

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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44  
45           BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
46 act may be cited as the “Comprehensive Policing and Justice Reform Congressional Review  
47 Emergency Amendment Act of 2022”.

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

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

50           Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,  
51 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 et seq.), is amended as follows:

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

53           “Sec. 2. The Council of the District of Columbia finds and declares that law enforcement  
54 and special police officer use of neck restraints constitutes the use of lethal and excessive force.  
55 This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police  
56 Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd  
57 with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in  
58 cities and states across the world, including in the District, have taken to the streets to peacefully  
59 protest injustice, racism, and police brutality against Black people and other people of color. Police

60 brutality is abhorrent and does not reflect the District’s values. It is the intent of the Council in the  
61 enactment of this act to unequivocally ban the use of neck restraints by law enforcement and  
62 special police officers.”.

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

64 (1) Paragraph (1) is repealed.

65 (2) Paragraph (2) is repealed.

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

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

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

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

74 “(a) It shall be unlawful for:

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

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

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

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

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

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

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

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

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

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

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

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

103 to the Chairperson. Such body-worn camera recordings shall not be publicly disclosed by the  
104 Chairperson or the Council; and

105 “(B) The Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

149           (a) Section 3900 is amended as follows:

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

151                   “3900.9. Members may not review their BWC recordings or BWC recordings that have  
152 been shared with them to assist in initial report writing.”.

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

154                   “3900.10. (a) Notwithstanding any other law, the Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

193                   “3902.4. Notwithstanding any other law, within 5 business days after a request from the  
194 Chairperson of the Council Committee with jurisdiction over the Department, the Department shall  
195 provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC  
196 recordings shall not be publicly disclosed by the Chairperson or the Council.”.

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

199                   ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order  
200 401.08, or its successor directive.

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

203                   **SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS**

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

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

212 currently serving member of the MPD, shall be affiliated with any law enforcement agency.” in its  
213 place.

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

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

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

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

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

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

224 “(A) Intervene in or subsequently report any use of force incident in which  
225 the subject police officer observed another law enforcement officer, including an MPD officer,  
226 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order  
227 901.07, its successor directive, or a similar local or federal directive; or

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

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

234 SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

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

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

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

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

242 (2) The Commanding Official, Special Operations Division, Homeland Security  
243 Bureau;

244 (3) The Commanding Official, Criminal Investigations Division, Investigative  
245 Services Bureau;

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

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

248 (6) The Commanding Official, Recruiting Division;

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

250 (8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the  
251 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-  
252 523.01(e)), with the following qualifications and no current or prior affiliation with law  
253 enforcement:

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

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

257 (C) One District resident community member;

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

260 (A) One member with subject matter expertise in criminal justice policy;

261 and

262 (B) One member with subject matter expertise in law enforcement oversight

263 and the use of force; and

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

265 Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law  
266 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

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

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

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

272 “(40) Use of Force Review Board, established by section 106 of the Comprehensive  
273 Policing and Justice Reform Emergency Amendment Act of 2021, effective May 3, 2021 (D.C.  
274 Act 24-76; 68 DCR 4935).”.

275 SUBTITLE E. ANTI-MASK LAW REPEAL

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

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

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

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

#### 285           SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

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

288           “§ 23–526. Limitations on consent searches.

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

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

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

296                           “(B) Advise the subject that:

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

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

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

302 “(D) Confirm that the subject understands the information communicated  
303 by the officer; and

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

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

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

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

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

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

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

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

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

323                   Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and  
324 Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code  
325 § 5-107.01 et seq.), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

351           “(2A) Executive Director of the Office of Police Complaints or the Executive  
352 Director’s designee;”.

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

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

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

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



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

361 “(A) Oversight of law enforcement;

362 “(B) Juvenile justice reform;

363 “(C) Criminal defense;

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

366 “(E) Violence prevention or intervention.”

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

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

372 “(9A) If the applicant has prior service with another law enforcement or public  
373 safety agency in the District or another jurisdiction, information on any alleged or sustained  
374 misconduct or discipline imposed by that law enforcement or public safety agency;”.

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

377 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13,  
378 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

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

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

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

383           SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

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

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

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

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

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

392   “(I) Section 806(a)(1) of An Act To establish a code of law  
393 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–  
394 404(a)(1));

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

397   “(III) Section 2 of An Act To confer concurrent jurisdiction  
398 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.  
399 193; D.C. Official Code § 22–407); and

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

403           SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

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

406           SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

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

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

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

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

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

418           SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING  
419 AGREEMENTS

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

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

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

428           SUBTITLE M. OFFICER DISCIPLINE REFORMS

429           Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of  
430 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended  
431 as follows:

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

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

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

437                           “(1A) If the act or occurrence allegedly constituting cause involves the serious use  
438 of force or indicates potential criminal conduct by a sworn member or civilian employee of the  
439 Metropolitan Police Department, the period for commencing a corrective or adverse action under  
440 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the  
441 date that the Metropolitan Police Department had notice of the act or occurrence allegedly  
442 constituting cause.”.

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

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

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

450 SUBTITLE N. USE OF FORCE REFORMS

451 Sec. 119. Use of deadly force.

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

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

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

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

460 (A) A substantial risk of death;

461 (B) Protracted and obvious disfigurement;

462 (C) Protracted loss or impairment of the function of a bodily member or  
463 organ; or

464 (D) Protracted loss of consciousness.

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

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

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

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

473 (c) A trier of fact shall consider:

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

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

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

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

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

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

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

487 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY  
488 WEAPONRY

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

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

- 492 (1) Ammunition of .50 caliber or higher;
- 493 (2) Armed or armored aircraft or vehicles;
- 494 (3) Bayonets;
- 495 (4) Explosives or pyrotechnics, including grenades;
- 496 (5) Firearm mufflers or silencers;
- 497 (6) Firearms of .50 caliber or higher;
- 498 (7) Firearms, firearm accessories, or other objects, designed or capable of launching  
499 explosives or pyrotechnics, including grenade launchers; and
- 500 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

547 Section 23-501(4) of the District of Columbia Official Code is amended by striking the  
548 period and inserting the phrase “, or within 90 days, if the non-custodial arrest was conducted  
549 during a period of time for which the Mayor has declared a public health emergency pursuant to §  
550 7-2304.01.” in its place.

551 TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

552 Sec. 301. Fiscal impact statement.

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

556           Sec. 302. Effective date.

557           This act shall take effect following approval by the Mayor (or in the event of a veto by the  
558 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
559 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
560 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
561 D.C. Official Code § 1-204.12(a)).