-318, April 8, 2005, law notification 52 DCR 4707).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 5 of Metropolitan Police Department School Safety and Security Emergency Act of 2004 (D.C. Act 15-496, August 2, 2004, 51 DCR 8797).

For temporary (90 day) addition, see § 5 of School Safety and Security Contracting Procedures Emergency Act of 2004 (D.C. Act 15-596, November 30, 2004, 51 DCR 11219).

For temporary (90 day) addition, see § 5 of School Safety and Security Contracting Procedures Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-3, January 19, 2005, 52 DCR 2675).

##### *Legislative History of Laws*

For Law 15-350, see notes following § 5-132.01.

## **§ 5-132.05. AUTHORITY TO ISSUE RFP'S FOR SCHOOL SECURITY RELATED CONTRACTS.**

Responsibility for the issuance of a Request for Proposals for any security guard or security related contract for DCPS for a contract term to begin June 30, 2005, or later shall transfer to the MPD as of August 2, 2004. The responsibility for awarding, executing, and funding a contract resulting from an RFP issued under this section shall be the subject of a Memorandum of Agreement between DCPS and MPD.

(Apr. 13, 2005, D.C. Law 15-350, § 105, 52 DCR 2005.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 6 of School Safety and Security Contracting Procedures Temporary Amendment Act of 2004 (D.C. Law 15-318, April 8, 2005, law notification 52 DCR 4707).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 6 of Metropolitan Police Department School Safety and Security Emergency Act of 2004 (D.C. Act 15-496, August 2, 2004, 51 DCR 8797).

For temporary (90 day) addition, see § 6 of School Safety and Security Contracting Procedures Emergency Act of 2004 (D.C. Act 15-596, November 30, 2004, 51 DCR 11219).

For temporary (90 day) addition, see § 2(a) of School Security Authority Extension Emergency Amendment

Act of 2004 (D.C. Act 15-728, January 13, 2005, 52 DCR 1954).

For temporary (90 day) addition, see § 6 of School Safety and Security Contracting Procedures Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-3, January 19, 2005, 52 DCR 2675).

*Legislative History of Laws*

For Law 15-350, see notes following § 5-132.01.

### **§ 5-132.06. APPLICABILITY OF §§ 5-132.02 AND 5-132.03.**

Sections 5-132.02 and 5-132.03 shall apply as of the first day of October 1, 2005, or upon the submission by the Mayor to the Council of a supplemental budget to effect the transfer of funds from DCPS to the MPD, whichever occurs first, and Council approval pursuant to § 5-132.04(c).

(Apr. 13, 2005, D.C. Law 15-350, § 106, 52 DCR 2005.)

*HISTORICAL AND STATUTORY NOTES*

*Temporary Addition of Section*

For temporary (225 day) addition, see § 7 of School Safety and Security Contracting Procedures Temporary Amendment Act of 2004 (D.C. Law 15-318, April 8, 2005, law notification 52 DCR 4707).

*Emergency Act Amendments*

For temporary (90 day) addition, see § 7 of Metropolitan Police Department School Safety and Security Emergency Act of 2004 (D.C. Act 15-496, August 2, 2004, 51 DCR 8797).

For temporary (90 day) addition, see § 7 of School Safety and Security Contracting Procedures Emergency Act of 2004 (D.C. Act 15-596, November 30, 2004, 51 DCR 11219).

For temporary (90 day) addition, see § 7 of School Safety and Security Contracting Procedures Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-3, January 19, 2005, 52 DCR 2675).

*Legislative History of Laws*

For Law 15-350, see notes following § 5-132.01.

## **SUBCHAPTER XVI-B. ESTABLISHMENT OF SAFE PASSAGE ZONES NEAR SCHOOLS.**

### **§ 5-132.21. SCHOOL SAFE PASSAGE EMERGENCY ZONES.**

(a) For the purposes of this section, the term:

- (1) "Assault-related offense" means a crime or offense established in §§ 22- 401, 22-402, 22-403, 22-404, 22-404.01, 22-406, 22-407, and 22-851.
- (2) "Chief of Police" means the Chief of the Metropolitan Police Department.
- (3) "Crime of violence" shall have the same meaning as provided in § 23- 1331(4).
- (4) "Dangerous crime" shall have the same meaning as provided in § 23- 1331(3).
- (5) "Disperse" means to depart from the designated school safe passage emergency zone and not to reassemble within the zone with anyone from the group ordered to depart.
- (6) "Known violent or dangerous offender" means a person who has, within the knowledge of the arresting officer, been convicted, or adjudicated delinquent, in any court of any violation involving an assault-related offense, a crime of violence, or a dangerous crime.
- (7) "MPD" means the Metropolitan Police Department.
- (8) "School day" means 7:00 a.m. until 9:00 p.m. Monday through Friday.

