

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish the Security Officer Advisory Commission to make recommendations regarding training policies pertaining to security officers; to amend the Whistleblower Reinforcement Act of 1998 to provide protections for private security officers; to amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes to clarify the authority for the Mayor to appoint special police officers and security officers, to authorize the Mayor to regulate special police officers and security officers, and to require that special police officers and security officers meet minimum training requirements; to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require security agencies to be licensed; to amend the Regulation Establishing Standards for Certification and Employment for Security Officers to revise certification requirements for security officers, to require training for security officers, and to require security agencies to obtain licenses, execute bonds, and maintain liability insurance; and to amend the Manual of the Metropolitan Police Department of the District of Columbia to revise certification requirements for special police officers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Enhanced Professional Security Amendment Act of 2006”.

TITLE I

Sec. 101. 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 section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)):

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- (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

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(C) Perform such other acts as may be necessary or appropriate to carry out its functions.

TITLE II

Sec. 201. Title II of the Whistleblower Reinforcement Act of 1998, effective October 7, 1998 (D.C. Law 12-160; D.C. Official Code § 2-223.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 2-223.01) is amended as follows:

**Amend
§ 2-223.01**

(1) Paragraph (3) is amended as follows:

(A) Subparagraph (A) is amended by striking the word “or” at the end.

(B) Subparagraph (B) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(C) A new subparagraph (C) is added to read as follows:

“(C) Any person who is a security officer and is or was employed in that capacity by a person who or entity that provides security services.”.

(2) A new paragraph (8A) is added to read as follows:

“(8A) “Security officer” means an individual appointed under the second paragraph of the section “FOR METROPOLITAN POLICE” of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), and shall have the same meaning as provided in section 2100 of Title 17 of the District of Columbia Municipal Regulations.”.

(3) Paragraph (9) is amended by striking the phrase “District instrumentality or by a District government contractor” and inserting the phrase “District instrumentality, a District government contractor, or a person who or entity that employs security officers” in its place.

(b) Section 204(b) (D.C. Official Code § 2-223.03(b)) is amended by striking the phrase “employing District instrumentality or contractor” and inserting the phrase “employing District instrumentality or contractor, or the person or entity that employed the security officer,” in its place.

**Amend
§ 2-223.03**

(c) Section 205 (D.C. Official Code § 2-223.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “any supervisor” and inserting the phrase “a supervisor employed by a District instrumentality” in its place.

**Amend
§ 2-223.04**

(2) Subsection (b) is amended by striking the phrase “any supervisor” and inserting the phrase “a supervisor employed by a District instrumentality” in its place.

(d) Section 207 (D.C. Official Code § 2-223.06) is amended by adding a sentence at the end to read as follows: “A person who or entity that employs security officers shall inform those employees of their rights under this title.”.

**Amend
§ 2-223.06**

Sec. 202. The second paragraph under the section titled “FOR METROPOLITAN POLICE” of An Act Making appropriations to provide for the expenses of the government of

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the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), is amended to read as follows: **Amend § 5-129.02**

“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.

“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.

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), 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.”.

Sec. 203. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase “47-2839a. Security agencies.” after the phrase “47-2839. Private detectives; “detective” defined; regulations.”.

(b) A new section 47-2839a is added to read as follows:

“§ 47-2839a. Security agencies.

**New
§ 47-2839a**

“(a) For the purpose of this section, the term:

“(1) “Campus police officer” means an individual appointed under § 5-129.02, and subject to the requirements of Chapter 12 of Title 6A of the District of Columbia Municipal Regulations.

“(2) “Security agency” means a person who conducts a business that provides security services.

“(3) “Security officer” means an individual appointed under § 5-129.02, and shall have the same meaning as provided in section 2100 of Title 17 of the District of Columbia Municipal Regulations.

“(4) “Security services” means any activity that is performed for compensation by a security officer or special police officer to protect an individual or property.

“(5) “Special police officer” means an individual appointed under § 5-129.02, and subject to the requirements of Chapter 11 of Title 6A of the District of Columbia Municipal Regulations.

“(b) It shall be unlawful for any person to engage in the business of operating, managing, or conducting a security agency, for profit or gain, or to advertise or represent his or her business to be that of a security agency, or that of conducting, managing, or operating a security agency, without first obtaining a license to do so.

“(c) A person who violates any provision of this section, or the provisions of Chapter 21 of Title 17 of the District of Columbia Municipal Regulations pertaining to security agencies, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both.

“(d)(1) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue 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.

“(e) Any license issued pursuant to this section shall be issued as a Public Safety endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of this chapter.”.

Sec. 204. The Regulation Establishing Standards for Certification and Employment for Security Officers, issued December 1, 1974 (Reg. 74-31; 17 DCMR § 2100 *et seq.*), is amended to read as follows:

DCMR

“CHAPTER 21. SECURITY OFFICERS AND SECURITY AGENCIES

- “Secs.
- “2100 General Provisions.
- “2101 Duty of Security Agency or Employer
- “2102 Eligibility Requirements – General
- “2103 Eligibility Requirements – Health
- “2104 Eligibility Requirements – Criminal Convictions
- “2105 Eligibility Requirements – Criminal History
- “2106 Photographs and Fingerprints
- “2107 Investigation of Applicants
- “2108 Examination and Training
- “2109 Temporary Certification
- “2110 Advertisements and Displays
- “2111 Identification Cards and Employee Lists
- “2112 Uniforms
- “2113 Badges, Patches, and Emblems
- “2114 Certification Renewal
- “2115-2119 [Reserved]

