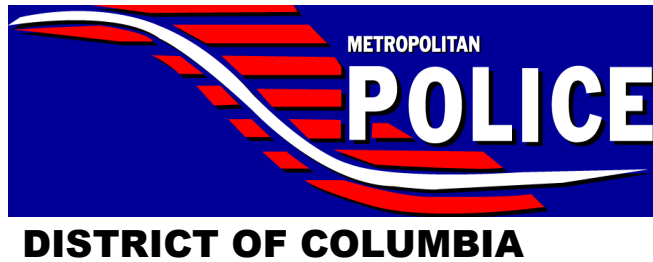


CIRCULAR



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| Title | Secure DC Omnibus Emergency Amendment Act of 2024 |
| Number | CIR-24-01 |
| Effective Date | March 12, 2024 |
| Expiration Date | March 12, 2026 |
| Related to: | GO-OPS-301.03 (Vehicle Pursuits) GO-SPT-302.13 (Body-Worn Camera Program) GO 304.20 (CPOs and Criminal Restraining Orders) GO-OPS-307.04 (Drug-Free Zones) GO-RAR-901.07 (Use of Force) |

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The purpose of this circular is to inform members of the Secure DC Omnibus Emergency Amendment Act of 2024.

A. Change to Neck Restraint Definition

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| Need to Know | Clarifies that the prohibition on neck restraints applies to actions that restricts an individual’s airway, blood flow, or breathing, but not contact that restricts movement. |
| Definition | “Neck restraint” means the use of any body part or object by a law enforcement officer to apply pressure against a person's neck, including the trachea, carotid artery, or jugular vein, with the purpose, intent, or effect of controlling or restricting the person's movement , airway, blood flow, or breathing, except in cases where the law enforcement officer is acting in good |

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| Reference | <p>faith to provide medical care or treatment, such as by providing cardiopulmonary resuscitation.</p> <p>DC Official Code § 5-125.02(5) GO-RAR-901.07 (Use of Force)</p> |
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B. Vehicular Pursuits

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| Need to Know | <p>Extends emergency legislation. That means members can pursue in certain limited circumstances as outlined by MPD policy GO-OPS-301.03 (Vehicle Pursuits).</p> <p>The only change to policy is the definition of “serious bodily injury” which has been updated in GO-OPS-301.03 to match the legislation.</p> |
| Definition | <p>Serious Bodily injury is “extreme physical pain, illness, or impairment of the physical condition that involves: (A) a substantial risk of death; (B) protracted and obvious disfigurement; (C) Protracted loss or impairment of the function of a bodily member or organ; or (D) protracted loss of consciousness.”</p> |
| Reference | <p>DC Official Code § 5-365.02. GO-OPS-301.03 (Vehicle Pursuits)</p> |

C. Body Worn Camera

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| Need to Know | <p>Officers may review body-worn camera (BWC) footage before writing initial reports except for serious uses of force and an incident involving an officer involved death. For any other incident, officers may review their BWC footage prior to writing a report, but officers shall indicate whether the officer viewed body-worn camera footage prior to writing the report and specify what body-worn camera was viewed.</p> <p>Officers are no longer required to notify contact subjects that they are being recorded.</p> <p>When releasing body-worn camera recordings, the likenesses of law enforcement officers acting in their professional capacities, other than those acting undercover, shall not be redacted or otherwise obscured.</p> |
| Reference | <p>DC Official Code § 5-116.33 24 DCMR 3900.5 repealed GO-SPT-302.13 (Body-Worn Camera Program)</p> |

D. Masks

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| Need to Know | <p>The law prohibiting wearing a mask has been revived, in part:</p> <ul style="list-style-type: none"> - It is illegal for any person over 16 years of age, while wearing any mask or other article whereby a substantial portion of the face is hidden, concealed, or covered while engaging in: - (1) A dangerous crime (DC Official Code § 23-1331(3)); |
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| | <ul style="list-style-type: none"> - (2) A crime of violence (DC Official Code § 23-1331(4)); - (3) Theft (DC Official Code § 22-3211); or - (4) Threats to do bodily harm (DC Official Code § 22-407). |
| Reference | DC Official Code § 22-3312.03 |

