

DISTRICT OF COLUMBIA
OFFICIAL CODE

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

CHAPTER 13.
MISCELLANEOUS PROVISIONS.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 13. MISCELLANEOUS PROVISIONS.

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CHAPTER 13. MISCELLANEOUS PROVISIONS.

SUBCHAPTER I. GENERAL PROVISIONS.

§ 5-1301. MEMORIAL FOUNTAIN TO MEMBERS OF METROPOLITAN POLICE DEPARTMENT.

The Mayor of the District of Columbia is authorized and directed to accept and maintain for the District of Columbia the gift of a memorial fountain to the members of the Metropolitan Police Department; provided, that the design and model of the memorial fountain are approved by the Commission of Fine Arts, and thereafter erected at a location to be approved by the Mayor of the District of Columbia and the National Capital Planning Commission on land now owned by the District of Columbia, for the Municipal Center.

(Apr. 22, 1940, 54 Stat. 157, ch. 136.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1101.

1973 Ed., § 4-901.

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.

Transfer of Functions

The functions, powers and duties of the National Capital Park and Planning Commission were transferred to the National Capital Planning Commission by the Act of June 6, 1924, ch. 270, § 9, as added by the Act of July 19, 1952, 66 Stat. 790, ch. 949, § 1.

§ 5-1302. SERVICE IN ARMED FORCES--SENIORITY RIGHTS.

(a) Any officer or member of the Metropolitan Police force or of the Fire Department of the District of Columbia, who served in the Armed Forces of the United States during the period beginning May 1, 1940, and ending December 31, 1946, and: (1) whose name appeared during such service (as a result of a regular or reopened competitive examination for promotion) on any civil service register with respect to such force or Department for promotion to a higher rank or grade; or (2) whose name appeared on such a register as a result of a reopened examination taken subsequent to his release, shall, for the purpose of determining his seniority rights and service in such rank or grade, be held to have been promoted to such rank or grade as of the earliest date on which an eligible standing lower on the same promotion register received a promotion either permanently or temporarily to such rank or grade.

(b) No officer or member of the Metropolitan Police force or of the Fire Department of the District of Columbia shall be entitled to the benefits of this section who has reenlisted after June 1, 1945, in the Regular Army or Air Force or after February 1, 1945, in the Regular Navy.

(July 1, 1947, 61 Stat. 240, ch. 193, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1102.

1973 Ed., § 4-902.

§ 5-1303. SERVICE IN ARMED FORCES--RANK OR GRADE PRESERVED; RESTRICTION ON COMPENSATION.

No officer or member of the Metropolitan Police force or of the Fire Department of the District of Columbia shall, by reason of the enactment of § 5-1302, be:

- (1) Reduced in rank or grade; or
- (2) Entitled to any compensation for any period prior to July 1, 1947.

(July 1, 1947, 61 Stat. 240, ch. 193, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1103.

1973 Ed., § 4-903.

§ 5-1304. BASIC WORKWEEK ESTABLISHED; OVERTIME; SPECIAL ASSIGNMENTS; COURT DUTY.

(a) For purposes of this section, the following definitions apply, unless the context requires otherwise:

- (1) "Authorizing official" means the Mayor of the District of Columbia in the cases of the Metropolitan Police force and the Fire Department of the District of Columbia, and the Secretary of the Interior in the case of the United States Park Police force.
- (2) "Administrative workweek" means a period of 7 consecutive calendar days.
- (3) "Basic workweek" means a 40-hour workweek, excluding roll-call time, in the case of officers and members of the police forces specified in this section; a 40-hour workweek in the case of officers and members of the District of Columbia Fire Department other than those in the Firefighting Division; and an average workweek of 48 hours in the case of officers and members of the Firefighting Division of the District of Columbia Fire Department.
- (4) "Basic workday" means an 8-hour day excluding roll-call time in the case of officers and members of the police forces specified in this section; an 8-hour day in the case of officers and members of the District of Columbia Fire Department other than those in the Firefighting Division; and an average 12-hour workday in the case of officers and members of the Firefighting Division.
- (5)(A) "Off-duty days" means the nonwork days which, when combined with the basic workdays, make up the administrative workweek.
 - (B) "Off-duty time" means the time in any basic workday outside the regular tour of an officer or member's duty.
- (6) "Roll-call time" means that time, not exceeding one-half hour each workday, which is in addition to each basic workday of the basic workweek for reading of rolls and other preparation for the daily tour of duty.
- (7) "Rate of basic compensation" means the rate of compensation fixed by law for the position held by an officer or member exclusive of any deductions or additional compensation of any kind.
- (8) "Premium pay" means compensation not considered as salary for the purpose of computing deductions for life insurance or for computing annuity payments under subchapter I of Chapter 7 of this title.
- (9) "Officer or member" means any employee in the Metropolitan Police force or the Fire Department of the District of Columbia, or the United States Park Police force, whose compensation is fixed and adjusted in accordance with subchapter III of Chapter 5 of this title.
- (10) "Court duty" means attendance by an officer or member in his official capacity, excluding his appearance as a defendant, at court or at a quasi-judicial hearing.
- (11) "Special event" or "special assignment" means any planned activity or function which the

authorizing official designates in advance as such.

