

# ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-179

"Civilian Complaint Review Board Amendment  
Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-443 on first and second readings, July 7, 1992, and October 6, 1992, respectively. Following the signature of the Mayor on October 23, 1992, this legislation was assigned Act No. 9-298, published in the November 6, 1992, edition of the D.C. Register, (Vol. 39 page 8075) and transmitted to Congress on January 5, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-179, effective March 13, 1993.



JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 5,6,20,21,22,25,26,27

February 2,3,4,16,17,18,19,22,23,24,25,26

March 1,2,3,4,5,8,9,10,11,12

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT. 23, 1992

To amend the District of Columbia Civilian Complaint Review Board Act of 1980 to temporarily expand the number of Board Members for a 3-year period, to permit the Board to meet in panels, to allow the Board to provide conciliation as an alternate form of complaint resolution, to compel prehearing statements from parties, to authorize the Board to render summary adjudications as an alternative to conducting hearings, and to authorize the Board to apply for and receive grants in support of program activities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Civilian Complaint Review Board Amendment Act of 1992".

Sec. 2. The District of Columbia Civilian Complaint Review Board Act of 1980, effective March 5, 1981 (D.C. Law 3-158; D.C. Code § 4-901 et seq.), is amended as follows:

(a) Section 5 (D.C. Code § 4-904) is amended as follows:

Section 4-904

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

"(a-1) An additional 14 members shall be appointed to the Board for a period not to exceed 3 years from the effective date of the Civilian Complaint Review Board Amendment Act of 1992."

(2) Subsection (d) is amended as follows:

(i) By striking the comma following the word "representative", and adding the phrase "and two alternates," in its place; and

(ii) By striking the period after the word "Department" and adding the phrase "and two alternates." in its place.

(3) A new subsection (e-1) is added to read as follows:

"(e-1) The additional 14 citizen members appointed under subsection (a-1) of this section, shall be appointed as follows: 7 shall be appointed by the Mayor and 7 shall be appointed by the Council of the District of Columbia for a term not to exceed 3 years from the effective date of the Civilian Complaint Review Board Amendment Act of 1992. At least 1 citizen member appointed by the Mayor of the District of Columbia under subsection (a-1) of this section, and 1 citizen member appointed by the Council of the District of Columbia under subsection (a-1) of this section, must be a member in good standing of the District of Columbia Bar."

(4) Subsection (f) is amended to read as follows:

"(f)(1) The term of the Board members appointed under subsection (a) of this section shall be for 3 years.

"(2) Any member appointed to fill an unexpired term shall be appointed only for the unexpired portion of that term. For the purposes of this subsection, any member appointed to any term which exceeds 12 months shall be considered to have served a full term."

(5) Subsection (g) is amended to read as follows:

"(g)(1) A majority of the 7 members of the Board appointed under subsection (a) of this section shall constitute a quorum for the purposes of administrative meetings.

"(2) In exercising the authority conferred under this act, except in the case of rulemaking and policy development, the Board may act in 7 member panels. Each panel shall include 5 public members, 1 recognized bargaining unit member, and 1 Metropolitan Police Department member. The Chairperson and 2 Vice-Chairpersons shall each preside over a panel. Four members shall constitute a quorum for a panel. All acts and orders of a panel shall constitute an act or order of the Board."

(b) Section 6 (D.C. Code § 4-905) is amended as follows:

Section  
4-905

(1) Subsection (a) is amended to read as follows:

"(a)(1) The Board shall convene and receive from the Executive Director complaints against a police officer involved in instances of alleged misconduct occurring within the District of Columbia. Every accused officer shall be given sufficient opportunity to respond to allegations in any complaint.

"(2) The Executive Director of the Board shall, at the direction of the Board, conduct an investigation of any complaint unless the Board determines on the basis of the face of the complaint that the complaint is frivolous or that the circumstances warrant an attempt to resolve the complaint through conciliation. Any recommended resolution entered into by the parties as a result of conciliation shall be approved by the Board.

"(3) Where efforts to conciliate a complaint have been unsuccessful, a full investigation shall be conducted.

"(4) Investigations shall include the interviewing of witnesses and police personnel. A statement by the accused officer in the course of the Board's investigation shall satisfy the requirement imposed by paragraph (1) of this subsection.

"(5) The Board is authorized to compel pre-hearing statements from parties and from other witnesses as are necessary for the proper investigation of the complaint. These statements shall be given under oath.

"(6) The results of any investigation by the Executive Director shall be written in an investigative report filed with the Board and served on every party before the Board's summary adjudication or hearing on the complaint.

"(7) Upon its review of the investigative report in any complaint, a panel of the Board may either attempt to render findings and recommendations based upon the investigative record or, by a vote of a majority of the panel, may schedule the complaint for a hearing."

(2) Subsection (g) is amended to read as follows:

"(g) Any willful false swearing as to a material fact, on the part of any party or witness either by a signed statement under oath, or by

appearing before the Board, shall be deemed to be perjury and punished in the manner prescribed by law for such offenses."

(c) Section 8(d) (D.C. Code § 4-907(d)) shall be amended by adding a new sentence at the end to read as follows:

Section  
4-907

"The administrative processing of complaints by the Executive Director shall include conducting investigations, conciliation sessions, scheduling hearings, and preparing proposed findings and recommendations for the Board."

(d) Section 9 (D.C. Code § 4-908) is amended by adding a new subsection (c) to read as follows:

Section  
4-908

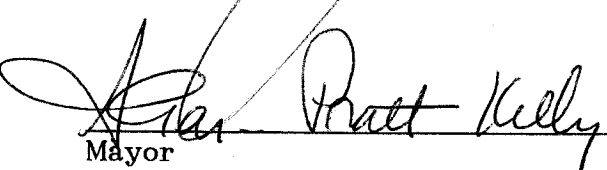
"(c) The Board is authorized to apply for and receive grants to fund its program activities in accordance with laws and regulations relating to grant management."

Sec. 3.(a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) Section 2(a)(5) of this act shall expire 3 years from the effective date of the Civilian Complaint Review Board Amendment Act of 1992.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: October 23, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

Bill 9-443

DOCKET NO: \_\_\_\_\_

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-7-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_/\_\_\_/\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

*Steph L Ford*  
Secretary to the Council

*October 7, 1992*  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-6-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_/\_\_\_/\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
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X — Indicates Vote    A.B. — Absent    N.V. — Present, not voting

CERTIFICATION RECORD

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Secretary to the Council

*October 7, 1992*  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_/\_\_\_/\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
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CRAWFORD					MASON					THOMAS, SR.				
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CERTIFICATION RECORD

Secretary to the Council

Date

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\_\_\_\_\_  
Chairman  
Council of the District of Columbia

\_\_\_\_\_  
Mayor  
District of Columbia



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Nine

**RECORD OF OFFICIAL COUNCIL VOTE** Bill 9-443  
DOCKET NO: \_\_\_\_\_

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-7-92

VOICE VOTE: Approved

Recorded vote on request all present

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_ / \_\_\_\_ / \_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Stephie Ford Secretary to the Council      October 7, 1992 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 10-6-92

VOICE VOTE: Approved

Recorded vote on request all present

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_ / \_\_\_\_ / \_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Stephie Ford Secretary to the Council      October 7, 1992 Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request \_\_\_\_\_

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( \_\_\_\_ / \_\_\_\_ / \_\_\_\_ )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
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CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

\_\_\_\_\_  
Secretary to the Council      \_\_\_\_\_  
Date