

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on an emergency basis, for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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49 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

50 act may be cited as the “Comprehensive Policing and Justice Reform Emergency Amendment

51 Act of 2021”.

52 **TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY**

53 **SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS**

54 **Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,**

55

56 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

57 (a) Section 2 (D.C. Official Code § 5-125.01) is amended to read as follows:

59 “Sec. 2. The Council of the District of Columbia finds and declares that law enforcement
60 and special police officer use of neck restraints constitutes the use of lethal and excessive force.
61 This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police
62 Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd
63 with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in
64 cities and states across the world, including in the District, have taken to the streets to peacefully
65 protest injustice, racism, and police brutality against Black people and other people of color.
66 Police brutality is abhorrent and does not reflect the District’s values. It is the intent of the
67 Council in the enactment of this act to unequivocally ban the use of neck restraints by law
68 enforcement and special police officers.”.

69 (b) Section 3 (D.C. Official Code § 5-125.02) is amended as follows:

70 (1) Paragraph (1) is repealed.

71 (2) Paragraph (2) is repealed.

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

73 “(3) “Neck restraint” means the use of any body part or object to attempt to
74 control or disable a person by applying pressure against the person’s neck, including the trachea
75 or carotid artery, with the purpose, intent, or effect of controlling or restricting the person’s
76 movement or restricting their blood flow or breathing.”.

77 (c) Section 4 (D.C. Official Code § 5-125.03) is amended to read as follows:

78 “Sec. 4. Unlawful use of neck restraints by law enforcement officers and special police
79 officers.

80 “(a) It shall be unlawful for:

81 “(1) Any law enforcement officer or special police officer (“officer”) to apply a
82 neck restraint; and

83 “(2) Any officer who applies a neck restraint and any officer who is able to
84 observe another officer’s application of a neck restraint to fail to:

85 “(A) Immediately render, or cause to be rendered, first aid on the person
86 on whom the neck restraint was applied; or

87 “(B) Immediately request emergency medical services for the person on
88 whom the neck restraint was applied.

89 “(b) Any officer who violates the provisions of subsection (a) of this section shall be
90 fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality
91 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
92 3571.01), or incarcerated for no more than 10 years, or both.”.

93 Sec. 102. Section 3 of the Federal Law Enforcement Officer Cooperation Act of 1999,
94 effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-302), is amended by striking
95 the phrase “trachea and carotid artery holds” and inserting the phrase “neck restraints” in its
96 place.

97 **SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO**
98 **RECORDINGS**

100 Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting
101 Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-
102 116.33), is amended as follows:

103 (a) Subsection (a)(3) is amended by striking the phrase “interactions;” and inserting the
104 phrase “interactions, and the results of those internal investigations, including any discipline
105 imposed;” in its place.

106 (b) New subsections (c), (d), and (e) are added to read as follows:

107 “(c)(1) Notwithstanding any other law:

108 “(A) Within 5 business days after a request from the Chairperson of the
109 Council Committee with jurisdiction over the Metropolitan Police Department, the Metropolitan
110 Police Department shall provide unredacted copies of the requested body-worn camera
111 recordings to the Chairperson. Such body-worn camera recordings shall not be publicly disclosed
112 by the Chairperson or the Council;

113 “(B) The Mayor:

114 “(i) Shall, except as provided in paragraph (2) of this subsection:

115 “(I) Within 5 business days after an officer-involved death
116 or the serious use of force, publicly release the names and body-worn camera recordings of all
117 officers who committed the officer-involved death or serious use of force; and

118 “(II) By August 15, 2020, publicly release the names and
119 body-worn camera recordings of all officers who have committed an officer-involved death since
120 the Body-Worn Camera Program was launched on October 1, 2014; and

121 “(ii) May, on a case-by-case basis in matters of significant public
122 interest and after consultation with the Chief of Police, the United States Attorney's Office for
123 the District of Columbia, and the Office of the Attorney General, publicly release any other
124 body-worn camera recordings that may not otherwise be releasable pursuant to a FOIA request.

