



## D.C. Criminal Code Reform Commission

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**To:** Councilmember Charles Allen,  
Chairperson, Committee on the Judiciary and Public Safety  
**From:** D.C. Criminal Code Reform Commission (CCRC)  
**Date:** April 29, 2022  
**Re:** Proposed Amendment to Definition of “Law enforcement officer” in RCCA § 22A-101.

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The CCRC recommends amending the proposed definition of “Law enforcement officer” in RCCA § 22A-101 in two ways. First, the CCRC recommends that the definition be amended to include employees of the District of Columbia Office of the Inspector General (OIG) who, as part of their official duties, conduct investigations into alleged felony violations. Pursuant to D.C. Code § 1-301.115a(a)(f-1), employees of OIG who conduct investigations into alleged felony violations as part of their official duties are authorized to: 1) carry firearms under certain conditions; 2) make warrantless arrests under certain conditions where probable cause exists to believe that a felony violation is being committed in their presence; and 3) serve as affiants and apply for and execute warrants to search and seize property. It is therefore appropriate to include OIG employees with these types of law enforcement powers in the RCCA’s generally applicable definition of a “Law enforcement officer” in RCCA § 22A-101.<sup>1</sup>

Secondly, the CCRC recommends changing “Family Court Social Services Division” in paragraph (G) of the definition to “Family Court Social Services Division of the Superior Court of the District of Columbia.” The Family Court Social Services Division acts as the District’s juvenile probation agency but is an arm of the Superior Court rather than an independent agency. The Director of Social Services, frequently referenced in Title 16 in relation to delinquency proceedings, and other employees of the Family Court Social Services Division, qualify as court personnel.<sup>2</sup> To avoid confusion, the CCRC recommends clarifying that the statute applies to the specified employees of Superior Court.

The amended definition would amend paragraph (G) and add a new subparagraph (H) to read as follows:

“Law enforcement officer” means:

- (A) An officer or member of the Metropolitan Police Department of the District of Columbia, or of any other police force operating in the District of Columbia;
- (B) An investigative officer or agent of the United States;
- (C) An on-duty, civilian employee of the Metropolitan Police Department;

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<sup>1</sup> CCRC is aware that there is a pending bill, B24-0129, “The Inspector General Enhancement Act of 2021,” that would increase the law enforcement powers of certain employees of OIG and amend District statutes to state that such employees are deemed law enforcement officers under District law. Because current District law already extends limited law enforcement powers to some employees of OIG, CCRC recommends including those employees in the RCCA definition of “law enforcement officer” irrespective of whether B24-0129 passes.

<sup>2</sup> See D.C. Code § 11-1722.

- (D) An on-duty, licensed special police officer;
- (E) An on-duty, licensed campus police officer;
- (F) An on-duty employee of the Department of Corrections or Department of Youth Rehabilitation Services;
- (G) An on-duty employee of the Court Services and Offender Supervision Agency, Pretrial Services Agency, or Family Court Social Services Division of the Superior Court of the District of Columbia; or
- (H) An employee of the District of Columbia Office of the Inspector General who, as part of their official duties, conducts investigations of alleged felony violations.