



LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

Washington, D.C. Fact Sheet

Protection of Public Officials

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state *and* local officials. Below is more information on Washington, D.C.'s relevant law.


Washington, D.C. Code, §22-851, Protection of District public officials

(a) For the purposes of this section, the term:

- (1) "Family member" means an individual to whom the official or employee of the District of Columbia is related by blood, legal custody, marriage, domestic partnership, having a child in common, the sharing of a mutual residence, or the maintenance of a romantic relationship not necessarily including a sexual relationship.
- (2) "Official or employee" means a person who currently holds or formerly held a paid or unpaid position in the legislative, executive, or judicial branch of government of the District of Columbia, including boards and commissions.

(b) A person who corruptly or, by threat or force, or by any threatening letter or communication, intimidates, impedes, interferes with, or retaliates against, or attempts to intimidate, impede, interfere with, or retaliate against any official or employee, while the official or employee is engaged in the performance of his or her duties or on account of the performance of those duties, shall be fined not more than the amount set forth in [§ 22-3571.01](#) or imprisoned not more than 5 years, or both.

(c) A person who stalks, threatens, assaults, kidnaps, or injures any official or employee or vandalizes, damages, destroys, or takes the property of an official or employee, while the official or employee is engaged in the performance of his or her duties or on account of the performance of those duties, shall be fined not more than the amount set forth in [§ 22-3571.01](#) or imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.



(d) A person who stalks, threatens, assaults, kidnaps, or injures a family member or vandalizes, damages, destroys, or takes the property of a family member on account of the performance of the official or employee's duties, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.

Relevant Definitions

Washington, D.C. Code, §22-851

“Official or employee” means a person who currently holds or formerly held a paid or unpaid position in the legislative, executive, or judicial branch of government of the District of Columbia, including boards and commissions.

Penalties

Washington, D.C. Code, §22-851

A person faces imprisonment up to 5 years and a fine up to \$12,500 for threatening, forcing, sending a threatening communication, which attempts to or does intimidate, impeding, interfering with, or retaliating against any official or employee while performing duties.

A person faces imprisonment up to 3 years and a fine of up to \$12,500 for stalking, threatening, assaulting, or injuring any official or employee or vandalizing, damaging, destroying, or taking the property of an official or employee, while the official or employee performs their duties, or of a family member, on account of that person performing their duties.

Summary

A person faces criminal charges when he/she threatens or sends a threatening communication, which attempts to or does intimidate, impede, interfere with, or retaliate against any official or employee while performing duties. A person also faces criminal charges when he/she stalks, threatens, assaults, or injures any official or employee or vandalizes, damages, or takes the property of an official or employee, while he/she performs their duties or of a family member, on account of that person performing their duties. “Official or employee” means a person who currently holds or formerly held a paid or unpaid position in the legislative, executive, or judicial branch of government of the District of Columbia.

Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

Washington, D.C. Code, §22-851 protects public officials from threatening behavior intended to interfere with their duties. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the D.C. Mayor threatening her life if she enforced a mask mandate.] ***This may constitute a violation of §22-851. If convicted, you face up to 5 years imprisonment and a fine of up to \$12,500.***

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*