

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*
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To amend, on an emergency basis, the Juvenile Curfew Act of 1995 to authorize the Mayor to modify curfew hours by issuing an executive order; to amend Title 16 of the District of Columbia Official Code to require the Family Court of the Superior Court of the District of Columbia and the Director of the Department of Youth Rehabilitation Services to disclose specified information to the Chief of the Metropolitan Police Department; to require the Metropolitan Police Department to notify the Superintendent of the District of Columbia Public Schools of the filing of a petition against a student by the Office of the Attorney General for certain offenses and to disclose certain records relating to the charge; to amend Titles 23 and 16 of the District of Columbia Official Code to create a rebuttable presumption for detaining certain adults and juveniles charged with robbery or certain handgun violations pending a trial or disposition hearing; to amend Chapter 25 of Title 24 of the District of Columbia Municipal Regulations governing the Metropolitan Police Department's Closed Circuit Television system to authorize its use in the prevention, detection, deterrence, and investigation of crime; to require the Mayor to make available to the Council certain Metropolitan Police Department records relating to the performance of officers, to provide biweekly crime briefings to the Council, and to submit to the Council a Crime Emergency Plan for each police district; to require the Mayor to conduct reviews of certain violations of persons who are on pre-trial release, parole, or probation, and to request that the United States Marshals' Service prioritize pending arrest and fugitive warrants for persons who have committed certain offenses; and to amend the Fiscal Year Budget Support Act of 2006 to require that the Metropolitan Police Department 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 "Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006".

TITLE I. AUTHORITY OF THE MAYOR TO ESTABLISH ALTERNATIVE CURFEW HOURS.

Sec. 101. The Juvenile Curfew Act of 1995, effective September 20, 1995 (D. C. Law 11-48; D.C. Official Code § 2-1541 *et seq.*), is amended by adding a new section 3a to read as follows:

"Sec. 3a. Authority of Mayor to establish alternative curfew hours.

"(a) The Mayor may establish alternative curfew hours as required for public safety purposes by issuance of an executive order and in accordance with this section. Notice of the

**Note,
§ 2-1542**

alternative curfew hours shall be provided at least 5 days prior to implementation of alternative curfew hours in accordance with subsection (b) of this section, and the alternative curfew hours shall remain in effect for a period of not more than 30 consecutive days. The Mayor may extend the alternative curfew hours for additional 30-day periods by issuance of subsequent executive orders when public safety requires it. The executive order establishing the alternative curfew hours and any subsequent executive orders extending the alternative curfew hours shall specify the alternative curfew hours, the dates of implementation and expiration of the alternative curfew hours, and the public safety reasons for the establishment of the alternative curfew hours. No curfew shall begin earlier than 10:00 p.m. on any given day.

“(b) Notice shall be posted on the District government and Metropolitan Police Department websites, and published in a newspaper of general circulation at least 5 days prior to the implementation of the alternative curfew hours. The Mayor shall also provide written notice of the alternative curfew hours to the Council and to Advisory Neighborhood Commissions at least 5 days prior to the implementation of the alternative curfew hours. The notice shall specify the alternative curfew hours, the dates of implementation and expiration of the alternative curfew hours, and the public safety reasons for the establishment of the alternative curfew hours. The Mayor shall publish notice of the alternative curfew hours in the District of Columbia Register.”.

TITLE II. MANDATORY DISCLOSURE OF JUVENILE RECORDS.

Part A.

Sec. 201. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2301 is amended by adding a new paragraph (43) to read as follows:

Note,
§ 16-2301

“(43) The term “weapons offense” means any violation of any law, rule, or regulation which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device as these terms are defined in section 7-2501.01.”.