- “2120 Denial, Suspension, and Revocation of Certification
- “2121 Service of Notice
- “2122 Hearings
- “2123 Appeals
- “2124 Security Agency License
- “2125 Issuance, Renewal, and Display of Licenses for Security Agencies
- “2126 Denial, Suspension, and Revocation of Security Agency License
- “2127 Security Agency Bond and Liability Insurance
- “2199 Definitions
- “2100 GENERAL PROVISIONS
- “2100.1 For purposes of this chapter, the term “security officer” means any person privately employed to do any of the following:
 - “(a) Prevent the theft, misappropriation, or concealment of goods, wares, merchandise, money, bonds, stock certificates, or other valuable documents, papers, and articles;
 - “(b) Prevent damage to real or personal property;
 - “(c) Prevent assaults, gate-crashing, or other disorders at meetings, events, or performances; or
 - “(d) Prevent similar illegal occurrences.
- “2100.2 The term “security officer” includes the following:
 - “(a) Uniformed individuals employed by a security agency or other employer for any of the purposes set forth in § 2100.1; and
 - “(b) Uniformed individuals privately employed as guards, watchpersons, patrol service personnel for specified property, security technicians, security officers, and other similar positions.
- “2100.3 The term “security officer” does not include any of the following:
 - “(a) Persons commissioned as special police officers under the second paragraph of the section “FOR METROPOLITAN POLICE” of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02);
 - “(b) Persons working in their official capacity as employees of the federal government;
 - “(c) Members of the Metropolitan Police Department or the public police force of any other jurisdiction;
 - “(d) Persons working as armored car guards; or
 - “(e) Persons commissioned as campus police officers under the second paragraph of the section “FOR METROPOLITAN POLICE” of An Act

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Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), as regulated by Chapter 12 of Title 6A of the District of Columbia Municipal Regulations.

- “2100.4 “Each certification for a security officer issued under this chapter, except temporary certification cards issued under § 2109 and certifications whose expiration dates have been extended under § 2100.5, shall be effective for 2 years. The expiration date shall be shown on the certification.
- “2100.5 If a security officer has been retained by a new security agency or employer for the 90-day transition employment period required by section 3 of the Displaced Workers Protection Act of 1994, effective April 26, 1994 (D.C. Law 10-105; D.C. Official Code § 32-102), training requirements for certification imposed by this chapter shall be tolled for the duration of the 90 days. If a security officer’s certification is scheduled to expire during the 90-day period, the expiration date for the certification shall be extended until 14 days after the expiration of the 90-day period.
- “2100.6 Except as provided in D.C. Official Code § 47-2839a, violation of any provision of this chapter shall be punishable by a fine of up to three hundred dollars (\$300) or by imprisonment for up to ninety (90) days, in addition to the possible denial, suspension, or revocation of certification under the provisions of this chapter.
- “2100.7 The provisions of this chapter shall supersede any other District of Columbia regulations to the extent of any conflict with those regulations.
- “2101 **DUTY OF SECURITY AGENCY OR EMPLOYER**
- “2101.1 No investigation or certification under this chapter shall relieve any security agency or other employer of the duty to investigate and make its own determination of an applicant’s suitability for employment as a security officer.
- “2101.2 All security agencies and employers have an affirmative duty to supervise security officers in their employ, and any attempt at a contractual limitation of liability shall be null and void.
- “2101.3 In all cases, the liability of the security agency or other employer for the acts of its employees shall be limited to those times when the employee is on duty and to those acts within the scope of the employee’s assignment or employment.
- “2104.4 Failure of a private detective agency or security agency to properly supervise the activities of its employees is grounds for denial or suspension of the agency’s license.
- “2102 **ELIGIBILITY REQUIREMENTS – GENERAL**
- “2102.1 Application for certification as a security officer shall be made to the Mayor on a form prescribed by the Mayor.

- “2102.2 Each person applying for certification shall submit to the Mayor, under oath, the information required by this chapter, as well as any other information that the Mayor may require for assistance in determining the applicant’s suitability for certification.
- “2102.3 To be eligible to be certified as a security officer, an applicant, in addition to meeting the other requirements of this chapter, shall:
- “(a) Be at least eighteen (18) years of age;
 - “(b) Either be a United States citizen or have in his or her possession a valid Immigration and Naturalization Service work permit; and
 - “(c) Be able to read, write, and speak the English language.
- “2103 ELIGIBILITY REQUIREMENTS – HEALTH
- “2103.1 Each applicant for certification shall be required to submit a physician’s certificate stating, to the best of the physician’s knowledge after examining the applicant, the following:
- “(a) The applicant is not presently addicted to drugs or alcohol;
 - “(b) The applicant is not suffering from any debilitating mental defect or disorder; and
 - “(c) The applicant is not suffering from serious heart disease, severe epilepsy, or other physical defect which might cause substantial loss of control in situations of severe stress.
- “2103.2 When testing for epilepsy or other physical defects which might involve substantial costs to determine, the doctor may rely upon the sworn statement of the applicant, under oath. The doctor must give his or her affirmation to the same effect.
- “2103.3 In cases where certification is requested concurrent with or as a condition of employment with a security agency or an employer, the security agency or employer shall certify the health of the applicant.
- “2103.4 Each applicant shall be required to pass a drug screening administered by the security agency or employer upon initial application and upon application for certification renewal.
- “2103.5 (a) Security officers shall be subject to reasonable suspicion drug and alcohol testing by the security agency or employer.
- “(b) For the purposes of this section, the term “reasonable suspicion” means the officer is impaired while on duty.
- “2103.6 Security agencies or employers shall immediately notify the Mayor of any unexplained positive tests.
- “2103.7 (a) The certification of a security officer who fails a reasonable suspicion drug or alcohol test shall be summarily revoked.
- “(b) For the purposes of this section, the term “fails” means:

“(1) The officer’s blood contained more than .03%, by weight, of alcohol, or the officer’s urine contained more than .04%, by weight, of alcohol, or that at the time of the test more than .14 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air; or

“(2) The drug test detected the presence of a controlled substance in the officer’s blood or urine.

“2104

ELIGIBILITY REQUIREMENTS – CRIMINAL CONVICTIONS

“2104.1

(a) A person who is in either of the following categories shall not be eligible for certification as a security officer unless he or she meets the burden of proving to the Office of Administrative Hearings that he or she is not a significant safety risk to the community and meets all other requirements for certification:

“(1) A person who has been released from incarceration for a felony conviction in any jurisdiction in the United States within two (2) years prior to the date of filing an application for certification; or

“(2) A person who has been released from incarceration for a misdemeanor conviction in any jurisdiction in the United States involving larceny or involving the illegal use, carrying, or concealment of a dangerous weapon within one (1) year prior to the date of filing an application for certification.