(b) The Mayor of the District of Columbia, or the Secretary of the Interior, as the case may be, is authorized and directed to establish a basic workweek of 40 hours to be scheduled on 5 days for the respective police forces referred to in this section; provided, that roll-call time shall be without compensation or credit to the time of the basic workweek.

(c) All officially ordered or approved hours of work (except roll-call time) performed by officers and members in excess of the basic workweek in any administrative workweek, shall be considered as overtime work and shall be compensated for as provided by this section.

(d)(1) Whenever the authorizing official designates an activity or function as a special event, or special assignment, all overtime work in connection with such special event, or special assignment, shall be compensated for by payment as follows:

(A) For each officer or member who receives compensation at a rate provided for in class 1 through class 4, in subchapter III of Chapter 5 of this title, the overtime work shall be compensated for by payment at one and one-half times the basic hourly rate of such officer or member and all such compensation shall be considered premium pay.

(B) For each officer or member who receives compensation at a rate provided for classes 5 and above, in subchapter III of Chapter 5 of this title, the overtime work shall be compensated for by payment at the basic hourly rate of such officer or member's basic compensation (except as otherwise limited by subsection (h)(1) and (2) of this section) and all such compensation shall be considered premium pay.

(2) An officer or member may elect to receive compensatory time off as provided in subsection (f) of this section in lieu of payment for overtime work as provided in this subsection.

(e) Each officer or member who on any off-duty time performs court duty (excluding the 1st appearance in court on each case), or who performs work, as ordered or approved, on any off-duty day shall be compensated in accordance with subsection (d) of this section.

(f)(1) Overtime work, other than that for which compensation by payment or time off is provided by subsections (d) and (e) of this section, shall be compensated for by compensatory time off at a rate of 1 hour of compensatory time for each hour of overtime work performed. Such compensatory time off shall be granted in accordance with the following provisions:

(A) The authorizing official, or such person as he may designate to act in his place, may, at the request of any officer or member, grant such officer or member compensatory time off from his scheduled tour of duty in lieu of payment for an equal amount of time spent for overtime work, including the 1st appearance for court duty in each case, if to grant such leave would not unreasonably diminish the number of officers or members available to maintain law, order, and public safety.

(B) Any officer or member who is eligible for compensatory time off and has made application for such compensatory time off, which application was denied, may within 30 days of such denial make application for compensatory pay at his basic hourly rate of basic compensation and all such compensation shall be considered premium pay.

(C) Such compensatory time off shall be used within such period of time as the authorizing official shall prescribe. If such officer or member fails to take such compensatory time off within the prescribed period, he shall thereby waive all right to such compensatory time off, unless his failure to take such compensatory time off is due to an official denial of his request for such compensatory time off.

(2) Such overtime work shall be credited for purposes of compensation in multiples of 1 hour, rounded to the nearest hour in case of fractions thereof. Thirty minutes or more of any such hour shall be credited as 1 hour.

(g)(1) Whenever any officer or member is authorized or directed to return to overtime duty at a time which is not an immediate continuation of his regular tour of duty, such officer or member shall receive credit for not less than 2 hours of overtime work for purposes of compensation under this section.

(2) Overtime work resulting from the immediate continuation of an officer's or member's regular tour of duty which, excluding roll-call time, is 30 minutes or more in excess of the basic workday shall be credited for purposes of compensation under subsection (f) of this section.

(h)(1) No premium pay provided by this section shall be paid to, and no compensatory time off is authorized for, an officer or member of the Metropolitan Police force or of the Fire Department of the District of Columbia whose rate of basic compensation equals or exceeds the minimum scheduled rate of basic compensation provided for service step 1 in the salary class applicable to the Fire Chief and Chief of Police in subchapter III of Chapter 5 of this title.

(2) In the case of an officer or member of the Metropolitan Police force or of the Fire Department of the District of Columbia whose rate of basic compensation is less than the minimum scheduled rate of basic compensation provided for service step 1 in the salary class applicable to the Fire Chief and

Chief of Police in subchapter III of Chapter 5 of this title, such premium pay may be paid only to the extent that such payment would not cause his aggregate rate of compensation to exceed such minimum scheduled rate with respect to any pay period.

