

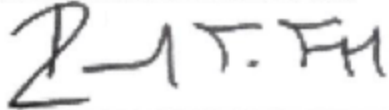
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2 Chairman Phil Mendelson

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6 Councilmember Anita Bonds

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10 Councilmember Vincent C. Gray

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14 Councilmember Kenyan R. McDuffie

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18 Councilmember Brooke Pinto

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22 Councilmember Brandon T. Todd

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26 Councilmember Trayon White, Sr.


Councilmember Charles Allen


Councilmember Mary M. Cheh


Councilmember David Grosso


Councilmember Brianne K. Nadeau


Councilmember Elissa Silverman


Councilmember Robert C. White, Jr.

27
28
29 A BILL

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33 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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38 To provide for comprehensive policing and justice reform for District residents and visitors, and
39 for other purposes.
40

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74 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
75 act may be cited as the “Comprehensive Policing and Justice Reform Amendment Act of 2020”.

76 TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

77
78 SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

79
80 Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,
81 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

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

83 “Sec. 2. The Council of the District of Columbia finds and declares that law enforcement
84 and special police officer use of neck restraints constitutes the use of lethal and excessive force.
85 This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police
86 Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd
87 with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in
88 cities and states across the world, including in the District, have taken to the streets to peacefully
89 protest injustice, racism, and police brutality against Black people and other people of color.
90 Police brutality is abhorrent and does not reflect the District’s values. It is the intent of the
91 Council in the enactment of this act to unequivocally ban the use of neck restraints by law
92 enforcement and special police officers.”.

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

94 (1) Paragraph (1) is repealed.

95 (2) Paragraph (2) is repealed.

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

97 “(3) “Neck restraint” means the use of any body part or object to attempt to
98 control or disable a person by applying pressure against the person’s neck, including the trachea

99 or carotid artery, with the purpose, intent, or effect of controlling or restricting the person's
100 movement or restricting their blood flow or breathing.”.

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

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

104 “(a) It shall be unlawful for:

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

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

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

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

113 “(b) Any officer who violates the provisions of subsection (a) of this section shall be
114 fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality
115 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
116 3571.01), or incarcerated for no more than 10 years, or both.”.

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

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

123
124 Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting
125 Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-
126 116.33), is amended as follows:

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

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

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

132 “(A) Within 5 business days after a request from the Chairperson of the
133 Council Committee with jurisdiction over the Metropolitan Police Department, the Metropolitan
134 Police Department shall provide unredacted copies of the requested body-worn camera
135 recordings to the Chairperson. Such body-worn camera recordings shall not be publicly disclosed
136 by the Chairperson or the Council;

137 “(B) The Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

181 (a) Section 3900 is amended as follows:

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

183 “3900.9. Members may not review their BWC recordings or BWC recordings that have
184 been shared with them to assist in initial report writing.”.

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

186 “3900.10. (a) Notwithstanding any other law, the Mayor:

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

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

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

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

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

201 “(A) For a BWC recording of an officer-involved death, the
202 decedent's next of kin; and

203 “(B) For a BWC recording of a serious use of force, the individual
204 against whom the serious use of force was used, or if the individual is a minor or is unable to
205 consent, the individual's next of kin.

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

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

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

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

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

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

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

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

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

225 “3902.4. Notwithstanding any other law, within 5 business days after a request from the
226 Chairperson of the Council Committee with jurisdiction over the Department, the Department
227 shall provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC
228 recordings shall not be publicly disclosed by the Chairperson or the Council.”.

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

231 ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order
232 401.08, or its successor directive.

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

235 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

236

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

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

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

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

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

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

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

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

257 “(A) Intervene in or subsequently report any use of force incident in which
258 the subject police officer observed another law enforcement officer, including an MPD officer,
259 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
260 901.07, its successor directive, or a similar local or federal directive; or

261 “(B) Immediately report to their supervisor any violations of the rules and
262 regulations of the MPD committed by any other MPD officer, and each instance of their use of
263 force or a use of force committed by another MPD officer, pursuant to MPD General Order
264 201.26, or any successor directive.”.