(b) Section 16-2331 is amended by adding a new subsection (d-1) to read as follows:

Note,
§ 16-2331

“(d-1)(1) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, for every respondent who the Office of the Attorney General has filed a petition against for the following: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) the Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court of the Superior Court of the District of Columbia (“Family Court”) pursuant to section 16-2313(b)(3), the Family Court shall, within 48 hours of the decision not to detain the respondent, provide the following case record information to the Chief of the Metropolitan Police Department (“Chief”):

“(A) Respondent’s name;

“(B) Last known home address of the respondent;

“(C) Last known address of the respondent’s parents, guardians, caretakers, and custodians;

“(D) Address to which the respondent will be placed and the name and address of the person into whose custody the respondent will be placed; and

“(E) All terms of the placement or conditions of release.

“(2) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, the

Family Court shall provide the following case record information to the Chief for all stay-away orders and post-adjudication probation orders issued for a respondent :

“(A) Respondent’s name;

“(B) Last known home address of the respondent;

“(C) Last known address of the respondent’s parents, guardians, caretakers, and custodians;

“(D) Address to which the respondent will be placed or released and the name and address of the person into whose custody the respondent will be placed;

“(E) All terms of the placement or conditions of release or probation; and

“(F) All terms or conditions of the stay-away order or probation order.

“(3) The Chief shall utilize information obtained from the Family Court and may only disclose such information to law enforcement persons or law enforcement entities as the Chief determines is necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section and by section 212 of the Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006, passed on emergency basis on July 19, 2006 (Enrolled version of Bill 16-877).

“(4) If the Chief discloses information pursuant to paragraph (3) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2332 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336.”.

Note,
§ 16-2332

(c) Section 16-2332 is amended by adding a new subsection (d-1) to read as follows:

“(d-1)(1) Notwithstanding subsections (b), (c), or (d) of this section, for every respondent in the legal custody of the Department of Youth Rehabilitation Services (“Department”) pursuant to section 16-2320(c)(2) who has been adjudicated of: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) adjudicated 3 or more times, the Director of the Department (“Director”) shall provide notice to the Chief of:

“(A) Any assignment, transfer, or placement of a respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, at least 5 business days prior to the assignment, transfer, or placement; and

“(B) Any release of a respondent from any Department facility, or residential or other placement operated by the Department or a contractor or agent, at least 5 business days prior to the release.

“(2) Notwithstanding subsections (b), (c), or (d) of this section, for any respondent who is detained or in the legal custody of the Department, the Director shall provide notice to the Chief of:

“(A) Any respondent absconding from a Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding; and

“(B) Any respondent being absent without authorization from a Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within 3 hours of learning that the respondent is absent without authorization.

“(3) Notice issued pursuant to this subsection shall include the following

information, as applicable:

- “(A) Respondent’s name;
- “(B) Last known home address of the respondent;
- “(C) Last known address of the respondent’s parents, guardians, caretakers, and custodians;
- “(D) Address to which the respondent will be assigned, transferred, placed, or released and the name and address of the person into whose custody the respondent will be placed if the respondent is not placed into a Department facility;
- “(E) A recent photograph of the respondent; and
- “(F) All terms or conditions of the assignment, transfer, placement, or release.

“(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

“(5) If the Chief discloses information pursuant to paragraph (4) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336.

“(6) The Chief may make additional inquiries to the Director based upon the information disclosed under paragraph (1) of this subsection. The Director shall provide supplemental information to the Chief when requested by the Chief, as necessary to protect public safety or the safety of the respondent.”.

Part B.

Sec. 211. Definitions.

For the purposes of this part, the term:

- (1) "Reportable offense" means:
 - (A) A crime of violence; or
 - (B) Any offense enumerated in section 212(b).
- (2) "School population" mean all persons enrolled or legitimately on the premises of the school in which the student is enrolled, or any personnel of the school in which the student is enrolled.
- (3) "Student" means a person enrolled in the District of Columbia Public Schools or charter schools.

Sec. 212. Notification of reportable offenses.