(b) The Chief of Police may declare any area within 1,000 feet of the perimeter of the grounds of a District of Columbia public school or public charter school or within 300 feet of the boundary of the area affecting passage between the school and proximate public transportation a school safe passage emergency zone during a school day for a period not to exceed 5 consecutive school days when the school is in session. The Chief of Police shall inform his or her commanders, the Mayor, and the Council of the declaration of a school safe passage emergency zone and explain the basis for it pursuant to subsection (c) of this section.

(c) In determining whether to designate a school safe passage emergency zone, the Chief of Police shall find the following:

- (1) The occurrence of a disproportionately high number of incidences of assault-related offenses, crimes of violence, or dangerous crimes committed in the proposed school safe passage emergency zone within the preceding 2-week period;
- (2) Objective or verifiable information that shows that disproportionately high incidences of assault-related offenses, crimes of violence, or dangerous crimes are occurring on public space or public property within the proposed school safe passage emergency zone; or
- (3) Any other verifiable information from which the Chief of Police may ascertain whether the health or safety of students or employees of or visitors to public school facilities are endangered by assault-related offenses, crimes of violence, or dangerous crimes in the school safe passage emergency zone.

(d) Upon the designation of a school safe passage emergency zone, the MPD shall mark each block within the school safe passage emergency zone by using barriers, tape, signs, or police officers that post or announce the following information in the immediate area of, and borders around, the school safe passage emergency zone:

- (1) A statement that it is unlawful for a person to congregate in a group of 3 or more persons for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime within the boundaries of a school safe passage emergency zone, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime;
- (2) The boundaries of the school safe passage emergency zone;
- (3) A statement of the effective dates and hours of the school safe passage emergency zone designation; and
- (4) Any additional information the Chief of Police considers appropriate.

(e)(1) It shall be unlawful for a person to congregate in a group of 3 or more persons on public space or public property within a school safe passage emergency zone established pursuant to subsection (b) of this section for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime.

(2) In making a determination that a person is congregating in a school safe passage emergency zone for the purpose of engaging in an assault-related offense, a crime of violence, or a dangerous crime, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining purpose are:

- (A) Conduct of the person being observed indicating that the person is engaging in or is about to engage in an assault-related offense, a crime of violence, or a dangerous crime;
- (B) Information from a reliable source indicating that the person being observed is engaging in or about to engage in an assault-related offense, a crime of violence, or a dangerous crime within the area currently designated as a school safe passage emergency zone;
- (C) Whether the person is identified by an officer as a member of a gang or association which engages in assault-related offenses, crimes of violence, or dangerous crimes; and
- (D) Whether the person is a known violent or dangerous offender.

(f) Any person who violates this section shall, upon conviction, be subject to a fine of not more than \$300, or imprisonment for not more than 6 months.

(g) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute all violations of this section.

(Oct. 2, 2010, D.C. Law 18-232, § 101, 57 DCR 4504.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 18-232, the "School Safe Passage Emergency Zone Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-555, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Signed by the Mayor on May 19, 2010, it was assigned Act No. 18-402 and transmitted to both Houses of Congress for its review. D.C. Law 18-232 became effective on October 2, 2010.

## **SUBCHAPTER XVII. MISCELLANEOUS.**

### **§ 5-133.01. [RESERVED]**

### **§ 5-133.02. ALLOWANCE FOR USE OF PRIVATE MOTOR VEHICLES BY INSPECTORS.**

The Mayor of the District of Columbia is hereby authorized to pay to not more than 3 inspectors of the Metropolitan Police force who may be called upon to use privately-owned automobiles in the performance of official duties for each automobile an allowance not to exceed \$480 per annum.

(June 25, 1947, 61 Stat. 179, ch. 145.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-110.

1973 Ed., § 4-108a.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-133.03. DETAIL OF PRIVATES.**

The Mayor of the District of Columbia is hereby authorized to detail from time to time from the privates of the police force such number of privates as may in his judgment be necessary for special service in the detection and prevention of crime, and while serving in such capacity they shall have the rank of sergeants in the force.

