



District  
of Columbia

FALL 2021

# NEWSLETTER

## DISMANTLING THE SURVEILLANCE STATE IN D.C.

**D.C. has a serious surveillance problem.**

**Countless CCTV surveillance cameras on street corners that can record your movements. Gunshot detection microphones that can passively listen to conversations. License plate readers that can track where you go.**

These are just a few of the surveillance technologies currently in use here in the District. There may be much more we don't know about, because the status quo in most jurisdictions, including the District, is that decisions about acquiring and using surveillance technologies are made unilaterally and in secret by police departments and government bureaucrats. The public and elected leaders often don't know what technologies are being used, let alone have an opportunity to restrict or oppose their use.

This poses significant civil rights and civil liberties risks to all community members.

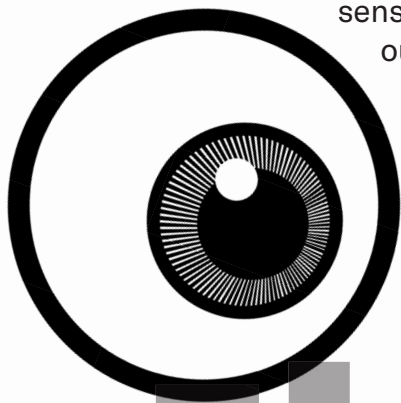
Modern surveillance technologies can collect sensitive information about our private lives, without our knowledge or consent, that can easily be misused to discriminate, invade privacy, and chill

First Amendment freedom. Databases created by these technologies are vulnerable to breach and exploitation, including by private companies and federal agencies such as Immigration and Customs Enforcement. And the threats of the expanding surveillance state only increase as the law fails to keep up with advancements in technology.

The greatest harm inflicted by government use of surveillance technology is to communities that are overpoliced. Surveillance technologies are often lauded as better and cheaper alternatives to more police officers, but use of these tools has not increased public safety. Instead, most arrests and deadly police encounters start with surveillance. Like police, these technologies can be riddled with racial biases and are often used to target Black and brown communities, low-income communities, Muslim communities, immigrant communities, and politically active groups.

Community Oversight of Surveillance D.C. (COS-DC), a local coalition convened by the ACLU-DC, is working to change that. COS-DC seeks to create an oversight framework that shifts decisions about the use of surveillance technologies to democratically accountable D.C. Councilmembers.

CONT....



## DISMANTLING THE SURVEILLANCE STATE IN D.C.

Among other things, the COS-DC legislation would require agencies to divulge the surveillance technologies they currently use or plan to use to the D.C. Council and public and seek approval for each use of a specific technology. Agencies would provide reports to the Council detailing how the technology works, its planned purpose and use, anticipated impact on communities, and what privacy-protective measures they will take to protect the civil rights and civil liberties of District residents. Following a public hearing to gather community input, the Council would vote on whether to approve that specific use of the technology by the agency in question. The legislation would also require periodic audits and assessments to ensure agencies comply with the law.

COS-DC legislation is part of a larger nationwide effort to dismantle the surveillance state. It is not only about ending unchecked government surveillance, but also decentering policing and incarceration as the response to societal issues that are better addressed by investing directly in communities.

To date, 21 cities and jurisdictions have passed similar legislation. We anticipate the introduction of legislation this fall.

Visit our campaign website at [takectrldc.org](https://takectrldc.org) to learn more about how to get involved.



## UNCHECKED SURVEILLANCE TECHNOLOGY



**Closed-Circuit Television Cameras:** Before an additional \$5 million, 140-camera investment in CCTV surveillance in November 2019, D.C. already had 205 fixed CCTV cameras and 21 mobile cameras scattered throughout the District.

An investigation by the Capital News Service found that D.C. has 2.5 times more CCTV cameras in majority people-of-color neighborhoods. This kind of racial disparity in surveillance by police fuels community distrust of law enforcement and greatly increases the likelihood of unnecessary encounters between police and the public.



**Gunshot Detection Software (aka Shotspotter):** Gunshot detection software is a network of microphones planted throughout a city designed to detect the sound of gunshots and—through triangulation with other microphones—provide law enforcement with the location of where the gunshot occurred. D.C. has used Shotspotter since 2006.

Shotspotter claims a 97% accuracy rate, but a May 2021 study of Shotspotter in Chicago by Northwestern University found that over a 21-month period, “89% [of police deployments] turned up no gun-related crime and 86% led to no report of any crime at all.”



