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A BILL

23-775

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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

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

50 Act of 2020”.

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

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

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 people of color. Police brutality is abhorrent
63 and does not reflect the District’s values. It is the intent of the Council in the enactment of this
64 act to unequivocally ban the use of neck restraints by local law enforcement and special police
65 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67 (1) Paragraph (1) is repealed.

68 (2) Paragraph (2) is repealed.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 the 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 SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO
91 RECORDINGS

92 Sec. 102. Section 3004 of the Fiscal Year 2016 Budget Support Act of 2015, effective
93 October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is amended as follows:

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

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

98 “(c) Notwithstanding any other law:

99 “(1) Within 72 hours after a request from the Chairperson of the Council
100 Committee with jurisdiction over the Metropolitan Police Department, the Department shall

101 provide unredacted copies of the requested body-worn camera recordings to the Chairperson.

102 Body-worn camera recordings in the possession of the Council shall not be publicly disclosed;

103 “(2) The Mayor:

104 “(A) Shall:

105 “(i) Within 72 hours after an officer-involved death or the serious
106 use of force, publicly release the names and body-worn camera recordings of all officers who
107 committed the officer-involved death or serious use of force; and

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

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

115 “(c-1) Before publicly releasing a body-worn camera recording pursuant to subsection
116 (c)(2)(A)(ii) of this section, the Metropolitan Police Department shall:

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

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

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

125 Sec. 103. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is
126 amended as follows:

127 (a) Section 24-3900.9 is amended to read as follows:

128 “3900.9. Members may not review their BWC recordings or BWC recordings that have
129 been shared with them to assist in initial report writing.”.

130 (b) Section 24-3900.10 is amended to read as follows:

131 “Notwithstanding any other law, the Mayor:

132 “(a) Shall:

133 “(1) Within 72 hours after an officer-involved death or the serious use of
134 force, publicly release the names and BWC recordings of all officers who committed the officer-
135 involved death or serious use of force; and

136 “(2) By July 1, 2020, publicly release the names and BWC recordings of
137 all officers who have committed an officer-involved death since the BWC Program was created;
138 and

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

143 “(c) Before publicly releasing a body-worn camera recording pursuant to paragraph (a)(2)
144 of this subsection, the Metropolitan Police Department shall:

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

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

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

153 (c) Section 24-3901.2 is amended by adding a new paragraph (a-1) to read as follows:

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

156 (d) Section 24-3902.4 is amended to read as follows:

157 “3902.4. Notwithstanding any other law, within 72 hours after a request from the
158 Chairperson of the Council Committee with jurisdiction over the Metropolitan Police
159 Department, the Department shall provide unredacted copies of the requested BWC recordings to
160 the Chairperson. BWC recordings in the possession of the Council shall not be publicly
161 disclosed.”.

162 (e) Section 24-3999.1 is amended by adding the following phrase at the end of the
163 section:

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

166 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

167 Sec. 104. The Office of Citizen Complaint Review Establishment Act of 1998, effective
168 March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

169 (a) Section 5(a) (D.C. Official Code § 5-1104(a)) is amended by striking the phrase
170 “There is established a Police Complaints Board (“Board”). The Board shall be composed of 5
171 members, one of whom shall be a member of the MPD, and 4 of whom shall have no current
172 affiliation with any law enforcement agency.” and inserting the phrase “There is established a
173 Police Complaints Board (“Board”). The Board shall be composed of 9 members, 8 each from a
174 different Ward, one at-large, and none of whom, after the expiration of the term of the currently
175 serving member of the MPD, shall be affiliated with any law enforcement agency.”.

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

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

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

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

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

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

186 “(A) Intervene in or subsequently report any use of force incident in which
187 the subject police officer observed another law enforcement officer, including an MPD officer,
188 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
189 901.07, its successor directive, or a similar local or federal directive; or

190 “(B) Immediately report to their supervisor any violations of the rules and
191 regulations of the MPD committed by any other MPD officer, and each instance of their use of
192 force or a use of force committed by another MPD officer, pursuant to MPD General Order
193 201.26, or any successor directive.”.

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

196 SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION
197 Sec. 105. Use of Force Review Board; membership.

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

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

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

ENGROSSED ORIGINAL

204 (2) The Commanding Official, Special Operations Division, Homeland Security

205 Bureau;

206 (3) The Commanding Official, Criminal Investigations Division, Investigative

207 Services Bureau;

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

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

210 (6) The Commanding Official, Recruiting Division;

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

212 (8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of

213 the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code §

214 1- 523.01(e)), with the following qualifications and no current or prior affiliation with law

215 enforcement:

216 (A) One member who has personally experienced the use of force by a law

217 enforcement officer;

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

219 (C) One District resident community member;

220 (9) Two civilian members appointed by the Council with the following

221 qualifications and no current or prior affiliation with law enforcement:

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

223 and

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

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

227 Sec. 106. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.
228 Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

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

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

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

234 “(40) Use of Force Review Board, established by section 105 of the
235 Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020, passed on
236 emergency basis on June 9, 2020 (Enrolled version of Bill 23-____).”.