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

267 SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

268

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

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

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

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

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

277 Bureau;

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

279 Services Bureau;

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

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

282 (6) The Commanding Official, Recruiting Division;

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

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

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

286 1- 523.01(e)), with the following qualifications and no current or prior affiliation with law

287 enforcement:

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

289 enforcement officer;

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

291 (C) One District resident community member;

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

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

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

295 and

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

297 oversight and the use of force; and

298 (10) The Executive Director of the Office of Police Complaints.
299 Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C.
300 Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:
301 (a) Paragraph (38) is amended by striking the phrase “; and” and inserting a semicolon in
302 its place.
303 (b) Paragraph (39) is amended by striking the period and inserting the phrase “; and” in
304 its place.
305 (c) A new paragraph (40) is added to read as follows:
306 “(40) Use of Force Review Board, established by section 106 of this act.”.
307 SUBTITLE E. ANTI-MASK LAW REPEAL
308
309 Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal
310 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312
311 *et seq.*), is amended as follows:
312 (a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.
313 (b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase
314 “or section 4 shall be” and inserting the phrase “shall be” in its place.
315 Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by
316 striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase
317 “sections 22-3112.1 and 22-3112.2” in its place.
318 SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES
319
320 Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code
321 is amended by adding a new section 23-526 to read as follows:

322 “§ 23–526. Limitations on consent searches.

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

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

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

330 “(B) Advise the subject that:

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

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

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

337 “(D) Confirm that the subject understands the information communicated
338 by the officer; and

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

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

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

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

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

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

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

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

357 SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;
358 RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD
359

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

388 “(2A) Executive Director of the Office of Police Complaints or the Executive
389 Director’s designee;”.

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

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

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

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

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

398 “(A) Oversight of law enforcement;

399 “(B) Juvenile justice reform;

400 “(C) Criminal defense;

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

403 “(E) Violence prevention or intervention.”.

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

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

409 “(9A) If the applicant has prior service with another law enforcement or public
410 safety agency in the District or another jurisdiction, information on any alleged or sustained
411 misconduct or discipline imposed by that law enforcement or public safety agency;”.

435 “(III) Section 2 of An Act To confer concurrent jurisdiction
436 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.
437 193; D.C. Official Code § 22-407); and

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

441 SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

442
443 Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official
444 Code § 5-115.03), is repealed.

445 SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

446
447 Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective
448 October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new
449 subsection (f) to read as follows:

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

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

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

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

458 SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING
459 AGREEMENTS

460
461 Sec. 116. Section 1708 of the District of Columbia Government Comprehensive Merit
462 Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
463 617.08), is amended by adding a new subsection (c) to read as follows:

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

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

469 SUBTITLE M. OFFICER DISCIPLINE REFORMS

470
471 Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of
472 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is
473 amended as follows:

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

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

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

479 “(1A) If the act or occurrence allegedly constituting cause involves the serious use
480 of force or indicates potential criminal conduct by a sworn member or civilian employee of the
481 Metropolitan Police Department, the period for commencing a corrective or adverse action under
482 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the

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

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

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

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

492 SUBTITLE N. USE OF FORCE REFORMS

493
494 Sec. 119. Use of deadly force.

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

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

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

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

503 (A) A substantial risk of death;

504 (B) Protracted and obvious disfigurement;

505 (C) Protracted loss or impairment of the function of a bodily member or
506 organ; or

507 (D) Protracted loss of consciousness.

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

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

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

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

516 (c) A trier of fact shall consider:

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

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

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

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

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

525 (B) Whether the law enforcement officer engaged in de-escalation
526 measures prior to the use of deadly force, including taking cover, waiting for back-up, trying to

527 calm the subject of the use of force, or using non-deadly force prior to the use of deadly force;
528 and

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

531 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
532 WEAPONRY

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

535 (a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire
536 the following property through any program operated by the federal government:
537

- 538 (1) Ammunition of .50 caliber or higher;
- 539 (2) Armed or armored aircraft or vehicles;
- 540 (3) Bayonets;
- 541 (4) Explosives or pyrotechnics, including grenades;
- 542 (5) Firearm mufflers or silencers;
- 543 (6) Firearms of .50 caliber or higher;
- 544 (7) Firearms, firearm accessories, or other objects, designed or capable of
545 launching explosives or pyrotechnics, including grenade launchers; and
- 546 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