“(b) The provisions of this section do not preclude a security company from imposing stricter standards or from requiring a longer period of ineligibility for a felony or misdemeanor.

“2104.2

Notwithstanding the provisions of § 2104.1, but subject to the one (1) year limitation in § 2104.3, if the Office of Administrative Hearings does not act upon the application of a person within sixty (60) days after it is filed, the certification shall be made if the applicant meets all other applicable requirements for certification.

“2104.3

Under no circumstances shall a person convicted of a felony be certified or serve as a security officer until one (1) year after release from incarceration resulting directly or indirectly from that conviction.

“2104.4

The Office of Administrative Hearings shall consider the following in determining whether an applicant is a significant safety risk:

“(a) The nature of the crime for which the applicant was convicted and its relationship to the duties and circumstances of employment as a security officer;

“(b) Information pertaining to the degree of rehabilitation of the applicant since the crime, including formal work experience or participation in vocational training, educational attainment, and family support;

“(c) The time elapsed since the conviction; and

“(d) Other evidence of personal motivation, including community volunteer work and character references.

“2105 ELIGIBILITY REQUIREMENTS – CRIMINAL HISTORY

“2105.1 No person shall be certified or employed as a security officer, nor shall an existing security officer have his or her certification renewed, until the Mayor has conducted a criminal history check of the applicant through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department.

“2105.2 In evaluating an application for a security officer certification, the Mayor shall consider:

“(a) An applicant’s conviction history;

“(b) Any court finding of the applicant’s mental incompetence that has not been removed or expunged;

“(c) An applicant’s history of criminal traffic offenses;

“(d) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more duties or responsibilities of a security officer;

“(e) The time that has elapsed since the occurrence of the criminal offense or court finding of mental incompetence;

“(f) The age of the applicant at the time of the occurrence of the criminal offense or court finding of mental incompetence;

“(g) The frequency and seriousness of the criminal offense; and

“(h) Any information produced by the applicant, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense or court finding of mental incompetence.

“2105.3 If a security officer is arrested, the security officer shall report the arrest to the Mayor within two (2) business days. The certification of the security officer shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition. If a security officer fails to report an arrest as required, the security officer’s certification shall be summarily revoked.

“2105.4 The Mayor shall conduct random criminal history checks of security officers through the record systems of the Metropolitan Police Department. The certification of any security officer whose record indicates an unreported arrest or conviction shall be summarily revoked, and the security agency shall be notified of the revocation immediately. The certification of any security officer whose record indicates an outstanding warrant shall be suspended immediately, and the

security agency shall be notified of the suspension immediately, pending further disposition.

- “2105.5 Notwithstanding any other law or regulation, the information obtained from criminal history checks conducted pursuant to this chapter considered by the Mayor shall not be limited by the date of the offense nor shall the information obtained and considered be limited to arrests resulting in conviction.
- “2106 **PHOTOGRAPHS AND FINGERPRINTS**
- “2106.1 Each applicant for certification shall submit with his or her application four (4) recent, identical, full-face photographs of the applicant, one inch by one and one-half inches (1" x 1½ ") in size, taken not more than three (3) months prior to the date of application.
- “2106.2 Each applicant for certification shall furnish the Mayor with three (3) sets of the applicant’s fingerprints.
- “2106.3 Fingerprints shall be taken by the Mayor, shall become part of the certification application, and shall be compared and recorded by the Mayor.
- “2106.4 At the time fingerprints are taken by the Mayor, each applicant shall be advised in writing of eligibility requirements pertaining to an applicant’s criminal history.
- “2107 **INVESTIGATION OF APPLICANTS**
- 2107.1 As promptly as possible after an application is submitted, the Mayor shall submit fingerprints of the applicant for comparison and record checks to the Federal Bureau of Investigation and to other authorities that the Mayor may deem advisable.
- “2107.2 The Mayor may make any other investigation of the applicant that the Mayor determines to be relevant.
- “2107.3 The Mayor shall report the results of each investigation to the security agency or employer within one (1) week, excluding weekends and holidays, after the results have been received.
- “2108 **EXAMINATION AND TRAINING**
- “2108.1 When a person applies for certification, the Mayor shall supply the applicant with a brief synopsis of relevant statutes and regulations, and a clear statement of the powers and limitations of a security officer in the District, including a statement of possible penalties, as set forth in § 2100.6, for noncompliance with relevant regulations.
- “2108.2 Upon satisfactory completion of the investigations and determinations required by this chapter, applicants for certification shall be required to pass an examination given by the Mayor to test their security-related knowledge and their understanding of a security officer’s powers, limitations, and duties.

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- “2108.3 The examination fee for the examination required by § 2108.2 shall be established by the Mayor. The fee is not refundable.
- “2108.4 To qualify for certification as a security officer, an individual shall meet the eligibility and training requirements established in this chapter, and be an employee or an applicant for employment with a security firm.
- “2108.5 On receipt from an applicant for certification as a security officer, a security firm shall forward to the Mayor the applicant’s application form, fingerprint cards, and certification that the applicant has completed the training as required in this section. For initial and renewal certifications, the security agency shall also submit a non-refundable application fee established by the Mayor that includes the cost of the fingerprint card and record checks. The application fee, pre-assignment, on-the-job, and in-service training and cost of records check shall be paid in full by the applicant’s employer or prospective employer and in no circumstance shall such costs be deducted from the employee’s pay.
- “2108.6 After receipt of an application, the Mayor shall submit, or cause to have submitted, to the Federal Bureau of Investigation, the fingerprint card submitted by the applicant for the purpose of a criminal background check.
- “2108.7 Security officers shall be required to satisfactorily complete pre-assignment, on-the-job, and in-service training programs which have been prescribed and approved by the Mayor.
- “2108.8 Pre-assignment training shall include at least 24 hours of training generally relating to the security officer’s duties and specifically including:
- “(a) Terrorism awareness, including building evacuation, unattended packages, and unknown substances;
 - “(b) Emergency procedures, including evacuation and first-aid; and
 - “(c) Customer service and interaction with tourists.
- “2108.9 Security officers shall satisfactorily complete a 16-hour, on-the-job training course within ninety (90) working days following employment, and an 8-hour annual in-service training course.
- “2108.10 Upon satisfactory completion of a required training course, a security officer shall receive from his or her employer a certificate evidencing satisfactory completion thereof.
- “2108.11 Nothing herein shall be construed to prohibit a security agency from voluntarily providing training programs and courses which exceed the minimum requirements of this chapter.
- “2108.12 The training requirements established by this section shall not apply until July 1, 2007.
- “2109 TEMPORARY CERTIFICATION

