



Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Office of Citizen Complaint Review Establishment Act of 1998 to expand the membership of the Police Complaints Board, and to allow the Office of Police Complaints' Executive Director to initiate their own complaint if they discover evidence of abuse or misuse of police powers that was not alleged in the original complaint, including the failure to intervene or report to a supervisor when another officer used excessive force, engaged in other forms of misconduct, or violated a rule or regulation; to amend the First Amendment Assemblies Act of 2004 to limit the use of riot gear at First Amendment assemblies, and to prohibit the use of chemical irritants and less-lethal projectiles to disperse First Amendment assemblies; and to amend Chapter 3 of Title 14 of the District of Columbia Official Code to clarify that certain provisions only apply to a victim who is under the age of 18.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Policing and Justice Reform Technical Emergency Amendment Act of 2023".

Sec. 2. 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

36 from each Ward and one at-large member, none of whom, after the expiration of the term of the
37 currently serving member of the MPD, shall be affiliated with any law enforcement agency.” in its
38 place.

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

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

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

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

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

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

49 “(A) Intervene in or subsequently report any use of force incident in which
50 the subject police officer observed another law enforcement officer, including an MPD officer,
51 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order
52 901.07, its successor directive, or a similar local or federal directive; or

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

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

59 Sec. 3. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law
60 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

93 Sec. 4. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as
94 follows:

95 (a) Section 14-310(b)(4) is amended as follows:

96 (1) Subparagraph (B) is amended by striking the phrase “whom the victim has” and
97 inserting the phrase “whom a victim under 18 years of age has” in its place.

98 (2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting
99 the phrase “a victim who is under 18 years of age” in its place.

100 (b) Section 14-311(b)(4) is amended as follows:

101 (1) Subparagraph (B) is amended by striking the phrase “with whom the victim
102 has” and inserting the phrase “with whom a victim under 18 years of age has” in its place.

103 (2) Subparagraph (C) is amended by striking the phrase “the victim” and inserting
104 the phrase “a victim who is under 18 years of age” in its place.

105 (c) Section 14-312(b)(4) is amended as follows:

106 (1) Subparagraph (B) is amended by striking the phrase “with whom the victim
107 has” and inserting the phrase “with whom a sexual assault victim under 18 years of age has” in its
108 place.

109 (2) Subparagraph (C) is amended by striking the phrase “the sexual assault victim”
110 and inserting the phrase “a sexual assault victim who is under 18 years of age” in its place.

111 Sec. 5. Applicability.

112 (a) Section 2 shall expire on the applicability date of section 105 of the Comprehensive
113 Policing and Justice Reform Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-345;
114 70 DCR 953).

115 (b) Section 3 shall expire on October 1, 2023.

116 Sec. 6. Fiscal impact statement.

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

120 Sec. 7. Effective date.

121 This act shall take effect following approval by the Mayor (or in the event of veto by the
122 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
123 90 days, as provided for emergency acts of the Council of the District of Columbia in section
124 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
125 D.C. Official Code §1-204.12(a)).