(3)(A) No premium pay provided by this section shall be paid to, and no compensatory time is authorized for, any officer or member of the United States Park Police whose rate of basic pay, combined with any applicable locality-based comparability payment, equals or exceeds the lesser of:

(i) One hundred-fifty percent of the minimum rate payable for grade GS-15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law); or

(ii) The rate of payable for level V of the Executive Schedule contained in subchapter II of chapter 3 of title 5, United States Code.

(B) In the case of any officer or member of the United States Park Police whose rate of basic pay, combined with any applicable locality-based comparability payment, is less than the lesser of-

(i) One hundred-fifty percent of the minimum rate payable for grade GS-15 of the General Schedule (including any applicable locality-based comparability payment under section 5304 of title 5, United States Code or any similar provision of law, and any applicable special rate of pay under section 5305 of title 5, United States Code or any similar provision of law); or

(ii) The rate payable for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code, such premium pay may be paid only to the extent that such payment would not cause such officer or member's aggregate rate of compensation to exceed such lesser amount with respect to any pay period.

(i) Each authorizing official is authorized to promulgate such regulations and issue such orders as are necessary to carry out the intent and purpose of this section, and to delegate to a designated agent or agents any of the functions vested in the authorizing official by this section.

(Aug. 15, 1950, 64 Stat. 447, ch. 715, § 1; Mar. 27, 1951, 65 Stat. 27, ch. 20, § 1; June 20, 1953, 67 Stat. 76, ch. 146, title IV, § 403; Aug. 4, 1955, 69 Stat. 491, ch. 549, § 1; Oct. 5, 1961, 75 Stat. 831, Pub. L. 87-399, § 3; Oct. 21, 1965, 79 Stat. 1013, Pub. L. 89-282, § 1; Aug. 29, 1972, 86 Stat. 639, Pub. L. 92-410, title I, § 113; Nov. 15, 1977, 91 Stat. 1371, Pub. L. 95-179; Oct. 10, 1997, 111 Stat. 1285, Pub. L. 105-61, § 118(c); Dec. 21, 2000, 114 Stat. 2763, Pub. L. 106-554, § 1(a)(4), H.R. 5666 § 903(c); Oct. 15, 2010, 124 Stat. 3033, Pub. L. 111-282, § 4(b)(6).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1104.

1973 Ed., § 4-904.

Effect of Amendments

Pub. L. 111-282, in subsec. (a)(1), inserted "and" preceding "the Secretary" and deleted ", and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division" following "Park Police Force"; in subsec. (a)(9), inserted "or" preceding "the United States Park Police force" and deleted "or the United States Secret Service Uniformed Division" following "Park Police Force"; in subsec. (b), inserted "or" preceding "the Secretary of the Interior" and deleted "or the Secretary of the Treasury," following "Interior"; and, in subsecs. (h)(3)(A) and (B), deleted "of the United States Secret Service Uniformed Division or" following "member of".

Effective Dates

Section 118(f) of Pub. L. 105-61, 111 Stat. 1272, provides that the provisions of § 118 shall become effective on the first day of the first pay period beginning after the Dates of enactment of the act. The act was approved on October 10, 1997.

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.

Savings Provision: Section 118(d) of Pub. L. 106-61, 111 Stat. 1285, provided that on the effective date of § 118, any existing special salary rates authorized for members of the United States Secret Service Uniformed Division under § 5305 of title 5, United States Code (or any previous similar provision of law) and any special rates of pay or special pay adjustments under section 403, 404, or 405 of the Federal Law Enforcement Pay Reform Act of 1990 applicable to members of the United States Secret Service Uniformed Division shall be rendered inapplicable.

§ 5-1305. PAYMENT OF CERTAIN TUITION EXPENSES.

If an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, or the United States Park Police force engages in educational course work in police or fire science or administration, and, if he is eligible for payments or reimbursements under § 4109(a)(2)(C) of Title 5 of the United States Code for tuition expenses for such course work, the Mayor of the District of Columbia and the Secretary of the Interior shall, in accordance with such § 4109(a)(2)(C), pay or reimburse each such officer and member under their jurisdiction for all his tuition expenses for such course work.

(Aug. 29, 1972, 86 Stat. 641, Pub. L. 92-410, title I, § 117(a); Nov. 15, 1977, 91 Stat. 1371, Pub. L. 95-179; Oct. 15, 2010, 124 Stat. 3033, Pub. L. 111-282, § 4(b)(7).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1105.

1973 Ed., § 4-910.

Effect of Amendments

Pub. L. 111-282 deleted "the United States Secret Service Uniformed Division," following "Columbia"; and deleted "the Secretary of the Treasury," following "Columbia".

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.

§ 5-1306. PROTECTION OF EMERGENCY 2-WAY RADIO COMMUNICATIONS--DEFINITION.