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- “2109.1 Persons eighteen (18) years old or older who meet the requirements set forth in §§ 2102, 2103, and 2106 may be issued a temporary certification card which shall contain on its face an expiration date that is not later than six (6) weeks after the date of issuance.
- “2109.2 Each temporary certification card shall have inscribed conspicuously across its face the word “TEMPORARY.”
- “2019.3 If certification is neither granted nor denied by the designated expiration date, the applicant shall be entitled to a new temporary certification card.
- “2110 **ADVERTISEMENTS AND DISPLAYS**
- “2110.1 Every security agency that advertises its business to the public, and every person, firm, or corporation licensed as a private detective agency under Chapter 20 of this title, that provides private detective services for a fee or other consideration, and that advertises its business to the public, shall include its license number in each advertisement.
- “2110.2 No person shall attach to his or her personal motor vehicle any sign, plate, insignia, or other designation identifying the driver or owner as a security officer. This shall not prevent the placement of this type of identification on any car owned, leased, or otherwise used in the business of any agency or employer.
- “2111 **IDENTIFICATION CARDS AND EMPLOYEE LISTS**
- “2111.1 Upon certification by the Mayor and payment of a five dollar (\$5) fee, each security officer shall receive an identification card containing a photograph of the security officer, the name and business address of the officer’s employer, and a statement that the bearer is not a police officer and only has the powers of an ordinary citizen.
- “2111.2 The identification card shall be carried on the person of the security officer whenever he or she is engaged in his or her duties and shall be exhibited upon request to any person with whom the security officer may come in contact in the performance of his or her duties.
- “2111.3 Each security officer shall take due care to prevent his or her identification card from falling into the possession of any unauthorized person.
- “2111.4 If the identification card is lost or destroyed, a duplicate card shall be issued by the Mayor upon payment of a three dollar (\$3) fee.
- “2111.5 Upon termination of the security officer’s service, he or she shall return the identification card to the Mayor within forty-eight (48) hours, excluding weekends and holidays.
- “2111.6 If a security officer takes employment with another security agency or employer, a new identification card shall be issued upon payment of a one dollar (\$1) fee.
- “2111.7 The Mayor shall collect information and maintain, on a current basis, a registry of all security officers and applicants for security officer employment in the

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District of Columbia. The registry shall include:

- “(a) The name, address, and date of birth of each security officer or applicant;
- “(b) Whether an identification card has been issued, denied, suspended, revoked, or expired;
- “(c) The security guard company or companies by whom the security officer is or has been employed or has applied for employment; and
- “(d) Such other information as the Mayor may require; provided, that if the registry or other security officer database includes criminal history information, that criminal history information shall not be made available to the public.

“2111.8 Each security agency which employs security officers shall transmit to the Mayor, no later than the 15th day of January following the effective date of the Enhanced Professional Security Amendment Act of 2006 passed on 2nd reading on July 11, 2006 (Enrolled version of Bill 16-102), a list that shall include the information required in § 2111.7, and such other information as the Mayor may require; provided, that in no case shall the registry required under § 2111.7 or other security officer database include criminal history information. Following submission of the initial list, each security agency shall submit to the Mayor the name of each security officer employed or who has retired or been resigned or whose employment as a security officer is terminated for any reason, no later than the 15th calendar day following such employment, retirement, resignation, or termination, and, in the instance of newly appointed security officers, shall include all the information required to be furnished by this section.

“2111.9 Any person shall have timely access to information contained in the registry, but limited to the following information with respect to security officers or applicants:

- “(a) Name;
- “(b) Date of birth;
- “(c) Employment history; and
- “(d) Status of certification.

“2111.10 The Mayor shall continue to maintain in the registry the information required for each security officer or applicant by this section for a period of no less than 10 years following the security officer’s termination, revocation, resignation, retirement, or failure to be hired or renewed, at which time the Mayor shall destroy the information.

“2112 UNIFORMS

“2112.1 Each security officer certified under this title, including each person commissioned as a special police officer under the second paragraph of the section entitled “FOR METROPOLITAN POLICE” in An Act Making

appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), shall wear a uniform approved by the Mayor which is distinctly different from the uniform of the Metropolitan Police Department.

“2112.2 Minimum requirements for the uniform are a white uniform cap or a cap covered with a white cap cover and a uniform outer garment, such as a shirt, blouse, jacket, or overcoat. The outer garment shall have the patches and badges required under § 2113 clearly visible at all times.

“2112.3 White caps or caps covered by white cap covers shall be worn at all times by security officers during performance of duties involving crowd control at special events.

“2112.4 Each security officer shall take due care to prevent his or her uniform from falling into the possession of any unauthorized person.

“2113 BADGES, PATCHES, AND EMBLEMS

“2113.1 No security officer shall wear or carry a metal or metallic-appearing badge.

“2113.2 A distinctive cloth badge worn on a security officer’s left breast is permitted if the prior written permission of the Mayor is obtained.

“2113.3 Notwithstanding the corporate name of the security agency, the words “police,” “United States,” and “District of Columbia,” or abbreviations of those words, and the seals or insignias of the United States and the District of Columbia shall not be used on any badge, patch, emblem, or uniform.

