

COUNCIL OF THE DISTRICT OF COLUMBIA

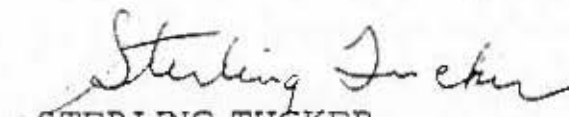
NOTICE

D.C. Law 2-71

"Metropolitan Police Officer Civil Rights Act"

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. 2-44, on first and second readings October 11, 1977 and October 25, 1977, respectively. Following the signature of the Mayor on February 1, 1978, this legislation was assigned Act No. 2-142, published in the February 17, 1978, edition of the D.C. Register and transmitted to both Houses of Congress 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 the following legislation as D.C. Law 2-71, effective April 18, 1978.


STERLING TUCKER
Chairman of the Council

(Vol. 24, D.C. Register, 6856, February 17, 1978)

2-71

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 13, 1973

To amend the Manual of the Metropolitan Police Department of the District of Columbia (approved by the City Council, January 4, 1972; effective January 14, 1972); and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Metropolitan Police Officer Civil Rights Act".

Sec. 2. Section 1.3:12 of the Manual of the Metropolitan Police Department of the District of Columbia (Regulation 72-2 approved by the City Council, January 4, 1972; effective January 14, 1972) as amended is further amended to read as follows:

"1.3:12 All police officers appointed on or after January 1, 1959, must maintain an appropriate weight level in accordance with their age and height throughout their entire police career. The considerations in determining whether an appropriate weight level has not been maintained by any individual police officer shall be:

"(a) Whether the police officer's present weight level will substantially impair the officer's ability to

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perform the duties to which the officer is normally assigned, or

"(b) whether the police officer's present weight level will have a substantial adverse effect on the officer's overall health, based upon a preponderance of the medical evidence.

"Individual determinations of inappropriate weight levels shall be based upon the criteria provided in subsections (a) and (b) of this section and shall be initially recommended by the police officer's assigned clinic physician to the Chairman of the Board of Police and Fire Surgeons. If the officer is dissatisfied with the recommendation of the clinic physician, he or she may submit the recommendation of his or her personal physician at no expense to the District of Columbia or the Metropolitan Police Department. The final determination with respect to inappropriate weight levels shall be made by the Chairman of the Board of Police and Fire Surgeons."

Sec. 3. Section 2.2:11 of the Manual of the Metropolitan Police Department of the District of Columbia is amended to read as follows:

"2.2:11 Members of the force shall not engage in any political activity which on July 13, 1977 would be a

violation of the provisions of the "Hatch Political Activity Act", as amended by the Act of September 6, 1956, Chapter 73, Subchapter III 20 Stat. 529 (5 U.S.C. secs. 7321-7327), as further amended by the Act of April 17, 1974 (88 Stat. 87).".

Sec. 4. Section 2.2:12 of the Manual of the Metropolitan Police Department of the District of Columbia is repealed.

Sec. 5. Section 2.2:18 of the Manual of the Metropolitan Police Department is amended to read as follows:

"2.2:18 Nothing contained in this chapter shall be construed so as to prohibit or impede any member of the force from appearing and testifying before a committee of the Congress or a subcommittee thereof or the Council of the District of Columbia or a committee thereof, provided the member: (a) provides advance notice, whenever practical to the Chief of Police of such appearance and testimony, the time and place thereof, and, if known, the subject matter to be discussed; and (b) unless presenting the official views of the Mayor, states to the committee that the views expressed by the member are the member's own or those of any specific group the member represents.".

Sec. 8. Section 2.5 of the Manual of the Metropolitan Police Department entitled Outside Employment is amended to

read as follows:

"2.5:1 For purposes of this section, the term 'outside employment' means the engagement in any line of business or the performance at any time for wages, salary, fee, gift, or other compensations, any work or service of any kind for any person, firm or corporation other than that required by one's official position in the police department.

"2.5:2 Members of the force may engage in outside employment during their off-duty hours: PROVIDED, That:

"(a) No member of the force may engage in outside employment for more than twenty-four (24) hours per calendar week unless the officer is on annual leave for the entire such week;

"(b) No member of the force may engage in outside employment where such outside employment is conditioned upon his or her membership on the force or the possession and potential use of his or her service revolver;

"(c) Members of the force shall not engage in any outside employment or accept any gift where such action will create a conflict of interest which would be a

violation of the District Personnel Manual relating to District employees or of a District government merit system established pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act.

