

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Columbia
Official Code*

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To require the Metropolitan Police Department to establish procedures for service of process upon its police officers; to amend the Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000 to eliminate the requirement that Metropolitan Police Department officers appointed after January 11, 2000 and prior to December 31, 2003 successfully complete at least 60 post-secondary semester hours from an accredited university within 5 years from January 28, 2004, and to require candidates for employment as sworn officers of the Metropolitan Police Department to enter into obligated service agreements for at least 2 years and to have either completed 60 hours of post-secondary education or served in the Armed Forces of the United States or another police department; to amend the District of Columbia Police and Firemen's Salary Act of 1958 to include longevity steps for 20 years of service as basic compensation for the purpose of calculating retirement annuities for members of the Metropolitan Police Department appointed on or before February 15, 1980 and to provide that longevity payments for firefighters for 15, 20, 25, and 30 years of service be subject to deductions for retirement and be included in the calculation of salary for purposes of retirement for firefighters who retired on or after February 15, 1980; and to amend the Fiscal Year 2007 Budget Support Act of 2006 to maintain the total percent of sworn officers assigned to the police districts as existed on June 11, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Metropolitan Police Department Amendment Act of 2006".

TITLE I

Sec. 101. Service of process.

No later than 60 days following the effective date of this act, the Chief of Police, 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.*), shall issue rules establishing a procedure for service of process upon sworn members of the Metropolitan Police Department for actions arising out of the performance of their duties. The rules shall include the following:

- (1) A process whereby the sworn member is notified that service of process is

being attempted on him or her;

(2) A process for notifying a process server and the public of a specific time and place where service will be made;

(3) The designation of one or more offices, at the command level or the department's general counsel, where service shall be accepted on behalf of the sworn member; and

(4) The discipline to be meted out against any sworn member who avoids service of process.

TITLE II

Sec. 201. The Metropolitan Police Department Application, Appointment, and Training Requirements Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 5-107.01) is amended as follows:

Amend
5-107.01

(1) Subsections (a) through (d) are repealed.

(2) A new subsection (e) is added to read as follows:

“(e) As of the effective date of the Metropolitan Police Department Amendment Act of 2006, passed on 2nd reading on December 5, 2006 (Enrolled version of Bill 16-586), to be eligible for appointment as a sworn member of the Metropolitan Police Department, an applicant shall have either:

“(1) Successfully completed 60 hours of post-secondary education at an accredited college or university;

“(2) Served in the Armed Forces of the United States, including the Organized Reserves and National Guard, for at least 3 years on active duty and if separated from the military, have received an honorable discharge; or

“(3) Served at least 5 years in a full-duty status with a full-service police department in a municipality or state within the United States and have resigned or retired in good standing.”

(b) A new section 202a is added to read as follows:

“Sec. 202a. Obligated service.

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

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

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

“(1) The separation is directly due to the need to care for an individual in the member’s immediate family; or

“(2) The member transfers to another law enforcement agency within the District government and completes the 2-year term at that agency.

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

Sec. 202. Section 401(a)(3) of the District of Columbia Police and Firemen’s Salary Act 1958, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5-544.01(a)(3)), is amended as follows:

**Amend
5-544.01**

(a) Subparagraph (A) is amended as follows:

(1) Strike the phrase “January 1, 1980” and insert the phrase “February 15, 1980” in its place.

(2) Strike the phrase “25 years of active service prior to retirement” and insert the phrase “20 years of active service prior to retirement” in its place.

(b) Subparagraph (B) is amended by striking the phrase “January 1, 1980” and inserting the phrase “February 15, 1980” in its place.

(c) New subparagraphs (B-1) and (B-2) are added to read as follows:

“(B-1) Each member of the Fire Service shall receive additional compensation in accordance with paragraph (1) of this subsection only as long as the member remains in the active service. The additional compensation shall be paid in the same manner as the basic compensation to which the member is entitled and shall be subject to the same deductions as basic compensation. The service longevity payment shall be considered basic compensation for the purposes of retirement, calculation of survivor benefits and annuities under section 12(k) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-716), life insurance, and other forms of premium pay, for each member who retires on or after February 15, 1980. For the purpose of computing credit for service longevity in calculating retirement annuities pursuant to this subparagraph, active service includes any service that is creditable under section 12(c) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704).

“(B-2) For the purposes of retirement benefits based on the service longevity compensation provided for in this paragraph, the District government shall be liable financially only for District contributions to and payments from the District of Columbia Police

Officers and Fire Fighters' Retirement Fund, established by section 122(a) of the District of Columbia Retirement Reform Act , approved November 17, 1979 (93 Stat. 866; D.C. Official Code § 1-712), for those benefits accrued or earned on or after July 1, 1997.”.

Sec. 203. Section 2055 (14)(A) of the Fiscal Year 2007 Budget Support Act of 2006, signed by the Mayor on August 8, 2006 (D.C. Act 16-476; 53 DCR 6899), is amended by striking the phrase “The Metropolitan Police Department maintain equivalent staffing levels as existed on June 11, 2006 in each of the seven police districts;” and inserting the phrase “The Metropolitan Police Department maintain the total percent of sworn officers assigned to the police districts as existed on June 11, 2006;” in its place.

TITLE III

Sec. 301. 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. 302. 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 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