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2 Councilmember Trayon White, Sr.



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Councilmember Robert C. White, Jr.

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9 Councilmember Brianne K. Nadeau



Councilmember Anita Bonds

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13 A BILL

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16 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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19 To prohibit District of Columbia law enforcement officers from engaging in vehicular pursuits of  
20 an individual operating a motor vehicle, unless the officer reasonably believes that the  
21 fleeing suspect has committed or has attempted to commit a crime of violence and that  
22 the pursuit is necessary to prevent an imminent death or serious bodily injury and is not  
23 likely to put others in danger of death or serious bodily injury; and to prohibit the use of  
24 dangerous vehicular pursuit practices.

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26 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
27 act may be cited as the “Law Enforcement Vehicular Pursuit Reform Act of 2021”.

28 Sec. 2. Definitions

29 For the purposes of this act, the term:

30 (1) “Boxing in” means a tactic designed to stop a suspect motor vehicle by  
31 surrounding it with motor vehicles and then slowing them to a stop.

32 (2) “Caravanning” means the practice, during a vehicular pursuit, of more than 2  
33 law enforcement motor vehicles following each other in relative single file, usually with less  
34 than sufficient reactionary distance between the vehicles to adjust for sudden movement or  
35 actions by the preceding vehicles.

36 (3) “Crime of Violence” shall have the same meaning as provided in D.C. Official  
37 Code § 23-1331.

38 (4) “Law enforcement officer” shall have the same meaning as provided in D.C.  
39 Official Code § 23-501.

40 (5) “Motor vehicle” means any automobile, all-terrain vehicle, motorcycle,  
41 moped, or other vehicle designed to be propelled only by an internal-combustion engine or  
42 electricity.

43 (6) “Paralleling” means participating in the pursuit of a suspect motor vehicle by  
44 proceeding in the same direction and maintaining approximately the same speed as the suspect  
45 motor vehicle while traveling on an alternate street or highway that parallels the pursuit route.

46 (7) “Pursuit intervention technique” means a low-speed maneuver intended to  
47 terminate the pursuit of a suspect motor vehicle by causing the suspect motor vehicle to spin out  
48 of control and come to a stop.

49 (8) “Ramming” means the deliberate act of impacting a suspect motor vehicle  
50 with another vehicle to damage or otherwise force a motor vehicle to stop.

51 (9) “Roadblock” means a tactic designed to stop a suspect motor vehicle by  
52 intentionally placing a vehicle or immovable object in the path of the motor vehicle.

53 (10) “Serious bodily injury” means a bodily injury or significant bodily injury that  
54 involves:

55 (A) A substantial risk of death;

56 (B) Protracted and obvious disfigurement;

57 (C) Protracted loss or impairment of the function of a bodily member or  
58 organ; or

59 (D) Protracted loss of consciousness.

60 (11) “Tire deflation device” means a device, including spikes or tack strips, that  
61 extends across the roadway and is designed to puncture the tires of the suspect motor vehicle.

62 (12) “Vehicle intercept” means a slow-speed, coordinated maneuver where 2 or  
63 more law enforcement motor vehicles simultaneously intercept and block the movement of a  
64 suspect motor vehicle to constrain the movement of a motor vehicle and prevent a pursuit.

65 Sec. 3. Law enforcement vehicular pursuit reform.

66 (a) A law enforcement officer shall not use a motor vehicle to engage in a pursuit of a  
67 suspect motor vehicle, unless the law enforcement officer reasonably believes:

68 (1) The fleeing suspect has committed or has attempted to commit an immediate  
69 crime of violence;

70 (2) The vehicular pursuit is immediately necessary to avoid death or serious  
71 bodily injury to a person other than the operator of the suspect motor vehicle; and

72 (3) The pursuit is not likely to cause death or serious bodily injury to any person.

73 (b) In determining whether a law enforcement officer reasonably believed that a vehicular  
74 pursuit was immediately necessary and unlikely to cause death or serious bodily harm, a  
75 factfinder shall consider:

76 (1) Whether the identity of the suspect is known and can be apprehended at a  
77 later time;

78 (2) The likelihood of the public being endangered in the area of the pursuit,  
79 including the type of area, the time of day, the amount of vehicular and pedestrian traffic such as  
80 school zones, and the speed of the pursuit relative to these factors;

81 (3) Whether there are other people inside the suspect motor vehicle;

- 82 (4) The availability of other resources such as helicopters;
- 83 (5) Whether the distance between the pursuing officers and the fleeing vehicle is  
84 so great that further pursuit would be futile or require the pursuit to continue for an unreasonable  
85 time or distance;
- 86 (6) Whether visual contact is lost and the pursued vehicle's location is no longer  
87 definitely known;
- 88 (7) Whether the officer's pursuit vehicle sustains damage or a mechanical failure  
89 that renders it unsafe to operate;
- 90 (8) Whether the officer was directed to terminate the pursuit by the pursuit  
91 supervisor or a higher ranking supervisor;
- 92 (9) The law enforcement officer's training and experience;
- 93 (10) Whether the operator of the motor vehicle:
- 94 (A) Appeared to possess, either on their person or in a location where it is  
95 readily available, a dangerous weapon; and
- 96 (B) Was afforded an opportunity to comply with an order to surrender any  
97 suspected dangerous weapons;
- 98 (11) Whether the law enforcement officer engaged in de-escalation measures;
- 99 (12) Whether any conduct by the law enforcement officer increased the risk of  
100 harm; and
- 101 (13) Whether the law enforcement officer made all reasonable efforts to prevent  
102 harm, including abandoning efforts to apprehend the suspect.
- 103 (c) A law enforcement officer shall not engage in the following conduct under any  
104 circumstances:

- 105 (1) Boxing in;
- 106 (2) Vehicle intercepts;
- 107 (3) Caravanning;
- 108 (4) Paralleling;
- 109 (5) Pursuit Intervention Technique;
- 110 (6) Ramming;
- 111 (7) Use of tire deflation devices;
- 112 (8) Attempting to force a motor vehicle into another object or off the roadway;
- 113 (9) Discharging a firearm at or from a moving motor vehicle;
- 114 (10) Placing themselves in a position to be in front of an on-coming vehicle in a
- 115 manner that is likely to cause death or serious bodily injury; or
- 116 (11) Using roadblocks.

117 (d) It is unlawful for a law enforcement officer to knowingly violate this section.

118 Sec. 4. Applicability.

119 This act shall apply 90 days following the date it takes effect.

120 Sec. 5. Fiscal impact statement.

121 The Council adopts the fiscal impact statement in the committee report as the fiscal  
122 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
123 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

124 Sec. 6. Effective Date

125 This act shall take effect following approval by the Mayor (or in the event of veto by the  
126 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
127 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

128 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
129 Columbia Register.