125 “(2)(A) The Mayor shall not release a body-worn camera recording pursuant to
126 paragraph (1)(B)(i) of this subsection if the following persons inform the Mayor, orally or in
127 writing, that they do not consent to its release:

128 “(i) For a body-worn camera recording of an officer-involved
129 death, the decedent’s next of kin; and

130 “(ii) For a body-worn camera recording of a serious use of force,
131 the individual against whom the serious use of force was used, or if the individual is a minor or
132 unable to consent, the individual’s next of kin.

133 “(B)(i) In the event of a disagreement between the persons who must
134 consent to the release of a body-worn camera recording pursuant to subparagraph (A) of this
135 paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

136 “(ii) The Superior Court of the District of Columbia shall order the
137 release of the body-worn camera recording if it finds that the release is in the interests of justice.

138 “(d) Before publicly releasing a body-worn camera recording of an officer-involved
139 death, the Metropolitan Police Department shall:

140 “(1) Consult with an organization with expertise in trauma and grief on best
141 practices for creating an opportunity for the decedent’s next of kin to view the body-worn
142 camera recording in advance of its release;

143 “(2) Notify the decedent’s next of kin of its impending release, including the date
144 when it will be released; and

145 “(3) Offer the decedent’s next of kin the opportunity to view the body-worn
146 camera recording privately in a non-law enforcement setting in advance of its release, and if the
147 next of kin wish to so view the body-worn camera recording, facilitate its viewing.

148 “(e) For the purposes of this subsection, the term:

149 “(1) “FOIA” means Title II of the District of Columbia Administrative Procedure
150 Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*);

151 “(2) “Next of kin” shall mean the priority for next of kin as provided in
152 Metropolitan Police Department General Order 401.08, or its successor directive; and
153 “(3) “Serious use of force” shall have the same meaning as that term is defined in
154 MPD General Order 901.07, or its successor directive.”.

155 Sec. 104. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is
156 amended as follows:

157 (a) Section 3900 is amended as follows:

158 (1) Subsection 3900.9 is amended to read as follows:

159 “3900.9. Members may not review their BWC recordings or BWC recordings that have
160 been shared with them to assist in initial report writing.”.

161 (2) Subsection 3900.10 is amended to read as follows:

162 “3900.10. (a) Notwithstanding any other law, the Mayor:

163 “(1) Shall, except as provided in paragraph (b) of this subsection:

164 “(A) Within 5 business days after an officer-involved death or the
165 serious use of force, publicly release the names and BWC recordings of all officers who
166 committed the officer-involved death or serious use of force; and

167 “(B) By August 15, 2020, publicly release the names and BWC
168 recordings of all officers who have committed an officer-involved death since the BWC Program
169 was launched on October 1, 2014; and

170 “(2) May, on a case-by-case basis in matters of significant public interest
171 and after consultation with the Chief of Police, the United States Attorney's Office for the
172 District of Columbia, and the Office of the Attorney General, publicly release any other BWC
173 recordings that may not otherwise be releasable pursuant to a FOIA request.

174 “(b)(1) The Mayor shall not release a BWC recording pursuant to paragraph (a)(1)
175 of this subsection if the following persons inform the Mayor, orally or in writing, that they do not
176 consent to its release:

177 “(A) For a BWC recording of an officer-involved death, the
178 decedent’s next of kin; and

179 “(B) For a BWC recording of a serious use of force, the individual
180 against whom the serious use of force was used, or if the individual is a minor or is unable to
181 consent, the individual’s next of kin.

182 “(2)(A) In the event of a disagreement between the persons who must
183 consent to the release of a BWC recording pursuant to subparagraph (1) of this paragraph, the
184 Mayor shall seek a resolution in the Superior Court of the District of Columbia.

185 “(B) The Superior Court of the District of Columbia shall order the
186 release of the BWC recording if it finds that the release is in the interests of justice.