For the purpose of §§ 5-1306 to 5-1309, "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting a communication referred to in § 5-1307 to be in imminent danger of death or serious bodily harm or in which property is in imminent danger of damage or destruction.

(Apr. 11, 1986, D.C. Law 6-105, § 2, 33 DCR 1162.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1106.

Legislative History of Laws

Law 6-105, the "Protection of Emergency 2-Way Radio Communications Act of 1985," was introduced in Council and assigned Bill No. 6-308, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 14, 1986, and January 28, 1986, respectively. Approved without the signature of the Mayor on February 14, 1986, it was assigned Act No. 6-134 and transmitted to both Houses of Congress for its review.

§ 5-1307. PROTECTION OF EMERGENCY 2-WAY RADIO COMMUNICATIONS--UNLAWFUL ACTS.

It shall be unlawful for any person to do the following:

(1) Knowingly, intentionally, recklessly, or with culpable negligence interrupt, disrupt, impede, or otherwise interfere with the transmission of a 2-way radio communication, the purpose of which is to inform or to inquire about an emergency; or

(2) Knowingly, intentionally, recklessly, or with culpable negligence transmit false information about an emergency on any 2-way radio frequency.

(Apr. 11, 1986, D.C. Law 6-105, § 3, 33 DCR 1162.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1107.

Legislative History of Laws

For legislative history of D.C. Law 6-105, see Historical and Statutory Notes following § 5-1306.

§ 5-1308. PROTECTION OF EMERGENCY 2-WAY RADIO COMMUNICATIONS--PENALTIES.

Any person who violates any provision of §§ 5-1306 to 5-1309, upon conviction, shall be subject to a fine of not more than \$500 or imprisonment of not more than 90 days, or both.

(Apr. 11, 1986, D.C. Law 6-105, § 4, 33 DCR 1162.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1108.

Legislative History of Laws

For legislative history of D.C. Law 6-105, see Historical and Statutory Notes following § 5-1306.

§ 5-1309. PROTECTION OF EMERGENCY 2-WAY RADIO COMMUNICATIONS--FORFEITURE OF EQUIPMENT.

(a) Any 2-way radio and related equipment used to commit a violation of §§ 5-1306 to 5-1309 shall be subject to forfeiture.

(b) Property subject to forfeiture under §§ 5-1306 to 5-1309 may be seized by law-enforcement officials, as designated by the Mayor, upon process issued by the Superior Court of the District of Columbia having jurisdiction over the property, or without process if authorized by other law.

(Apr. 11, 1986, D.C. Law 6-105, § 5, 33 DCR 1162.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1109.

Legislative History of Laws

For legislative history of D.C. Law 6-105, see Historical and Statutory Notes following § 5-1306.

SUBCHAPTER II. LAW ENFORCEMENT OFFICERS MEMORIAL.

§ 5-1331. ESTABLISHMENT.

The National Law Enforcement Officers Memorial Fund, Inc., is authorized to establish the National Law Enforcement Heroes Memorial on federal land in the District of Columbia or its environs to honor law enforcement officers who die in the line of duty.

(May 23, 1989, D.C. Law 8-2, § 2, 36 DCR 2371.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1121.

Legislative History of Laws

Law 8-2, the "Law Enforcement Officers Memorial Act of 1989," was introduced in Council and assigned Bill No. 8-91, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on February 28, 1989 and March 14, 1989, respectively. Signed by the Mayor on March 29, 1989, it was assigned Act No. 8-12 and transmitted to both Houses of Congress for its review.

§ 5-1332. DESIGN AND CONSTRUCTION.

(a) The Mayor shall obtain and review the design and plans for the memorial and, after consultation with the Council and the Joint Committee on Judicial Administration of the District of Columbia Courts, transmit recommendations to the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission before approval of the design, plans, and construction of the memorial in accordance with the Joint Resolution Authorizing the Law Enforcement Officers Memorial Fund to establish a memorial in the District of Columbia or its environs, approved October 19, 1984 (98 Stat. 2712) ("Joint Resolution").

(b) Construction shall not commence until the Secretary of the Interior determines that sufficient funds are available for the completion of the memorial in accordance with the Joint Resolution.

(c) Construction shall commence no later than October 19, 1989, as provided in the Joint Resolution.

(May 23, 1989, D.C. Law 8-2, § 3, 36 DCR 2371.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1122.

Legislative History of Laws

For legislative history of D.C. Law 8-2, see Historical and Statutory Notes following § 5-1331.

§ 5-1333. EXPENSES.

The District of Columbia shall not pay any expenses of the establishment or maintenance of the memorial.

(May 23, 1989, D.C. Law 8-2, § 4, 36 DCR 2371.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-1123.

Legislative History of Laws

For legislative history of D.C. Law 8-2, see Historical and Statutory Notes following § 5-1331.