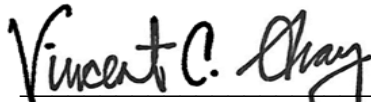




Chairman Phil Mendelson



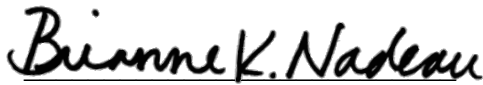
Councilmember Anita Bonds



Councilmember Vincent C. Gray



Councilmember Janeese Lewis George



Councilmember Brianne K. Nadeau



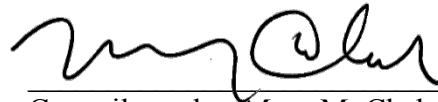
Councilmember Elissa Silverman



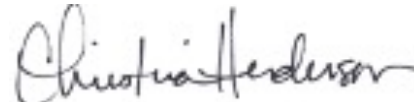
Councilmember Trayon White, Sr.



Councilmember Charles Allen



Councilmember Mary M. Cheh



Councilmember Christina Henderson



Councilmember Kenyan R. McDuffie



Councilmember Brooke Pinto



Councilmember Robert C. White, Jr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Policing and Justice Reform Amendment Act of 2021”.

TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY

SUBTITLE A. PROHIBITING THE USE OF NECK RESTRAINTS

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

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

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

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

87 (1) Paragraph (1) is repealed.

88 (2) Paragraph (2) is repealed.

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

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

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

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

97 “(a) It shall be unlawful for:

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

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

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

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

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

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

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

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

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

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

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

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

128 “(B) The Mayor:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Section 3900 is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

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

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

currently serving member of the MPD, shall be affiliated with any law enforcement agency.” in its place.

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

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

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

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

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

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

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

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

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

SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

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

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

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

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

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

(3) The Commanding Official, Criminal Investigations Division, Investigative Services Bureau;

(4) The Commanding Official, Metropolitan Police Academy;

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

(6) The Commanding Official, Recruiting Division;

(7) The Commanding Official, Court Liaison Division;

(8) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), with the following qualifications and no current or prior affiliation with law enforcement:

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

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

(C) One District resident community member;

(9) Two civilian members appointed by the Council with the following qualifications and no current or prior affiliation with law enforcement:

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

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

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

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

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

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

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

“(40) Use of Force Review Board, established by section 106 of the Comprehensive Policing and Justice Reform Amendment Act of 2021, introduced on June 10, 2021 (Bill 24-____).

SUBTITLE E. ANTI-MASK LAW REPEAL

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

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

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

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

SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

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

“§ 23–526. Limitations on consent searches.

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

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

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

“(B) Advise the subject that:

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

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

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

325 “(D) Confirm that the subject understands the information communicated
326 by the officer; and

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

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

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

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

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

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

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

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

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

346 Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and
347 Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code
348 § 5-107.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(A) Oversight of law enforcement;

“(B) Juvenile justice reform;

“(C) Criminal defense;

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

“(E) Violence prevention or intervention.”.

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

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

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

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

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

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

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

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

SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

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

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

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

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

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

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

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

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

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

SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

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

SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

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

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

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

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

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

SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING AGREEMENTS

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

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

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

SUBTITLE M. OFFICER DISCIPLINE REFORMS

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

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

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

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

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

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

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

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

SUBTITLE N. USE OF FORCE REFORMS

Sec. 119. Use of deadly force.

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

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

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

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

483 (A) A substantial risk of death;

484 (B) Protracted and obvious disfigurement;

485 (C) Protracted loss or impairment of the function of a bodily member or
486 organ; or

487 (D) Protracted loss of consciousness.

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

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

492 (2) The law enforcement officer’s actions are reasonable, given the totality of the
493 circumstances; and

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

496 (c) A trier of fact shall consider:

497 (1) The reasonableness of the law enforcement officer’s belief and actions from the
498 perspective of a reasonable law enforcement officer; and

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

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

501 (i) Possessed or appeared to possess a deadly weapon; and
502 (ii) Refused to comply with the law enforcement officer's lawful
503 order to surrender an object believed to be a deadly weapon prior to the law enforcement officer
504 using deadly force;

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

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

510 SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY
511 WEAPONRY

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

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

- 515 (1) Ammunition of .50 caliber or higher;
516 (2) Armed or armored aircraft or vehicles;
517 (3) Bayonets;
518 (4) Explosives or pyrotechnics, including grenades;
519 (5) Firearm mufflers or silencers;
520 (6) Firearms of .50 caliber or higher;
521 (7) Firearms, firearm accessories, or other objects, designed or capable of launching
522 explosives or pyrotechnics, including grenade launchers; and
523 (8) Remotely piloted, powered aircraft without a crew aboard, including drones.

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

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

(c) District law enforcement agencies shall disgorge any property described in subsection (a) of this section that the agencies currently possess within 180 days after the effective date of the Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, effective December 3, 2020 (D.C. Law 23-151; 67 DCR 9920).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

570 TITLE II. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

571 Sec. 201. Fiscal impact statement.

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

575 Sec. 202. Effective date.

576 This act shall take effect following approval by the Mayor (or in the event of veto by the
577 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
578 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
579 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
580 Columbia Register.