187 “(c) Before publicly releasing a BWC recording of an officer-involved death, the
188 Metropolitan Police Department shall:

189 “(1) Consult with an organization with expertise in trauma and grief on
190 best practices for creating an opportunity for the decedent’s next of kin to view the BWC
191 recording in advance of its release;

192 “(2) Notify the decedent’s next of kin of its impending release, including
193 the date when it will be released; and

194 “(3) Offer the decedent’s next of kin the opportunity to view the BWC
195 recording privately in a non-law enforcement setting in advance of its release, and if the next of
196 kin wish to so view the BWC recording, facilitate its viewing.”.

197 (b) Section 3901.2 is amended by adding a new paragraph (a-1) to read as follows:

198 “(a-1) Recordings related to a request from or investigation by the Chairperson of
199 the Council Committee with jurisdiction over the Department;”.

200 (c) Section 3902.4 is amended to read as follows:

201 “3902.4. Notwithstanding any other law, within 5 business days after a request from the
202 Chairperson of the Council Committee with jurisdiction over the Department, the Department
203 shall provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC
204 recordings shall not be publicly disclosed by the Chairperson or the Council.”.

205 (d) Section 3999.1 is amended by inserting definitions between the definitions of
206 “metadata” and “subject” to read as follows:

207 ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order
208 401.08, or its successor directive.

209 ““Serious use of force” shall have the same meaning as that term is defined in MPD
210 General Order 901.07, or its successor directive.”.

211 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

212
213 Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective
214 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

215 (a) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase
216 “There is established a Police Complaints Board (“Board”). The Board shall be composed of 5
217 members, one of whom shall be a member of the MPD, and 4 of whom shall have no current
218 affiliation with any law enforcement agency.” and inserting the phrase “There is established a
219 Police Complaints Board (“Board”). The Board shall be composed of 9 members, which shall
220 include one member from each Ward and one at-large member, none of whom, after the

221 expiration of the term of the currently serving member of the MPD, shall be affiliated with any
222 law enforcement agency.” in its place.

223 (b) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

224 (1) A new subsection (g-1) is added to read as follows:

225 “(g-1)(1) If the Executive Director discovers evidence of abuse or misuse of police
226 powers that was not alleged by the complainant in the complaint, the Executive Director may:

227 “(A) Initiate the Executive Director’s own complaint against the subject
228 police officer; and

229 “(B) Take any of the actions described in subsection (g)(2) through (6) of
230 this section.

231 “(2) The authority granted pursuant to paragraph (1) of this subsection shall
232 include circumstances in which the subject police officer failed to:

233 “(A) Intervene in or subsequently report any use of force incident in which
234 the subject police officer observed another law enforcement officer, including an MPD officer,
235 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
236 901.07, its successor directive, or a similar local or federal directive; or

237 “(B) Immediately report to their supervisor any violations of the rules and
238 regulations of the MPD committed by any other MPD officer, and each instance of their use of
239 force or a use of force committed by another MPD officer, pursuant to MPD General Order
240 201.26, or any successor directive.”.

241 (2) Subsection (h) is amended by striking the phrase “subsection (g)” and
242 inserting the phrase “subsection (g) or (g-1)” in its place.

243 **SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION**

244

245 Sec. 106. Use of Force Review Board; membership.

246 (a) There is established a Use of Force Review Board (“Board”), which shall review uses
247 of force as set forth by the Metropolitan Police Department in its written directives.

248 (b) The Board shall consist of the following 13 voting members, and may also include
249 non-voting members at the Mayor’s discretion:

250 (1) An Assistant Chief selected by the Chief of Police, who shall serve as the
251 Chairperson of the Board;

252 (2) The Commanding Official, Special Operations Division, Homeland Security
253 Bureau;

254 (3) The Commanding Official, Criminal Investigations Division, Investigative
255 Services Bureau;

256 (4) The Commanding Official, Metropolitan Police Academy;

257 (5) A Commander or Inspector assigned to the Patrol Services Bureau;

258 (6) The Commanding Official, Recruiting Division;

259 (7) The Commanding Official, Court Liaison Division;

260 (8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of
261 the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §
262 1- 523.01(e)), with the following qualifications and no current or prior affiliation with law
263 enforcement:

264 (A) One member who has personally experienced the use of force by a law
265 enforcement officer;

266 (B) One member of the District of Columbia Bar in good standing; and

267 (C) One District resident community member;

268 (9) Two civilian members appointed by the Council with the following
269 qualifications and no current or prior affiliation with law enforcement:

270 (A) One member with subject matter expertise in criminal justice policy;
271 and

272 (B) One member with subject matter expertise in law enforcement
273 oversight and the use of force; and

274 (10) The Executive Director of the Office of Police Complaints.