“2113.4 Uniforms bearing emblems and patches that meet the following requirements and restrictions shall be approved by the Mayor and shall be worn by security officers:

“(a) Shoulder shall be red in color, bear the name of the employer or security agency, and shall have white, clearly legible lettering;

“(b) The name of the security agency or employer shall be spelled out in full on the patches;

“(c) Initials shall not be allowed, and abbreviations are permissible only with the prior written permission of the Mayor;

“(d) Patches may bear a security agency or employer design insignia which has been approved in writing by the Mayor;

“(e) Patches shall be of half-moon design;

“(f) Patches shall be three inches (3") high by five inches (5") wide;

“(g) A patch shall be worn on each shoulder of a shirt, blouse, jacket, or overcoat; and

“(h) A patch bearing the words “Security Officer” shall be worn on the right breast. This patch shall be four and one-half inches

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(4½") long and one inch (1") high. This patch shall be red with white lettering.

- “2113.5 An employee may wear an appropriate designation of his or her rank (such as sergeant) on either or both sleeves. Chevrons shall be red in color with white piping. If the employee is of officer rank, he or she may wear the appropriate emblem on the collar or shoulders of the uniform shirt, jacket, or blouse.
- “2113.6 The word “INSPECTOR,” or an abbreviation of that word, shall not appear on any badge, patch, emblem, or uniform.
- “2113.7 A non-metal cap ornament that does not have a metallic appearance may be worn. It may carry the rank of the employee and shall bear the name of the security agency or employer.
- “2113.8 Any deviation from the requirements of §§ 2113.4, 2113.5, 2113.6, or 2113.7 shall require the prior written approval of the Mayor.
- “2113.9 The provisions of §§ 2113.4, 2113.5, 2113.6, and 2113.7 apply only to security officers. No other uniformed security personnel licensed, commissioned, or certified by the District shall wear badges, patches, or emblems that are red with white lettering, or that are not readily discernible from those badges, patches, and emblems.
- “2113.10 Each security officer shall take due care to prevent his or her badges, patches, and emblems from falling into the possession of any unauthorized person.
- “2114 CERTIFICATION RENEWAL.
- “2114.1 A security officer shall be required to apply for a renewal certification of his or her license biannually.
- “2114.2 A security officer shall not be required to repeat the examination under § 2108.2 for license renewal.
- “2114.3 For each license renewal, the Mayor shall update all background checks, especially the investigations for criminal convictions.
- “2114.4 A security officer may continue to work while awaiting notification of acceptance or denial of renewal certification.
- “2114.5 When granted, a renewal certification shall be dated as of the expiration date of the previously existing certification.
- “2120 DENIAL, SUSPENSION, AND REVOCATION OF CERTIFICATION
- “2120.1 Certification of a security officer shall be subject to denial, suspension, or revocation for any of the following reasons:
- “(a) Material misstatement in the license application;
 - “(b) Violation of requirements pertaining to identifications cards, uniforms, badges, advertising, and displays as set forth in §§ 2110, 2111, 2112, and 2113;
 - “(c) Failure or refusal to comply with any statute or regulation governing

security officers, or the willful and fraudulent circumvention of any statute or regulation;

- “(d) Conviction of a felony while employed as a security officer; provided, that denial, suspension, or revocation for this reason shall not prevent a person from reapplying for certification;
- “(e) Conviction for a misdemeanor involving theft, fraudulent conduct, assault, or false arrest or imprisonment;
- “(f) Conviction of any offense arising out of or based on employment as a security officer which involved a breach of trust or an invasion of privacy; or
- “(g) Carrying a deadly weapon, handcuffs, or an aerosol chemical dispenser in the course of employment. This does not prohibit the carrying of a night stick constructed solely of wood.

“2120.2 Whenever the Mayor proposes to deny, suspend, or revoke a certification under this chapter, notice shall be given to the applicant or security officer.

“2120.3 Each notice issued under § 2120.2 shall be in writing and shall be signed by the Mayor.

“2120.4 Each notice shall state or contain the following:

- “(a) The facts constituting each violation or other basis for the action proposed;
- “(b) Where applicable, each statutory provision or regulation violated or not complied with;
- “(c) The nature of the adverse action proposed in the matter;
- “(d) A statement advising the applicant or security officer that he or she is entitled to a full hearing, if requested, in which the Mayor’s action may be reversed; and
- “(e) Information about the time and manner in which an appeal must be filed.

“2121 SERVICE OF NOTICE

“2121.1 Each notice issued under § 2120 shall be served upon the applicant or security officer in the manner prescribed in this section.

“2121.2 Notice shall be deemed to have been served upon the person to whom it is directed when a copy of it has been served by one of the following means:

- “(a) Personally delivering a copy to the person named in the notice;
- “(b) Leaving a copy at the address stated on the certification or application with a person over sixteen (16) years of age who is employed at or is a resident of that address; or
- “(c) Mailing a copy by certified mail, postage prepaid, to the address stated on the certification or application, which is not returned undelivered by the postal authorities, except as provided in § 2121.3.

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- “2121.3 If a notice mailed as authorized by § 2121.2(c) is returned by the postal authorities because the addressee refused to accept delivery, it shall be deemed to have been served on the addressee on the date of that refusal.
- “2122 HEARINGS
- “2122.1 A person on whom notice has been served pursuant to § 2120 and § 2121 may file a written demand for a hearing with the Office of Administrative Hearings.
- “2122.2 If notice was served personally, the demand for hearing shall be filed within twenty (20) calendar days from the date on which the notice was served.
- “2122.3 If the notice was served other than personally, the demand for hearing shall be filed within twenty-four (24) calendar days from the date on which it was served (including the date it was mailed, if served in accordance with § 2121.2(c)).
- “2122.4 Filing the demand for hearing shall not in itself stay enforcement of the action of the Mayor.
- “2122.5 The Mayor may grant, or the Office of Administrative Hearings may order, a stay upon appropriate terms.
- “2122.6 Each applicant or security officer shall be entitled to a hearing within twenty-one (21) days of demand.
- “2122.7 Each hearing shall provide full procedural safeguards to the officer or applicant, including the right to be represented by his or her own legal counsel and the right to confront and cross-examine witnesses.
- “2122.8 A record shall be kept of the proceedings of each hearing.
- “2123 APPEALS
- “2123.1 If the Office of Administrative Hearings upholds the denial, suspension, or revocation of certification, the applicant or security officer may seek review of the order by filing an appeal with the District of Columbia Court of Appeals.
- “2123.2 The appeal shall be filed with the Court of Appeals within the time limit prescribed by court rules.
- “2123.3 Filing of the appeal shall not in itself stay enforcement of the action of the Mayor or the order of the Office of Administrative Hearings.
- “2123.4 The Mayor may grant, or the Office of Administrative Hearings or the Court of Appeals may order, a stay upon appropriate terms.
- “2124 SECURITY AGENCY LICENSE
- “2124.1 Except as otherwise provided in this chapter, an individual or a firm shall be licensed by the Mayor as a security agency before the individual or firm may conduct or solicit to engage in a business that provides security services in the District of Columbia.
- “2124.2 An individual or a firm may qualify for a license as a security agency. If the applicant is a firm, the firm shall appoint a firm member as the representative member to make the application on behalf of the firm.

