

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Phyllis Jones, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at [www.dccouncil.us](http://www.dccouncil.us).

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**BILL**

B15-416      Rational Evaluation and Award of Property Rights Amendment Act of 2003

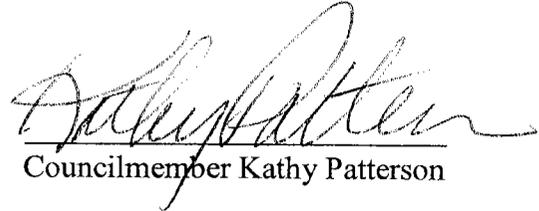
Intro. 7-14-03 by Councilmember Orange and referred to the Subcommittee on Human Rights, Latino Affairs and Property Management

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**COUNCIL OF THE DISTRICT OF COLUMBIA****NOTICE OF INVESTIGATION BY THE COUNCIL OF THE  
DISTRICT OF COLUMBIA COMMITTEE  
ON THE JUDICIARY**

Pursuant to Rules of Organization and Procedure for the Council of the District of Columbia Council Period 15, Section 601, notice is given by the Secretary to the Council, Phyllis Jones, that the Committee on the Judiciary filed on July 7, 2003, in the Office of the Secretary, a resolution authorizing an investigation by the Committee on the Judiciary into the Current Policies and Practices of the Metropolitan Police Department Related to Demonstrations within the District of Columbia. The text of the resolution is herein.

  
Councilmember Kathy Patterson

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A PROPOSED RESOLUTION

IN THE COMMITTEE ON THE JUDICIARY

To establish rules on organization and procedure for the Committee on the Judiciary investigation into the current policies and practices of the Metropolitan Police Department related to demonstrations within the District of Columbia.

RESOLVED, BY THE COMMITTEE ON THE JUDICIARY OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rules of Organization and Procedure for the Committee on the Judiciary's Investigation into the Current Policies and Practices of the Metropolitan Police Department Related to Demonstrations within the District of Columbia".

Sec. 2. The Committee on the Judiciary adopts the following Rules of Organization and Procedure for the Committee:

ARTICLE 1  
DEFINITIONS

101. Definitions.

For the purposes of these Rules, the term:

- (a) "Chairperson" means the Chairperson of the Committee on the Judiciary.
- (b) "Committee" means the Committee on the Judiciary.
- (c) "Executive session" means a meeting closed to the public pursuant to Council Rule 305.
- (c) "Investigation" means the Committee's Investigation into the Current Policies and Practices of the Metropolitan Police Department Related to Demonstrations within the District of Columbia.

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- (d) "Member" means any member of the Committee.
- (e) "Rules" means the Rules of the Organization and Procedure for the Committee on the Judiciary's Investigation into the Current Policies and Practices of the Metropolitan Police Department Related to Demonstrations within the District of Columbia, unless "Rules of the Council" is used, in which case it shall mean the Rules of Organization and Procedure for the Council of the District of Columbia, Council Period XV, effective January --, 2003 (Res. 15-1; 44 DCR 394).
- (f) "Secretary" means Secretary of the Council, the chief administrative officer of the Council.
- (g) "Special Counsel" means the legal counsel engaged by the Chairperson to act as advisors and staff to the Committee during the Investigation.
- (h) "Subpoena" means a subpoena *ad testificandum* or *duces tecum* or both.
- (i) "Testimony" means the oral or written statement of a witness.
- (j) "Witness" means a person who is or shall be in attendance, voluntarily or involuntarily, before the Committee at a public hearing, roundtable or deposition.

ARTICLE II  
COMMITTEE STAFF

- 201. The Chairperson may appoint Special Counsel to the Committee to advise the Chairperson and Committee.
- 202. The Chairperson shall supervise and direct all Special Counsel and Committee staff.

ARTICLE III  
HEARINGS AND DEPOSITIONS

- 301. The Judiciary Committee shall hold such depositions and public hearings and roundtables as the Chairperson may call for the purpose of receiving testimony, comments, documents, computer records (hard copy or diskette), recordings, notes, photographs, facsimile transmissions, or other information or materials from witnesses called before the Committee or from members of the public.
- 302. Public hearings and roundtables shall proceed according the Rules of the Council.

