



Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide, on an emergency basis, due to congressional review, for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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49           BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
50 act may be cited as the “Comprehensive Policing and Justice Reform Congressional Review  
51 Emergency Amendment Act of 2020”.

52           TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

53           SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

54           Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25,  
55 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

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

57           “Sec. 2. The Council of the District of Columbia finds and declares that law enforcement  
58 and special police officer use of neck restraints constitutes the use of lethal and excessive force.  
59 This force presents an unnecessary danger to the public. On May 25, 2020, Minneapolis Police  
60 Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd  
61 with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people in  
62 cities and states across the world, including in the District, have taken to the streets to peacefully  
63 protest injustice, racism, and police brutality against Black people and other people of color. Police  
64 brutality is abhorrent and does not reflect the District’s values. It is the intent of the Council in the

65 enactment of this act to unequivocally ban the use of neck restraints by law enforcement and  
66 special police officers.”.

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

68 (1) Paragraph (1) is repealed.

69 (2) Paragraph (2) is repealed.

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

71 “(3) “Neck restraint” means the use of any body part or object to attempt to control  
72 or disable a person by applying pressure against the person’s neck, including the trachea or carotid  
73 artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or  
74 restricting their blood flow or breathing.”.

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

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

78 “(a) It shall be unlawful for:

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

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

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

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

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

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

94           SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO  
95 RECORDINGS

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

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

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

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

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

109                           “(B) The Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

153                   (a) Section 3900 is amended as follows:

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

155 “3900.9. Members may not review their BWC recordings or BWC recordings that have  
156 been shared with them to assist in initial report writing.”.

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

158 “3900.10. (a) Notwithstanding any other law, the Mayor:

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

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

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

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

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

173 “(A) For a BWC recording of an officer-involved death, the  
174 decedent’s next of kin; and

175 “(B) For a BWC recording of a serious use of force, the individual  
176 against whom the serious use of force was used, or if the individual is a minor or is unable to  
177 consent, the individual’s next of kin.

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

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

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

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

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

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

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

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

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

197                   “3902.4. Notwithstanding any other law, within 5 business days after a request from the  
198 Chairperson of the Council Committee with jurisdiction over the Department, the Department shall  
199 provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC  
200 recordings shall not be publicly disclosed by the Chairperson or the Council.”.



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

203 ““Next of kin” shall mean the priority for next of kin as provided in MPD General Order  
204 401.08, or its successor directive.

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

207 SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

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

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

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

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

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

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

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

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

228                               “(A) Intervene in or subsequently report any use of force incident in which  
229 the subject police officer observed another law enforcement officer, including an MPD officer,  
230 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order  
231 901.07, its successor directive, or a similar local or federal directive; or

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

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

238                               SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

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

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

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

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

- 246 (2) The Commanding Official, Special Operations Division, Homeland Security  
247 Bureau;
- 248 (3) The Commanding Official, Criminal Investigations Division, Investigative  
249 Services Bureau;
- 250 (4) The Commanding Official, Metropolitan Police Academy;
- 251 (5) A Commander or Inspector assigned to the Patrol Services Bureau;
- 252 (6) The Commanding Official, Recruiting Division;
- 253 (7) The Commanding Official, Court Liaison Division;
- 254 (8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the  
255 Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-  
256 523.01(e)), with the following qualifications and no current or prior affiliation with law  
257 enforcement:
- 258 (A) One member who has personally experienced the use of force by a law  
259 enforcement officer;
- 260 (B) One member of the District of Columbia Bar in good standing; and
- 261 (C) One District resident community member;
- 262 (9) Two civilian members appointed by the Council with the following  
263 qualifications and no current or prior affiliation with law enforcement:
- 264 (A) One member with subject matter expertise in criminal justice policy;  
265 and
- 266 (B) One member with subject matter expertise in law enforcement oversight  
267 and the use of force; and
- 268 (10) The Executive Director of the Office of Police Complaints.

269           Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law  
270 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

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

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

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

276                   “(40) Use of Force Review Board, established by section 106 of the Comprehensive  
277 Policing and Justice Reform Congressional Review Emergency Amendment Act of 2020, passed  
278 on emergency basis on September 22, 2020 (Enrolled version of Bill 23-\_\_\_\_).”.

