

# ENROLLMENT(S)



(5)

# COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

### D.C. LAW 11-276

#### "Correctional Treatment Facility Act of 1996".

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. 11-908, on first and second readings, December 3, 1996 and December 17, 1996, respectively. Following the signature of the Mayor on December 24, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-523 and published in the March 14, 1997, edition of the D.C. Register (Vol. 44 page 1416) and transmitted to Congress on January 31, 1997 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-276, effective June 3, 1997.



LINDA W. CROPP  
Acting Chairman of the Council

#### Dates Counted During the 60-day Congressional Review Period:

Feb.	3,4,5,6,7,10,11,12,13,24,25,26,27,28
Mar.	3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr.	7,8,9,10,14,15,16,17,21,22,23,24,25,28,29,30
May	1,5,6,7,8,9,12,13,14,15,16,19,20,21,22
June	2

AN ACT

D.C. ACT 11-523

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 24, 1996

*Codification  
District of  
Columbia  
Code  
1997 Supp.*

To authorize the use of force and the carrying and use of weapons by correctional officers employed by the operator of the Correctional Treatment Facility and to exempt the Correctional Treatment Facility from real property and deed recordation taxation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Correctional Treatment Facility Act of 1996".

*New  
Subchapter  
VII,  
Chapter 4,  
Title 24*

Sec. 2. Definitions.

For the purposes of this act, the term:

*New Section  
24-495.1*

- (1) "CTF" means the Correctional Treatment Facility.
- (2) "Deadly force" means force which would likely cause death or serious bodily injury.
- (3) "Non-deadly force" means force that normally would neither cause death nor serious bodily injury.
- (4) "Private correctional officer" means any full-time or part-time employee of the private operator of the Correctional Treatment Facility, or its subcontractor, whose primary responsibility is the supervision, protection, care, and control of inmates assigned to the Correctional Treatment Facility.
- (5) "Private operator" means any individual, partnership, corporation, or incorporated association bound by contract with the District of Columbia to operate the Correctional Treatment Facility.

Sec. 3. Use of deadly and non-deadly force.

*New Section  
24-495.2*

(a) A private correctional officer may carry firearms provided by the private operator only in the following situations:

- (1) While patrolling the perimeter grounds of the CTF;
- (2) While transporting inmates assigned to the CTF;
- (3) While pursuing inmates assigned to the CTF who have escaped from the custody of the Department of Corrections; and

**ENROLLED ORIGINAL**

(4) During a state of emergency as determined by the Department of Corrections.

(b) The use of either deadly force or non-deadly force by a private correctional officer employed by the private operator shall at all times be governed by Department of Corrections Order 5010.9, as such order may from time to time be amended or modified. Notwithstanding the provisions of section 4 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. 650; D.C. Code § 22-3204), a private correctional officer shall have the right to possess and use firearms provided by, and in the course of employment with, the private operator; provided, that such carrying and use is in accordance with the policy established by the Department of Corrections, as set forth in Department Order 5011.1, as such order may from time to time be amended or modified. A private correctional officer shall be authorized to use such firearms only as a last resort, and then only in accordance with Department Order 5011.1.

(c) For the purposes of this section, the private contractor shall be considered an organization authorized to register firearms pursuant to the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Code § 6-2301 *et seq.*).

(d) Each private correctional officer shall be trained in the use of force and the use of firearms, in accordance with procedures that have been reviewed by the Department of Corrections. No employee of the private operator shall be authorized to carry and use firearms until such employee has successfully completed a training program for correctional officers that has been approved by the Department of Corrections.

**Sec. 4. Inmates confined to CTF.**

**New Section  
24-495.3**

An inmate confined in the CTF shall be deemed to be at all times in the legal custody of the Department of Corrections. Only the Department of Corrections shall have authority to transfer or assign inmates into or out of the CTF. All laws and regulations governing conduct of inmates, including, without limitation, Title 22 of the District of Columbia Code, shall apply to inmates confined to the CTF during such time as the CTF is operated by a private operator. All laws and regulations establishing penalties for offenses committed against correctional officers or other correctional employees, including, without limitation, the penalties provided for in section 205 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 95; D.C. Code § 22-505), shall apply *mutatis mutandis* to offenses committed against any private correctional officer or other employee of the private operator.

