



Councilmember Brooke Pinto

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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to establish a Use of Force Review Board to review uses of force as set forth by the Metropolitan Police Department in its written directives, and to prescribe the Board’s membership.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Use of Force Review Board Emergency Declaration Resolution of 2023”.

Sec. 2 (a) The District administers the Use of Force Review Board (“Board”), a body tasked with reviewing all incidents involving use of force by a law enforcement officer. The Board is established not in law, but pursuant to Metropolitan Police Department (“MPD”) General Order RAR 901.07 (“General Order”). Per the provisions of the General Order, the Board considers whether the use of force in an incident was justified and consistent with MPD’s Model Use of Force Policy and District law; the Board may also recommend that law enforcement officers receive additional training, and more broadly provide recommendations to enhance MPD policy, training, and equipment as they relate to appropriate use of force.

(b) The General Order also prescribes the composition of the Board, which includes 13 voting members. Seven of those members are appointed by the Chief of Police from specific divisions, including the Special Operations, Criminal Investigations, the Metropolitan Police Academy, Patrol Services, Recruiting, and Court Liaison divisions, as well as an Assistant Chief.

32 (c) On December 20, 2022, the Council passed the Comprehensive Policing and Justice
33 Reform Amendment Act of 2022, enacted January 19, 2023 (D.C. Act 24-781; 70 DCR 953)
34 (“Act”), which is currently undergoing congressional review with a projected law date of May
35 11, 2023. Subtitle D of Title I of the Act codifies the existence of the Board, and makes
36 amendments to the Board’s composition. Notably, the law would remove requirements that the
37 Chief appoint board members from various MPD divisions, instead providing the Chief with the
38 flexibility to select board members from among MPD leadership that he determines to have the
39 necessary skills, experience, and availability to serve on the Board. The flexibility provided by
40 this language also avoids the risk that the Chief, both now and in the future, would be required to
41 appoint members to the Board from divisions that may not best support the needs of the Board in
42 completing use of force reviews.

43 (d) As noted, the Act will be effective on May 11, 2023. MPD, however, has shared with
44 the Committee on the Judiciary and Public Safety a desire to accelerate the language in the Act
45 making changes to the composition of the Board so that the Chief can take immediate action to
46 appoint new members to serve on the Board whose roles and expertise will best support the
47 Board’s work.

48 (e) Emergency legislation is necessary to codify the existence of the Use of Force Review
49 Board and to prescribe the Board’s membership.

50 Sec. 3. The Council of the District of Columbia determines that the circumstances
51 enumerated in section 2 constitute emergency circumstances making it necessary that the Use of
52 Force Review Board Emergency Act of 2023 be adopted after a single reading.

53 Sec. 4. This resolution shall take effect immediately.