"(d) Outside employment as a guard, watchman, traffic control officer, investigator, civil process server, or in a position that would require or encourage an officer to avail himself or herself of his or her access to police information, records, files, or correspondence shall be prohibited.

"(e) Any dispute as to whether a particular outside-employment or gift situation creates a conflict of interest shall be determined by means of whatever negotiated grievance procedures, ending in binding arbitration, as may be provided for by operative contract between the Metropolitan Police Department and a duly recognized employee organization or, if no such procedures are provided for, by the Chief of Police."

Sec. 7. Section 2-2:9 of the Metropolitan Police Department Manual is amended by adding to the end thereof the following:

"Except with respect to members of the force engaged in undercover duties, members shall generously

make themselves available to receive and shall not refuse to receive personal service of process in any criminal case arising out of an alleged violation of the laws of the District of Columbia. In addition, each superior officer in charge of a station or organizational unit shall disclose the hours of duty of a member of the force to any person seeking to serve process upon a member of the force in connection with a criminal case and shall assure that such member of the force is available for the service of process during the member's hours of duty: PROVIDED, That it shall be sufficient for the superior officer to make such member available at roll call or at the time the officer terminates his or her hours of duty."

Sec. 8. This act shall take effect as provided for acts of the Council of the District of Columbia in section 502(c)(1) of the "District of Columbia Self-Government and Governmental Reorganization Act", approved December 24, 1973 (87 Stat. 814; D.C. Code, sec. 1-147(c)(1)).

Presented to the Mayor: JAN 18 1978

Secretary to the Council

Action of the Mayor: FEB 1 1978

☒ Approved: ☐ Disapproved:
☐ Disapproved in part -- Reference Document:
 *Budget Actions.

Mayor of the District of Columbia

FEB 1 1978

☐ Returned Without Action

Executive Secretary, D.C.

Enacted without Mayor's Signature

Secretary to the Council

Council Reenactment:

☐ VOICE VOTE:

Secretary to the Council

☐ ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, I.					WINTER				
GLARKE					ROLARK									
DIXON					SHACKLETON									
X--Roll Call Vote A--Absent N--V--Not Voting														

Secretary to the Council

Presented to the President:

Secretary to the Council

Action of the President:

☐ Reenactment Approved☐ Mayor's Veto Sustained

President of the U. S.

Submitted to the Congress:

Secretary to the Council

Senate Action:
Resolution Number:House Action:
Resolution Number:

Secretary of the Senate

Clerk of the House

Enacted Without Congressional Action:

D. C. Law No. Effective Date

Secretary to the Council

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: 2-44

First Reading Action: October 11, 1977

17 VOICE VOTE: Adopted by Majority (All Present)

Secretary to the Council:

Secretary to the Council:

1 ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N. Y.	A. S.	COUNCIL MEMBER	AYE	NAY	N. Y.	A. S.
TUCKER					MASON				
HARDY					MCORE, D.				
BARRY					MOORE, J.				
CLARKE					ROLARK				
DEKON					SPACKLETON				

X—Indicative Vote A—Absent N. Y.—Not Voting

Secretary to the Council

Amended First Reading Action:

☐ VOICE VOTE:

Secretary to the Council

17 ROLL CALL VOTE:

COUNCIL MEMBER	ATC	NAT	N.Y.	A.S.	COUNCIL MEMBER	ATC	NAT	N.Y.	A.S.
TUCKER					MASON				
HARDY					MOORE, D.				
BARRY					MOORE, J.				
CLARKE					ROLARK				
DIXON					SHACKLETON				

X—Indicates Vote A. S.—Absent N. Y.—Not Voting

Secretary to the Council

Final Reading or Emergency Action: October 25, 1977

/X/ VOICE VOTE: Adopted Unanimously (All Present)

Secretary to the Council

Secretary to the Council

17 ROLL CALL VOTE:

COUNCIL MEMBER	ATC	RAY	NAY	A.B.	COUNCIL MEMBER	ATC	RAY	NAY	A.B.	COUNCIL MEMBER	ATC	RAY	NAY	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLAND									
DEKON					BRACKLETON									

X—Indicates Vote A. B.—Absent M. V.—Not Voting