

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A BILL  
25-255

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

To amend, on a temporary 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 Temporary 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

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

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

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

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

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

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

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

45 “(A) Intervene in or subsequently report any use of force incident in which  
46 the subject police officer observed another law enforcement officer, including an MPD officer,  
47 utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order  
48 901.07, its successor directive, or a similar local or federal directive; or

49 “(B) Immediately report to their supervisor any violations of the rules and  
50 regulations of the MPD committed by any other MPD officer, and each instance of their use of

51 force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26,  
52 or any successor directive.”.

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

55 Sec. 3. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law  
56 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

84           “(c)(1) Less-lethal projectiles 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 less-lethal projectiles to disperse a First Amendment  
88 assembly.”.

89           Sec. 4. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as

90 follows:

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

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

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

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

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

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

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

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

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

107 Sec. 5. Applicability.

**ENGROSSED ORIGINAL**

108 (a) Section 2 shall expire on the applicability date of section 105 of the Comprehensive  
109 Policing and Justice Reform Amendment Act of 2022, effective April 21, 2023 (D.C. Law 24-345;  
110 70 DCR 953).

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

112 Sec. 6. Fiscal impact statement.

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

116 Sec. 7. Effective date.

117 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
118 the Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
119 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,  
120 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
121 Columbia Register.

122 (b) This act shall expire after 225 days of its having taken effect.