**Sec. 5. Immunity from liability; indemnification insurance.**

**New Section  
24-495.4**

(a) The private operator shall protect, defend, indemnify, save, and hold harmless the District, its officers, agents, servants, employees, and volunteers from and against any and all claims, demands, expenses, and liability arising out of or relating to acts or omissions of the

private operator, its agents, servants, subcontractors, and employees in the performance of its contract with the District regardless of whether any damage resulting from the private operator's act, omission, or default is caused in part by the District, and any and all costs, expenses, and attorneys fees incurred by the District as a result of any such claim, demand, or cause of action including, but not limited to, any and all claims arising from:

(1) Any breach or default on the part of the private operator in the performance of its duties and obligations under its contract with the District;

(2) Any services rendered by the private operator or by any person or firm performing or supplying services, materials, or supplies in connection with the performance of the private operator's contract with the District;

(3) Any person or firm injured or damaged by the private operator, its officers, agents, servants, subcontractors, or employees by the publication, translation, reproduction, delivery, performance, use, or disposition of any data processed under its contract with the District in a manner not authorized by the contract, or by federal or District statutes or regulations; and

(4) Any failure of the private operator, its officers, agents, servants, subcontractors, or employees to observe federal or District laws, including, but not limited to, the Constitution of the United States.

(b) The private operator shall not waive, release, or otherwise forfeit any possible defense the District may have regarding claims arising from or made in connection with the operation of the CTF by the private operator without the consent of the District. The private operator shall preserve all available defenses and cooperate with the District to make such defenses available to the maximum extent allowed by law.

(c) The private operator shall provide an adequate policy of insurance to cover the indemnification provided for in this section, including coverage for civil rights claims. The adequacy of the insurance policy shall be determined by a risk management or actuarial firm with demonstrated experience in public liability for state and municipal governments. The insurance policy shall provide that the District is named as an additional insured and that the District shall be sent any notice of cancellation or material alteration.

Sec. 6. Exemptions from leasing and property laws.

(a) Notwithstanding section 705(a) and (b) of the District of Columbia Revenue Act of 1970, approved January 5, 1971 (84 Stat. 1939; D.C. Code § 1-336), and section 1 of An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Code § 9-401), the Mayor of the District of Columbia is authorized to sell and leaseback, in his discretion, for the best interests of the District of Columbia, the Correctional Treatment Facility, situated on Lot 800 of Square 1112, with a street address of 1901 E Street, S.E.

(b) Notwithstanding section 1 of An Act To authorize the transfer of jurisdiction over

New Section  
24-495.5

**ENROLLED ORIGINAL**

public land in the District of Columbia, approved May 20, 1932 (47 Stat. 161; D.C. Code § 8-111), the Council of the District of Columbia approves the transfer from the United States government to the District of Columbia of jurisdiction over that portion of Lot 800 of Square 1112 upon which is situated the District of Columbia Correctional Treatment Facility, as shown on a plat to be drawn and filed in the Office of the Surveyor of the District of Columbia.

**Note, Section 8-111**

**Sec. 7. Conforming amendments.**

(a) Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Code § 45-922), is amended by adding a new paragraph (23) to read as follows:

**Section 45-922**

"(23) A deed for the improvements known as the District of Columbia Correctional Treatment Facility, located on a portion of Lot 800 of Square 1112E, with a street address of 1901 E Street, S.E."

(b) Section 1 of An Act to define the real property exempt from taxation in the District of Columbia, approved December 24, 1942 (56 Stat. 1089; D.C. Code § 47-1002), is amended by adding a new subsection (x) to read as follows:

**Section 47-1002**

"(x) the improvements located on that portion of Lot 800 of Square 1112 known as the Correctional Treatment Facility, only during the time that the improvements are operated as a correctional facility housing inmates in the custody of the District of Columbia Department of Corrections."

**Sec. 8. Fiscal impact statement.**

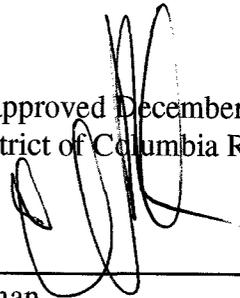
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

**Sec. 9. 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), 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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental

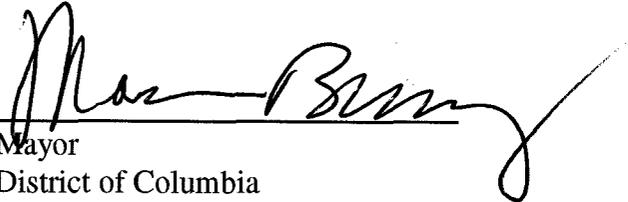
**ENROLLED ORIGINAL**

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED: December 24, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-908

Docket No.

