

AN AMENDMENT

#2

**Date:** June 9, 2020

**Amendment offered by:** Councilmember David Grosso

**To:** Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020

**Version:**

Introduced	_____
Committee Print	_____
First Reading	<u>  X  </u>
Amended First Reading	_____
Engrossed	_____
Enrolled	_____
Unidentified	_____

**Amendment:**

A new subtitle is added as follows:

SUBTITLE \_\_. LIMITATION ON THE USE OF RIOT GEAR AND LESS-LETHAL PROJECTILES

Sec. 111. 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 by adding a new paragraph (2A) to read as follows:

“(2A) “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 as follows:

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

“(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 shall be consistent with the District policy on First Amendment assemblies and 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.”.

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

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

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

“(B) Any agreement that the Mayor enters into with another law enforcement agency pursuant to section 11712(a) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 5-133.17(a)), shall prohibit the agency from using less-than lethal projectiles to disperse a First Amendment assembly on property outside the agency’s jurisdiction.”.

**Rationale:**

This amendment would prohibit MPD from deploying officers in riot gear unless there is immediate risk of significant bodily injury to them. It also prohibits using less lethal projectiles, including rubber coated bullets and stun grenades, to disperse a protest, and would have the effect of prohibiting federal law enforcement agencies operating in the District from using less lethal projectiles

on non-federal land. These weapons can cause serious bodily injury or even death—one medical journal estimated that 15% of people hit with these projectiles suffer permanent injury while 3% die. Over the past two weeks, protestors, journalists, and bystanders have suffered these effects of rubber bullets. After their use in D.C. and around the country by police to violently respond to protests against police violence, the community is demanding that D.C. demilitarize police. This is one step toward that goal.