237 SUBTITLE E. ANTI-MASK LAW REPEAL

238 Sec. 107. The Anti-Intimidation and Defacing of Public or Private Property Criminal
239 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312
240 *et seq.*), is amended as follows:

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

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

244 Sec. 108. Section 23-581(a-3) is amended by striking the phrase “sections 2, 3, and 4”
245 and inserting the phrase “sections 2 and 3” in its place.

246 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

247 Sec. 109. Title 23 of the District of Columbia Official Code is amended by adding a new
248 section 23-526 to read as follows:

249 “§ 23–526. Limitations on consent searches.

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

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

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

257 “(B) Advise the subject that:

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

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

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

264 “(D) Confirm that the subject understands the information communicated
265 by the officer; and

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

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

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

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

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

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

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

283 “(d) The provisions of this section shall not be construed to create a private right of
284 action.”.

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

287 Sec. 110. The Metropolitan Police Department Application, Appointment, and Training
288 Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-
289 107.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

304 “(8) The duty of a sworn officer to report, and the method for reporting, suspected
305 misconduct or excessive use of force by a law enforcement official that a sworn member

306 observes or that comes to the sworn member’s attention, as well as any governing District laws
307 and regulations and Department written directives.”.

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

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

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

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

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

315 “(2A) Executive Director of the Office of Police Complaints or the Executive
316 Director’s designee;”.

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

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

320 (D) Paragraph (8) is amended by striking the period and inserting a
321 semicolon in its place.

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

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

325 “(A) Oversight of law enforcement;

326 “(B) Juvenile justice reform;

327 “(C) Criminal defense;
328 “(D) Gender-based violence or LGBTQ social services, policy, or
329 advocacy; and
330 “(E) Violence prevention or intervention.”.

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

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

336 “(9A) If the applicant has prior service with another law enforcement or public
337 safety agency in the District or another jurisdiction, information on any alleged or sustained
338 misconduct or discipline imposed by that law enforcement or public safety agency;”.

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

341 Sec. 111. Section 109 of the First Amendment Assemblies Act of 2004, effective April
342 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:

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

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

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

347

348 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

349 Sec. 112. Section 16-705(b)(1) of the District of Columbia Official Code is amended as

350 follows:

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

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

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

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

357 “(I) Section 806 of An Act To establish a code of law for
358 the District of Columbia, effective March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–
359 404(a)(1));

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

362 “(III) Section 2 of An Act To confer concurrent jurisdiction
363 on the police court of the District of Columbia in certain cases, effective July 16, 1912 (67 Stat.
364 98; D.C. Official Code § 22–407); and

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

368

369 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

370 Sec. 113. Section 400 of the Revised Statutes of the District of Columbia (82 Stat. 618;
371 D.C. Official Code § 5-115.03), is repealed.

372 SUBTITLE J. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

373 Sec. 110. The Omnibus Police Reform Amendment Act of 2000, effective October 4,
374 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended as follows:

375 (b) Sec. 202 (D.C. Official Code § 5-107.01) is amended as follows:

376 (c) A new subsection (f) is added read as follows:

377 “(f) A person shall be ineligible for appointment as a sworn member of the Metropolitan
378 Police Department if he or she was previously terminated or forced to resign for disciplinary
379 reasons from any commissioned or recruit/probationary position with a law enforcement agency,
380 or previously resigned from a law enforcement agency to avoid potential or proposed or pending
381 adverse disciplinary action or termination.”.

382 SUBTITLE K. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
383 AGREEMENTS

384 Sec. 111. The District of Columbia Government Comprehensive Merit Personnel Act of
385 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 et seq.), is
386 amended as follows:

387 (b) Sec. 1708 (D.C. Official Code § 1-617.08) is amended as follows:

388 (c) A new subsection (c) is added to read as follows:

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

391 “(2) This subsection shall be applicable to any collective bargaining agreements entered
392 into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after
393 September 20, 2020.”.

394 SUBTITLE K. OFFICER DISCIPLINE REFORMS

395 Sec. 114. Subsection (a-1) of the Omnibus Public Safety Agency Reform Amendment
396 Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031(a-
397 1)), is amended as follows:

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

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

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

403 “(1A) If the act or occurrence allegedly constituting cause involves the serious use
404 of force or indicates potential criminal conduct by a sworn member or civilian employee of the
405 Metropolitan Police Department, the period for commencing a corrective or adverse action under
406 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the
407 date that the Metropolitan Police Department had notice of the act or occurrence allegedly
408 constituting cause.”.