275 Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.
276 Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

277 (a) Paragraph (38) is amended by striking the phrase “; and” and inserting a semicolon in
278 its place.

279 (b) Paragraph (39) is amended by striking the period and inserting the phrase “; and” in
280 its place.

281 (c) A new paragraph (40) is added to read as follows:

282 “(40) Use of Force Review Board, established by section 106 of this act.”.

283 SUBTITLE E. ANTI-MASK LAW REPEAL

284

285 Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal

286 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312

287 *et seq.*), is amended as follows:

288 (a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.

289 (b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase

290 “or section 4 shall be” and inserting the phrase “shall be” in its place.

291 Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by
292 striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase
293 “sections 22-3112.1 and 22-3112.2” in its place.

294 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

295
296 Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code
297 is amended by adding a new section 23-526 to read as follows:

298 “§ 23–526. Limitations on consent searches.

299 “(a) In cases where a search is based solely on the subject’s consent to that search, and is
300 not executed pursuant to a warrant or conducted pursuant to an applicable exception to the
301 warrant requirement, sworn members of District Government law enforcement agencies shall:

302 “(1) Prior to the search of a person, vehicle, home, or property:

303 “(A) Explain, using plain and simple language delivered in a calm
304 demeanor, that the subject of the search is being asked to voluntarily, knowingly, and
305 intelligently consent to a search;

306 “(B) Advise the subject that:

307 “(i) A search will not be conducted if the subject refuses to provide
308 consent to the search; and

309 “(ii) The subject has a legal right to decline to consent to the
310 search;

311 “(C) Obtain consent to search without threats or promises of any kind
312 being made to the subject;

313 “(D) Confirm that the subject understands the information communicated
314 by the officer; and

315 “(E) Use interpretation services when seeking consent to conduct a search
316 of a person:

317 “(i) Who cannot adequately understand or express themselves in
318 spoken or written English; or

319 “(ii) Who is deaf or hard of hearing.

320 “(2) If the sworn member is unable to obtain consent from the subject, refrain
321 from conducting the search.

322 “(b) The requirements of subsection (a) of this section shall not apply to searches
323 executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant
324 requirement.

325 “(c)(1) If a defendant moves to suppress any evidence obtained in the course of the
326 search for an offense prosecuted in the Superior Court of the District of Columbia, the court shall
327 consider an officer’s failure to comply with the requirements of this section as a factor in
328 determining the voluntariness of the consent.

329 “(2) There shall be a presumption that a search was nonconsensual if the evidence
330 of consent, including the warnings required in subsection (a), is not captured on body-worn
331 camera or provided in writing.

332 “(d) Nothing in this section shall be construed to create a private right of action.”.

333 **SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;**
334 **RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD**
335

336 **Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and**
337 **Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official**
338 **Code § 5-107.01 *et seq.*), is amended as follows:**

339 (a) Section 203(b) (D.C. Official Code § 5-107.02(b)) is amended as follows:

340 (1) Paragraph (2) is amended by striking the phrase “biased-based policing” and
341 inserting the phrase “biased-based policing, racism, and white supremacy” in its place.

342 (2) Paragraph (3) is amended to read as follows:

343 “(3) Limiting the use of force and employing de-escalation tactics;”.

344 (3) Paragraph (4) is amended to read as follows:

345 “(4) The prohibition on the use of neck restraints;”.

346 (4) Paragraph (5) is amended by striking the phrase “; and” and inserting a
347 semicolon in its place.

348 (5) Paragraph (6) is amended by striking the period and inserting a semicolon in
349 its place.

