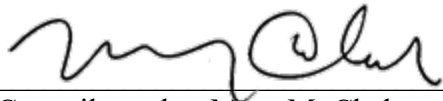
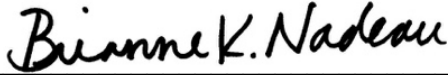


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2 Councilmember Mary M. Cheh



Councilmember Robert C. White, Jr.

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7 Councilmember Brianne K. Nadeau



Councilmember Elissa Silverman

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13 Councilmember Brooke Pinto



Councilmember Janeese Lewis George

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18 A BILL

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23 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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28 To amend the Attorney General of the District of Columbia Clarification and Elected Term
29 Amendment Act of 2010 to require the Attorney General of the District of Columbia
30 to conduct a study to determine whether the Metropolitan Police Department engaged
31 in biased policing when they conducted threat assessments of assemblies within the
32 District of Columbia and to grant the Attorney General of the District of Columbia
33 subpoena power as needed to carry out the study.

34
35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 Act may be cited as the “Bias in Threat Assessments Evaluation Amendment Act of 2021”.

37 Sec. 2. The Attorney General for the District of Columbia Clarification and Elected
38 Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code §
39 1-301.81 *et seq.*), is amended as follows:

40 (a) Section 101 (D.C. Official Code § 1-301.81) is amended as follows:

41 (1) Subsection (a) is amended by adding a new paragraph (4) to read as follows:

42 “(4) The Attorney General shall conduct a study, in collaboration with eligible
43 outside partners as defined in subparagraph (B) of this paragraph, to determine whether the
44 Metropolitan Police Department (“MPD”) engaged in biased policing when it conducted threat
45 assessments before or during assemblies within the District.

46 “(A) At a minimum, the study shall:

47 “(i) Examine MPD’s use of threat assessments before or during
48 assemblies in the District from January 2017 through January 2021;

49 “(ii) Determine whether MPD engaged in biased policing when
50 they conducted threat assessments before or during assemblies in the District from January 2017
51 through January 2021;

52 “(iii) Provide a detailed analysis of MPD’s response to each
53 assembly in the District between January 2017 through January 2021, including but not limited
54 to:

55 “(I) Number of arrests made;

56 “(II) Number of civilian and officer injuries;

57 “(III) Type of injuries;

58 “(IV) Number of fatalities;

59 “(V) Number of officers deployed;

60 “(VI) What type of weaponry and crowd control tactics

61 were used;

62 “(VII) Whether riot gear was used; and

63 “(VIII) Whether any of the individuals involved in the
64 assembly were on the Federal Bureau of Investigation’s terrorist watchlist;

65 “(iv) If there is a finding that biased policing has occurred,
66 determine whether MPD’s response varied based on the race, color, religion, sex, national origin,
67 or gender of those engaged in the assembly;

68
69 “(vi) Provide recommendations based on the findings in the study,
70 including but not limited to:

71 “(I) If biased policing occurred, how to prevent bias from
72 impacting whether or not MPD conducts a threat assessment and how to ensure bias does not
73 impact a threat assessment going forward; or

74 “(II) If biased policing has not been found to have
75 occurred, how to ensure that there is not a disparity in MPD’s response to all assemblies across
76 all groups, of proportionate size and characteristics, in the District in the future; or

77 “(III) If the study is inconclusive on the occurrence of
78 biased policing, what additional steps must be taken to reach a conclusion.

79 “(B) Any collaborating outside partners shall, at a minimum, meet the
80 following criteria:

81 “(i) Be nonpartisan;

82 “(ii) Have research and legal expertise;

83 “(iii) Have expertise and knowledge of law enforcement

84 practices in the District, bias in policing, homegrown domestic terrorism in the United States,
85 and intelligence data sharing practices;

86 “(iv) Have a history of conducting studies and evaluations of law
87 enforcement procedures, regulations, and practices; and

88 “(v) Have experience developing solutions to policy or legal
89 challenges.

90 “(C) The Attorney General shall submit a report on the study
91 to the Council no later than six months from the effective date of the Bias in Threat Assessments
92 Evaluation Amendment Act of 2021 (B24-XX as introduced on XX, 2021).”.

93 (b) Section 108 (D.C. Official Code § 1-301.88c) is amended by adding a new subsection
94 (g) to read as follows:

95 “(g) The Attorney General, or his or her designee, shall have the authority to issue
96 subpoenas for the production of documents or materials or for the attendance and testimony of
97 witnesses under oath, or both, as necessary to carry out the investigation pursuant to section
98 101(a)(4).”.

99 Sec. 3. Fiscal impact statement.

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

103 Sec. 4. Effective date.

104 This act shall take effect following approval by the Mayor (or in the event of veto by the
105 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
106 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

107 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.03(c)(1)), and publication in the District of
108 Columbia Register.