E. Self-Defense Spray

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| Need to Know | Sale and delivery of self-defense sprays is allowed in the District, provided that the spray is propelled from an aerosol container, labeled with instructions as to its use, and contains an expiration date. |
| Reference | DC Official Code § 7-2501.01 et seq. |

F. Ammunition

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| Need to Know | <i>Large Capacity Ammunition Feeding Devices was amended to address a recent court decision:</i> |
| | No person in the District shall knowingly possess, sell, or transfer any ammunition feeding device that is, in fact , a large capacity ammunition feeding device, regardless of whether the device is attached to a firearm. |
| Definition | A “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition to exclude an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition. |
| Penalty | Incarcerated for 3 years, fined \$12,500, or both. |
| Reference | DC Official Code § 7-2506.01 |

G. Extreme Risk Protection Order

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| Need to Know | ERPO changes: <ul style="list-style-type: none"> - A petitioner can include someone who was formerly in romantic, dating, or sexual relationship with respondent or seeking to be in one. Any sworn member of any law enforcement agency operating in the District of Columbia (not just MPD) can petition. <p>MPD shall notify the court (rather than the petitioner) if they cannot complete personal service of an ERPO upon the respondent within 7 days after receiving an order.</p> |
| Reference | DC Official Code § 7-2510.05(a) GO-OPS-304.20 (Civil Protection Orders and Criminal Restraining Orders) |

H. Assault

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| <p>Offense</p> | <p>“Assault”: (a)(1) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 180 days, or both.</p> <p>(2) Whoever unlawfully assaults, or threatens another in a menacing manner, and intentionally, knowingly, or recklessly causes significant bodily injury to another shall be fined not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 3 years, or both. For the purposes of this paragraph, the term “significant bodily injury” means an injury that requires hospitalization or immediate medical attention.</p> <p>Significant Bodily Injury means:</p> <ul style="list-style-type: none"> - An injury that, to prevent long-term physical damage or to abate severe pain, requires hospitalization or medical treatment beyond what a layperson can personally administer; - A fracture of a bone; - A laceration for which the victim required stitches, sutures, staples, or closed-skin adhesives, or a laceration that is at least one inch in length and at least one quarter of an inch in depth; - A burn of at least second degree severity; - Any loss of consciousness; - A traumatic brain injury; or - An injury where medical testing, beyond what a layperson can personally administer, was performed to ascertain whether there was an injury related to the above. |
| <p>Offense</p> | <p>Aggravated Assault: A person commits if:</p> <p>(1) By any means, that person knowingly or purposely causes serious bodily injury to another person; or</p> <p>(2) Under circumstances manifesting extreme indifference to human life, that person intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury to another person, and thereby causes <u>serious bodily injury</u>.</p> |
| <p>Definition</p> | <p>While the language of the offense remains the same, the term “serious bodily injury” has been amended to mean an injury or significant bodily injury that involves:</p> <ul style="list-style-type: none"> • A substantial risk of death; • Protected and obvious disfigurement; • Protracted loss or impairment of the function of a bodily member, organ, or mental faculty; • Extended loss of consciousness; • A burn of at least third degree severity; or • A gunshot wound. |
| <p>Reference</p> | <p>DC Official Code §22-404 DC Official Code § 22-404.01</p> |

I. Assault on Police Officer

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| Definition | Significant bodily injury definition is updated (see Assault section above). |
| Need to Know | Expands “assault on member of police force, campus or university special police, or fire department” to include any emergency medical technician, paramedic, intermediate paramedic, or other members of any emergency medical services. |
| Reference | DC Official Code § 22-405 |

J. Strangulation

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| Definition | A person commits the offense of strangulation if that person knowingly, intentionally, or recklessly restricts the normal circulation of the blood or breathing of another person, either by applying pressure on the throat, neck, or chest of another person, or by blocking the nose or mouth of another person. |
| Need to Know | Extends prior emergency legislation. Strangulation may be subject to an enhanced penalty if the victim sustained a serious bodily injury; the offender was subject to a stay away order; or was convicted of an intrafamily offense within five years. |
| Penalty | Imprisonment for not more than 5 years, \$12,500, or both. |