350 (6) New paragraphs (7) and (8) are added to read as follows:

351 “(7) Obtaining voluntary, knowing, and intelligent consent from the subject of a
352 search, when that search is based solely on the subject’s consent; and

353 “(8) The duty of a sworn officer to report, and the method for reporting, suspected
354 misconduct or excessive use of force by a law enforcement official that a sworn member
355 observes or that comes to the sworn member’s attention, as well as any governing District laws
356 and regulations and Department written directives.”.

357 (b) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

358 (1) Subsection (a) is amended by striking the phrase “the District of Columbia
359 Police” and inserting the phrase “the Police” in its place.

360 (2) Subsection (b) is amended as follows:

361 (A) The lead-in language is amended by striking the phrase “11 persons”
362 and inserting the phrase “15 persons” in its place.

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

364 “(2A) Executive Director of the Office of Police Complaints or the Executive
365 Director’s designee;”.

366 (C) Paragraph (3) is amended to read as follows:

367 “(3) The Attorney General for the District of Columbia or the Attorney General’s
368 designee;”.

369 (D) Paragraph (8) is amended by striking the period and inserting the
370 phrase “; and” in its place.

371 (E) Paragraph (9) is amended to read as follows:

372 “(9) Five community representatives appointed by the Mayor, one each with
373 expertise in the following areas:

374 “(A) Oversight of law enforcement;

375 “(B) Juvenile justice reform;

376 “(C) Criminal defense;

377 “(D) Gender-based violence or LGBTQ social services, policy, or
378 advocacy; and

379 “(E) Violence prevention or intervention.”.

380 (3) Subsection (i) is amended by striking the phrase “promptly after the
381 appointment and qualification of its members” and inserting the phrase “by September 1, 2020”
382 in its place.

383 (c) Section 205(a) (D.C. Official Code § 5-107.04(a)) is amended by adding a new
384 paragraph (9A) to read as follows:

385 “(9A) If the applicant has prior service with another law enforcement or public
386 safety agency in the District or another jurisdiction, information on any alleged or sustained
387 misconduct or discipline imposed by that law enforcement or public safety agency;”.

388 SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST
389 AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

390
391 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April
392 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

393 (a) Designate the existing text as subsection (a).

394 (b) Add a new subsection (b) to read as follows:

395 “(b) During a First Amendment assembly, the uniforms and helmets of officers policing
396 the assembly shall prominently identify the officers’ affiliation with local law enforcement.”.

397 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

398
399 Sec. 113. Section 16-705(b)(1) of the District of Columbia Official Code is amended as
400 follows:

401 (a) Subparagraph (A) is amended by striking the phrase “; or” and inserting a semicolon
402 in its place.

403 (b) Subparagraph (B) is amended by striking the phrase “; and” and inserting the phrase
404 “; or” in its place.

405 (c) A new subparagraph (C) is added to read as follows:

406 “(C)(i) The defendant is charged with an offense under:

407 “(I) Section 806(a)(1) of An Act To establish a code of law
408 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–
409 404(a)(1));

410 “(II) Section 432a of the Revised Statutes of the District of
411 Columbia (D.C. Official Code § 22–405.01); or

412 “(III) Section 2 of An Act To confer concurrent jurisdiction
413 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
414 193; D.C. Official Code § 22–407); and

415 “(ii) The person who is alleged to have been the victim of the
416 offense is a law enforcement officer, as that term is defined in section 432(a) of the Revised
417 Statutes of the District of Columbia (D.C. Official Code § 22-405(a)); and”.

418 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

419
420 Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official
421 Code § 5-115.03), is repealed.

422 SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

423
424 Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective
425 October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new
426 subsection (f) to read as follows:

427 “(f) An applicant shall be ineligible for appointment as a sworn member of the
428 Metropolitan Police Department if the applicant:

429 “(1) Was previously determined by a law enforcement agency to have committed
430 serious misconduct, as determined by the Chief by General Order;

431 “(2) Was previously terminated or forced to resign for disciplinary reasons from
432 any commissioned or recruit or probationary position with a law enforcement agency; or

433 “(3) Previously resigned from a law enforcement agency to avoid potential,
434 proposed, or pending adverse disciplinary action or termination.”.