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- “2124.3 No applicant shall be licensed as a security agency unless the Chief of Police of the Metropolitan Police Department, or his or her designee, certifies to the Mayor that the Chief of Police approves of the issuance of the license.
- “2124.4 Each individual or firm applying for a license shall submit to the Mayor, under oath, any information that the Mayor may require to assist in determining whether granting the license will be in the public interest.
- “2124.5 Application for a license to engage in business as a security agency shall be made to the Mayor on a form prescribed by the Mayor, to include the documents required by this chapter, and shall be accompanied by the license fee required by law.
- “2124.6 An applicant for a security agency license shall pay to the District an application fee of \$500, if the applicant is an individual, or \$1,000, if the applicant is a firm.
- “2124.7 If the applicant is an individual, the application form provided by the Mayor shall require the name of the applicant, the age of the applicant, the address of the applicant, and the current and previous employment of the applicant.
- “2124.8 If the applicant is a firm, the application form provided by the Mayor shall require a list of all of the firm members, and for each firm member, the same information required regarding an individual applicant under § 2124.7.
- “2124.9 For all applicants, the application form shall require:
- “(a) The address of the applicant’s proposed principal place of business and of each proposed branch office;
 - “(b) Any trade or fictitious name that the applicant intends to use while conducting the business of the security agency;
 - “(c) The submission of a facsimile of any trademark that the applicant intends to use while conducting the business of the security agency; and
 - “(d) As the Mayor considers appropriate, any other information to assist in the evaluation of an individual applicant, or if the applicant is a firm, any firm member.
- “2124.10 If the applicant is an individual, the application form shall be signed, under oath, by the individual. If the applicant is a firm, the application form shall be signed, under oath, by the representative member, as the representative member, and by all the other firm members.
- “2124.11 An applicant for a license shall submit with the application form a bond in accordance with the requirements of this chapter.
- “2124.12 An applicant for a license who intends to employ at least five (5) individuals as security guards shall submit with the application proof of liability insurance, as required under this chapter.

- “2125 ISSUANCE, RENEWAL, AND DISPLAY OF LICENSES FOR SECURITY AGENCIES
- “2125.1 The Mayor shall issue a 2-year license to each applicant for a security agency license who meets the requirements of this chapter.
- “2125.2 Each security agency license shall include:
- “(a) A certificate stating the full name of the licensee;
 - “(b) The location of the principal office and of each branch office of the licensed security agency;
 - “(c) The date of issuance of the license;
 - “(d) The date on which the license expires; and
 - “(e) The name and address of the representative member, if the licensee is a firm.
- “2125.3 While a security agency license is in effect, it authorizes the licensee to:
- “(a) Conduct a business that provides security officer services for compensation or for hire;
 - “(b) Maintain an office for the conduct of business at each location stated in the security agency license certificate;
 - “(c) Employ certified individuals as security personnel to provide security officer services to the public on behalf of the licensee; and
 - “(d) Represent the licensee to the public as a licensed security agency.
- “2125.4 Unless a security agency license is renewed for a 2-year term as provided in this section, the license expires on the date the Mayor sets.
- “2125.5 At least one month before a security agency license expires, the Mayor shall mail to the licensee, at the last known address of the licensee, a renewal application form, and a notice that states:
- “(a) The date on which the current license expires;
 - “(b) That the Mayor must receive the renewal application and the statements required under this chapter at least fifteen (15) days before the license expiration date for the renewal to be issued and mailed before the license expires;
 - “(c) The amount of the renewal fee;
 - “(d) That, if the statements required under this chapter are not received at least 15 days before the license expiration date, a fee of \$10 per day shall be charged against the licensee until the statements are received; and
 - “(e) That the submission of a false statement in the renewal application or in the annual statements is cause for revocation of the license.
- “2125.6 A security agency licensee periodically may renew the license for an additional 2-year term, if the licensee:
- “(a) Otherwise is entitled to be licensed;

- “(b) Pays to the District a renewal fee of \$250, if the licensee is an individual, or \$500, if the licensee is a firm, along with any late fee required under this chapter; and
 - “(c) Submits to the Mayor a renewal application on a form that the Mayor provides, along with the statements required under this chapter.
- “2125.7 The Mayor shall renew the security agency license of each licensee who meets the requirements of this section.
- “2125.8 If the Mayor does not receive the documents required under this section at least fifteen (15) days before the license expiration date, the Mayor shall charge the licensee a late fee of \$10 per day until the documents are received.
- “2126 DENIAL, SUSPENSION, AND REVOCATION OF SECURITY AGENCY LICENSE
- “2126.1 The Mayor may deny a security agency license to any individual or firm, reprimand any licensed security agency, fine any licensed security agency, or suspend or revoke a security agency’s license if the applicant or licensee engages in any of the following:
- “(a) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
 - “(b) Fraudulently or deceptively uses a license;
 - “(c) Aids an individual to obtain or to attempt to obtain fraudulently or deceptively certification under this title as a security officer;
 - “(d) While not licensed, solicits to engage in or willfully engages in a business providing security officer services in the District;
 - “(e) While not licensed, willfully advertises as a security agency or of the provision of security officer services;
 - “(f) Willfully makes a false statement or misrepresentation that an individual is or was in the employ of the applicant or licensee;
 - “(g) Willfully makes a false statement or misrepresentation in any renewal application, in any annual statement, or in any other report or document required to be submitted;
 - “(h) Fails to notify the Mayor about any change among the security agency members or in the address of the principal office or any branch office of a licensee;
 - “(i) Fails to maintain a bond as required by this chapter;
 - “(j) Fails to maintain the liability insurance required under this chapter;
 - “(k) Fails to adequately supervise and train its security officer employees to the extent that the public health or safety is at risk or in violation of the training required by this chapter; or
 - “(l) Commits any other violation under this chapter.