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

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

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

556 SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED
557 CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES
558

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

593 SUBTITLE Q. POLICE REFORM COMMISSION

594

595 Sec. 122. Police Reform Commission.

596 (a) There is established, supported by the Council’s Committee of the Whole, a Police
597 Reform Commission (“Commission”) to examine policing practices in the District and provide
598 evidence-based recommendations for reforming and revisioning policing in the District.

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

- 601 (A) Non-law enforcement District government agencies;
- 602 (B) The Office of the Attorney General for the District of Columbia;
- 603 (C) Criminal and juvenile justice reform organizations;
- 604 (D) Black Lives Matter DC;
- 605 (E) Educational institutions;
- 606 (F) Parent-led advocacy organizations;
- 607 (G) Student- or youth-led advocacy organizations;
- 608 (H) Returning citizen organizations;
- 609 (I) Victim services organizations;
- 610 (J) Social services organizations;
- 611 (K) Mental and behavioral health organizations;
- 612 (L) Small businesses;
- 613 (M) Faith-based organizations; and
- 614 (N) Advisory Neighborhood Commissions.

615 (2) The Chairman of the Council shall:

- 616 (A) Appoint the Commission representatives no later than July 22, 2020;

617 and

618 (B) Designate a representative who is not employed by the District
619 government as the Commission's Chairperson.

620 (c)(1) The Commission shall submit its recommendations in a report to the Mayor and
621 Council by December 31, 2020.

622 (2) The report required by paragraph (1) of this subsection shall include analyses
623 and recommendations on the following topics:

624 (A) The role of sworn and special police officers in District schools;

625 (B) Alternatives to police responses to incidents, such as community-
626 based, behavioral health, or social services co-responders;

627 (C) Police discipline;

628 (D) The integration of conflict resolution strategies and restorative justice
629 practices into policing; and

630 (E) The provisions of the Comprehensive Policing and Justice Reform
631 Second Temporary Amendment Act of 2020, passed on 2nd reading on July 21, 2020 (Enrolled
632 version of Bill 23-826).

633 (d) The Commission shall sunset upon the delivery of its report or on December 31,
634 2020, whichever is later.

635 SUBTITLE R. METRO TRANSIT POLICE DEPARTMENT OVERSIGHT AND
636 ACCOUNTABILITY

637 Sec. 123. Section 76 of Article XVI of Title III of the Washington Metropolitan Area
638 Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code §
639 9-1107.01(76)), is amended as follows:
640

641 (a) Subsection (f) is amended by adding a new paragraph (1A) to read as follows:

642 “(1A) prohibit the use of enforcement quotas to evaluate, incentivize, or discipline
643 members, including with regard to the number of arrests made or citations or warnings issued;”.

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

645 “(i)(1) The Authority shall establish a Police Complaints Board to review complaints
646 filed against the Metro Transit Police.

647 “(2) The Police Complaints Board shall comprise eight members, two civilian
648 members appointed by each Signatory, and two civilian members appointed by the federal
649 government.

650 “(3) Members of the Police Complaints Board shall not be Authority employees
651 and shall have no current affiliation with law enforcement.

652 “(4) Members of the Police Complaints Board shall serve without compensation
653 but may be reimbursed for necessary expenses incurred as incident to the performance of their
654 duties.

655 “(5) The Police Complaints Board shall appoint a Chairperson and Vice-
656 Chairperson from among its members.

657 “(6) Four members of the Police Complaints Board shall constitute a quorum, and
658 no action by the Police Complaints Board shall be effective unless a majority of the Police
659 Complaints Board present and voting, which majority shall include at least one member from
660 each Signatory, concur therein.

661 “(7) The Police Complaints Board shall meet at least monthly and keep minutes
662 of its meetings.

663 “(8) The Police Complaints Board, through its Chairperson, may employ qualified
664 persons or utilize the services of qualified volunteers, as necessary, to perform its work,
665 including the investigation of complaints.