**Mobile Device Forensic Tools:** The Metropolitan Police Department uses Cellebrite, a portable machine that can download exact copies of a smartphone's entire memory. From an October 2020 report on the use of MDFTs nationwide, COS-DC coalition partner Upturn submitted more than 110 public records requests to law enforcement agencies nationwide; MPD neither supplied the requested information on how or how often MPD uses its Cellebrite devices, nor did it disclose the policies that govern MPD's use of Cellebrite—or if any such policies exist.

The ACLU-DC has received reports that D.C. Police have arrested and confiscated the cell phones of protestors and journalists engaged in First Amendment-protected activity, and held onto the phones for months, without explanation.

## WHERE ARE WE ON THE FIGHT FOR D.C. STATEHOOD?



Photo: Victoria Pickering

**The last 12 months have been a period of unprecedented momentum toward gaining full and equal voting rights for the people of D.C.**

The Washington, D.C. Admission Act, also known as H.R. 51, passed the House of Representatives on April 22 by a vote of 216 to 208. A corresponding bill in the Senate, S.51, was introduced earlier this year, and a Senate committee held a hearing on D.C. statehood this past summer. The Senate bill now has a record 46 total sponsors, the most support ever to turn D.C. into a state in the U.S. Senate.

Support for D.C. statehood is growing across the country. A national poll conducted in February 2021 showed that for the first time, a majority of Americans, 54%, support D.C. becoming a state. Additionally, previous polling commissioned by D.C. Vote showed that the more people learn the facts about D.C. statehood—including hearing the most common pro and con arguments—the more likely they are to support it. This gives us our strongest path forward in the fight.

On August 28, on the 58th anniversary of the March on Washington, more than 20,000 people marched on the streets of D.C. to advocate for full voting rights across the country. They made it clear that granting statehood for D.C. residents is a core component to ending ongoing voter suppression in our nation.

We will continue to advocate alongside the many incredible individuals and organizations fighting for full and equal rights for the people of the District until we correct this historic wrong.

Check out the latest resources, updates, and ways to get and stay involved in the fight for D.C. statehood at [acludc.org/statehood](https://acludc.org/statehood).

## D.C. COUNCIL UPDATES

The Council's fall session began October 1, 2021, and Councilmembers are expected to consider and introduce several important police reform measures aligned with recommendations in the Police Reform Commission report. A few of the bills that we plan to follow closely:

### **Comprehensive Policing and Justice Reform Amendment Act of 2021 (Bill 24-320)**

includes several restrictions on police practices such as prohibiting the use of neck restraints, banning the use of chemical weapons at First Amendment rallies, and increasing public access to body-worn camera footage. The legislation is expected to have a hearing this fall. The Council passed a temporary version of this legislation last summer.

**Strengthening Oversight and Accountability of Police Amendment Act of 2021 (Bill 24-356)** expands the role of the Office of Police Complaints and requires D.C. Police to create a publicly accessible database of police officer disciplinary records, among other things. The bill is expected to have a hearing this fall.

### **Law Enforcement Vehicular Pursuit Reform Act of 2021 (Bill 24-213)**

prohibits police officers from engaging in dangerous vehicular pursuits of individuals operating a motor vehicle. Since 2016, police vehicular chases have resulted in the deaths of three D.C. residents. The ACLU-DC testified in strong support of this legislation alongside recommendations to add penalties to keep officers accountable to the law.



## ACLU-DC DEFENDS RACIAL JUSTICE PROTESTORS' SPEECH IN THE NATION'S CAPITAL

The ACLU has long been known for defending speech that is unpopular or marginal—from opposition to popular wars, to socialist and communist writing and organizing, to sexually explicit online content. Today in the nation's capital, the ACLU of the District of the Columbia sees its biggest First Amendment fight as one about speech that is at the heart of our nation's ideals: advocacy for civil rights.

