

AN ACT

*Codification
District of
Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to Congressional review, Titles 16 and 23 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 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; and 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.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Crime Reduction Initiative Congressional Review Emergency Amendment Act of 2007”.

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

Sec. 101. Section 16-2310 of the District of Columbia Official Code is amended by adding a new subsection (a-1) to read as follows:

**Note,
§ 16-2310**

“(a-1)(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:

“(A) Committed a dangerous crime or a crime of violence while armed with or having readily available a pistol, firearm, or imitation firearm; or

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

“(2) For the purposes of this subsection, the terms “dangerous crime” and “crime of violence” shall have the same meanings as provided in section 23-1331, except that these terms shall not include:

“(A) Any felony offense under Chapter 27 of Title 22 (Prostitution, Pandering);

“(B) Any felony offense under Chapter 9 of Title 48 (Controlled Substances);

“(C) Burglary; or

“(D) Arson.”.

Sec. 102. Chapter 13 of Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1322(c) is amended as follows:

(1) 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.

Note,
§ 23-1322

(2) Paragraph (3) is amended by striking the phrase “offense; or” and inserting the phrase “offense;” in its place.

(3) Paragraph (4) is amended by striking the phrase “federal offense.” and inserting the phrase “federal offense;” in its place.

(4) 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.”.

(b) Section 23-1331 is amended by adding a new paragraph (6) to read as follows:

Note,
§ 23-1331

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

TITLE II. MANDATORY DISCLOSURE OF JUVENILE RECORDS.

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

(a) Section 16-2301 is amended as follows:

(1) Paragraph (1) is amended by adding a sentence at the end to read as follows: “Pursuant to section 16-2301.01, the term “Division” shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia.”.

Note,
§ 16-2301

(2) A new paragraph (1A) is added to read as follows:

“(1A) “Family Court” means the Family Court of the Superior Court of the District of Columbia.”.

(3) A new paragraph (43) is added to read as follows:

“(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:

“(d-1)(1) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, for every respondent whom 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 pursuant to section 16-2313(b)(3), the Family Court shall provide, within 48 hours of the decision not to detain the respondent, the following case record information to the Chief of the Metropolitan Police Department (“Chief”):

Note,
§ 16-2331

“(A) Respondent’s name and date of birth;

“(B) Last known address of the respondent;

“(C) Last known address of 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 cases in which the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3) and cases in which the respondent is placed on probation pursuant to section 16-2320(c)(3):

“(A) Respondent’s name and date of birth;

“(B) All terms or conditions of any stay-away order; and

“(C) All terms or conditions of any curfew order.

“(3) The Chief shall utilize information obtained from the Family Court and may disclose such information to law enforcement officers or law enforcement entities only 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.

“(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. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

"(5) If the petition filed against the juvenile does not result in disposition, the Family Court, within 48 hours of the entry of the decision by the court to dismiss or close the case, or the withdrawal of the petition by the Office of the Attorney General, shall notify the Chief of the Metropolitan Police Department that the case has not resulted in a disposition. The Chief shall, within 48 hours of the notification, destroy and erase from Metropolitan Police Department files the case record information received from the Family Court pursuant to this subsection and shall notify all parties and agencies to which it transmitted case record information pursuant to paragraph (3) of this subsection that the juvenile's case did not result in a disposition and any information that has been transmitted shall be destroyed and erased."

(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 committed to 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 property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) adjudicated 3 or more times, the Mayor may direct the Director of the Department ("Director") to provide notice to the Chief of the Metropolitan Police Department ("Chief") of any assignment or placement of the respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, as soon as practicable prior to the assignment or placement.

Note,
§ 16-2332

"(2) Notwithstanding subsections (b), (c), or (d) of this section, for any respondent who is detained or committed to the Department, the Director shall provide notice to the Chief of any respondent absconding or escaping from any Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding or escaping.

"(3) Notice issued pursuant to this subsection shall include the following information, as applicable:

"(A) Respondent's name and date of birth;

"(B) Last known 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, 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; and

"(E) A recent photograph of the respondent, if available.

"(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities only 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. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

“(6) The Chief may make additional case-specific inquiries to the Mayor based on information disclosed under paragraph (1) of this subsection. The Mayor may direct the Director to provide such additional information, when requested by the Chief, but only as necessary to protect public safety or the safety of the respondent.”.

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

Sec. 301. Chapter 25 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(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 2502.1 is amended to read as follows:

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

“(a) Under exigent circumstances; or

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

(d) 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.

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

(f) 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.

(g) 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, 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 On or before February 15, 2008, the Chief of Police shall report to the Mayor and to the Council on the cameras’ effectiveness at preventing, detecting, and solving crime since their installation. The report shall also evaluate whether the presence of cameras served to displace criminal activity. The effectiveness of the cameras shall be evaluated using, but not limited to, the following factors:

“(a) The rate of crime in the specific area in which a surveillance camera is located from the date of the camera’s installation until January 1, 2008, compared with the rate of crime in the same PSA within the previous 2 years;

“(b) The number of calls for service, including calls for service for public disorder, drug activity, and prostitution, in the specific area in which a surveillance camera is located from the date of the camera’s installation until January 1, 2008, compared with the number of calls for service in the same PSA within the previous 2 years;

“(c) The same information in paragraphs (a) and (b) of this subsection in the PSAs that surround the PSA in which the specific area is located, for the purpose of measuring any potential displacement of crime caused by the deployment of the Closed Circuit Television Cameras in the specific areas;

“(d) General crime trends in the specific area within a PSA in which a surveillance camera is located, the PSAs surrounding the specific areas, the specific areas’ police districts, and the District of Columbia, within the previous 4 years;

“(e) The number of crimes in the specific areas detected and reported to the Metropolitan Police Department because of the presence of the video surveillance cameras; and

“(f) The number of crime investigations aided by the Closed Circuit Television Cameras, and a description in each case of how the camera was helpful to the investigation, during the period July 19, 2006 to January 1, 2008.

“2508.7 The report due February 15, 2008 shall also state the Metropolitan Police Department’s long-term plan for the use of CCTV cameras to combat crime, including:

“(a) Changes to the program, if any;

“(b) Ultimate number of cameras to be installed;

“(c) How CCTV cameras will be integrated with other crime-fighting measures; and

“(d) Estimated fiscal impact of the long-range CCTV plan.”.

(h) 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 or CCTV – 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.

“MPD - Metropolitan Police Department.

“PSA - Police Service Area.

“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 District of Columbia 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.”.

TITLE IV. FISCAL IMPACT

Sec. 401. Fiscal impact statement.

The Council adopts the fiscal impact statements in the committee reports for the Mandatory Juvenile Public Safety Notification Act of 2006, signed by the Mayor on December

28, 2006 (D.C. Act 16-630), and the Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006, signed by the Mayor on December 28, 2006 (D.C. Act 16-643), and the December 4, 2006 fiscal impact statement of the Chief Financial Officer for the Use of Closed Circuit Television to Combat Crime Amendment Act of 2006, signed by the Mayor on December 28, 2006 (D.C. Act 16-642), as the fiscal impact statements 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 V. EFFECTIVE DATE.

Sec. 501. 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 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