(Feb. 28, 1901, 31 Stat. 820, ch. 623, § 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-111.

1973 Ed., § 4-110.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-133.04. WATCHMEN AT MUNICIPAL BUILDING.[REPEALED]**

(Mar. 3, 1909, 35 Stat. 689, ch. 250; Dec. 7, 2004, D.C. Law 15-205, § 3103, 51 DCR 8441e.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-112.

1973 Ed., § 4-111.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see §§ 3103, 3104 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see §§ 3103, 3104 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15- 594, October 26, 2004, 51 DCR 11725).

*Legislative History of Laws*

Law 15-205, the "Fiscal Year 2005 Budget Support Act of 2004", was introduced in Council and assigned Bill No. 15-768, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 14, 2004, and June 29, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-487 and transmitted to both Houses of Congress for its review. D.C. Law 15-205 became effective on December 7, 2004.

*Miscellaneous Notes*

Applicability of subtitle A of title III of D.C. Law 15-205: Section 3104 of D.C. Law 15-205 provides:

"This subtitle shall apply as of the implementation date for transferring the Protective Services Division, and the functions performed by the Protective Services Division, from the Office of Property Management to the Metropolitan Police Department specified in a reorganization plan submitted by the Mayor to the Council pursuant to the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Official Code § 1-315.01 *et seq.*), that has been approved by the Council."

## **§ 5-133.04A. WATCHMEN AT MUNICIPAL BUILDING.**

Policemen shall not be detailed for duty as watchmen at the Municipal Building.

(Mar. 3, 1909, 35 Stat. 689, ch. 250, as added June 16, 2006, D.C. Law 16- 127, § 2, 53 DCR 4712.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

Law 16-127, the "Government Facility Security Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-388 which was referred to the Committees on the Judiciary and Government Operations. The Bill was adopted on first and second readings on March 7, 2006, and April 4, 2006, respectively. Signed by the Mayor on April 21, 2006, it was assigned Act No. 16-345 and transmitted to both Houses of Congress for its review. D.C. Law 16-127 became effective on June 16, 2006.

## **§ 5-133.05. PUBLIC BUILDINGS AND GROUNDS BELONGING TO THE UNITED STATES.**

The provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the United States within the District of Columbia.

(July 29, 1892, 27 Stat. 325, ch. 320, § 15.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-116.

1973 Ed., § 4-120.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 802 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

## **§ 5-133.06. TRIAL BOARDS.**

The Mayor of the District of Columbia is also hereby authorized and empowered to create one or more trial board or boards, to be composed of such number of persons as said Mayor may appoint thereto, for

the trial of officers and members of said police force; and the Council of the District of Columbia is hereby authorized and empowered to make and amend rules of procedure before such trial board or boards as it deems proper and the Mayor is hereby authorized and empowered to change or abolish any such trial board or boards as he may deem proper; and the findings of such trial board or boards shall be final and conclusive unless appeal in writing therefrom is made within 5 days to the Mayor of the District of Columbia, the hearings on appeal to be submitted either orally or in writing, and the decision of the said Mayor thereon shall be final and conclusive; provided, that said Mayor shall not be required, in his review of the sentences and findings of such trial board or boards, to take evidence, either oral, written, or documentary, and he shall have power to reduce or modify the findings and penalty of the trial board or boards or remand any case against any officer or member of said police force to such board or boards for such further proceedings as he may deem necessary; provided, that the chairman for the time being of any and every trial board be, and he is hereby, authorized to administer oaths to and take affirmations of witnesses before such board or boards; and provided, that the rules and regulations of said Metropolitan Police force promulgated and in force on July 8, 1906, are hereby ratified and shall remain in force until changed, altered, amended, or abolished by said Council.

(Feb. 28, 1901, 31 Stat. 819, ch. 623, § 1; June 8, 1906, 34 Stat. 222, ch. 3056.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-118.

1973 Ed., § 4-122.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(94) and (95) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Delegation of Authority*

Delegation of Authority--Secretary of the District of Columbia, see Mayor's Order 95-26, January 27, 1995.

Delegation of Authority--Office of the Secretary, see Mayor's Order 97-87, May 6, 1997 (44 DCR 2958).