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ARTICLE IV  
INVESTIGATION, SUBPOENAS AND DEPOSITIONS

401. Scope.

The Committee on the Judiciary shall have the authority to investigate the following:

(a) Issues raised in media reports, testimony, court filings, and other information concerning the period in April 2000 when demonstrations were scheduled to protest policies of the International Monetary Fund and World Bank during meetings of those organizations in the District including actions allegedly taken by the Metropolitan Police Department to preemptively prevent the exercise of freedom of speech and assembly.

(b) Issues raised by the September 27, 2002, arrests of persons assembled in Pershing Park and their detention including the findings of the MPD Office of Professional Responsibility as to failure of department officials to follow the law and Departmental orders.

(c) Allegations of use of excessive force in April 2003 including television videotape of an officer striking a prone demonstrator and reports to the Committee of motorcycle officers driving into a crowd outside Martin Luther King Jr. Library.

(d) Issues similar to those listed in paragraphs (a), (b) and (c) during related demonstrations between April 2000 and April 2003.

(e) Whether Metropolitan Police Department policies reflect best practices in preparing for and managing large demonstrations such that public safety and individual civil rights and civil liberties are protected, including a comparison of current practice with policies and practice in the 1970s and 1980s when the Department had a national reputation for effectiveness in this area of law enforcement.

402. Use of subpoenas.

(a) Issuance. For the purpose of the investigation, the Committee may issue a subpoena signed by the Chairperson to compel a witness' attendance at a public hearing, roundtable or deposition, to obtain testimony, or to produce documents, evidence, or other information or tangible items.

(b) Form. The form of a subpoena shall be substantially similar to the forms attached to these rules as Appendices A and B.

(c) Service. Subpoenas shall be served personally on the witness or his or her designated agent by the Chairperson or Special Counsel, or in one of the following ways, which may be attempted concurrently or successively:

1 (1) By a special process server, at least 18 years of age, designated by the  
2 Committee from among the staff appointed by the Secretary to the Council who  
3 are not directly involved in the investigation; or  
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5 (2) By a special process server, at least 18 years of age, engaged by the  
6 Committee or the Council for this purpose.  
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8 (d) Enforcement. In case of contumacy by any person subpoenaed to appear  
9 before the Committee, the Chairperson may refer the matter to the Council for referral to  
10 the Superior Court of the District of Columbia as provided in section 413(b) of the  
11 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 789; D.C.  
12 Code § 1-234(b)).  
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14 403. Witnesses.  
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16 (a) A witness shall be affirmed or sworn to give truthful testimony. Any person  
17 authorized by law may issue an oath or affirmation to a witness.  
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19 (b) Any witness who appears before the Committee at a public hearing,  
20 roundtable or deposition has the right to be represented by counsel.  
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22 (c) Any witness testifying at a public hearing, roundtable or deposition of the  
23 Committee may submit an opening statement, which shall be placed in the record of the  
24 hearing, roundtable or deposition. The Chairperson may permit the witness to read his  
25 statement at the hearing, roundtable or deposition.  
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27 (d) If, during public or executive sessions, a witness, his counsel, or any spectator  
28 conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere  
29 with the orderly administration of such a session, the Chairperson may request that said  
30 person be ejected from the hearing room.  
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32 (e)(1) A witness has the right to refuse to answer a question that might tend to  
33 incriminate him or her by claiming his or her Fifth Amendment privilege against self-  
34 incrimination, other Constitutional privileges or statutory common law privileges  
35 recognized in the Superior Court of the District of Columbia.  
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37 (2) If a witness asserts a privilege, the Chairperson or Special Counsel shall  
38 inquire into the witness' reasons for claiming the privilege. If the Chairperson or Special  
39 Counsel determines that the claim of privilege is not warranted, he or she shall direct the  
40 witness to answer the question. A witness' continued claim of privilege in the face of an  
41 order by the Chairperson or Special Counsel to answer a specific question constitutes  
42 contumacy by the witness.  
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44 (3) Where a witness under the subpoena is not represented by counsel, the  
45 Chairperson or Special Counsel shall advise the witness of his or her privilege against  
46 self-incrimination.

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(4) Any person, who is named or specifically identified in connection with the investigation and who believes that the testimony or other evidence or comment by the Chairperson, a member of the Committee or Special Counsel does not comport with the truth, may file a sworn statement of facts relevant to the testimony or other evidence or comment complained of, to be included in the record of the hearing at which the statement or testimony was made.

404. Production of documents.

(a) All subpoenas issued by the Committee shall be returnable to the Chairperson.

