



Chairman Phil Mendelson

AN AMENDMENT

Bill 23-XXX, "The Comprehensive Policing and Justice Reform Temporary Amendment Act of 2020"

June 9, 2020
As Introduced

(a) A new Subtitle J is added to read as follows:

"SUBTITLE J. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

"Sec. 110. 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 as follows:

"(b) Sec. 202 (D.C. Official Code § 5-107.01) is amended as follows:

"(c) A new subsection (f) is added read as follows:

"(f) A person shall be ineligible for appointment as a sworn member of the Metropolitan Police Department if he or she was previously terminated or forced to resign for disciplinary reasons from any commissioned or recruit/probationary position with a law enforcement agency, or previously resigned from a law enforcement agency to avoid potential or proposed or pending adverse disciplinary action or termination."

Rationale:

This subtitle ensures that the Metropolitan Police Department is not legally able to hire individuals who have a documented history of police misconduct.



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(a) A new Subtitle K is added to read as follows:

"SUBTITLE K. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING AGREEMENTS

"Sec. 111. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

"(b) Sec. 1708 (D.C. Official Code § 1-617.08) is amended as follows:

"(c) A new subsection (c) is added 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 be applicable to any collective bargaining agreements entered into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after September 20, 2020."

Rationale:

Collective bargaining agreements are an essential tool for workers to negotiate and receive fair compensation, benefits, and workplace accommodations, but they should not be used to shield employees from accountability, particularly those employees who have as much as power as police officers. This subtitle ensures that future collective bargaining agreements between the Fraternal Order of Police/Metropolitan Police Department Labor Committee and the District of Columbia does not restrict management's right to discipline sworn officers.



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(a) A new Subtitle L is added to read as follows:

"SUBTITLE L. USE OF DEADLY FORCE BY A POLICE OFFICER

"Sec. 112. Use of deadly force by a police officer.

"(b) A Metropolitan Police Department officer, after giving notice of his or her's identity as such, may use or threaten to use force that is reasonably necessary to accomplish the arrest of an individual suspected of a criminal act who resists or flees from the arrest.

"(c) Notwithstanding subsection (a), the officer may use deadly force to effect an arrest only if all other reasonable means of apprehension have been exhausted or are unavailable, and where feasible, the officer has given notice of the officer's identity and given a warning that deadly force may be used unless resistance or flight ceases, and:

"(1) The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; or

"(2) The officer has probable cause to believe that the individual to be arrested poses a threat of serious bodily injury, either to the officer or to others unless immediately apprehended.

"For purposes of this section:

"(1) "Deadly force" means force that in the manner of its use or intended use, is capable of causing death or serious bodily injury.

“(2) “Serious bodily injury” means any injury that creates a substantial risk of death, serious disfigurement, loss of consciousness, permanent or protracted disability, or a broken bone.”.

Rationale:

Across the country, we have witnessed many examples of police officers using deadly force against Black citizens in circumstances where it was not justified. George Floyd, Breonna Taylor, Eric Garner and Philando Castile, Justin Howell are only a few the numerous instances where Black citizens have been killed as a result of unjustifiable use of deadly force. To ensure that we do not see these incidents take place in the District of Columbia, this subtitle would require Metropolitan Police Department officers to exhaust every alternative to deadly force when effectuating an arrest.



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AN AMENDMENT (#4)

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June 9, 2020
As Introduced

SUBTITLE M. OFFICE OF POLICE COMPLAINT REFORMS, PAGE 5, LINES 109-135

Insert 2 new subsections to this subtitle that read as follows:

(1) Section 5(d-2)(2)(D.C. Official Code 5-1104((d-2)(2)) is amended as follows:

Strike the phrase "timely and complete access to all information"; and insert in its place
"unfettered access to information"

(2) Section 8(h-2)(2) (D.C. Official Code 5-1104((d-2)(2)) is amended as follows:

Strike the phrase "timely and complete access to all information" and Insert in its place
"unfettered access to all information."

Rationale:

This amendment improves that the Executive Director's access to complaint information held by MPD This language is taken from bills introduced 20 years ago to which MPD objected. This clarification makes it clear that it is the OPC Director who decides if the information is necessary, not the Chief of Police.