K. Carjacking

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| Need to Know | Amends the definition of carjacking to include taking the person’s key while the vehicle is within the line of sight of the victim |
| Definition | “Carjacking” - A person commits the offense of carjacking if, by any means, that person knowingly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempts to do so, shall take a motor vehicle from a person’s immediate actual possession, or that person knowingly by force or violence, or by putting in fear, shall take a key to a motor vehicle from the immediate actual possession of another person, while that motor vehicle is within the line of sight of the person or the victim and close enough to the vehicle that the person taking the key to the motor vehicle can take immediate possession of it, with the purpose and effect of immediately taking the motor vehicle of another. |
| Reference | DC Official Code § 22-2803(a)(1) |

L. Misdemeanor Sexual Abuse and Misdemeanor Child Sexual Abuse

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| <p>Need to Know</p> | <p>A person convicted of misdemeanor sexual abuse who has 3 or more prior convictions for misdemeanor sexual abuse shall be incarcerated no more than 3 years, fined \$12,500, or both.</p> <p>A person convicted of misdemeanor sexual abuse of a child or minor who has 3 or more prior convictions for misdemeanor sexual abuse of a child or minor shall be incarcerated no more than 3 years, fined \$12,500, or both.</p> <p>For the above crimes, prior convictions can include crimes committed in outside jurisdictions that would meet the District of Columbia’s definition of misdemeanor sexual abuse or misdemeanor sexual abuse of a child or minor, respectively.</p> <p>Any person who is found guilty of a sexual offense may receive up to 1.5 times the maximum penalty for the particular offense if the victim was under 42 13 years of age at the time of the offense.</p> <p>DC Official Code § 22-3006 DC Official Code § 22-3010.01 DC Official Code § 22-3020(a)(1)</p> |
| <p>Reference</p> | <p>DC Official Code § 22-3006 DC Official Code § 22-3010.01 DC Official Code § 22-3020(a)(1)</p> |

M. Theft

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| <p>Definition</p> | <p>“Organized retail theft” - acting in concert with one or more other persons to commit theft, as described in DC Official Code § 22-3211, of any merchandise with a value greater than \$1,000 aggregated over a 90-day period with the intent to: (1) Sell, barter, or trade the merchandise for monetary or other gain; or (2) Fraudulently return the merchandise to a retail merchant.</p> |
| <p>Need to Know</p> | <p><i>New offense: Directing Organized Retail Theft</i></p> <ul style="list-style-type: none"> - If any person acts as an organizer by recruiting, directing, or coercing individuals to commit organized retail theft. - Penalty: Incarcerated for no more than 15 years, fined \$37,500, or both. |
| <p>Need to Know</p> | <p><i>Theft in the first degree</i></p> <ul style="list-style-type: none"> - The value of the property obtained or used remains \$1,000 or more; or - New: The person commits theft twice or more within a period of 6 months and the aggregate value of property obtained is \$1000 or more. When a person commits theft twice or more within a period of 6 months, the thefts may be aggregated and charged in a single count, in which event they shall constitute a single offense. |
| <p>Reference</p> | <p>DC Official Code § 22-3201 et seq.</p> |