(a) If a student has a petition filed against him by the Office of the Attorney General for a reportable offense enumerated in subsection (b) of this section, the law enforcement agency making the arrest shall notify the Superintendent of the District of Columbia Public Schools of the arrest and the charges against the student within 24 hours of the filing of the petition, or as soon as practicable.

(b) Pursuant to subsection (a) of this section, the Metropolitan Police Department shall notify the Superintendent of the District of Columbia Public Schools if a student has a petition filed against him by the Office of the Attorney General for:

- (1) The unlawful purchase, possession, or use of a weapon;
- (2) Homicide;
- (3) Felonious assault and bodily wounding;
- (4) Criminal sexual assault;
- (5) The manufacture, sale, gift, distribution, or possession of a Schedule I or Schedule II controlled substance;
- (6) Manufacture, sale, gift, distribution, or possession of marijuana;
- (7) Arson and related crimes; or
- (8) Burglary and related offenses.

Sec. 213. Dissemination and maintenance of records of reportable offenses.

(a) Except by court order, upon good cause shown, the arrest information received by the Superintendent regarding the student, pursuant to section 212(a) is confidential and shall:

(1) Not be disclosed by subpoena or otherwise except to the principal of the school in which the student is enrolled and other school personnel necessary to carry out the purposes set forth in this part;

(2) Not be made part of the student's permanent record; and

(3) Remain separate from all other records concerning the student.

(b) The principal of the school in which the student is enrolled shall forward a copy of the report obtained from the Metropolitan Police Department to the student's parent or guardian upon the student's removal from the school population, except in cases where the student is emancipated.

TITLE III. REBUTTABLE PRESUMPTION TO DETAIN ROBBERY AND HANDGUN VIOLATION SUSPECTS.

Note,
§ 23-1322

Sec. 301. Section 23-1322(c) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "or imitation firearm;" and inserting the phrase "imitation firearm, or other deadly or dangerous weapon;" in its place.

(b) Paragraph (3) is amended by striking the phrase "offense; or" and inserting the word "offense;" in its place.

(c) Paragraph (4) is amended by striking the phrase "federal offense." and inserting the phrase "federal offense;" in its place.

(d) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) Committed 2 or more dangerous crimes or crimes of violence in separate incidents that are joined in the case before the judicial officer;

"(6) Committed a robbery in which the victim sustained a physical injury; or

"(7) Committed CPWL, carrying a pistol without a license."

Note,
§ 16-2310

Sec. 302. Section 16-2310 of the District of Columbia Official Code is amended by adding a new subsection (a-1) to read as follows:

"(a-1) There shall be a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child:

"(1) Committed a dangerous crime or a crime of violence, as these crimes are defined in section 23-1331, while armed with or having readily available a pistol, firearm,

imitation firearm, or other deadly or dangerous weapon;

“(2) Committed a dangerous crime or crime of violence, as these terms are defined in section 23-1331, and has previously been adjudicated delinquent for a dangerous crime or crime of violence which was committed while on release pending a fact-finding or disposition hearing for a local, state or federal offense;

“(3) Committed a dangerous crime or crime of violence, as these crimes are defined in section 23-1331, while on release pending a fact-finding or disposition hearing for a local, state, or federal offense;

“(4) Committed 2 or more dangerous crimes or crimes of violence, as these crimes are defined in section 23-1331, in separate incidents that are joined in the case before the judicial officer;

“(5) Committed a robbery in which the victim sustained a physical injury; or

“(6) Committed CPWL, carrying a pistol without a license.”.

Note,
§ 16-1331

Sec. 303. Section 23-1331 of the District of Columbia Official Code is amended by adding a new paragraph (6) to read as follows:

“(6) The term “physical injury” means bodily harm greater than transient pain or minor temporary marks.”.

TITLE IV. USE OF CLOSED CIRCUIT TELEVISION TO COMBAT CRIME.

DCMR

Part A.

Sec. 401. Chapter 25 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 2500.1 is amended by striking the phrase “within the Synchronized Operations Command Complex (SOCC)”.