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

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

413 Sec. 115. Section 6-A1001.5 of the District of Columbia Municipal Regulations is
414 repealed.

415 **SUBTITLE L. USE OF FORCE REFORMS**

416 Sec. 116. Use of force.

417 (a) For purposes of this subtitle, the term:

418 (1) “Deadly force” means any force likely or to intended to create a substantial
419 risk of serious bodily injury or death.

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

423 (3) “Non-deadly force” means any use of force that is not likely or intended to
424 create a substantial risk of serious bodily injury or death.

425 (4) “Serious bodily injury” means physical pain, physical injury, illness, or any
426 impairment of physical condition that involves:

427 (A) A substantial risk of death;

428 (B) Protracted and obvious disfigurement;

429 (C) Protracted loss or impairment of the function of a bodily member or
430 organ; or

431 (D) Protracted loss of consciousness.

432 (b)(1) A law enforcement officer shall not use non-deadly force against a person unless:

433 (A) There is probable cause to believe that the person committed a crime;

434 (B) The force is used to prevent:

435 (A) A person's escape from lawful custody; or

436 (B) The commission of a crime; and

437 (C) The law enforcement officer uses no more force than what is

438 reasonably necessary to effectuate the arrest or obtain a person's compliance with lawful orders.

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

440 (A) The law enforcement officer actually believes that deadly force is

441 immediately necessary to protect the law enforcement officer or another person from the threat

442 of serious bodily injury or death;

443 (B) The law enforcement officer's belief and actions are reasonable given

444 the totality of the circumstances; and

445 (C) All other options have been exhausted or do not reasonably lend

446 themselves to the circumstances.

447 (c) When a trier of fact is asked to determine the reasonableness of a law enforcement

448 officer's belief or actions, it shall reach its determination from the perspective of a reasonable

449 law enforcement officer and shall consider, as part of the totality of the circumstances:

450 (1) Whether the injured or deceased person:

451 (A) Possessed or appeared to possess a deadly weapon or object that could

452 be used as a deadly weapon; and

453 (B) Refused to comply with the law enforcement officer's lawful order to
454 forfeit an object believed to be a deadly weapon prior to the law enforcement officer using
455 deadly force;

456 (2) Whether the law enforcement officer engaged in de-escalation measures prior
457 to the use of non-deadly force or deadly force, including taking cover, waiting for back-up,
458 trying to calm the injured or deceased person, and, if applicable, using non-deadly force prior to
459 the use of deadly force; and

460 (3) Whether any conduct by the law enforcement officer prior to the use of non-
461 deadly force or deadly force increased the risk of a confrontation resulting in non-deadly force or
462 deadly force being used.

463 SUBTITLE M. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
464 WEAPONRY

465 Sec. 117. Limitations on military weaponry acquired by District law enforcement
466 agencies.

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

- 469 (1) Ammunition of .50 caliber or higher;
- 470 (2) Armed or armored aircraft or vehicles;
- 471 (3) Bayonets;
- 472 (4) Explosives or pyrotechnics, including grenades;
- 473 (5) Firearm mufflers or silencers;

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

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

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

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

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

484 (c) District law enforcement agencies shall disgorge any property described in subsection
485 (a) which the agencies currently possess within 180 days after the effective date of this act.

486 SUBTITLE __. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED
487 CHEMICAL WEAPONS

488 Sec. 110. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C.
489 Law 15-352; D.C. Official Code § 5-331.01 et seq.), is amended as follows:

490 (a) Section 102 is amended as follows:

491 (1) Paragraphs (1) and (2) are renumbered paragraphs (2) and (3) respectively.

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

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

495 time following termination of exposure, or any substance prohibited by the Convention on the
496 Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on
497 their Destruction, effective April 29, 1997.

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

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

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

504 SUBTITLE __. LIMITATION ON THE USE OF RIOT GEAR AND LESS-LETHAL
505 PROJECTILES

506 Sec. 111. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C.
507 Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows: _____

508 (a) Section 102 (D.C. Official Code § 5-331.02) is amended by adding a new paragraph
509 (2A) to read as follows:

510 “(2A) “Less-lethal projectiles” means any munition that may cause bodily injury
511 or death through the transfer of kinetic energy and blunt force trauma. The term “less-lethal
512 projectiles” includes rubber or foam-covered bullets and stun grenades.”.