435 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
436 AGREEMENTS

437
438 Sec. 116. Section 1708 of the District of Columbia Government Comprehensive Merit
439 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
440 617.08), is amended by adding a new subsection (c) to read as follows:

441 “(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall
442 be retained by management and not be negotiable.

443 “(2) This subsection shall apply to any collective bargaining agreements entered
444 into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after
445 September 30, 2020.”.

446 SUBTITLE M. OFFICER DISCIPLINE REFORMS

447
448 Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
449 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is
450 amended as follows:

451 (a) Subsection (a-1) is amended as follows:

452 (1) Paragraph (1) is amended by striking the phrase “subsection (b) of this
453 section” and inserting the phrase “paragraph (1A) of this subsection and subsection (b) of this
454 section” in its place.

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

456 “(1A) If the act or occurrence allegedly constituting cause involves the serious use
457 of force or indicates potential criminal conduct by a sworn member or civilian employee of the
458 Metropolitan Police Department, the period for commencing a corrective or adverse action under
459 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the

460 date that the Metropolitan Police Department had notice of the act or occurrence allegedly
461 constituting cause.”.

462 (3) Paragraph (2) is amended by striking the phrase “paragraph (1)” and inserting
463 the phrase “paragraphs (1) and (1A)” in its place.

464 (b) Subsection (b) is amended by striking the phrase “the 90-day period” and inserting the
465 phrase “the 90-day or 180-day period, as applicable,” in its place.

466 Sec. 118. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia
467 Municipal Regulations is amended by striking the phrase “reduce the penalty” and inserting the
468 phrase “reduce or increase the penalty” in its place.

469 SUBTITLE N. USE OF FORCE REFORMS

470

471 Sec. 119. Use of deadly force.

472 (a) For the purposes of this section, the term:

473 (1) “Deadly force” means any force that is likely or intended to cause serious
474 bodily injury or death.

475 (2) “Deadly weapon” means any object, other than a body part or stationary
476 object, that in the manner of its actual, attempted, or threatened use, is likely to cause serious
477 bodily injury or death.

478 (3) “Serious bodily injury” means extreme physical pain, illness, or impairment of
479 physical condition, including physical injury, that involves:

480 (A) A substantial risk of death;

481 (B) Protracted and obvious disfigurement;

482 (C) Protracted loss or impairment of the function of a bodily member or
483 organ; or

484 (D) Protracted loss of consciousness.

485 (b) A law enforcement officer shall not use deadly force against a person unless:

486 (1) The law enforcement officer reasonably believes that deadly force is
487 immediately necessary to protect the law enforcement officer or another person, other than the
488 subject of the use of deadly force, from the threat of serious bodily injury or death;

489 (2) The law enforcement officer's actions are reasonable, given the totality of the
490 circumstances; and

491 (3) All other options have been exhausted or do not reasonably lend themselves to
492 the circumstances.

493 (c) A trier of fact shall consider:

494 (1) The reasonableness of the law enforcement officer's belief and actions from
495 the perspective of a reasonable law enforcement officer; and

496 (2) The totality of the circumstances, which shall include:

497 (A) Whether the subject of the use of deadly force:

498 (i) Possessed or appeared to possess a deadly weapon; and

499 (ii) Refused to comply with the law enforcement officer's lawful
500 order to surrender an object believed to be a deadly weapon prior to the law enforcement officer

501 using deadly force;

502 (B) Whether the law enforcement officer engaged in de-escalation

503 measures prior to the use of deadly force, including taking cover, waiting for back-up, trying to

504 calm the subject of the use of force, or using non-deadly force prior to the use of deadly force;

505 and

506 (C) Whether any conduct by the law enforcement officer prior to the use
507 of deadly force increased the risk of a confrontation resulting in deadly force being used.

508 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
509 WEAPONRY

510
511 Sec. 120. Limitations on military weaponry acquired by District law enforcement
512 agencies.

