

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-62

"Housing Authority Police Amendment Act of 1997"

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. 12-43, on first and second readings, October 21, 1997, and November 4, 1997, respectively. Following the signature of the Mayor on November 14, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-198, and published in the December 12, 1997, edition of the D.C. Register (Vol. 44 page 7486) and transmitted to Congress on January 9, 1998 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 12-62, effective March 20, 1998.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Jan.	27,28,29
Feb.	2,3,4,5,9,10,11,12,23,24,25,26,27
Mar.	2,3,4,5,6,9,10,11,12,13,16,17,18,19

AN ACT

D.C. ACT 12-198

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 14, 1997

*Codification
District of
Columbia
Code
1998 Supp.*

To amend the District of Columbia Housing Authority Act of 1994 to create a public housing police force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Housing Authority Police Amendment Act of 1997".

Sec. 2. The District of Columbia Housing Authority Act of 1994, effective March 21, 1995 (D.C. Law 10-243; D.C. Code § 5-121 *et seq.*), is amended as follows:

Section
5-121

(a) Section 3 (D.C. Code § 5-121) is amended to read as follows:

"Sec. 3. Definitions.

"For the purposes of this act, the term:

- "(1) "Act" means the District of Columbia Housing Authority Act of 1994.
- "(2) "Apprehension" means the act of seizing or arresting a suspect.
- "(3) "Authority" means the District of Columbia Housing Authority.
- "(4) "Board" means the Board of Commissioners of the District of Columbia Housing Authority.
- "(5) "Book" means to enter an official charge against an arrested suspect on a police register.
- "(6) "Commissioner" means a member of the Board of Commissioners of the District of Columbia Housing Authority.
- "(7) "Council" means the Council of the District of Columbia.
- "(8) "District of Columbia Housing Authority Police Force" means the duly constituted police department of the District of Columbia Housing Authority.
- "(9) "DPAH" means the Department of Public and Assisted Housing.
- "(10) "Execute" means the process or ability to carry out or perform all necessary formalities to effect or enforce the directions in a court order, court decree, or warrant.
- "(11) "Executive Director" means the Executive Director of the District of Columbia Housing Authority.

ENROLLED ORIGINAL

"(12) "Hot or close pursuit" means the act of immediately chasing a suspect or individual with whom there is a reasonable belief that probable cause exists that a crime has been committed.

"(13) "Housing Authority Community" means the area within 300 feet of a public housing complex or other real property owned or managed by the District of Columbia Housing Authority.

"(14) "Housing properties" means any low-income housing as defined in the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888; 42 U.S.C. § 1401 *et seq.*), the development or administration of which is assisted by the United States Department of Housing and Urban Development.

"(15) "Mayor" means the Mayor of the District of Columbia.

"(16) "Members of the District of Columbia Housing Authority Police Force" means those persons who are police officers employed by the District of Columbia Housing Authority.

"(17) "Power of arrest" means the ability to seize an alleged or suspected offender to answer for a crime.

"(18) "Resident council" or "resident councils" means all resident councils within the meaning of the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888; 42 U.S.C. § 1401 *et seq.*), as amended, all related statutes, rules, regulations, and orders of the United States, and all related statutes, rules, regulations, and orders of the District of Columbia.

"(19) "Tenant" or "tenants" means all persons lawfully residing under lease in all public housing properties within the District of Columbia.

"(20) "Weapon" means an instrument or device for offensive or defensive combat, or anything used, or designed to be used, in destroying, defeating, threatening, or injuring a person."

(b) A new section 10a is added to read as follows:

"Sec. 10a. District of Columbia Housing Authority Police Force.

"(a) The Authority is authorized to establish and maintain a regular police force, to be known as the District of Columbia Housing Authority Police Force ("DCHAPF"), to provide protection for its residents, employees, and properties (real and personal). The DCHAPF shall have the powers and duties and shall be subject to the limitations set forth below. The DCHAPF shall be composed of both uniformed and plainclothes personnel. The DCHAPF shall be charged with the duty of enforcing the laws, ordinances, rules, and regulations of the District of Columbia in the Housing Authority Community, and the rules and regulations of the Housing Authority. The jurisdiction of the DCHAPF shall be limited to Housing Authority Communities owned, controlled, or operated by the Authority. This restriction shall not limit the power of the DCHAPF to make arrests on public space or private property for violations committed upon, to, or against Housing Authority Communities from within and outside such facilities while in hot or

Section
5-128.1

ENROLLED ORIGINAL

close pursuit, or to execute traffic citations or other criminal process, in accordance with subsection (d) of this section.

"(b) The members of the DCHAPF shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the District of Columbia in which any Housing Authority Community is located. Nothing contained in this section shall either relieve any agency from its duty to provide police, fire, or other public safety service and protection, or limit, restrict, or interfere with the jurisdiction or performance of duties by existing police, fire, and other public safety agencies.

"(c) Except as otherwise provided in this section, a member of the DCHAPF shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his or her duties as a member of the duly constituted police force of the District of Columbia. Members of the DCHAPF are authorized to carry and use only such weapons, including handguns, as are issued by the Authority. Members of the DCHAPF are authorized to carry issued weapons both on and off duty in the District of Columbia and are subject to such additional limitations as are imposed on the duly constituted police force for the District of Columbia in accordance with section 5 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. 651; D.C. Code §22-3205).

