

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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50 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
51 act may be cited as the “Comprehensive Policing and Justice Reform Emergency Amendment Act
52 of 2023”.

53 **TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY**
54 **SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS**

55 Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,
56 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 et seq.), is amended as follows:

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

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

64 protest injustice, racism, and police brutality against Black people and other people of color. Police
65 brutality is abhorrent and does not reflect the District’s values. It is the intent of the Council in the
66 enactment of this act to unequivocally ban the use of neck restraints by law enforcement and
67 special police officers.”.

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

69 (1) Paragraph (1) is repealed.

70 (2) Paragraph (2) is repealed.

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

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

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

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

79 “(a) It shall be unlawful for:

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

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

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

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

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

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

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

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

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

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 the
120 District of Columbia, and the Office of the Attorney General, publicly release any other body-
121 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 death,
126 the decedent’s next of kin; and

127 “(ii) For a body-worn camera recording of a serious use of force, the
128 individual against whom the serious use of force was used, or if the individual is a minor or unable
129 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 death,
136 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 camera
139 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 camera
143 recording privately in a non-law enforcement setting in advance of its release, and if the next of
144 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 committed
163 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 District
169 of Columbia, and the Office of the Attorney General, publicly release any other BWC recordings
170 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 best
187 practices for creating an opportunity for the decedent’s next of kin to view the BWC recording in
188 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 shall
200 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 General
207 Order 901.07, or its successor directive.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

239 SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

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

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

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

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

247 (2) The Commanding Official, Special Operations Division, Homeland Security
248 Bureau;

249 (3) The Commanding Official, Criminal Investigations Division, Investigative
250 Services Bureau;

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

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

253 (6) The Commanding Official, Recruiting Division;

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

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

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

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

262 (C) One District resident community member;

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

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

266 and

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

268 and the use of force; and

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

270 Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law
271 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

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

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

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

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

280 SUBTITLE E. ANTI-MASK LAW REPEAL

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

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

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

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

290 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

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

293 “§ 23–526. Limitations on consent searches.

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

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

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

301 “(B) Advise the subject that:

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

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

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

307 “(D) Confirm that the subject understands the information communicated
308 by the officer; and

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

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

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

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

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

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

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

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

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

328 Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and
329 Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code
330 § 5-107.01 et seq.), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

356 “(2A) Executive Director of the Office of Police Complaints or the Executive
357 Director’s designee;”.

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

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

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

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

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

366 “(A) Oversight of law enforcement;

367 “(B) Juvenile justice reform;

368 “(C) Criminal defense;

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

371 “(E) Violence prevention or intervention.”

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

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

377 “(9A) If the applicant has prior service with another law enforcement or public
378 safety agency in the District or another jurisdiction, information on any alleged or sustained
379 misconduct or discipline imposed by that law enforcement or public safety agency;”.

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

382 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13,
383 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

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

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

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

388 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

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

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

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

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

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

397 “(I) Section 806(a)(1) of An Act To establish a code of law
398 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–
399 404(a)(1));

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

402 “(III) Section 2 of An Act To confer concurrent jurisdiction
403 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
404 193; D.C. Official Code § 22–407); and

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

408 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

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

411 SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

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

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

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

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

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

423 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
424 AGREEMENTS

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

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

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

433 SUBTITLE M. OFFICER DISCIPLINE REFORMS

434 Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
435 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended
436 as follows:

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

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

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

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

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

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

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

455 SUBTITLE N. USE OF FORCE REFORMS

456 Sec. 119. Use of deadly force.

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

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

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

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

465 (A) A substantial risk of death;

466 (B) Protracted and obvious disfigurement;

467 (C) Protracted loss or impairment of the function of a bodily member or
468 organ; or

469 (D) Protracted loss of consciousness.

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

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

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

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

478 (c) A trier of fact shall consider:

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

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

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

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

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

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

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

492 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
493 WEAPONRY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

552 **SUBTITLE Q. OPIOID OVERDOSE PREVENTION**

553 **Sec. 122.** The Opioid Overdose Prevention Temporary Amendment Act of 2022, effective
554 September 21, 2022 (D.C. Law 24-180; 69 DCR 9334), is repealed.

555 **Sec. 123.** Section 4(b) of the Drug Paraphernalia Act of 1982, effective September 17, 1982
556 (D.C. Law 4-149; D.C. Official Code § 48-1103(b)), is amended by adding a new paragraph (1B)
557 to read as follows:

558 “(1B) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for
559 District government employees, contractors, and grantees, acting within the scope of their
560 employment, contract, or grant, to deliver, or possess with intent to deliver, drug paraphernalia for
561 the personal use of a controlled substance.”.

562 SUBTITLE R. METROPOLITAN POLICE DEPARTMENT OVERTIME SPENDING
563 TRANSPARENCY

564 Sec. 124. The Metropolitan Police Department Overtime Spending Accountability
565 Temporary Act of 2022, effective December 21, 2022 (D.C. Law 24-220; 69 DCR 13964), is
566 repealed.

567 Sec. 125. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official
568 Code § 5-113.01), is amended as follows:

569 (a) Subsection (c)(1) is amended as follows:

570 (1) Subparagraph (A) is amended by striking the phrase “; and” and inserting a
571 semicolon in its place.

572 (2) Subparagraph (B)(ii) is amended by striking the semicolon and inserting the
573 phrase “; and” in its place.

574 (3) A new subparagraph (C) is added to read as follows:

575 “(C) Copies of the overtime pay spending reports submitted to the Council
576 as described in subsection (d) of this section.”.

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

578 “(d) MPD shall provide a written report every 2 pay periods on MPD’s overtime pay
579 spending to the Council that describes the amount spent year-to-date on overtime pay and the
580 staffing plan and conditions justifying the overtime pay.”.

581 SUBTITLE S. LIMITING APPLICATION OF DUNCAN ORDINANCE.

582 Sec. 126. Section 1004 of Title 1 of the District of Columbia Municipal Regulations (1
583 DCMR § 1004), is amended by adding a new subsection 1004.10 to read as follows:

584 “1004.10. Nothing in this section shall prohibit the Metropolitan Police Department from
585 providing unexpurgated adult arrest records to employees or contractors working to reduce gun
586 violence, or serve individuals at high risk of being involved in gun violence, within the following
587 District agencies:

588 “(a) The Criminal Justice Coordinating Council;

589 “(b) The Office of Gun Violence Prevention;

590 “(c) The Office of Neighborhood Safety and Engagement;

591 “(d) The Office of the Attorney General; and

592 “(e) The Office of Victim Services and Justice Grants.”.

593 TITLE II. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

594 Sec. 201. Applicability.

595 (a) The provisions of this act, except for section 124, shall expire as of the effective date
596 of the Comprehensive Policing and Justice Reform Amendment Act of 2022, enacted on January
597 19, 2023 (D.C. Act 24-781; 70 DCR 953).

598 (b) Notwithstanding subsection (a) of this section:

599 (1) Section 105 shall expire as of the applicability date of section 105 of the
600 Comprehensive Policing and Justice Reform Amendment Act of 2022, enacted on January 19,
601 2023 (D.C. Act 24-781; 70 DCR 953); and

602 (2) Section 121 shall expire on October 1, 2023.

603 Sec. 202. Fiscal impact statement.

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

607 Sec. 203. Effective date.

608 This act shall take effect following approval by the Mayor (or in the event of veto by the
609 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
610 90 days, as provided for emergency acts of the Council of the District of Columbia in section
611 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
612 D.C. Official Code §1-204.12(a)).