N. Firearms

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| <p>Need to Know</p> | <p><i>Unlawful possession of firearm</i></p> <ul style="list-style-type: none"> - Newly unlawful: <ul style="list-style-type: none"> o Possessing a Firearm if convicted of stalking or attempted stalking in the past five years. <ul style="list-style-type: none"> ▪ Penalty: imprisonment for not more than 10 years; 1 year mandatory-minimum. ▪ Penalty with prior crime of violence conviction: imprisonment for not more than 15 years; 3 years mandatory-minimum. o For any person to knowingly to possess or receive any firearm which has had the importer’s or manufacturer’s serial number removed, obliterated, or altered. <ul style="list-style-type: none"> ▪ Penalty: imprisonment of no less than 2 nor more than 5 years, up to \$12,500, or both. o For any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe that the firearm or ammunition was stolen. <ul style="list-style-type: none"> ▪ Penalty: imprisonment of no less than 2 nor more than 5 years, up to \$12,500, or both. |
| <p>Need to Know</p> | <p><i>Endangerment with a firearm</i></p> <ul style="list-style-type: none"> - Knowingly discharges a projectile from a firearm outside a licensed firing range, and <ul style="list-style-type: none"> o Knows that the discharged projectile creates a substantial risk of death or bodily injury to another person, or the person or discharged projectile is in or travels through or stops in, a location where groups of people may congregate, or o Does not have permission from MPD or another law enforcement agency to discharge a projectile from a firearm. |
| <p>Penalty</p> | <ul style="list-style-type: none"> - Imprisonment for not more than 5 years, \$12,500, or both. - Convicted Felon or 5+ projectiles discharged: imprisonment for not more than 10 years, \$25,000, or both. |
| <p>Need to Know</p> | <p><i>Unlawful discarding of firearms and ammunition</i></p> <ul style="list-style-type: none"> - It is unlawful to knowingly discard, throw or deposit any firearm or ammunition in a place other than the person’s dwelling, place of business, or on other land possess by the person. - Note: does not apply where a person discards in a securely locked box, is expressly directed by law enforcement, while participating in lawful firearms training and safety class; or who is a licensee and in compliance with the <u>Firearms Control Regulation Act of 1975</u>. |
| <p>Penalty</p> | <ul style="list-style-type: none"> - Imprisonment for not more than 5 years, \$12,500, or both. - Convicted felon: imprisonment for not more than 10 years, \$25,000 or both. |

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| <p>Need to Know</p> | <p><i>Possession of certain dangerous weapons penalties</i></p> <ul style="list-style-type: none"> - If the violation involves possession of a sawed-off shotgun, or ghost gun, the offense is punishable by imprisonment for not more than 5 years, \$12,500, or both (currently 1 year). - If the violation involves possession of a machine gun, the offense is punishable by imprisonment for not more than 5 years, which shall be imposed <i>consecutive</i> to any other sentence of imprisonment, a fine not more than \$12,500, or both. - If the person has a prior conviction for a felony, the offense is punishable by imprisonment for not more than 10 years, a fine not more than \$12,500, or both. |
| <p>Need to Know</p> | <p><i>Increases penalty for firearms trafficking</i></p> <p>A person convicted of possessing a firearm with an intent to sell, offer for sale, or make available for sale shall be incarcerated for no less than 2 years nor more than 10 years, fined no more than \$25,000, or both.</p> |
| <p>Reference</p> | <p>DC Official Code § 7-2507.06 DC Official Code § 22-4503 DC Official Code § 22-4514</p> |

O. Non-Consensual Pornography

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| <p>Need to Know</p> | <p><i>Unlawful Disclosure</i></p> <p>It shall be unlawful in the District of Columbia for a person to knowingly disclose one or more sexual images of another identified or identifiable person when:</p> <ul style="list-style-type: none"> - The person depicted did not consent to the disclosure of the sexual image; - There was an agreement or understanding between the person depicted and the person disclosing that the sexual image would not be disclosed; and <u>The person disclosing the sexual image knew or consciously disregarded a substantial and unjustifiable risk that the person depicted did not consent to the disclosure; and</u> - The person disclosed the sexual image with the intent to harm the person depicted or to receive financial gain. |
| <p>Penalty</p> | <p>Imprisonment for not more than 180 days, \$1,000, or both.</p> |
| <p>Need to Know</p> | <p><i>First-degree unlawful publication</i></p> <ul style="list-style-type: none"> - It shall be unlawful in the District of Columbia for a person to knowingly publish one or more sexual images of another identified <u>or identifiable person, whether obtained directly from the person or from a third party or other source, when:</u> - The person depicted did not consent to the disclosure or publication of the sexual image; - There was an agreement or understanding between the person depicted and the person publishing that the sexual image would not be disclosed or published; and The person publishing the |

