

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Office of Citizen Complaint Review Establishment Act to expand the membership of the Police Complaints Board, and to allow the Office of Police Complaints' Executive Director to initiate their own complaint if they discover evidence of abuse or misuse of police powers that was not alleged in the original complaint, including the failure to intervene or report to a supervisor when another officer used excessive force, engaged in other forms of misconduct, or violated a rule or regulation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Policing and Justice Reform Technical Emergency Amendment Act of 2023".

Sec. 2. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 et seq.), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase "There is established a Police Complaints Board ("Board"). The Board shall be composed of 5 members, one of whom shall be a member of the MPD, and 4 of whom shall have no current affiliation with any law enforcement agency." and inserting the phrase "There is established a Police Complaints Board ("Board"). The Board shall be composed of 9 members, which shall include one member from each Ward and one at-large member, none of whom, after the

32 expiration of the term of the currently serving member of the MPD, shall be affiliated with any  
33 law enforcement agency.” in its place.

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

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

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

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

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

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

44 “(A) Intervene in or subsequently report any use of force incident in which  
45 the subject police officer observed another law enforcement officer, including an MPD officer,  
46 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order  
47 901.07, its successor directive, or a similar local or federal directive; or

48 “(B) Immediately report to their supervisor any violations of the rules and  
49 regulations of the MPD committed by any other MPD officer, and each instance of their use of  
50 force or a use of force committed by another MPD officer, pursuant to MPD General Order  
51 201.26, or any successor directive.”.

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

54           Sec. 3. The Comprehensive Policing and Justice Reform Emergency Amendment Act of  
55 2023 (D.C. Law 24-345; 70 DCR 3820) is repealed.

56           Sec. 4. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as  
57 follows:

58           (a) Section 14-310(b)(4) is amended as follows:

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

61                   (2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting  
62 the phrase “a victim who is under 18 years of age.”

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

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

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

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

69                   (1) Subparagraph (B) is amended by striking the phrase “with whom the victim  
70 has” and inserting the phrase “with whom a sexual assault victim, as that term is defined in  
71 section 14-312(a)(6), under 18 years of age has” in its place.

72                   (2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting  
73 the phrase “a sexual assault victim, as that term is defined in section 14-312(a)(6), who is under  
74 18 years of age.”

75           Sec. 5. Applicability.

76 Section 2 shall expire as of the applicability date of section 105 of the Comprehensive  
77 Policing and Justice Reform Amendment Act of 2022, enacted on January 19, 2023 (D.C. Act  
78 24-781; 70 DCR 953).

79 Sec. 6. Fiscal impact statement.

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

83 Sec. 7. Effective date.

84 This act shall take effect following approval by the Mayor (or in the event of veto by the  
85 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
86 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
87 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
88 D.C. Official Code §1-204.12(a)).