##### *Miscellaneous Notes*

Boards established: Reorganization Order No. 48 of the Board of Commissioners, dated June 26, 1953, established in the government of the District of Columbia a Regular Police Trial Board, a Special Police Trial Board, and a Complaint Review Board to operate in accordance with applicable laws, rules, and regulations. The Order set forth the purpose, manner of selection of members, and the functions of the Boards, and abolished the previously existing Police Trial and Review Boards. This Order was issued pursuant to Reorganization Plan No. 5 of 1952.

## **§ 5-133.07. POLICE SURGEONS.[REPEALED]**

(Sept. 10, 1992, D.C. Law 9-145, § 302(a), 39 DCR 4895.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-120.

##### *Temporary Amendments of Section*

For temporary (225 day) repeal of section, see § 302(a) of Omnibus Budget Support Temporary Act of 1992 (D.C. Law 9-134, July 23, 1992, law notification 39 DCR 5815).

##### *Emergency Act Amendments*

For temporary repeal of section, see § 302(a) of the Omnibus Budget Support Emergency Act of 1992 (D.C. Act 9-203, April 29, 1992, 39 DCR 3219).

Law 9-145, the "Omnibus Budget Support Act of 1992," was introduced in Council and assigned Bill No. 9-222, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 12, 1992, and June 2, 1992, respectively. Approved without the signature of the Mayor on June 22, 1992, it was assigned Act No. 9-225 and transmitted to both Houses of Congress for its review. D.C. Law 9-145 became effective on September 10, 1992.

### **§ 5-133.08. CHIEF OF POLICE TO MAKE QUARTERLY REPORTS.**

The Chief of Police shall make to the Mayor quarterly reports in writing of the state of the Police District, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline of said District.

(R.S., D.C., § 346; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-123.

1973 Ed., § 4-127.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

##### *Miscellaneous Notes*

Office of Major and Superintendent of Metropolitan Police abolished: See Historical and Statutory Notes following § 5-105.01.

### **§ 5-133.09. EXEMPTION FROM MILITARY OR JURY DUTY, CIVIL ARREST OR PROCESS.**

No person holding office under this chapter shall be liable to military or jury duty, nor to arrest on civil process, nor to service of subpoenas from civil courts while actually on duty.

(R.S., D.C., § 353.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-124.

1973 Ed., § 4-128.

### **§ 5-133.10. REWARDS, PRESENTS, FEES OR EMOLUMENTS PROHIBITED; EXCEPTION; NOTICE TO MAYOR REQUIRED; FAILURE TO GIVE NOTICE.**

(a) Neither the Mayor of the District of Columbia, nor any member of the Council of the District of Columbia or of the police force, shall receive or share in, for his own benefit, under any pretense whatever, any present, fee, or emolument, for police services, other than the regular salary and pay provided by law, except by consent of the Mayor.

(b) The Mayor, for meritorious and extraordinary services rendered by any member of the police force, in the due discharge of his duty, may permit such member to retain for his own benefit any reward or present tendered him therefor.

(c) Upon notice to the Mayor from any member of the police force, of the receipt by such member of any reward or present, the Mayor may order the member to retain the same, or shall dispose thereof for the benefit of the Policemen and Firemen's Relief Fund.

(d) It shall be cause of removal from the police force for any member to receive rewards or presents without giving notice of the same to the Mayor.

(R.S., D.C., §§ 357, 358, 359, 360; June 11, 1878, 20 Stat. 107, ch. 180, § 6; Sept. 1, 1916, 39 Stat. 718, ch. 433, § 12.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-125.

1973 Ed., § 4-129.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-133.11. DISCRIMINATING LAWS NOT TO BE ENFORCED.**

The said Mayor of the District of Columbia shall not enforce any law or ordinance discriminating between persons in the administration of justice.

(R.S., D.C., § 396; June 11, 1878, 20 Stat. 107, ch. 180, § 6.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-139.

1973 Ed., § 4-139.

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-133.12. BONDS.**

The Mayor of the District of Columbia shall obtain a bond to secure the District against loss resulting from any act of dishonesty by any officer or member of the Metropolitan Police force. Bonds obtained under this section shall be in such amounts, and may secure the District against loss resulting from such other acts by officers and members of the Metropolitan Police force, as the Council of the District of Columbia shall consider appropriate. The Mayor may obtain such bonds by negotiation, without regard to § 2-225.05, and shall pay the cost of such bonds out of funds appropriated for the expenses of the Metropolitan Police Department for fiscal years beginning after June 30, 1953. The premium on any such bond may cover periods not exceeding 3 years and may be paid in advance.