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FIRST READING, 12-3-96

[X] VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED, RAY RECUSED FROM VOTING

ABSENT

JARVIS AND MASON

[ ] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*[Signature]*  
December 18, 1996  
Date

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FINAL READING, 12-17-96

[X] VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED

ABSENT

MASON, RAY AND WHITTINGTON

[ ] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*[Signature]*  
December 18, 1996  
Date

[ ] ITEM ON CONSENT CALENDAR

[ ] ACTION & DATE

[ ] VOICE VOTE  
RECORDED VOTE ON REQUEST

ABSENT

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Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
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AB - Absent

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CERTIFICATION RECORD

Secretary to the Council

Date



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

DEC 20 1996

The Honorable Marion Barry, Jr.  
Mayor of the District of Columbia  
441 Fourth Street, N.W., 11th Floor  
Washington, D.C. 20001

Re: Transmittal of D.C. Bill 11-908, "Correctional Treatment Facility Act  
of 1996".

Date of Council Action: 12-03-96

Dear Mayor Barry:

The above named enacted bill is hereby transmitted in accordance with Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198.

Attached to this bill, for your information, is the report of the Council's standing committee with jurisdiction over this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Clarke", written over a faint circular stamp.

David A. Clarke  
Chairman of the Council

Enclosure

**AN ACT**

*Codification  
District of  
Columbia  
Code  
1997 Supp.*

**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**

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Subchapter  
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**ENROLLED ORIGINAL**

(4) During a state of emergency as determined by the Department of Corrections.

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private operator, its agents, servants, subcontractors, and employees in the performance of its contract with the District regardless of whether any damage resulting from the private operator's act, omission, or default is caused in part by the District, and any and all costs, expenses, and attorneys fees incurred by the District as a result of any such claim, demand, or cause of action including, but not limited to, any and all claims arising from:

(1) Any breach or default on the part of the private operator in the performance of its duties and obligations under its contract with the District;

(2) Any services rendered by the private operator or by any person or firm performing or supplying services, materials, or supplies in connection with the performance of the private operator's contract with the District;

(3) Any person or firm injured or damaged by the private operator, its officers, agents, servants, subcontractors, or employees by the publication, translation, reproduction, delivery, performance, use, or disposition of any data processed under its contract with the District in a manner not authorized by the contract, or by federal or District statutes or regulations; and

(4) Any failure of the private operator, its officers, agents, servants, subcontractors, or employees to observe federal or District laws, including, but not limited to, the Constitution of the United States.

(b) The private operator shall not waive, release, or otherwise forfeit any possible defense the District may have regarding claims arising from or made in connection with the operation of the CTF by the private operator without the consent of the District. The private operator shall preserve all available defenses and cooperate with the District to make such defenses available to the maximum extent allowed by law.

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**New Section  
24-495.5**

**ENROLLED ORIGINAL**

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**Note, Section  
8-111**

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(a) Section 302 of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Code § 45-922), is amended by adding a new paragraph (23) to read as follows:

**Section  
45-922**

"(23) A deed for the improvements known as the District of Columbia Correctional Treatment Facility, located on a portion of Lot 800 of Square 1112E, with a street address of 1900 E Street, S.E."

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**Section  
47-1002**

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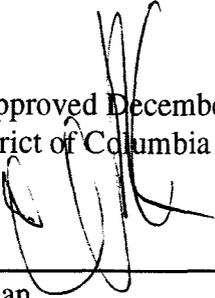
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**Sec. 9. Effective date.**

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), 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 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental

**ENROLLED ORIGINAL**

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and  
publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-908

Docket No.

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FIRST READING, 12-3-96

[X] VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED, RAY RECUSED FROM VOTING

JARVIS AND MASON

ABSENT

[ ] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*December 18, 1996*  
Date

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FINAL READING, 12-17-96

[X] VOICE VOTE  
RECORDED VOTE ON REQUEST

APPROVED

MASON, RAY AND WHITTINGTON

ABSENT

[ ] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
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Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*December 18, 1996*  
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. Clarke					Jarvis					Smith, Jr.				
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Secretary to the Council

Date