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

514 (1) Subsection (a) is amended to read as follows:

515 “(a)(1) No officers in riot gear may be deployed in response to a First Amendment
516 assembly unless there is an immediate risk to officers of significant bodily injury. Any
517 deployment of officers in riot gear shall be consistent with the District policy on First
518 Amendment assemblies and may not be used as a tactic to disperse a First Amendment assembly.

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

522 (2) A new subsection (c) is added to read as follows:

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

525 “(2)(A) The Mayor shall request that any federal law enforcement agency
526 operating in the District of Columbia refrain from the use of less-lethal projectiles to disperse a
527 First Amendment assembly.

528 SUBTITLE N. POLICE REFORM COMMISSION

529 Sec. 118. (a) There is established a Police Reform Commission (“Commission”). The
530 Commission shall examine and set forth recommendations on reforming and restructuring public
531 safety and law enforcement in the District.

532 (b)(1) The Commission shall be comprised of 20 representatives from among the following
533 entities:

534 (i) Non-law enforcement government agencies;

535 (ii) Black Lives Matter DC

536 (iii) Nonprofit organizations;

537 (iv) Businesses;

538 (v) Educational institutions;

539 (vi) Victim services organizations;

540 (vii) Social services organizations;

541 (viii) Religious organizations;

542 (ix) Mental and behavioral health organizations;

543 (x) Criminal justice reform organizations; and

544 (xi) Advisory Neighborhood Commissions.

545 (2) The 20 representatives shall be appointed by the Chairman of the Council no
546 later than July 15, 2020.

547 (3) The Chairman of the Council shall designate a Chair of the Commission from
548 the non-government sector.

549 (c) The Commission shall submit its recommendations on policies and systemic
550 improvements in a report to the Mayor and the Council of the District of Columbia by December
551 31, 2020. The report should include an analysis of the provisions in the Comprehensive Policing
552 and Justice Reform Emergency Amendment Act of 2020.

553 “(d) The Commission will sunset upon the delivery of its report or on December 31,
554 2020, whichever occurs last.

555

556 TITLE II. BUILDING SAFE AND JUST COMMUNITIES

557 SUBTITLE A. RESTORE THE VOTE

558 Sec. 201. The District of Columbia Election Code of 1955, approved August 12, 1955 (69
559 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

560 (a) Section 2(2)(D) (D.C. Official Code § 1-1001.02(2)(D)) is amended by striking the
561 phrase “the District; and” and inserting the phrase “the District; except, that this subparagraph
562 shall not apply to any person currently in the care of the Department of Corrections; and” in its
563 place.

564 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding a new
565 paragraph (9B) to read as follows:

566 “(9B) For the November 3, 2020 General Election, and in advance of any
567 applicable voter registration or absentee ballot request or submission deadlines, provide the
568 following to every eligible individual in the Department of Corrections’ care:

569 “(A) A voter registration form;

570 “(B) A voter guide; and

571 “(C) Without first requiring an absentee ballot application to be submitted,
572 an absentee ballot.”.

573 Sec. 202. Section 8 of An Act To create a Department of Corrections in the District of
574 Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.08), is amended
575 by adding a new subsection (b-1) to read as follows:

576 “(b-1) Within 10 business days after the effective date of the Comprehensive Policing
577 and Justice Reform Emergency Amendment Act of 2020 (“act”), passed on emergency basis on
578 June 9, 2020 (Enrolled version of Bill 23-____), the Department shall notify eligible individuals
579 in its care of their voting rights pursuant to section 202 of the act.”.

580 SUBTITLE B. DEPARTMENT OF CORRECTIONS HOME CONFINEMENT
581 EVALUATION REQUIREMENT

582 Sec. 203. Section 2(b) of An Act To create a Department of Corrections in the District of
583 Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)), is
584 amended as follows:

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

587 (b) Paragraph (9) is amended by striking the period and inserting the phrase “; and” in its
588 place.

589 (c) A new paragraph (10) is added to read as follows:

590 “(10) On a weekly basis, identify and evaluate individuals in the Department’s
591 care for the purpose of recommending to the Bureau of Prisons their transition to home
592 confinement pursuant to 18 U.S.C. § 3624(c)(2) and applicable guidance, and provide the names
593 of the individuals identified and evaluated, and the outcomes of the evaluations and any
594 transitions, to the Council Committee with jurisdiction over the Department of Corrections.”.

595

596 TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE

597 Sec. 301. Applicability

598 Section 109 shall apply as of August 1, 2020.

599 Sec. 302. Fiscal impact statement.

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

603 Sec. 303. Effective date.

604 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
605 the Mayor, action by the Council to override the veto), a 60-day period of congressional review
606 as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
607 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
608 Columbia Register.

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