666 “(9) The duties of the Police Complaints Board shall include:

667 “(A) Adopting rules and regulations governing its meetings, minutes, and
668 internal processes; and

669 “(B) With respect to the Metro Transit Police, reviewing:

670 “(i) The number, type, and disposition of citizen complaints
671 received, investigated, sustained, or otherwise resolved;

672 “(ii) The race, national origin, gender, and age of the complainant
673 and the subject officer or officers;

674 “(iii) The proposed and actual discipline imposed on an officer as a
675 result of any sustained citizen complaint;

676 “(iv) All use of force incidents, serious use of force incidents, and
677 serious physical injury incidents; and

678 “(v) Any in-custody death.

679 “(10) The Police Complaints Board shall have the authority to receive complaints
680 against members of the Metro Transit Police, which shall be reduced to writing and signed by the
681 complainant, that allege abuse or misuse of police powers by such members, including:

682 “(A) Harassment;

683 “(B) Use of force;

684 “(C) Use of language or conduct that is insulting, demeaning, or
685 humiliating;

686 “(D) Discriminatory treatment based upon a person’s race, color, religion,
687 national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity
688 or expression, family responsibilities, physical disability, matriculation, political affiliation,
689 source of income, or place of residence or business;

690 “(E) Retaliation against a person for filing a complaint; and

691 “(F) Failure to wear or display required identification or to identify oneself
692 by name and badge number when requested to do so by a member of the public.

693 “(11) If the Metro Transit Police receives a complaint containing subject matter
694 that is covered by paragraph (10) of this subsection, the Metro Transit Police shall transmit the
695 complaint to the Police Complaints Board within 3 business days after receipt.

696 “(12) The Police Complaints Board shall have timely and complete access to
697 information and supporting documentation specifically related to the Police Complaints Board’s
698 duties and authority under paragraphs (9) and (10) of this subsection.

699 “(13) The Police Complaints Board shall have the authority to dismiss, conciliate,
700 mediate, investigate, adjudicate, or refer for further action to the Metro Transit Police a
701 complaint received under paragraph (10) of this subsection.

702 “(14)(A) If deemed appropriate by the Police Complaints Board, and if the parties
703 agree to participate in a conciliation process, the Police Complaints Board may attempt to
704 resolve a complaint by conciliation.

705 “(B) The conciliation of a complaint shall be evidenced by a written
706 agreement signed by the parties which may provide for oral apologies or assurances, written
707 undertakings, or any other terms satisfactory to the parties. No oral or written statements made in
708 conciliation proceedings may be used as a basis for any discipline or recommended discipline
709 against a subject police officer or officers or in any civil or criminal litigation.

710 “(15) If the Police Complaints Board refers the complaint to mediation, the Board
711 shall schedule an initial mediation session with a mediator. The mediation process may continue
712 as long as the mediator believes it may result in the resolution of the complaint. No oral or
713 written statement made during the mediation process may be used as a basis for any discipline or
714 recommended discipline of the subject police officer or officers, nor in any civil or criminal
715 litigation, except as otherwise provided by the rules of the court or the rules of evidence.

716 “(16) If the Police Complaints Board refers a complaint for investigation, the
717 Board shall assign an investigator to investigate the complaint. When the investigator completes
718 the investigation, the investigator shall summarize the results of the investigation in an
719 investigative report which, along with the investigative file, shall be transmitted to the Board,
720 which may order an evidentiary hearing.

721 “(17) The Police Complaints Board may, after an investigation, assign a
722 complaint to a complaint examiner, who shall make written findings of fact regarding all
723 material issues of fact, and shall determine whether the facts found sustain or do not sustain each
724 allegation of misconduct. If the complaint examiner determines that one or more allegations in
725 the complaint is sustained, the Police Complaints Board shall transmit the entire complaint file,

726 including the merits determination of the complaint examiner, to the Metro Transit Police for
727 appropriate action.