"(d) Members of the DCHAPF shall have the power to execute on property owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of the District of Columbia, or any felony, misdemeanor, or other offense against the laws, ordinances, rules, or regulations specified in subsection (a) of this section. With respect to offenses committed upon, to, or against Housing Authority Communities operated by the Authority, the DCHAPF shall have the power to execute criminal process within the Authority's properties.

"(e) Upon the apprehension or arrest of any person by a member of the DCHAPF, the officer, as required by the laws of the District of Columbia, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the District of Columbia for disposition as required by law.

"(f)(1) The Authority shall have the power to adopt rules and regulations and to establish fines for the safe, convenient, and orderly use of the properties owned, controlled, or operated by the Authority, including the protection of the Authority's residents, employees, and property (real and personal), and the control of traffic and parking in the Housing Authority Community. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of the District of Columbia, which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the District of Columbia shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void.

"(2) The rules and regulations established under this subsection shall be adopted

ENROLLED ORIGINAL

and published in accordance with the standards of due process, including the publication or circulation of a notice of the intended action of the Authority. The adoption and publication of rules and regulations shall afford to interested persons the opportunity to submit data or views orally or in writing. After adoption, the rules and regulations shall be published in the *District of Columbia Register*.

"(3) Any person violating any rule or regulation of the Authority shall, upon conviction by a court of competent jurisdiction, pay a fine of not more than \$250 and costs.

"(g) With respect to members of the DCHAPF, the Authority shall:

"(1) Establish classifications based on the nature and scope of duties and fix and provide for their qualifications, appointment, removal, tenure, term, compensation, pension, and retirement benefits;

"(2) Provide training; for the purposes of this paragraph, the Authority may enter into contracts or agreements with any public or private organization engaged in police training. The training and the qualifications of the uniformed and plainclothes personnel shall at least be equal to the requirements of the District of Columbia for its personnel performing comparable duties; and

"(3) Prescribe distinctive uniforms to be worn.

"(h) The Authority shall have the power to enter into agreements with public safety agencies, including those of the federal government, for the delineation of the responsibilities of the DCHAPF and with the duly constituted police, fire, and other public safety agencies for mutual assistance.

"(i) Before entering upon the duties of office, each member of the DCHAPF shall take or subscribe to an oath of affirmation, in the presence of a person authorized to administer oaths, to faithfully perform the duties of that office.

"(j)(1) Retired police officers of the District of Columbia Metropolitan Police Force ("Metropolitan Police Force") shall be permitted to be deployed as Authority police officers.

"(A) Except for disability annuitants, police officers retired from the Metropolitan Police Force shall be eligible for rehire at the discretion of the Receiver or Executive Director of the Housing Authority as Authority police officers without jeopardy to any retirement benefits of the police officers.

"(B) Service pursuant to this subsection shall not count as creditable service for the purposes of section 12(c) of An Act Making Appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes, approved September 1, 1916 (39 Stat. 718; D.C. Code § 4-610).

"(2) All costs associated with the hiring of retired police officers as Authority police officers shall be absorbed by the Authority."

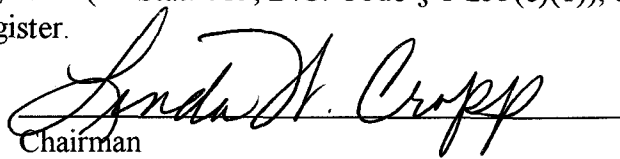
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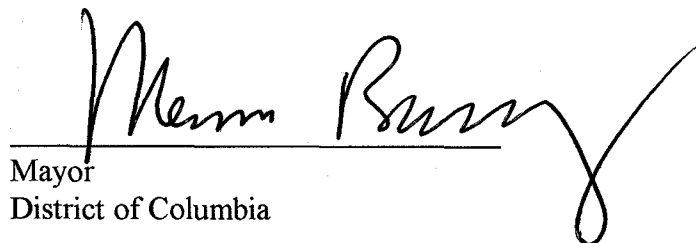
Sec. 3. Fiscal impact statement.

DCHA will fund in its entirety the creation and continuation of the DCHA Police Department with federal funds dedicated to public housing safety. The U.S. Department of Justice will provide \$8 million in federal funds to DCHA for Fiscal Year 1998. The cost of services provided by the MPD will be fully funded by the DCHA inter-agency agreements, which are estimated to be \$563,000. The creation of a permanent Police Department within the DCHA will have no financial impact on the District of Columbia Government. Below is an expenditure analysis for the current and subsequent fiscal years:

	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
Federal Funds	\$8,000,000	\$8,160,000	\$8,323,000	\$8,489,000	\$8,659,000
Inter-Agency Agreements	563,000	574,000	585,000	595,000	606,000
Totals	\$8,563,000	\$8,734,000	\$8,908,000	\$9,084,000	\$9,265,000

Sec. 4. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: November 14, 1997



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD TWELVE
 RECORD OF OFFICIAL COUNCIL VOTE

B12-43

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 10-21-97

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

ABSENT ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

[Signature] 10, 1997
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 11-04-97

VOICE VOTE APPROVED
 RECORDED VOTE ON REQUEST

ABSENT JARVIS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X-indicates Vote AB-Absent NV-Present not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

[Signature] 6, 1997
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE _____
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Dixon					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date