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| | <p>sexual image knew or consciously disregarded a substantial and unjustifiable risk that the person depicted did not consent to the publication.</p> |
| <p>Penalty</p> | <p>Imprisonment for not more than 3 years, \$12,500, or both.</p> |
| <p>Need to Know</p> | <p><i>Second-degree unlawful publication</i></p> <ul style="list-style-type: none"> - The person depicted did not consent to the disclosure or publication of the sexual image; and - The person published the sexual image with conscious disregard that the 1541 sexual image was obtained as a result of a previous disclosure or publication of the sexual image 1542 made with an intent to harm the person depicted or to receive financial gain. The person publishing the sexual image knew or consciously disregarded a substantial and unjustifiable risk that the sexual image was obtained as a result of a previous disclosure or publication of the sexual image made with intent to harm the person depicted or to receive financial gain. |
| <p>Penalty</p> | <p>Imprisonment of not more than 180 days, \$1,000, or both.</p> |
| <p>Reference</p> | <p>DC Official Code § 22-3051 DC Official Code § 22-3052 DC Official Code § 22-3053</p> |

P. Drug Free Zone

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| <p>Need to Know</p> | <p>A Drug Free Zone is public space, on public property, from which uniformed MPD officers can require groups of two or more people to disperse if they're congregating for illicit drug activity. The law authorizes the Chief of Police to declare any public area encompassing a maximum of 1,000 square feet a Drug Free Zone for up to five days. See GO-OPS-307.04 (Drug-Free-Zones) for additional information.</p> |
| <p>Reference</p> | <p>DC Official Code § 48-1001 GO-OPS-307.04 (Drug-Free Zones)</p> |

Q. Enhanced Penalties

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| <p>Need to Know</p> | <p><i>Department of Parks and Recreation</i> A crime of violence against person at Department of Parks and Recreation property may be punished by a fine of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise authorized by the offense, or both.</p> |
| <p>Need to Know</p> | <p><i>Vulnerable Adults</i> A crime of violence against vulnerable adults may be punished by a fine of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise authorized by the offense, or both.</p> |

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| <p>Definition</p> | <p>Vulnerable adult - person who is 18 years of age or older and has one or more physical or mental limitations that substantially impairs the person’s ability to independently provide for their daily needs or safeguard their person, property, or legal interests.”.</p> |
| <p>Need to Know</p> | <p><i>Crime of Violence Transportation</i> Any person who commits a crime of violence against a transportation provider (a private vehicle-for-hire or a public vehicle-for-hire); Metro manager, employee, or passenger, may be punished by a fine of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise authorized for the offense, or both.</p> |

R. Sexual Abuse

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| <p>Need to Know</p> | <p>Adds “contractors” and “consultants” to volunteers and employees at schools, religious institutions, and other specified recreational programs and facilities to the definition of “significant relationship” for sexual abuse of minors statutes.</p> |
| <p>Reference</p> | <p>DC Official Code § 22-3001 DC Official Code § 22-3009.01 DC Official Code § 22-3009.02 DC Official Code § 22-3010 DC Official Code 22-3010.01</p> |

S. Jury Trial

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| <p>Need to Know</p> | <p>Previously, if the victim was a law enforcement officer, the defendant was entitled to a jury trial regardless of the charge. A defendant charged with a certain offense is eligible for a jury trial only if the victim is a law enforcement officer in uniform or acting in an official capacity.</p> |
| <p>Reference</p> | <p>DC Official Code § 16-705</p> |

T. Extraditable Warrants

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| <p>Need to Know</p> | <p>Extends emergency legislation. Misdemeanor warrants may be served any place in the United States up to one year after issuance if the court finds that good cause exists.</p> <p>Good cause for the warrant or summons to be served at any place within the jurisdiction of the United States is presumed where the warrant or summons is for an intrafamily offense or sex abuse.</p> |
| <p>Reference</p> | <p>DC Official Code § 23-563</p> |

U. Failure to Pay Fare

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| Need to Know | A person stopped for failure to pay fare shall inform the authorized individual of his or her true name and address for the notice of infraction (NOI). An individual who refuses to provide the correct name or address; or provides a false name or address shall be fined, upon conviction, no more than \$100. |
| Reference | DC Official Code § 35-252 |

While this circular will expire on March 12, 2026, changes made to District law as described in this circular will become permanent upon passage of the permanent bill and remain so until such time as the law as amended. Members will be notified in the event that the permanent legislation does not move forward.



Pamela A. Smith
Chief of Police