As the nation erupted with calls for racial justice following the killings of George Floyd and Breonna Taylor, Washington, D.C., has been the site of some of the nation's most dramatic crackdowns against racial justice protestors, carried out by both federal and local authorities. Military helicopters were used to intimidate



Oct. 14, 2020: ACLU-DC files complaint on behalf of Dzhuliya Dashtamirova against D.C. National Guard for June 1 helicopter attack. Photo: Sam Ward

racial justice protestors and assault them with flying debris in the heart of the District. D.C. Police arrested hundreds of racial justice demonstrators for violating a city curfew, even though the arrests and close confinement during the pandemic posed a far greater public health risk than simply permitting them to disperse. After the D.C. Council forbade police from using



Aug. 12, 2021: ACLU-DC files *Asinor v. District of Columbia* on behalf of two photojournalists, challenging D.C. Police's use of banned weapons against civil rights protestors in August 2020. Photo: Oyoma Asinor

chemical irritants and so-called “less lethal” weapons like stun grenades and rubber bullets against demonstrators, D.C. Police continued to do so, making a mockery of the name “Black Lives Matter Plaza” that D.C. Mayor Muriel Bowser had disingenuously bestowed on an intersection near the White House, by brazenly attacking demonstrators gathered for that very cause.

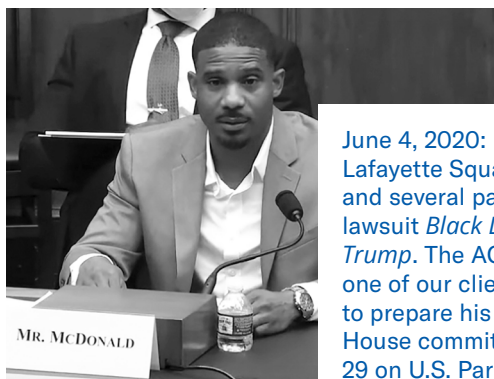
In perhaps the most shocking affront to freedom of speech in the nation last year, federal law enforcement officers at Lafayette Square near the White House charged, clubbed, tear-gassed, and violently dispersed civil rights demonstrators who were protesting police brutality and standing up for racial justice. On June 1, 2020, officers assaulted journalists and demonstrators alike and endangered children in the crowd. Officers repeatedly hit unarmed people with batons and shields, knocking them to the ground. Demonstrators struggled to breathe amidst the chemical attack. Those who attempted to flee westward were met with a second round of tear gas from D.C. Police stationed nearby. Although President Trump would march through Lafayette Square a half-hour later for a now-infamous photo op, the Lafayette Square attack was no routine, orderly clearing of a safety perimeter for the President's

movement. Rather, it was a blitzkrieg of force carried out by the government against its own people, of a degree unprecedented on U.S. soil for the past half-century.

The ACLU-DC is challenging each of these abuses through our policy advocacy, communications, and litigation.

Although the ACLU's defense of a range of viewpoints over the years has drawn criticism from all corners, our fight for the freedom of speech in D.C. shows that the First Amendment is a tool needed most by the voices that have been the longest suppressed. Even as majorities of Americans agree that police reform is needed and that anti-Black racism is widespread, demonstrations for racial justice have continued to be violently suppressed in the nation's capital. We are under no illusions that Bull Connor-style policing of civil rights is a relic of a past era. Then, as now, with critical voting rights, D.C. statehood, and police reform legislation stalled in Congress, public advocacy for racial justice can be one of our most powerful tools for writing justice into the nation's laws. But the outpouring of support for reform can only be heard if the government is not allowed to suppress it.

The ACLU-DC's campaign to create a capital city where all voices can sound reveals that no idea is too important or too popular to be suppressed by the government—and that freedom of speech has never been more important to the fight for racial justice.



June 4, 2020: Days after the Lafayette Square attack, ACLU-DC and several partners file class action lawsuit *Black Lives Matter D.C. v. Trump*. The ACLU-DC worked with one of our clients, Kishon McDonald, to prepare his testimony before a House committee hearing on June 29 on U.S. Park Police's role in the attack on protestors on June 1, 2020.

## HOW TO SUPPORT ACLU-DC

In order to curb the spread of COVID-19, our office operations are currently remote. We accept contributions the following ways:



### Through your donor-advised fund (DAF).

Choose "American Civil Liberties Union Foundation of the District of Columbia" and EIN 52-6070446 with your DAF provider.



### With a gift of stock or for wiring instructions.

Please contact [development@acludc.org](mailto:development@acludc.org) for our account and DTC number.



### By phone.

Call our Donor Services at (212) 549-2543.



### With a gift through a bequest or charitable trust.

Visit [www.aclu.org/legacy](http://www.aclu.org/legacy) to see how gifts through your will, retirement plan, life insurance, or trust can provide for both your loved ones and ensure our ability to fight for civil liberties in the future.



