

DISTRICT OF COLUMBIA
OFFICIAL CODE

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

CHAPTER 8.
POLICE RETIREMENT WHILE UNDER
DISCIPLINARY INVESTIGATION.

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CHAPTER 8. POLICE RETIREMENT WHILE UNDER DISCIPLINARY INVESTIGATION.

§ 5-801. DEFINITIONS.

For the purposes of this chapter:

- (1) "Conditional Retirement" means that a member has retired from the Metropolitan Police Department while under disciplinary investigation for serious misconduct.
- (2) "Disciplinary Investigation" means any official investigation by the Metropolitan Police Department, including the Office of Internal Affairs, of allegations of serious misconduct by any member of the Metropolitan Police Department.
- (3) "Resignation" means the voluntary separation of a member from the Metropolitan Police Department before the member's pension rights have accrued and vested.
- (4) "Retirement" means the voluntary separation of a member from the Metropolitan Police Department after the member's pension rights, retirement pay, or other benefits have accrued and vested as provided by federal or District of Columbia law or regulation.
- (5) "Serious Misconduct" means any felony violation of federal, local, or District of Columbia law, making of a false statement under oath, falsification of official records or reports, unnecessary force, comprising a felony or assisting a person to escape investigation or prosecution, use of illegal controlled substances, or other violations as determined by the Chief of Police by general order.

(Oct. 4, 2000, D.C. Law 13-160, § 502, 47 DCR 4619.)

HISTORICAL AND STATUTORY NOTES

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.

§ 5-802. COMPLETION OF DISCIPLINARY INVESTIGATIONS.

The Metropolitan Police Department shall complete a disciplinary investigation, including issuing findings pursuant to the general orders, of a member regardless of whether that member resigns or retires while under investigation.

(Oct. 4, 2000, D.C. Law 13-160, § 503, 47 DCR 4619.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-160, see notes following § 5-801.

§ 5-803. CONDITIONAL RETIREMENT.

(a) If a member of the Metropolitan Police Department retires or resigns while under disciplinary investigation, that member shall be deemed to be in conditional retirement until the disciplinary investigation is completed and factual findings are made.

(b) A member who is in conditional retirement shall not be paid a pension or receive other accrued benefits of any kind, including salary, compensatory time, or accrued leave, during the pendency of the

disciplinary investigation into his alleged misconduct.

(c) The Metropolitan Police Department shall complete the disciplinary investigation of any member in conditional retirement within 25 days from the date that the member retired or resigned. If the Metropolitan Police Department has not completed the investigation 25 days from the date of retirement or resignation, the matter shall be deemed to be closed and the allegations of misconduct not sustained.

(d) If, at any time during a member's conditional retirement, the Metropolitan Police Department finds that the allegations of serious misconduct are not sustained or are unfounded, the matter shall be deemed to be closed and the member's pension rights and accrued benefits shall be paid retroactive to the date on which the member initially retired or resigned from the Metropolitan Police Department.

(e) If the Metropolitan Police Department sustains the allegations of serious misconduct, the disciplinary process shall proceed as if the member in conditional retirement continued to be a member of the Metropolitan Police Department. The member shall be accorded all rights to which he is entitled under federal and District of Columbia law and regulations, police regulations, and any applicable labor agreement.

(f) If the Metropolitan Police Department ultimately determines that a member in conditional retirement should be subjected to discipline as provided by law and regulation, the member shall be subject to penalties in lieu of discipline as provided in § 5-804.

(g) A member who retires or resigns from the Metropolitan Police Department without knowing that he or she was under disciplinary investigation for serious misconduct shall not be deemed to be in conditional retirement, but shall instead be provided the opportunity to continue employment with the Metropolitan Police Department during the pendency of the disciplinary investigation. Should the member decide to retire or resign after he or she has been informed of the disciplinary investigation, he or she shall be deemed to be in conditional retirement as provided in this section.

(Oct. 4, 2000, D.C. Law 13-160, § 504, 47 DCR 4619.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-160, see notes following § 5-801.

§ 5-804. PENALTIES IN LIEU OF DISCIPLINE FOR MEMBERS IN CONDITIONAL RETIREMENT.

(a) The Metropolitan Police Department shall set the level of discipline for a member in conditional retirement as if he or she continued to be a member of the Metropolitan Police Department.

(b) A member in conditional retirement who would have received suspension as discipline had he or she remained a member of the Metropolitan Police Department, shall be assessed a penalty of not less than \$100 and not greater than \$5,000, depending on the length of suspension.

(c) If a member in conditional retirement would have been terminated from the Metropolitan Police Department as discipline for serious misconduct the member shall be assessed a penalty of not less than \$1,000 and not greater than \$5,000 in the discretion of the Chief of Police, pursuant to written standards developed by the Chief of Police.

(Oct. 4, 2000, D.C. Law 13-160, § 505, 47 DCR 4619.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-160, see notes following § 5-801.

§ 5-805. PAYMENT OF PENALTIES.

Penalties assessed against a member in conditional retirement as provided in § 5-804 shall be treated as a debt owed to the District of Columbia government and shall be deducted from the member's pension, retirement pay, or any other accrued benefits.

(Oct. 4, 2000, D.C. Law 13-160, § 506, 47 DCR 4619.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-160, see notes following § 5-801.

§ 5-806. ADMINISTRATIVE REVIEW.

A member in conditional retirement may challenge the imposition of penalties imposed by §§ 5-804 and 5-805 in an administrative proceeding before the District of Columbia Office of Employee Appeals, pursuant to Chapter 5 of Title 2.

(Oct. 4, 2000, D.C. Law 13-160, § 507, 47 DCR 4619.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-160, see notes following § 5-801.

§ 5-807. APPLICABILITY.

This chapter shall apply upon adoption of regulations by the Chief of Police to implement this chapter. The Chief of Police shall adopt such regulations within 60 days of October 4, 2000.

(Oct. 4, 2000, D.C. Law § 13-160, § 508, 47 DCR 4619.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-160, see notes following § 5-801.