

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.

TABLE OF CONTENTS

TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY 2

SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS 2

SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO RECORDINGS 4

SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS..... 9

SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION..... 10

SUBTITLE E. ANTI-MASK LAW REPEAL..... 12

SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES..... 13

SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION; RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD 14

SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT 17

SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL 17

SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME 18

33 **SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS 18**

34 **SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING**

35 **AGREEMENTS 19**

36 **SUBTITLE M. OFFICER DISCIPLINE REFORMS 19**

37 **SUBTITLE N. USE OF FORCE REFORMS 20**

38 **SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY**

39 **WEAPONRY 22**

40 **SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED**

41 **CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES 23**

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

43 **..... 24**

44 **TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE 24**

45

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

47 act may be cited as the “Comprehensive Policing and Justice Reform Temporary Amendment

48 Act of 2021”.

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

50

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

52

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

54 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

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

56 “Sec. 2. The Council of the District of Columbia finds and declares that law enforcement

57 and special police officer use of neck restraints constitutes the use of lethal and excessive force.

58 This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police

59 Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd

60 with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in

61 cities and states across the world, including in the District, have taken to the streets to peacefully
62 protest injustice, racism, and police brutality against Black people and other people of color.
63 Police brutality is abhorrent and does not reflect the District’s values. It is the intent of the
64 Council in the enactment of this act to unequivocally ban the use of neck restraints by law
65 enforcement and special police officers.”.

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

67 (1) Paragraph (1) is repealed.

68 (2) Paragraph (2) is repealed.

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

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

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

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

77 “(a) It shall be unlawful for:

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

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

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

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

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

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

94 SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO
95 RECORDINGS

96 Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting
97 Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-
98 116.33), is amended as follows:

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

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

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

105 “(A) Within 5 business days after a request from the Chairperson of the
106 Council Committee with jurisdiction over the Metropolitan Police Department, the Metropolitan
107 Police Department shall provide unredacted copies of the requested body-worn camera

108 recordings to the Chairperson. Such body-worn camera recordings shall not be publicly disclosed
109 by the Chairperson or the Council;

110 “(B) The Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

154 (a) Section 3900 is amended as follows:

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

156 “3900.9. Members may not review their BWC recordings or BWC recordings that have
157 been shared with them to assist in initial report writing.”.

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

159 “3900.10. (a) Notwithstanding any other law, the Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

198 “3902.4. Notwithstanding any other law, within 5 business days after a request from the
199 Chairperson of the Council Committee with jurisdiction over the Department, the Department
200 shall provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC
201 recordings shall not be publicly disclosed by the Chairperson or the Council.”.

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

204 ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order
205 401.08, or its successor directive.

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

208 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

209
210 Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective
211 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

241

242 **Sec. 106. Use of Force Review Board; membership.**

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

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

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

249 (2) The Commanding Official, Special Operations Division, Homeland Security
250 Bureau;

251 (3) The Commanding Official, Criminal Investigations Division, Investigative
252 Services Bureau;

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

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

255 (6) The Commanding Official, Recruiting Division;

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

257 (8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of
258 the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §
259 1- 523.01(e)), with the following qualifications and no current or prior affiliation with law
260 enforcement:

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

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

264 (C) One District resident community member;

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

267 (A) One member with subject matter expertise in criminal justice policy;
268 and

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

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

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

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

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

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

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

280 SUBTITLE E. ANTI-MASK LAW REPEAL

281
282 Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal
283 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312
284 *et seq.*), is amended as follows:

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

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

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

291 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

292
293 Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code

294 is amended by adding a new section 23-526 to read as follows:

295 “§ 23–526. Limitations on consent searches.

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

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

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

303 “(B) Advise the subject that:

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

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

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

310 “(D) Confirm that the subject understands the information communicated
311 by the officer; and

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

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

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

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

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

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

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

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

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

332
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**
335 **Code § 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
346 its 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
352 observes or that comes to the sworn member’s attention, as well as any governing District laws
353 and 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
367 phrase “; 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”
379 in 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
388 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April
389 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

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

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

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

394 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

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

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

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

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

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

404 “(I) Section 806(a)(1) of An Act To establish a code of law
405 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–
406 404(a)(1));

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

409 “(III) Section 2 of An Act To confer concurrent jurisdiction
410 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
411 193; D.C. Official Code § 22–407); and

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

415 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

416
417 Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official
418 Code § 5-115.03), is repealed.

419 SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

420
421 Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective
422 October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new
423 subsection (f) to read as follows:

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

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

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

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

432 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
433 AGREEMENTS
434

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

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

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

443 SUBTITLE M. OFFICER DISCIPLINE REFORMS
444

445 Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
446 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is
447 amended as follows:

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

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

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

453 “(1A) If the act or occurrence allegedly constituting cause involves the serious use
454 of force or indicates potential criminal conduct by a sworn member or civilian employee of the
455 Metropolitan Police Department, the period for commencing a corrective or adverse action under
456 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the

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

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

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

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

466 SUBTITLE N. USE OF FORCE REFORMS

467

468 Sec. 119. Use of deadly force.

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

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

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

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

477 (A) A substantial risk of death;

478 (B) Protracted and obvious disfigurement;

479 (C) Protracted loss or impairment of the function of a bodily member or
480 organ; or

481 (D) Protracted loss of consciousness.

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

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

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

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

490 (c) A trier of fact shall consider:

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

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

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

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

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

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

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

505 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
506 WEAPONRY

507
508 Sec. 120. Limitations on military weaponry acquired by District law enforcement
509 agencies.

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

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

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

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

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

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

532
533 Sec. 121. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C.
534 Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

569
570 Sec. 201. Extension of time for non-custodial arrestees to report.

571 Section 23-501(4) of the District of Columbia Official Code is amended by striking the
572 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted
573 during a period of time for which the Mayor has declared a public health emergency pursuant to §
574 7-2304.01.” in its place.

575 TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

576 Sec. 301. Fiscal impact statement.

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

580 Sec. 302. Effective date.

581 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
582 the Mayor, action by the Council to override the veto), a 60-day period of congressional review
583 as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
584 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
585 Columbia Register.

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