(June 29, 1953, 67 Stat. 101, ch. 159, § 305(a); July 7, 1955, 69 Stat. 281, ch. 280, § 4.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-184.



1973 Ed., § 4-186.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(106) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 5-133.13. MOBILE LABORATORY.**

The Metropolitan Police force shall maintain and operate a motor vehicle equipped with cameras, photographic developing equipment, an electrical generator, floodlights, and such other equipment as may be necessary to permit the use of the vehicle as a mobile laboratory to handle evidence at the scenes of crimes and otherwise to aid in the prevention and detection of crime.

(June 29, 1953, 67 Stat. 101, ch. 159, § 307.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-185.

1973 Ed., § 4-187.

### **§ 5-133.14. EXPENDITURES FOR THE PREVENTION AND DETECTION OF CRIME.**

(a) The Chief of Police of the Metropolitan Police Department is authorized, with the approval of the Mayor of the District of Columbia and within the limits of appropriations therefor, to make expenditures for the prevention and detection of crime under his certificate. The certificate of the Chief of Police for such expenditures shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

(b) Notwithstanding any other law, rule, or regulation, beginning in fiscal year 2007, the Chief of Police may issue grants to individuals or organizations from local funds for the prevention and detection of crime.

(c) The Chief of Police, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this section.

(Oct. 26, 1973, 87 Stat. 505, Pub. L. 93-140, § 9; Sept. 18, 2007, D.C. Law 17-20, § 3002, 54 DCR 7052.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-186.

1973 Ed., § 4-188.

*Effect of Amendments*

D.C. Law 17-20 designated the existing text as subsec. (a); and added subsecs. (b and (c).

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3002 of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

*Legislative History of Laws*

Law 17-20, the "Fiscal Year 2008 Budget Support Act of 2007", was introduced in Council and assigned Bill No. 17-148 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2007, and June 5, 2007, respectively. Signed by the Mayor on June 28, 2007, it was assigned Act No. 17-63 and transmitted to both Houses of Congress for its review. D.C. Law 17-20 became effective on September 18, 2007.

*Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

*Miscellaneous Notes*

Short title: Section 3001 of D.C. Law 17-20 provided that subtitle A of title III of the act may be cited as the "Metropolitan Police Department Grant-Making Authority Clarification Amendment Act of 2007".

## **§ 5-133.15. ATTENDANCE AT PISTOL MATCHES.**

The Mayor of the District of Columbia is authorized to pay the expenses of officers and members of the Metropolitan Police Department and the Department of Corrections for attending pistol matches, including entrance fees, and is further authorized to permit officers and members to attend such matches without loss of pay or time.

(Oct. 26, 1973, 87 Stat. 506, Pub. L. 93-140, § 10.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-187.

1973 Ed., § 4-189.

*Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 5-133.16. TRANSFER OF AMMUNITION FEEDING DEVICES PROHIBITED.**

Except as provided in § 7-2507.05, and § 22-4517, the Metropolitan Police Department shall not transfer any ammunition feeding device in its possession to any person or entity other than a law enforcement officer or governmental agency for law enforcement purposes.

(Sept. 22, 1995, D.C. Law 11-50, § 2, 42 DCR 3680.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 4-191.

*Temporary Addition of Section*

For temporary (225 day) addition, see § 2 of (D.C. Law 11-35, September 8, 1995, law notification 42 DCR 5304).

*Emergency Act Amendments*

For temporary addition of section, see § 2 of the Prohibition on the Transfer of Firearms Emergency Act of 1995 (D.C. Act 11-58, May 18, 1995, 42 DCR 2574).

*Legislative History of Laws*

Law 11-50, the "Prohibition on the Transfer of Firearms Act of 1995," was introduced in Council and assigned Bill No. 11-234, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 1995, and June 20, 1995, respectively. Signed by the Mayor on July 10, 1995, it was assigned Act No. 11-92 and transmitted to both Houses of Congress for its review. D.C. Law 11-50 became effective on September 22, 1995.