279           SUBTITLE E. ANTI-MASK LAW REPEAL

280           Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal  
281 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 *et*  
282 *seq.*), is amended as follows:

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

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

286           Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by  
287 striking the phrase “sections 22-3112.1, 22-3112.2, and 22-3112.3” and inserting the phrase  
288 “sections 22-3112.1 and 22-3112.2” in its place.

289           SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

290           Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code  
291 is amended by adding a new section 23-526 to read as follows:

292 “§ 23–526. Limitations on consent searches.

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

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

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

300 “(B) Advise the subject that:

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

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

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

306 “(D) Confirm that the subject understands the information communicated  
307 by the officer; and

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

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

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

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

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

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

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

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

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

327           Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and  
328 Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code  
329 § 5-107.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

355 “(2A) Executive Director of the Office of Police Complaints or the Executive  
356 Director’s designee;”.

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

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

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

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

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

365 “(A) Oversight of law enforcement;

366 “(B) Juvenile justice reform;

367 “(C) Criminal defense;

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

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

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

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

376 “(9A) If the applicant has prior service with another law enforcement or public  
377 safety agency in the District or another jurisdiction, information on any alleged or sustained  
378 misconduct or discipline imposed by that law enforcement or public safety agency;”.

379 SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST  
380 AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

381 Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13,  
382 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended as follows:



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

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

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

387 SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

388 Sec. 113. Section 16-705(b)(1) of the District of Columbia Official Code is amended as  
389 follows:

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

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

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

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

396 “(I) Section 806(a)(1) of An Act To establish a code of law  
397 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–  
398 404(a)(1));

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

401 “(III) Section 2 of An Act To confer concurrent jurisdiction  
402 on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.  
403 193; D.C. Official Code § 22–407); and

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

407           SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

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

410           SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

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

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

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

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

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

422           SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING  
423 AGREEMENTS

424

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

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

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

433           SUBTITLE M. OFFICER DISCIPLINE REFORMS

434           Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of  
435 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended  
436 as follows:

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

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

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

442           “(1A) If the act or occurrence allegedly constituting cause involves the serious use  
443 of force or indicates potential criminal conduct by a sworn member or civilian employee of the  
444 Metropolitan Police Department, the period for commencing a corrective or adverse action under  
445 this subsection shall be 180 days, not including Saturdays, Sundays, or legal holidays, after the  
446 date that the Metropolitan Police Department had notice of the act or occurrence allegedly  
447 constituting cause.”.

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

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

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

455 SUBTITLE N. USE OF FORCE REFORMS

456 Sec. 119. Use of deadly force.

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

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

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

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

465 (A) A substantial risk of death;

466 (B) Protracted and obvious disfigurement;

467 (C) Protracted loss or impairment of the function of a bodily member or  
468 organ; or

469 (D) Protracted loss of consciousness.

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

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

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

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

478 (c) A trier of fact shall consider:

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

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

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

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

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

487 (B) Whether the law enforcement officer engaged in de-escalation measures  
488 prior to the use of deadly force, including taking cover, waiting for back-up, trying to calm the  
489 subject of the use of force, or using non-deadly force prior to the use of deadly force; and

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

492 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY  
493 WEAPONRY

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

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

497 (1) Ammunition of .50 caliber or higher;

498 (2) Armed or armored aircraft or vehicles;

499 (3) Bayonets;

500 (4) Explosives or pyrotechnics, including grenades;

501 (5) Firearm mufflers or silencers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

551                   SUBTITLE Q. POLICE REFORM COMMISSION

552                   Sec. 122. Police Reform Commission.

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

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

558                                   (A) Non-law enforcement District government agencies;

559                                   (B) The Office of the Attorney General for the District of Columbia;

560                                   (C) Criminal and juvenile justice reform organizations;

561                                   (D) Black Lives Matter DC;



- 562 (E) Educational institutions;
- 563 (F) Parent-led advocacy organizations;
- 564 (G) Student- or youth-led advocacy organizations;
- 565 (H) Returning citizen organizations;
- 566 (I) Victim services organizations;
- 567 (J) Social services organizations;
- 568 (K) Mental and behavioral health organizations;
- 569 (L) Small businesses;
- 570 (M) Faith-based organizations; and
- 571 (N) Advisory Neighborhood Commissions.

572 (2) The Chairman of the Council shall:

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

574 and

575 (B) Designate a representative who is not employed by the District

576 government as the Commission’s Chairperson.