- “2126.2 For purposes of this section, an act or omission of any principal, agent, or employee of an applicant or licensee may be construed to be the act or omission of the applicant or licensee, as well as of the principal, agent, or employee.
- “2126.3 When the Mayor finds any violation specified in this section, he or she may do one or more of the following:
- “(a) Deny an initial or renewal application;
 - “(b) Issue a reprimand;
 - “(c) Impose an administrative fine not to exceed \$1,000 for every count or separate offense;
 - “(d) Place the licensee on probation for a period of time and subject to such conditions as the Mayor may specify; or
 - “(e) Suspend or revoke the license.
- “2126.4 Whenever the Mayor proposes to deny, suspend, or revoke a license, or impose an administrative fine under this chapter, notice shall be given to the applicant or security agency in accordance with the procedures set forth in §§ 2120 and 2121 for an applicant for certification as a security officer or a security officer, and the applicant for a security agency license or a security agency shall be afforded the opportunity for an administrative hearing and the right to appeal in accordance with the procedures set forth in §§ 2122 and 2123 for an applicant for certification as a security officer or a security officer.
- “2126.5 In addition to, or in lieu of, the penalties and sanctions provided in this chapter, the Mayor may issue an order to any person or firm engaged in any activity, conduct, or practice constituting a violation of any provision of this chapter, directing such person or firm to forthwith cease and desist from such activity, conduct, or practice.
- “2126.6 If the person or firm to whom the Mayor directs a cease and desist order does not cease and desist within three (3) working days from service of the order, the District may seek, in any court of competent jurisdiction and proper venue, a writ of injunction enjoining such a person or firm from engaging in any activity, conduct, or practice prohibited by this chapter.
- “2126.7 Upon a proper showing by the Mayor that such a person or firm has engaged in any activity, conduct, or practice prohibited by this chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in unlawful activity, pending a hearing on a preliminary injunction, and in due course a permanent injunction shall be issued after a hearing, commanding the cessation of the unlawful activity.
- “2127 SECURITY AGENCY BOND AND LIABILITY INSURANCE
- “2127.1 Subject to this section, an applicant for a security agency license shall execute a bond that is conditioned on the faithful and honest conduct of the applicant and

runs to the District for the benefit of any person injured by any wrongful act of the applicant that is willful or malicious.

“2127.2 The applicant shall submit the bond to the Mayor with the security agency license application.

“2127.3 The amount of the bond required by this section shall be at least \$50,000 if the applicant is an individual, or \$100,000 if the applicant is a firm. The total liability of the surety to all insured persons under the bond may not exceed the penal sum of the bond.

“2127.4 A security agency licensee shall keep in effect at all times a bond that meets the requirements of this section.

“2127.5 If a security agency licensee’s bond is canceled, forfeited, or terminated by the surety, the surety immediately shall notify the Mayor. If a surety fails to notify the Mayor as required by this section, the bond shall continue in effect until the notice is given to the Mayor.

“2127.6 A security agency that employs five (5) or more individuals as security officers shall maintain general liability insurance in an amount not less than \$250,000 per occurrence and \$600,000 in the aggregate, and submit proof of the required insurance to the Mayor.

“2127.7 No security agency license may be issued to an applicant, nor may a security agency license be renewed unless the applicant or security agency has submitted proof that the insurance requirements of this section have been met.

“2199 DEFINITIONS

“2199.1 The following definitions shall apply to terms used in this chapter:

“Campus security department - A division of a university campus that provides security services for the protection of students, faculty, staff, and visitors while they are on campus.

“Certification - The permission that must be granted by the Mayor before a person can lawfully be employed as a security officer in the District of Columbia.

“Certification card - A card issued by the Mayor to an individual certified as a security officer.

“Chief of Police - The Chief of the Metropolitan Police Department of the District of Columbia or his or her designated agent.

“Employer - Unless the context implies otherwise, a person, firm, corporation, or other private organization providing security services exclusively in connection with the affairs of the one business organization that employs them.

“Firm - A partnership, corporation, or other private entity employing security personnel.

“Firm member - A partner of a partnership, or an officer or secretary of a corporation, or a director of a private entity employing security personnel.

“License - Unless the context requires otherwise, a license issued by the Mayor to conduct a business to provide security services.

“Licensed security agency - A person or entity that is licensed by the Mayor to conduct a business that provides security services.

“Mayor - The Mayor of the District of Columbia or the Mayor's agent or designee.

“Private detective agency - A person, firm, or corporation which is licensed as a private detective agency under D.C. Official Code § 47-2839 and Chapter 20 of this title to provide private detective services for a fee or other consideration.

“Security agency - A person or entity who conducts a business that provides security services.

“Security services - Any activity that is performed for compensation by a security officer or special police officer to protect an individual or property, except as otherwise provided in this chapter.

“Supervision – Release from incarceration, and the conclusion of any court-ordered parole, probation, or supervision.

Sec. 205. The Manual of the Metropolitan Police Department of the District of Columbia, issued January 14, 1972 (Reg. 72-2; 6A DCMR § 1100 *et seq.*), is amended as follows:

(a) Section 11.5 (6A DCMR § 1100.7) is amended by striking the phrase “and shall be approved for appointment by the Chief of Police” and inserting the phrase “shall be approved for appointment by the Chief of Police, shall possess a high school diploma or a general equivalency diploma, or one year of experience as a special police officer in the District of Columbia, shall be able to read, write, and speak the English language, and shall be certified by a licensed physician as physically and psychologically fit to perform the duties of a special police officer” in its place.

(b) New sections 11.5:1 through 11.5:6 are added to read as follows:

“11.5:1 An applicant who has been dishonorably discharged from the military shall be ineligible to be commissioned as a special police officer.