## **§ 5-133.17. COOPERATIVE AGREEMENTS BETWEEN FEDERAL AGENCIES**

## **AND METROPOLITAN POLICE DEPARTMENT.**

(a) Agreements. Each covered Federal law enforcement agency may enter into a cooperative agreement with the Metropolitan Police Department of the District of Columbia to assist the Department in carrying out crime prevention and law enforcement activities in the District of Columbia, including taking appropriate action to enforce subsection (e) of this section (except that nothing in such an agreement may be construed to grant authority to the United States to prosecute violations of subsection (e) of this section).

(b) Contents of agreement. An agreement entered into between a covered Federal law enforcement agency and the Metropolitan Police Department pursuant to this section may include agreements relating to:

- (1) Sending personnel of the agency on patrol in areas of the District of Columbia which immediately surround the area of the agency's jurisdiction, and granting personnel of the agency the power to arrest in such areas;
- (2) Sharing and donating equipment and supplies with the Metropolitan Police Department;
- (3) Operating on shared radio frequencies with the Metropolitan Police Department;
- (4) Permitting personnel of the agency to carry out processing and papering of suspects they arrest in the District of Columbia; and
- (5) Such other items as the agency and the Metropolitan Police Department may agree to include in the agreement.

(c) Coordination with U.S. Attorney's Office. Agreements entered into pursuant to this section shall be coordinated in advance with the United States Attorney for the District of Columbia.

(d) Covered Federal Law Enforcement Agencies Described. In this section, the term "covered federal law enforcement agency" means any of the following:

- (1) United States Capitol Police.
- (2) United States Marshals Service.
- (3) Library of Congress Police.
- (4) Bureau of Engraving and Printing Police Force.
- (5) Supreme Court Police.
- (6) Amtrak Police Department.
- (7) Department of Protective Services, United States Holocaust Museum.
- (8) Government Printing Office Police.
- (9) United States Park Police.
- (10) Bureau of Alcohol, Tobacco, and Firearms.
- (11) Drug Enforcement Administration.
- (12) Federal Bureau of Investigation.
- (13) Criminal Investigation Division, Internal Revenue Service.
- (14) Department of the Navy Police Division, Naval District Washington.
- (15) Naval Criminal Investigative Service.
- (16) 11th Security Police Squadron, Bolling Air Force Base.
- (17) United States Army Military District of Washington.
- (18) United States Customs Service.
- (19) Immigration and Naturalization Service.
- (20) Postal Inspection Service, United States Postal Service.
- (21) Uniformed Division, United States Secret Service.
- (22) United States Secret Service.
- (23) National Zoological Park Police.
- (24) Federal Protective Service, General Services Administration, National Capital Region.
- (25) Defense Protective Service, Department of Defense Washington Headquarters Services.
- (26) Office of Protective Services, Smithsonian Institution.
- (27) Office of Protective Services, National Gallery of Art.
- (28) United States Army Criminal Investigation Command, Department of the Army Washington

District, 3rd Military Police Group.

(29) Marine Corps Law Enforcement.

(30) Department of State Diplomatic Security.

(31) United States Coast Guard.

(32) United States Postal Police.

(33) Any other law enforcement agency of the Federal government that the Chief of the Metropolitan Police Department and the United States Attorney for the District of Columbia deem appropriate to enter into an agreement pursuant to this section.

(Aug. 5, 1997, 111 Stat. 782, Pub. L. 105-33, § 11712(a)-(d); Apr. 20, 1999, D.C. Law 12-264, § 16, 46 DCR 2118; Jan. 8, 2002, 115 Stat. 2099, Pub. L. 107-113, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 4-192.

##### *Effect of Amendments*

Pub. L. 107-113 added subsec. (d)(33).

##### *Legislative History of Laws*

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998 respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

##### *Effective Dates*

Section 11721 of title XI of Pub. L. 105-33, 111 Stat. 786, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that except as otherwise provided in this title, the provisions of this title shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this title.

## **§ 5-133.18. PROCEEDS FROM SALES OF EXCESS VEHICLES.**

Effective October 19, 2000, and notwithstanding any other provision of law, police vehicles purchased for the Metropolitan Police Department ("MPD") which have been declared excess, either through age or mechanical faults, shall be auctioned, or otherwise disposed of by the MPD. Revenue not to exceed \$500,000 generated by auction or other means of disposal shall be returned to the MPD as Other Revenue, to be used expressly for the purchase of specialty replacement vehicles, including motorcycles. Any revenue in excess of \$500,000 shall revert to the General Fund.