(b) All documents, evidence, or other information or tangible items received by the Committee pursuant to a subpoena issued under these Rules shall be received by the Chairman of the Committee as if in an executive meeting, pursuant to the Rules of the Council.

(c) All documents received by the Committee shall be maintained at the office of the Committee.

405. Depositions.

(a) The Chairperson may authorize the Special Counsel to take testimony of witnesses by oral or written depositions.

(b) Notice for the taking of depositions in an investigation shall be authorized and issued by the Chairperson. Such notice shall specify the time, date and place of examination.

(c) The Committee shall maintain an audiotape record of all oral depositions. A witness or his counsel may request of the Committee a copy of an audiotape of his or her testimony.

(d) Rights of witnesses as specified in section 403 shall apply to depositions, with the exception of subsections 403(e)(4) and (5). Special Counsel may contact the Chairperson by telephone during a deposition to resolve objections and matters of privilege pursuant to subsection 403(e)(2).

(e) Except as provided in subsection (c) of this section, all testimony taken and evidence received in a deposition shall be received by the Chairman of the Committee as if in an executive meeting, pursuant to the Rules of the Council.

ARTICLE V  
REFERRAL TO LAW ENFORCEMENT AUTHORITIES

1 501. When the Chairperson determines that there is reasonable cause to believe that a  
2 violation of law has occurred, the Chairperson, upon notification to the members, is  
3 authorized to report, by letter, such alleged violation to the proper state, local, or federal  
4 authorities, and the basis for such belief.

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6 502. The Chairperson may authorize the release of evidence, documents or testimony to  
7 the proper authority pursuant to a referral under subsection 501.

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10 ARTICLE VI  
11 CONSTRUCTION, SUSPENSION, AND AMENDMENT OF RULES

12 601. Matters not covered by these rules. Any matter not covered by these rules or the  
13 Rules of the Council shall be governed by Robert's Rules of Order Newly Revised, or if  
14 not covered by Robert's Rules of Order Newly Revised, by decision of the Chairperson  
15 or her designee subject to the right of appeal by any member.

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17 602. Suspension. Except as to matters of notice and quorum, and except where a rule or  
18 subsection thereof sets forth a requirement of the Home Rule Charter or other law, these  
19 rules or any part of these rules may be suspended during consideration of any specific  
20 matter by motion, which must then be seconded and approved by 2/3rds of the members  
21 of the Committee present and voting.

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23 603. Amendment. These rules may be amended by a vote of a majority of the  
24 Committee.

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26 ARTICLE VII  
27 ADOPTION OF COUNCIL RULES

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29 701. The Rules of the Council are the rules of the Committee, where applicable, and are  
30 not covered by these Rules.

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32 Sec. 3. (a) This resolution shall take effect immediately.

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34 (b) This resolution shall expire upon the issuance of the Committee's final  
35 report on the investigation.

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## COUNCIL OF THE DISTRICT OF COLUMBIA

Notice of Reprogramming Request

Pursuant to DC Code Sec 47-361-et.seq of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective 14 days after official receipt of the supporting financial analysis from the Chief Financial Officer unless a Member of the Council files a notice of disapproval of the request. If such notice is given, a reprogramming will become effective 30 days after its official receipt unless the Council disapproves the request.

Comments should be addressed to the Secretary to the Council, Room 5, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. Copies of reprogramming requests are available in the Council's Legislative Services Division, Room 10, John A. Wilson Building. TELEPHONE: 724-8050

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- Reprog. 15-22: Reprogramming of \$8,400,000 of fiscal year 2003 capital budget authority within the District of Columbia Public School.
- Reprog. 15-23: Reprogramming of \$120,400 of fiscal year 2003 local fund budget authority within the Office of Human Rights to ensure that OHR meets its statutory obligations with regard to the timely processing human rights discrimination claims.
- RECEIVED: 14 day review began July 21, 2003

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- Reprog. 15-24: Reprogramming of \$627,597 of fiscal year 2003 local budget authority within the Child and Family Services Agency to comply with the position requirements of the LaShawn Court Order.
- Reprog. 15-25: Reprogramming of \$372,403 of fiscal year 2003 local budget authority from the Department of Health to the Child and Family Services Agency within the Health and Human Services appropriation title to comply with the staffing requirements of the LaShawn Court Order in CFSA.
- RECEIVED: 14 day review began July 24, 2003