(b) Section 2500.2 is amended by striking the phrase “and (2) to coordinate traffic control on an as needed basis” and inserting the phrase “(2) to coordinate traffic control on an as needed basis; and (3) to combat crime as authorized by § 2508.” in its place.

(c) Section 2501.10 is repealed.

(d) Section 2502.1 is amended to read as follows:

“2502.1 The Chief of Police shall provide public notification prior to the deployment of any additional permanent cameras, except:

“(a) Under exigent circumstances; or

“(b) When cameras are deployed pursuant to a court order.”.

(e) Section 2504.2 is amended by striking the phrase “SOCC personnel will enter activation information, including the disposition of any observed incidents, into the running resume of the daily SOCC report, including” and inserting the phrase “MPD personnel will record activation information, including the disposition of any observed incidents,” in its place.

(f) Section 2504.3 is amended to read as follows:

“2504.3 An official at the rank of Sergeant or above shall be present and shall supervise and monitor CCTV activities wherever they may occur.”

(g) Section 2505.4 is amended by striking the phrase “of the SOCC.”.

(h) Section 2505.11 is amended by striking the phrase “SOCC staff shall maintain a video catalog” and inserting the phrase “MPD personnel shall maintain a video catalog” in its place.

(i) A new section 2508 is added to read as follows:

“2508 USE OF CCTV TO COMBAT CRIME

“2508.1 The Chief of Police is authorized to use the CCTV system for the purpose of preventing, detecting, deterring, and investigating crime in neighborhoods in the District of Columbia.

“2508.2 The Chief of Police shall, at a minimum, consider the following factors prior to using the CCTV system to combat crime:

“(a) The number and type of calls for service in the proposed CCTV camera location;

“(b) Any crimes that were committed in the proposed CCTV camera location; and

“(c) A request or recommendation made by the Advisory Neighborhood Commission (ANC), or a civic or citizen association; and

“(d) Any other objectively verifiable information from which the Chief of Police may ascertain whether the health, safety, or property of residents who live in the proposed CCTV location are endangered by crime or other illegal activity.

“2508.3 The Chief of Police shall have the final authority to decide where to place a CCTV camera or CCTV cameras for crime fighting purposes, although the Chief of Police shall be required to give consideration to locating cameras within public housing developments in Hot Spot Areas.

“2508.4 When CCTV is used to combat crime, recordings may be passively monitored, meaning that the video feeds may not be monitored in real time, and recordings may be viewed by MPD personnel where there is reason to believe that the viewing may help solve a crime.

“2508.5 The Chief of Police shall consult with the relevant Councilmember and the relevant ANC Commissioner prior to deploying CCTV cameras to combat crime. An ANC, or a civic or citizen association, upon determination of need, may submit a request to the Chief of Police that a CCTV camera be placed in its neighborhood.

“2508.6 Within one year of initiating the use of CCTV to combat crime, the Chief of Police shall report to the Mayor and to the Council on the system’s effectiveness at preventing, detecting, or solving crime. The report shall also evaluate whether the presence of cameras served to displace criminal activity.”.

(j) Section 2599.1 is amended to read as follows:

“2599 DEFINITIONS

“2599.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

“ANC – Advisory Neighborhood Commission.

“Chief of Police – The Chief of Police or his or her designee.

“Closed Circuit Television – Any live video link that is electronically received into any MPD property.

“Demonstration – A temporary presentation of the capacity of the CCTV system to visitors of the MPD.

“Exigent Circumstances – Unanticipated situations that threaten the immediate safety of individuals or property within the District of Columbia; provided, that the cameras have no greater scope or capabilities than reasonably necessary to achieve a legitimate law enforcement purpose.

“External Video Feeds – Any video link received by MPD on a live basis from a source other than MPD.

“Public Entities – District of Columbia, state, or federal agencies.