(Oct. 19, 2000, D.C. Law 13-172, § 802, 47 DCR 6308.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90-day) addition of section, see § 802 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

##### *Legislative History of Laws*

For Law 13-172, see notes following § 5-101.04.

## **§ 5-133.19. REGULATIONS FOR USE OF VIDEO SURVEILLANCE BY METROPOLITAN POLICE DEPARTMENT.**

(a) The Chief of Police, pursuant to subchapter I of Chapter 5 of Title 2, shall issue regulations pertaining to the Metropolitan Police Department's use of video surveillance cameras and technology in the operation of its Joint Operations Command Center/Synchronized Operations Command Center.

(b) The proposed regulations shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess.

(c) If the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within this 45-day review period, the proposed regulations shall be deemed disapproved.

(Oct. 1, 2002, D.C. Law 14-190, § 2702, 49 DCR 6968.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 2 of Metropolitan Police Department Video Surveillance Regulations Temporary Act of 2002 (D.C. Law 14-158, June 25, 2002, law notification 49 DCR 6494).

##### *Emergency Act Amendments*

For temporary (90 day) addition of § 5-133.19, see § 2 of Metropolitan Police Department Video Surveillance Regulations Emergency Act of 2002 (D.C. Act 14-302, March 25, 2002, 49 DCR 3393).

For temporary (90 day) addition of § 5-133.19, see § 2602 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

##### *Legislative History of Laws*

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

##### *Resolutions*

Resolution 14-609, the "Metropolitan Police Department Closed Circuit Television System Regulations Approval Resolution of 2002", was approved effective November 22, 2002.

Resolution 16-699, the "Metropolitan Police Department Closed Circuit Television System Regulations Amendment Disapproval Resolution of 2006", was approved effective July 7, 2006.

##### *Miscellaneous Notes*

Short title of subtitle A of title XXVII of Law 14-190: Section 2701 of D.C. Law 14-190 provided that subtitle A of title XXVII of the act may be cited as the Metropolitan Police Department Video Surveillance Regulations Act of 2002.

## **§ 5-133.20. PROCEDURES FOR ELECTRONIC RECORDING OF INTERROGATIONS.[REPEALED]**

(Apr. 4, 2003, D.C. Law 14-280, § 2, 50 DCR 886; Apr. 13, 2005, D.C. Law 15-351, § 201, 52 DCR 2275.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) additions, see § 101 to 103 of Electronic Recording Procedures and Penalties Temporary Act of 2005 (D.C. Law 16-1, May 14, 2005, law notification 52 DCR 5424).

##### *Temporary Repeal of Section*

For temporary (225 day) repeal of section, see § 201 of Electronic Recording Procedures and Penalties Temporary Act of 2005 (D.C. Law 16-1, May 14, 2005, law notification 52 DCR 5424).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 101 of Electronic Recording Procedures and Penalties Emergency Act of 2005 (D.C. Act 16-41, February 17, 2005, 52 DCR 3042).

For temporary (90 day) repeal of section, see § 201 of Electronic Recording Procedures and Penalties Emergency Act of 2005 (D.C. Act 16-41, February 17, 2005, 52 DCR 3042).

##### *Legislative History of Laws*

Law 14-280, the "Electronic Recording Procedures Act of 2002", was introduced in Council and assigned Bill No. 14-3, which was referred to Committee on Judiciary. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-613 and transmitted to both Houses of Congress for its review. D.C. Law 14-280 became effective on April 4, 2003.

## **§ 5-133.21. MOTOR VEHICLE THEFT PREVENTION TEAMS.**

(a) For the purpose of this section, the term "motor vehicle" means any automobile, motorcycle, truck, truck tractor, truck tractor with semitrailer or trailer, or bus.

(b) The Metropolitan Police Department shall have no fewer than 3 teams, comprised of no fewer than 3 officers each, whose primary responsibilities are the prevention of motor vehicle theft and the recovery of stolen motor vehicles.

(Dec. 7, 2004, D.C. Law 15-205, § 3602, 51 DCR 8441.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 3602 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) addition, see § 3602 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

##### *Legislative History of Laws*

For Law 15-205, see notes following § 5-133.04.

##### *Miscellaneous Notes*

Short title of subtitle F of title III of Law 15-205: Section 3601 of D.C. Law 15-205 provided that subtitle F of title III of the act may be cited as the Prevention of Auto Theft and Reckless Driving Act of 2004.