

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY

ANNOUNCES A PUBLIC HEARING ON

B23-0723, THE “RIOTING MODERNIZATION AMENDMENT ACT OF 2020”

**B23-0771, THE “INTERNATIONALLY BANNED CHEMICAL WEAPON PROHIBITION
AMENDMENT ACT OF 2020”**

AND

**B23-0882, THE “COMPREHENSIVE POLICING AND JUSTICE REFORM AMENDMENT
ACT OF 2020”**

Thursday, October 15, 2020, 9:00 a.m. – 6:00 p.m.
Virtual Hearing via Zoom

To Watch Live:

<https://dccouncil.us/council-videos/>

<http://video.oct.dc.gov/DCC/jw.html>

<https://www.facebook.com/CMcharlesallen/>

On Thursday, October 15, 2020, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will convene a public hearing to consider Bill 23-0723, the “Rioting Modernization Amendment Act of 2020”, Bill 23-0771, the “Internationally Banned Chemical Weapon Prohibition Amendment Act of 2020”, and Bill 23-0882, the “Comprehensive Policing and Justice Reform Amendment Act of 2020”. The hearing will be conducted virtually via Zoom from 9:00 a.m. to 6:00 p.m. Pre-registered public witnesses will testify from 9:00 a.m. to 3:00 p.m., and government witnesses will testify from 3:00 p.m. to 6:00 p.m.

The stated purpose of B23-0723, the “Rioting Modernization Amendment Act of 2020”, is to amend An Act relating to crime and criminal procedure in the District of Columbia to provide definitions for certain terms related to the offense of rioting, to clarify the conduct that constitutes rioting, to revise the penalties for convictions, and to establish a right to a jury trial for prosecutions.

The stated purpose of B23-0771, the “Internationally Banned Chemical Weapon Prohibition Amendment Act of 2020”, is to amend the First Amendment Rights and Police Standards Act of 2003 to prohibit the use of chemical irritants at First Amendment assemblies.

The stated purpose of B23-0882, the “Comprehensive Policing and Justice Reform Amendment Act of 2020”, is to provide for comprehensive policing and justice reform for District residents and visitors, and for other purposes. Specifically, the bill:

- Prohibits the use of neck restraints by law enforcement and special police officers;
- Requires the Mayor to publicly release the names and body-worn camera recordings of any officer who committed an officer-involved death or serious use of force, unless the subject or their next of kin objects to its release;
- Amends the statutes of various District boards related to policing, including by:
 - Expanding the membership of the Police Complaints Board – the governing body for the Office of Police Complaints (“OCP”) – and allowing OCP’s Executive Director to investigate evidence of abuse or misuse of police powers, even if it was not specifically alleged by the complainant;
 - Expanding the Use of Force Review Board’s voting members to include OPC’s Executive Director, three civilian members appointed by the Mayor, and two members appointed by the Council; and
 - Reconstituting the Police Officers Standards and Training Board (“POST Board”), the District board that establishes minimum application and appointment criteria for Metropolitan Police Department (“MPD”) officers and reviews MPD’s initial training and continuing education programs;
- Requires that police officers, for searches where an officer’s justification for the search is based only on the person’s consent, explain that the person is being asked to consent and that they can refuse the search;
- Expands MPD’s continuing education requirements to include new topics such as racism and white supremacy, limiting the use of force, and employing de-escalation tactics;
- Requires the uniforms and helmets of MPD officers policing First Amendment assemblies to identify the officers as local law enforcement;
- Repeals two outdated criminal offenses: (1) the District’s law criminalizing mask wearing for certain purposes and (2) the offense of failure to arrest when any crime is committed in an officer’s presence;
- Codifies the situations in which deadly force can be used and elaborates on the standard for judges and juries to use when reviewing cases that involve claims of excessive force;
- Extends the right to jury trials to certain offenses where the victim is a law enforcement officer;
- Proposes a number of reforms to MPD’s disciplinary procedures, including:
 - Specifying that discipline is no longer negotiable during collective bargaining;
 - Extending the time during which MPD must bring a corrective or adverse action for misconduct in cases involving serious use of force or indicating potential criminal conduct by a sworn member or civilian employee;
 - Allowing the Chief of Police to increase the penalty recommended by the Police Trial Board to be imposed on an officer for misconduct; and

- Prohibiting MPD from hiring as sworn members anyone who committed serious misconduct, was terminated from another law enforcement agency, or resigned from a law enforcement agency to avoid potential disciplinary action;
- Restricts the ability of District law enforcement agencies to acquire or request certain military equipment;
- Restricts MPD's use of riot gear in response to First Amendment assemblies to situations in which there is an immediate risk of significant bodily injury to officers, and prohibits the use of chemical irritants or less-lethal projectiles to disperse a First Amendment assembly;
- Establishes a Police Reform Commission;
- Amends the WMATA Compact to require that WMATA (1) prohibit the use of quotas to evaluate, reward, or discipline officers, and (2) establish a Police Complaints Board; and
- Enfranchises all eligible District residents incarcerated for felony convictions.

The Committee invites the public to provide oral and/or written testimony. Public witnesses seeking to provide oral testimony at the Committee's hearing must thoroughly review the following instructions:

- Anyone wishing to provide oral testimony must email the Committee at judiciary@dccouncil.us with their name, telephone number, organizational affiliation, and title (if any), by the **close of business on Wednesday, October 7.**
- The Committee will approve witnesses' registrations based on the total time allotted for public testimony. The Committee will also determine the order of witnesses' testimony.
- **Witnesses who are approved by the Committee to testify will be emailed Zoom registration instructions for the hearing, which they must complete in order to be placed on the final witness list and access their unique Zoom link.**
- Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals (and any subsequent representatives of the same organizations) will be allowed a maximum of three minutes.
- Witnesses are not permitted to yield their time to, or substitute their testimony for, the testimony of another individual or organization.
- If possible, witnesses should submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.
- Witnesses who anticipate needing language interpretation are requested to inform the Committee as soon as possible, but no later than five business days before the hearing. The Committee will make every effort to fulfill timely requests; however, requests received fewer than five business days before the hearing may not be fulfilled.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be emailed to the Committee at judiciary@dccouncil.us **no later than the close of business on Friday, October 23.**