“Public Notice or Notification– Notice that includes at a minimum, but is not limited to, publication in the *D.C. Register*, posting on the MPD website, written notice to the relevant Councilmember, written notice to the relevant ANC Commissioner, and issuance of a press

release.”.

Part B.

Sec. 411. Exemption from procurement practices.

Contracts necessary to implement the use of the Closed Circuit Television system by the Metropolitan Police Department, including contracts for cameras, site assessment, monitoring devices, labor, and installation, shall not be subject to the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*). Such contracts shall be subject to section 451 of the District of Columbia Home Rule Act, approved December 23, 1974 (87 Stat. 803; D.C. Official Code § 1-204.51).

TITLE V. ACCOUNTABILITY OF THE METROPOLITAN POLICE DEPARTMENT.

Sec. 501. Accountability of the Metropolitan Police Department.

(a) The Mayor shall make available to the Council, as of the last day of each month and on a confidential basis, without the names of individuals, all adverse personnel actions and rationale for the adverse personnel action taken against members of the Metropolitan Police Department (“MPD”).

(b) The Mayor shall designate one employee in each of the 7 MPD police districts with the sole responsibility of making patrol schedules and granting leave.

(c) The Mayor shall make available to the Council, on a monthly basis, performance reviews of all MPD Lieutenants.

(d) The Mayor shall make available to the Council, on a monthly basis, individual productivity reports on each police officer, including the following activities:

- (1) On-duty court time;
- (2) Detail time;
- (3) Felony arrests;
- (4) Misdemeanor arrests;
- (5) Traffic arrests;
- (6) Police reports;
- (7) Motor carriers in motorcades;
- (8) Curfew violations;
- (9) Traffic stops;
- (10) Guns recovered (make and model);
- (11) Stolen automobiles;
- (12) Drugs seized (number and type);
- (13) Radio runs; and
- (14) Business checks.

(e) The Mayor, or his designee, shall provide biweekly crime briefings to the Council. These briefings shall include the Chief of Police, or his designee.

(f) The Mayor shall submit to the Council the Crime Emergency Plan for each police district by the effective date of this act.

TITLE VI. REVIEW OF PRE-TRIAL RELEASE, PAROLE, AND PROBATION VIOLATIONS; PRIORITIZATION OF ARREST AND FUGITIVE WARRANTS.

Sec. 601. 30-day review of pre-trial release, parole, and probation violations.

(a) The Mayor shall conduct a 30-day review of any violations of conditions of release by any person on pre-trial release for the following offenses:

- (1) Armed robbery; and
- (2) Robbery with force and violence.

(b) The Mayor shall conduct a 30-day review of any violations of any person on parole or probation for the following offenses:

- (1) Murder in the first degree;
- (2) Murder in the second degree;
- (3) Armed robbery;
- (4) Robbery with force and violence;
- (5) First degree sexual abuse;
- (6) Assaults with a deadly or dangerous weapon; and
- (7) Any crime of violence as defined in section 1 of An Act To control the

possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501(f)), and D.C. Official Code § 23-1331(4).

(c) Within 90 days of the effective date of this act, the Mayor shall submit a report to the Council on the reviews conducted pursuant to subsections (a) and (b) of this section.

Sec. 602. Prioritization of pending warrants.

The Mayor shall request that the United States Marshals' Service for the District of Columbia prioritize pending arrest and fugitive warrants to correspond directly to the offense listed in section 601.

TITLE VII. BUDGET SUPPORT ACT AMENDMENT.

Sec. 701. Section 2055(14)(A) of the Fiscal Year Budget Support Act of 2006, passed on 2nd reading on July 11, 2006 (Enrolled version of Bill 16-679), is amended by striking the phrase "The Metropolitan Police Department maintain equivalent staffing levels as existed on June 11, 2006 in each of the 7 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 VIII. FISCAL IMPACT.

The Council adopts the fiscal impact statement of the Chief Financial Officer 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)).

TITLE IX. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia