

# DISTRICT OF COLUMBIA

## City Council



### Ordinance No. 08

Introduced by: Deputy Mayor Koalastyll

For Mayor TheySinned, Credits: AlexJCabot

An ordinance for an Act entitled: "Dagger Act"

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AN ORDINANCE to improve and explain the District Attorney General's office within the District of Columbia, thereby invigorating the district's legal landscape and streamlining operations for enhanced effectiveness.

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#### **SECTION 1. SHORT TITLE.**

This act may be cited as the,  
**Dagger Act**

#### **SECTION 2. SEVERABILITY, EFFECTIVE DATE, GENERAL PROVISIONS, CODIFIED REFERENCE.**

- (a) This bill is severable, meaning if one part does not abide by the City Charter or Federal Law, the other parts will remain in action unless also found to also violate set laws.
- (b) All municipal legislation contradicting this bill and its contents is hereby null in void collectively.
- (c) This bill's codified reference shall be referred to as "D.C. Ordinance 24-08"
- (d) This bill shall go into effect immediately upon passage following a majority of approval from the District of Columbia City Council.

### **SECTION 3. TABLE OF CONTENTS.**

- (a) Section 1. Short Title
- (b) Section 2. Severability, Effective Date, General Provisions, Codified Reference
- (c) Section 3. Table of Contents
- (d) Section 4. Establishment
- (e) Section 5. Powers and Authorities
- (f) Section 6. Organization of the District Attorney General's Office
- (g) Section 7. Removal
- (h) Section 8. Requirements

### **SECTION 4. ESTABLISHMENT.**

- a) Per [Article I, §8](#) of the charter the Mayor is authorized to establish the Office of the District Attorney General to represent legal matters involving the Municipal Government.

- i. Citation:

§8. District Attorney General. The Mayor is authorized to establish the Office of the District Attorney General to represent legal matters involving the Municipal Government. The District Attorney General will be nominated to the City Council utilizing the format in Article 1 § 3(a). The District Attorney General must be a legally qualified individual holding a BAR certification and will represent the Municipal Government in any and all matters of a criminal and civil nature in District Court, legal advice or other judicial matters concerning the Municipal Government. The District Attorney General may be removed via the authority of the Mayor or a concurrence of six members of the City Council.

- b) The District Attorney General and all individuals employed within their office are deemed employees of the municipal District of Columbia and hold the status of City employees for administrative and regulatory purposes.
    - c) The Office of the District Attorney General shall provide a status report concerning the progress in its office to the council upon request.
      - i. The procedure for this shall be dependent upon a formal subpoena issued by the council.

### **SECTION 5. POWERS AND AUTHORITIES.**

- a) The District Attorney General is the legal advisor to the Mayor and Deputy Mayor of the District of Columbia and may serve as the City Council Legal Advisor upon appointment by the Council of the District of Columbia.
  - i. The District Attorney General is empowered to sue the City Council or

its members for non-compliance with common law. In such instances, the City Council must engage private counsel to represent their interests in all courts.

- b) The District Attorney General shall act as the Attorney and Chief Counsel for the District of Columbia.
  - i. Them and their respectively assigned employees shall represent the District of Columbia in all legal proceedings in which they are a respective party in.
  - ii. Them and their respectively assigned employees shall represent the City Council for the District of Columbia in all proceedings where they are defendants in their official capacities as councilors for the District of Columbia.
  - iii. When requested, represent the Mayor, the Deputy Mayor, the District of Columbia City Council, the Chief of the Metropolitan Police, and any other Municipal Department Leaders in all habeas corpus proceedings.
- c) The District Attorney General shall serve as the Chief Prosecutor for the District of Columbia.
  - i. The District Attorney General shall prosecute any individual who violates the City Code, Municipal Law/Statutes etc.
    - 1. They shall only prosecute violations under the jurisdiction of the municipality of the District of Columbia.
    - 2. They shall draw up criminal informations, complaints, affidavits and/or indictments on all criminal offenses or violations of common law.
    - 3. They shall prosecute and defend any civil action in any United States Court in the land in which the District of Columbia or its respective departments/agencies are a party in the matter.
    - 4. They shall perform other duties that may be necessary or required by law.

## **SECTION 6. ORGANIZATION OF THE DISTRICT ATTORNEY GENERAL'S OFFICE.**

- a) [District] shall be forgone for this section, the organization of the District Attorney General's Office shall be as follows, i being the highest and xi being the lowest;

- i. Attorney General
- ii. Principal Deputy Attorney General
- iii. Deputy Attorney General (criminal & civil)
- iv. Solicitor General
- v. Assistant Attorney General (civil, criminal, investigative)
- vi. Senior Assistant Attorney
- vii. Assistant Attorney
- viii. Investigator

1. Investigators for the Attorney General's Office shall have the authority to interview individuals of interest, produce comprehensive reports, execute operations as directed by the Attorney General, and submit charging recommendations and reports to the Attorney General.

2. Investigator's for the Attorney General's Office shall have the authority to enforce and arrest any individual who violates the District of Columbia Criminal Code.

- b) The Attorney General shall have the authority to establish new roles and positions within the Attorney General's Office at their discretion if deemed appropriate or necessary.

## **SECTION 7. REMOVAL.**

- a) Per [Article I, §8](#) of the charter the Mayor is authorized to remove the District Attorney General or upon a concurrence of six City Councilors voting to do so.

- i. Citation:

The District Attorney General may be removed via the authority of the Mayor or a concurrence of six members of the City Council.

- b) The District Attorney General shall hold office until resignation, removal, or proven ineligible.

- c) The Mayor and City Council shall have the authority and power under this section to remove the District Attorney General for one or more of the following;

i. Incompetency, to be defined by the Courts of the United States, the doctrine of stare decisis and common law;

ii. Inactivity, to be defined by the Courts of the United States the doctrine of stare decisis and common law;

iii. Prosecutorial misconduct, to be defined by the Courts of the United States, the doctrine of stare decisis and common law;

1. Dismissal as District Attorney General shall be subject to court intervention and/or appeal.

## **SECTION 8. REQUIREMENTS.**

- a) No person shall hold the Office of the Attorney General who has not been a citizen of the United States cumulative for three (3) months.
- b) No person shall hold the Office of the Attorney General who is a federal prisoner concurrent with their time in office.
- c) No person shall hold the Office of the Attorney General who has been convicted of crimes against the people of the District of Columbia and/or the people of the United States in a court of law.
- d) No person shall hold the Office of the District Attorney General who has not taken the oath of office.
  - i. This shall be the Oath of Office the Attorney General must take to officially assume the duties and office of the Attorney General for the District of Columbia; “I, (name) do solemnly swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of Attorney General for the District of Columbia to the best of my ability, and that I will support the Constitution of the United States and the City Charter for the District of Columbia, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this City, under the authority of the people. So help me God.”

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