513 (a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire
514 the following property through any program operated by the federal government:

- 515 (1) Ammunition of .50 caliber or higher;
- 516 (2) Armed or armored aircraft or vehicles;
- 517 (3) Bayonets;
- 518 (4) Explosives or pyrotechnics, including grenades;
- 519 (5) Firearm mufflers or silencers;
- 520 (6) Firearms of .50 caliber or higher;
- 521 (7) Firearms, firearm accessories, or other objects, designed or capable of
522 launching explosives or pyrotechnics, including grenade launchers; and
- 523 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

524 (b)(1) If a District law enforcement agency requests property through a program operated
525 by the federal government, the District law enforcement agency shall publish notice of the
526 request on a publicly accessible website within 14 days after the date of the request.

527 (2) If a District law enforcement agency acquires property through a program
528 operated by the federal government, the District law enforcement agency shall publish notice of
529 the acquisition on a publicly accessible website within 14 days after the date of the acquisition.

530 (c) District law enforcement agencies shall disgorge any property described in subsection
531 (a) of this section that the agencies currently possess within 180 days after the effective date of
532 this act.

533 SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED
534 CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES

535
536 Sec. 121. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C.
537 Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

538 (a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

539 (1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (4) respectively.

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

541 “(1) “Chemical irritant” means tear gas or any chemical that can rapidly produce
542 sensory irritation or disabling physical effects in humans, which disappear within a short time
543 following termination of exposure, or any substance prohibited by the Convention on the
544 Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on
545 their Destruction, effective April 29, 1997.”.

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

547 “(3) “Less-lethal projectiles” means any munition that may cause bodily injury or
548 death through the transfer of kinetic energy and blunt force trauma. The term “less-lethal
549 projectiles” includes rubber or foam-covered bullets and stun grenades.”.

550 (b) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

551 “Sec. 116. Use of riot gear and riot tactics at First Amendment assemblies.

552 “(a)(1) No officers in riot gear may be deployed in response to a First Amendment
553 assembly unless there is an immediate risk to officers of significant bodily injury. Any
554 deployment of officers in riot gear:

555 “(A) Shall be consistent with the District’s policy on First Amendment
556 assemblies; and

557 “(B) May not be used as a tactic to disperse a First Amendment assembly.

558 “(2) Following any deployment of officers in riot gear in response to a First
559 Amendment assembly, the commander at the scene shall make a written report to the Chief of
560 Police within 48 hours, and that report shall be available to the public.

561 “(b)(1) Chemical irritants shall not be used by MPD to disperse a First Amendment
562 assembly.

563 “(2) The Mayor shall request that any federal law enforcement agency operating
564 in the District refrain from the use of chemical irritants to disperse a First Amendment assembly.

565 “(c)(1) Less-lethal projectiles shall not be used by MPD to disperse a First Amendment
566 assembly.

567 “(2) The Mayor shall request that any federal law enforcement agency operating
568 in the District refrain from the use of less-lethal projectiles to disperse a First Amendment
569 assembly.”.

570 SUBTITLE Q. POLICE REFORM COMMISSION

571 Sec. 122. Police Reform Commission.

572 (a) There is established, supported by the Council’s Committee of the Whole, a Police
573 Reform Commission (“Commission”) to examine policing practices in the District and provide
574 evidence-based recommendations for reforming and revisioning policing in the District.

575 (b)(1) The Commission shall be comprised of 20 representatives from among the
576 following entities:

577 (A) Non-law enforcement District government agencies;

- 578 (B) The Office of the Attorney General for the District of Columbia;
579 (C) Criminal and juvenile justice reform organizations;
580 (D) Black Lives Matter DC;
581 (E) Educational institutions;
582 (F) Parent-led advocacy organizations;
583 (G) Student- or youth-led advocacy organizations;
584 (H) Returning citizen organizations;
585 (I) Victim services organizations;
586 (J) Social services organizations;
587 (K) Mental and behavioral health organizations;
588 (L) Small businesses;
589 (M) Faith-based organizations; and
590 (N) Advisory Neighborhood Commissions.

591 (2) The Chairman of the Council shall:

592 (A) Appoint the Commission representatives no later than July 22, 2020;

593 and

594 (B) Designate a representative who is not employed by the District
595 government as the Commission's Chairperson.