“11.5:2 Special police officers shall be required to satisfactorily complete pre-assignment, on-the-job, and in-service training programs which have been prescribed and approved by the Mayor.

“11.5:3 Pre-assignment training shall include at least sixteen (16) hours of training on arrest powers, search and seizure laws, the District of Columbia Official Code, and the use of force. Pre-assignment training shall include an additional twenty-four (24) hours of training generally relating to the special police officer’s duties and specifically including:

“(a) Terrorism awareness, including building evacuation, unattended packages, and unknown substances;

“(b) Emergency procedures, including evacuation and first-aid; and

“(c) Customer service and interaction with tourists.

“11.5:4 Special police officers shall satisfactorily complete a 16-hour, on-the-job training course within ninety (90) working days following employment, and an 8-hour annual in-service training course.

“11.5:5 Special police officers shall also satisfy all additional initial and re-qualification training standards for firearms and other equipment, as applicable.

“11.5:6 Nothing herein shall be construed to prohibit a security agency from voluntarily providing training programs and courses which exceed the minimum requirements of this chapter. Upon satisfactory completion of a required training course, a special police officer shall receive from his or her employer a certificate evidencing satisfactory completion thereof.”

(c) New sections 11.11:1 through 11.11:8 are added to read as follows:

“11.11:1 No person shall be commissioned or employed as a special police officer, nor shall an existing special police officer have a commission renewed, until the Mayor has conducted a criminal history check of the applicant through the record systems of the Federal Bureau of Investigation and the Metropolitan Police Department

“11.11:2 An applicant shall be ineligible to be commissioned as a special police officer if that applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense in any jurisdiction that would be a crime of violence, as defined in D.C. Official Code § 23-1331(4), if committed in the District of Columbia.

“11.11:3 If an applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense, other than a crime of violence, as defined in D.C. Official Code § 23-1331(4), in any jurisdiction that would be a felony if committed in the District of Columbia, the applicant shall be ineligible to be commissioned as a special police officer for 10 years following the applicant’s release from incarceration and the conclusion of any court-ordered parole, probation, or supervision relating to that offense.

“11.11:4 If an applicant has ever been convicted of, pled guilty or nolo contendere to, or been given probation before judgment for any offense, other than a crime of violence, as defined in D.C. Official Code § 23-1331(4), or traffic offense, in any jurisdiction that would be a misdemeanor if committed in the District of Columbia, the applicant shall be ineligible to be commissioned as a special police officer for 5 years following the applicant’s release from incarceration and the conclusion of any court-ordered parole, probation, or supervision relating to that offense.

“11.11:5 In evaluating an application for a special police officer commission, the Mayor shall also consider:

“(a) An applicant’s arrest history;

“(b) An applicant’s conviction history;

“(c) Any court finding of an applicant’s mental incompetence that has not been removed or expunged;

“(d) An applicant’s history of criminal traffic offenses;

“(e) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more duties or responsibilities of a special police officer;

“(f) The time that has elapsed since the occurrence of the criminal offense or court finding of mental incompetence;

“(g) The age of the applicant at the time of the occurrence of the criminal offense or court finding of mental incompetence;

“(h) The frequency and seriousness of the criminal offense; and

“(i) Any information produced by the applicant, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense or court finding of mental incompetence.

“11.11:6 If a special police officer is arrested, the special police officer shall report the arrest to the Mayor within two (2) business days. The commission of such special police officer shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition. If a special police officer fails to report an arrest as required, the special police officer’s commission shall be summarily revoked.

“11.11:7 The Mayor shall conduct random criminal history checks of special police officers through the record systems of the Metropolitan Police Department. The commission of any special police officer whose record indicates an unreported arrest or conviction shall be summarily revoked, and the security agency shall be notified of such revocation immediately. The commission of any special police officer whose record indicates an outstanding warrant shall be suspended immediately, and the security agency shall be notified of such suspension immediately, pending further disposition.

“11.11:8 Notwithstanding any other law or regulation, the information obtained from criminal history checks conducted pursuant to this chapter and considered by the Mayor shall not be limited by the date of the offense nor shall the information obtained and considered be limited to arrests resulting in conviction.”

(d) New sections 11.15:1 through 11.1:8 are added to read as follows:

“11.15:1 No investigation or commission under this chapter shall relieve any security agency or other employer of the duty to investigate and make its own determination of an applicant's suitability for employment as a special police officer.

“11.15:2 All security agencies and employers have an affirmative duty to supervise special police officers in their employ, and any attempt at a contractual limitation of liability shall be null and void.

“11.15:3 In all cases, the liability of the security agency or other employer for the acts of its employees shall be limited to those times when the employee is on duty and to those acts within the scope of the employee's assignment or employment.

“11.15:4 Failure of a private detective agency or security agency to properly supervise the activities of its employees is grounds for denial or suspension of the agency's license.

“11.15:5 Each special police officer applicant shall be required to pass a drug screening administered by the security agency or employer upon initial application and upon application for commission renewal.

“11.15:6 Special police officers shall be subject to reasonable suspicion drug and alcohol testing by the security agency or employer.

“11.15:7 Security officer agencies or employers shall immediately notify the Mayor of any unexplained positive tests.

“11.15:8 The commission of a special police officer who fails a reasonable suspicion drug or alcohol test shall be summarily revoked.”.

(e) Special police officers subject to regulation under The Manual of the Metropolitan Police Department of the District of Columbia, issued January 14, 1972 (Reg. 72-2; 6A DCMR § 1100 *et seq.*), as amended by the College and University Campus Security Amendment Act of 1995, effective October 18, 1995 (D.C. Law 11-63; 6A DCMR § 1200 *et seq.*), shall be exempt from the provisions of this section.

Part B

Sec. 221. Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

Amend
§ 1-523.01

(a) Paragraph (43) is amended by striking the word “and” at the end.

(b) Paragraph (44) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (45) is added to read as follows:

“(45) Security Officer Advisory Commission.”.

TITLE III

Sec. 301. This act shall be subject to the availability of appropriations.

Sec. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 303. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia