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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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55 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
56 act may be cited as the “Comprehensive Policing and Justice Reform Temporary Amendment Act
57 of 2022”.

58 TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

59 SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

60 Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,
61 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 et seq.), is amended as follows:

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

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

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

74 (1) Paragraph (1) is repealed.

75 (2) Paragraph (2) is repealed.

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

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

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

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

84 “(a) It shall be unlawful for:

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

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

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

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

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

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

100 SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO
101 RECORDINGS

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

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

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

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

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

115 “(B) The Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153 “(2) “Next of kin” shall mean the priority for next of kin as provided in
154 Metropolitan Police Department General Order 401.08, or its successor directive; and

155 “(3) “Serious use of force” shall have the same meaning as that term is defined in
156 MPD General Order 901.07, or its successor directive.”.

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

159 (a) Section 3900 is amended as follows:

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

161 “3900.9. Members may not review their BWC recordings or BWC recordings that have
162 been shared with them to assist in initial report writing.”.

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

164 “3900.10. (a) Notwithstanding any other law, the Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

209 ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order
210 401.08, or its successor directive.

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

213 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

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

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

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

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

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

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

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

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

234 “(A) Intervene in or subsequently report any use of force incident in which
235 the subject police officer observed another law enforcement officer, including an MPD officer,
236 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
237 901.07, its successor directive, or a similar local or federal directive; or

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

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

244 SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

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 non-
249 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 the
261 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-
262 523.01(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 oversight

273 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. Law
276 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 its
280 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 the Comprehensive
283 Policing and Justice Reform Emergency Amendment Act of 2021, effective May 3, 2021 (D.C.
284 Act 24-76; 68 DCR 4935).”.

285 SUBTITLE E. ANTI-MASK LAW REPEAL

286 Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal
287 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 et
288 seq.), is amended as follows:

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

290 (b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase
291 “or section 4 shall be” and inserting the phrase “shall be” in its place.

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

295 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

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 warrant
301 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 intelligently
305 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 search;

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

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

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

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

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

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

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

323 “(c)(1) If a defendant moves to suppress any evidence obtained in the course of the search for an
324 offense prosecuted in the Superior Court of the District of Columbia, the court shall consider an

325 officer’s failure to comply with the requirements of this section as a factor in determining the
326 voluntariness of the consent.

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

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

331 SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;
332 RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD

333 Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and
334 Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code
335 § 5-107.01 et seq.), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

361 “(2A) Executive Director of the Office of Police Complaints or the Executive
362 Director’s designee;”.

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

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

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

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

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

371 “(A) Oversight of law enforcement;
372 “(B) Juvenile justice reform;
373 “(C) Criminal defense;
374 “(D) Gender-based violence or LGBTQ social services, policy, or
375 advocacy; and
376 “(E) Violence prevention or intervention.”.

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

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

382 “(9A) If the applicant has prior service with another law enforcement or public
383 safety agency in the District or another jurisdiction, information on any alleged or sustained
384 misconduct or discipline imposed by that law enforcement or public safety agency;”.

385 SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST
386 AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

387 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13,
388 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

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

390 (b) A new subsection (b) is added to read as follows:

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

393 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

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

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

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

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

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

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

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

407 “(III) Section 2 of An Act To confer concurrent jurisdiction
408 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
409 193; D.C. Official Code § 22–407); and

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

413 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

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

416 SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

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

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

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

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

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

428 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
429 AGREEMENTS

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

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

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

438 SUBTITLE M. OFFICER DISCIPLINE REFORMS

439 Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
440 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended
441 as follows:

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

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

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

447 “(1A) If the act or occurrence allegedly constituting cause involves the serious use
448 of force or indicates potential criminal conduct by a sworn member or civilian employee of the
449 Metropolitan Police Department, the period for commencing a corrective or adverse action under
450 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the
451 date that the Metropolitan Police Department had notice of the act or occurrence allegedly
452 constituting cause.”.

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

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

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

460 SUBTITLE N. USE OF FORCE REFORMS

461 Sec. 119. Use of deadly force.

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

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

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

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

470 (A) A substantial risk of death;

471 (B) Protracted and obvious disfigurement;

472 (C) Protracted loss or impairment of the function of a bodily member or
473 organ; or

474 (D) Protracted loss of consciousness.

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

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

479 (2) The law enforcement officer’s actions are reasonable, given the totality of the
480 circumstances; and

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

483 (c) A trier of fact shall consider:

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

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

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

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

489 (ii) Refused to comply with the law enforcement officer's lawful
490 order to surrender an object believed to be a deadly weapon prior to the law enforcement officer
491 using deadly force;

492 (B) Whether the law enforcement officer engaged in de-escalation measures
493 prior to the use of deadly force, including taking cover, waiting for back-up, trying to calm the
494 subject of the use of force, or using non-deadly force prior to the use of deadly force; and

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

497 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
498 WEAPONRY

499 Sec. 120. Limitations on military weaponry acquired by District law enforcement agencies.

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

502 (1) Ammunition of .50 caliber or higher;

503 (2) Armed or armored aircraft or vehicles;

504 (3) Bayonets;

505 (4) Explosives or pyrotechnics, including grenades;

506 (5) Firearm mufflers or silencers;

507 (6) Firearms of .50 caliber or higher;

508 (7) Firearms, firearm accessories, or other objects, designed or capable of launching
509 explosives or pyrotechnics, including grenade launchers; and

510 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

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

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

517 (c) District law enforcement agencies shall disgorge any property described in subsection
518 (a) of this section that the agencies currently possess within 180 days after the effective date of the
519 Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020,
520 effective December 3, 2020 (D.C. Law 23-151; 67 DCR 9920).

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

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

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

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

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

528 “(1) “Chemical irritant” means tear gas or any chemical that can rapidly produce
529 sensory irritation or disabling physical effects in humans, which disappear within a short time

530 following termination of exposure, or any substance prohibited by the Convention on the
531 Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on
532 their Destruction, effective April 29, 1997.”.

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

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

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

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

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

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

543 and

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

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

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

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

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

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

555 TITLE II. EXTENSION OF TIME FOR NON-CUSTODIAL ARRESTEES TO REPORT

556 Sec. 201. Extension of time for non-custodial arrestees to report.

557 Section 23-501(4) of the District of Columbia Official Code is amended by striking the
558 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted
559 during a period of time for which the Mayor has declared a public health emergency pursuant to §
560 7-2304.01.” in its place.

561 TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

562 Sec. 301. Fiscal impact statement.

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

566 Sec. 302. Effective date.

567 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
568 the Mayor, action by the Council to override the veto), a 60-day period of congressional review as
569 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
570 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
571 Columbia Register.

572 (b) This act shall expire after 225 days of its having taken effect.