577 (c)(1) The Commission shall submit its recommendations in a report to the Mayor and

578 Council by December 31, 2020.

579 (2) The report required by paragraph (1) of this subsection shall include analyses

580 and recommendations on the following topics:

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

582 (B) Alternatives to police responses to incidents, such as community-based,

583 behavioral health, or social services co-responders;

584 (C) Police discipline;

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

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

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

592 SUBTITLE R. METRO TRANSIT POLICE DEPARTMENT OVERSIGHT AND  
593 ACCOUNTABILITY

594 Sec. 123. Section 76 of Article XVI of Title III of the Washington Metropolitan Area  
595 Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Official Code § 9-  
596 1107.01(76)), is amended as follows:

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

598 “(1A) prohibit the use of enforcement quotas to evaluate, incentivize, or discipline  
599 members, including with regard to the number of arrests made or citations or warnings issued;”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

632                                   “(iv) All use of force incidents, serious use of force incidents, and  
633 serious physical injury incidents; and

634                                   “(v) Any in-custody death.

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

638                                   “(A) Harassment;

639                                   “(B) Use of force;

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

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

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

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

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

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

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

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

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

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

672                   “(16) If the Police Complaints Board refers a complaint for investigation, the Board  
673 shall assign an investigator to investigate the complaint. When the investigator completes the  
674 investigation, the investigator shall summarize the results of the investigation in an investigative

675 report which, along with the investigative file, shall be transmitted to the Board, which may order  
676 an evidentiary hearing.

677           “(17) The Police Complaints Board may, after an investigation, assign a complaint  
678 to a complaint examiner, who shall make written findings of fact regarding all material issues of  
679 fact, and shall determine whether the facts found sustain or do not sustain each allegation of  
680 misconduct. If the complaint examiner determines that one or more allegations in the complaint is  
681 sustained, the Police Complaints Board shall transmit the entire complaint file, including the merits  
682 determination of the complaint examiner, to the Metro Transit Police for appropriate action.

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

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

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

698 TITLE II. BUILDING SAFE AND JUST COMMUNITIES

699 SUBTITLE A. RESTORE THE VOTE

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

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

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

705 (2) Subparagraph (D) is repealed.

706 (b) Section 5(a) (D.C. Official Code § 1-1001.05(a)) is amended by adding new paragraphs  
707 (9B) and (9C) to read as follows:

708 “(9B) In advance of any applicable voter registration or absentee ballot submission  
709 deadlines, provide, to every qualified elector in the Department of Corrections’ care or custody,  
710 and, beginning January 1, 2021, endeavor to provide to every qualified elector in the Bureau of  
711 Prisons’ care or custody:

712 “(A) A voter registration form;

713 “(B) A voter guide;

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

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

718 “(9C) Beginning January 1, 2021, upon receiving information pursuant to section  
719 7(k)(3), (4), or (4A) from the Superior Court of the District of Columbia, the United States District

720 Court for the District of Columbia, or the Bureau of Prisons, notify a qualified elector incarcerated  
721 for a felony of the qualified elector’s right to vote;”.

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

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

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

727 “(4A) Beginning on January 1, 2021, at least monthly, the Board shall request from  
728 the Bureau of Prisons the name, location of incarceration, and contact information for each  
729 qualified elector in the Bureau of Prisons’ care or custody.”.

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

733 “(b-1) Within 10 business days after the effective date of the Comprehensive Policing and  
734 Justice Reform Congressional Review Emergency Amendment Act of 2020, passed on emergency  
735 basis on September 22, 2020 (Enrolled version of Bill 23-\_\_\_) (“act”), the Department shall notify  
736 eligible individuals in its care or custody of their voting rights pursuant to section 201 of the act.”.

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

738 Sec. 301. Applicability.

739 (a) Section 110 shall apply as of August 15, 2020.

740 (b) Section 123 shall apply after the enactment of concurring legislation by the State of



741 Maryland and the Commonwealth of Virginia, the signing and execution of the legislation by the  
742 Mayor of the District of Columbia and the Governors of Maryland and Virginia, and approval by  
743 the United States Congress.

744           Sec. 302. Fiscal impact statement.

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

748           Sec. 303. Effective date.

749           This act shall take effect following approval by the Mayor (or in the event of veto by the  
750 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
751 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
752 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
753 D.C. Official Code § 1-204.12(a)).