596 (c)(1) The Commission shall submit its recommendations in a report to the Mayor and
597 Council by April 30, 2021.

598 (2) The report required by paragraph (1) of this subsection shall include analyses
599 and recommendations on the following topics:

600 (A) The role of sworn and special police officers in District schools;

601 (B) Alternatives to police responses to incidents, such as community-
602 based, behavioral health, or social services co-responders;
603 (C) Police discipline;
604 (D) The integration of conflict resolution strategies and restorative justice
605 practices into policing; and
606 (E) The provisions of the Comprehensive Policing and Justice Reform
607 Second Emergency Amendment Act of 2020, enacted on July 22, 2020 (D.C. Act 23-336; 67
608 DCR 9148).

609 (d) The Commission shall sunset upon the delivery of its report or on April 30, 2021,
610 whichever is later.

611 TITLE II. BUILDING SAFE AND JUST COMMUNITIES

612
613 SUBTITLE A. RESTORE THE VOTE

614
615 Sec. 201. The District of Columbia Election Code of 1955, approved August 12, 1955 (69
616 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

617 (a) Section 2(2) (D.C. Official Code § 1-1001.02(2)) is amended as follows:

618 (1) Subparagraph (C) is amended by striking the semicolon and inserting the
619 phrase “; and” in its place.

620 (2) Subparagraph (D) is repealed.

621 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding new
622 paragraphs (9B) and (9C) to read as follows:

623 “(9B) In advance of any applicable voter registration or absentee ballot
624 submission deadlines, provide, to every qualified elector in the Department of Corrections’ care

625 or custody, and, beginning January 1, 2021, endeavor to provide to every qualified elector in the
626 Bureau of Prisons' care or custody:

627 “(A) A voter registration form;

628 “(B) A voter guide;

629 “(C) Educational materials about the importance of voting and the right of
630 an individual currently incarcerated or with a criminal record to vote in the District; and

631 “(D) Without first requiring an absentee ballot application to be submitted,
632 an absentee ballot;

633 “(9C) Beginning January 1, 2021, upon receiving information pursuant to section
634 7(k)(3), (4), or (4A) from the Superior Court of the District of Columbia, the United States
635 District Court for the District of Columbia, or the Bureau of Prisons, notify a qualified elector
636 incarcerated for a felony of the qualified elector's right to vote;”.

637 (c) Section 7(k) (D.C. Official Code § 1-1001.07(k)) is amended as follows:

638 (1) Paragraph (1) is amended by striking the phrase “registrant, upon notification
639 of a registrant's incarceration for a conviction of a felony” and inserting the phrase “registrant,”
640 in its place.

641 (2) A new paragraph (4A) is added to read as follows:

642 “(4A) Beginning on January 1, 2021, at least monthly, the Board shall request
643 from the Bureau of Prisons the name, location of incarceration, and contact information for each
644 qualified elector in the Bureau of Prisons' care or custody.”.

645 Sec. 202. Section 8 of An Act To create a Department of Corrections in the District of
646 Columbia, effective April 26, 2019 (D.C. Law 22-309; D.C. Official Code § 24-211.08), is
647 amended by adding a new subsection (b-1) to read as follows:

648 “(b-1) Within 10 business days after the effective date of this act, the Department shall
649 notify eligible individuals in its care or custody of their voting rights pursuant to section 201 of
650 the act.”.

651 TITLE III. EXTENSION OF TIME FOR NON-CUSTODIAL ARRESTEES TO
652 REPORT

653
654 Sec. 301. Extension of time for non-custodial arrestees to report.

655 Section 23-501(4) of the District of Columbia Official Code is amended by striking the
656 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted
657 during a period of time for which the Mayor has declared a public health emergency pursuant to §
658 7-2304.01.” in its place.

659 TITLE IV. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

660 Sec. 401. Fiscal impact statement.

661 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
662 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
663 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

664 Sec. 402. Effective date.

665 This act shall take effect following approval by the Mayor (or in the event of a veto by
666 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
667 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
668 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
669 Stat. 788; D.C. Official Code § 1-204.12(a)).