

A RESOLUTION

25-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 11, 2023

To declare the existence of an emergency with respect to the need to amend the Comprehensive Policing and Justice Reform Amendment Act of 2022 to clarify when law enforcement officers have authority to engage in a vehicular pursuit of a suspect motor vehicle.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Law Enforcement Vehicular Pursuit Clarification Emergency Declaration Resolution of 2023”.

Sec. 2. (a) On April 21, 2023, the Comprehensive Policing and Justice Reform Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-345; 70 DCR 6316), went into effect. The law includes a provision limiting the circumstances under which law enforcement officers can engage in a vehicle pursuit.

(b) The law allows pursuits only in cases where an officer actually and reasonably believes that a fleeing suspect has committed or attempted a crime of violence or poses an immediate threat of death or serious bodily injury to another person. It also requires that the officer reasonably believe the pursuit is immediately necessary to protect another person from the threat of serious injury or death, that the pursuit is not likely to cause serious bodily injury or death to any person, and that all other options have been exhausted or do not reasonably lend themselves to the circumstances.

(c) The Metropolitan Police Department (“MPD”) has informed the Council that in drafting a written pursuit directive for its officers to comply with this language, it has come to the conclusion that, in practice, the sole option available to it is to implement a no-pursuit policy.

(d) No other jurisdiction in the United States has a no-pursuit policy. Adoption of such a policy would have substantial detrimental impacts to public safety. Two recent incidents illustrate this:

(1) On June 21, 2023, an individual carjacked a vehicle with a 6-year-old child in the back seat. MPD was unable to use a helicopter to follow the vehicle due to weather conditions. Officers were unable to pursue the vehicle.

(2) On June 23, 2023, multiple individuals committed a carjacking. They fled in the vehicle and went on to commit 5 armed robberies over the course of multiple hours in the U Street corridor. Officers were unable to pursue because there was no “immediate” threat and they

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could not ensure the safety of the fleeing driver. The driver appeared to be aware of MPD's inability to pursue; he waved at an MPD officer as he drove by.

(e) To avoid these negative impacts to public safety, the concomitant emergency legislation makes clarifying changes to the limitation on vehicle pursuits to ensure that MPD can authorize its officers to engage in pursuits when necessary. The legislation would retain strict limits on pursuits, allowing them only where the fleeing suspect has committed a crime of violence or poses an imminent threat to public safety and where pursuit is necessary and can be conducted in a way that mitigates the risk of injury to innocent people.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Law Enforcement Vehicular Pursuit Clarification Emergency Amendment Act of 2023 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.