728 “(18) Employees of the Metro Transit Police shall cooperate fully with the Police
729 Complaints Board in the investigation and adjudication of a complaint. An employee of the
730 Metro Transit Police shall not retaliate, directly or indirectly, against a person who files a
731 complaint under this subsection.

732 “(19) When, in the determination of the Police Complaints Board, there is reason
733 to believe that the misconduct alleged in a complaint or disclosed by an investigation of a
734 complaint may be criminal in nature, the Police Complaints Board shall refer the matter to the
735 appropriate authorities for possible criminal prosecution, along with a copy of all of the Police
736 Complaints Board’s files relevant to the matter being referred; provided, that the Police
737 Complaints Board shall make a record of each referral, and ascertain and record the disposition
738 of each matter referred and, if the appropriate authorities decline in writing to prosecute, the
739 Police Complaints Board shall resume its processing of the complaint.

740 “(20) Within 60 days before the end of each fiscal year, the Police Complaints
741 Board shall transmit to the Board and the Signatories an annual report of its operations, including
742 any policy recommendations.”.

743 TITLE II. BUILDING SAFE AND JUST COMMUNITIES

744

745 SUBTITLE A. RESTORE THE VOTE

746

747 Sec. 201. The District of Columbia Election Code of 1955, approved August 12, 1955 (69

748 Stat. 669; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

749 (a) Section 2(2) (D.C. Official Code § 1-1001.02(2)) is amended as follows:

750 (1) Subparagraph (C) is amended by striking the semicolon and inserting the
751 phrase “; and” in its place.

752 (2) Subparagraph (D) is repealed.

753 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding new
754 paragraphs (9B) and (9C) to read as follows:

755 “(9B) In advance of any applicable voter registration or absentee ballot
756 submission deadlines, provide, to every qualified elector in the Department of Corrections’ care
757 or custody, and, beginning January 1, 2021, endeavor to provide to every qualified elector in the
758 Bureau of Prisons’ care or custody:

759 “(A) A voter registration form;

760 “(B) A voter guide;

761 “(C) Educational materials about the importance of voting and the right of
762 an individual currently incarcerated or with a criminal record to vote in the District; and

763 “(D) Without first requiring an absentee ballot application to be submitted,
764 an absentee ballot;

765 “(9C) Beginning January 1, 2021, upon receiving information pursuant to section
766 7(k)(3), (4), or (4A) from the Superior Court of the District of Columbia, the United States
767 District Court for the District of Columbia, or the Bureau of Prisons, notify a qualified elector
768 incarcerated for a felony of the qualified elector’s right to vote;”.

769 (c) Section 7(k) (D.C. Official Code § 1–1001.07(k)) is amended as follows:

770 (1) Paragraph (1) is amended by striking the phrase “registrant, upon notification
771 of a registrant’s incarceration for a conviction of a felony” and inserting the phrase “registrant,”
772 in its place.

773 (2) A new paragraph (4A) is added to read as follows:

774 “(4A) Beginning on January 1, 2021, at least monthly, the Board shall request
775 from the Bureau of Prisons the name, location of incarceration, and contact information for each
776 qualified elector in the Bureau of Prisons’ care or custody.”.

777 Sec. 202. Section 8 of An Act To create a Department of Corrections in the District of
778 Columbia, effective April 26, 2019 (D.C. Law 22-309; D.C. Official Code § 24-211.08), is
779 amended by adding a new subsection (b-1) to read as follows:

780 “(b-1) The Department shall notify eligible individuals in its care or custody of their
781 voting rights pursuant to section 201 of the act.”.

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

783

784 Sec. 301. Applicability.

785 Section 123 shall apply after the enactment of concurring legislation by the State of
786 Maryland and the Commonwealth of Virginia, the signing and execution of the legislation by the
787 Mayor of the District of Columbia and the Governors of Maryland and Virginia, and approval by
788 the United States Congress.

789 Sec. 302. Fiscal impact statement.

790 The Council adopts the fiscal impact statement in the committee report as the fiscal
791 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
792 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

793 Sec. 303. Effective date.

794 This act shall take effect following approval by the Mayor (or in the event of veto by the
795 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
796 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
797 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
798 Columbia Register.