**Through the mail.** Please note that mail is delayed by at least 4 weeks and receipt may be delayed. Mail may be sent to:

Monica Hopkins  
ACLU of the District of Columbia  
PO Box 96503  
PMB 85739  
Washington, D.C. 20090-6503



### Via mobile device.

Access our donation page here via QR code or at [action.aclu.org/give/support-aclu-dc](http://action.aclu.org/give/support-aclu-dc)







## ACLU-DC SECURES HOUSING BASED ON GENDER IDENTITY FOR TRANS WOMAN AT D.C. JAIL

**When Sunday Hinton, a transgender woman, came into D.C. Department of Corrections custody in late April 2021, DOC housed her in a men's unit at the D.C. Jail under its policy of housing transgender individuals based on anatomy rather than gender identity.**

Fearing harassment and assault while being housed with men, Ms. Hinton asked to be housed with women. DOC replied the only other option was “protective custody,” which is effectively solitary confinement.

On May 11, the ACLU-DC and Public Defender Service for the District of Columbia sued DOC on behalf of Ms. Hinton, asserting the DOC policy discriminates against trans individuals in violation of their constitutional rights and D.C. law.

After just three days and less than 20 minutes before the first scheduled court hearing, DOC moved Ms. Hinton to a women's unit. And in June, DOC changed its policy to remove the anatomy presumption.

While our case was a victory for Ms. Hinton, the fight isn't over. We seek to represent a class of other trans individuals currently incarcerated at the D.C. Jail who still face discrimination and will continue to do so under a new DOC policy increasing the use of “protective custody” for trans individuals. We'll continue to fight to require DOC to treat trans individuals with the dignity and respect they deserve.

## MEET OUR NEW STAFF MEMBERS



### Amber Taylor

Strategic Communications Director  
she/her

Amber joins us from the ACLU of Maryland. As the Digital Communications Strategist, she oversaw all social media strategies, digital advertising, and multimedia content. Also, Amber produced *Free the Vote*, a 30-minute documentary about the racist roots of denying voting rights to over 18,000 incarcerated Marylanders, 72% of whom are Black. She is also the founding host and producer of “Thinking Freely,” the ACLU of Maryland's monthly civil liberties podcast.

Amber is from Baltimore and graduated from the University of Maryland Baltimore County with a B.A. in Media and Communications Studies. She is a Marvel Fan and a crab cake connoisseur.

Meet the rest of the ACLU-DC staff at [acludc.org/staff](https://acludc.org/staff).



### Veronica Mosqueda

Campaign Organizer  
she/her

Originally from Chihuahua, Mexico, Veronica is an immigrant, abolitionist, and committed community organizer with more than eight years' experience in housing and migrant justice. Prior to joining ACLU-DC she was a bilingual tenant organizer in D.C. where she built power and fought for better housing conditions and expanding and strengthening rent control laws. She is a core organizer in the Cancel Rent DC coalition, which aims to pass legislation that will protect residents who've been economically impacted by COVID-19.

She is a graduate of the University of North Texas where she received her B.A. in Psychology, English Literature, and Spanish. She is a Death Doula in training, a certified yoga instructor, an avid reader and writer, bad karaoke singer, a long-distance runner, and a lover of cats, nature, and community.

**“JUSTICE IS WHAT  
LOVE LOOKS LIKE IN  
PUBLIC.”**



Dr. Cornel West’s quote resonates so deeply with me that in 2016, in the wake of the election, I had the words “justice” and “love” tattooed on the inside of my wrists to remind me of why I do this work. Dr. West explained in a 2011 commencement speech at Howard University that this means, “It’s not about you.”

That is the crux of collective care, this shared responsibility of the group—it’s not about you.

We’ve learned a lot about the need for collective care in the last year. Wearing masks not just for ourselves, but for others. We must continue this collective care by questioning overly broad claims of “public safety” used to justify increased policing that has greater negative impact on communities that may not be our own. We must collectively recognize the need to protect First Amendment rights not only when we may not agree with the content of the speech. We must understand that while technology has made our lives more convenient, we are sacrificing our privacy when we use it.

It was collective care a mere 60 years ago, for the first time since the country’s founding, residents of the District of Columbia could vote for the president of the United States. That same collective care about the fundamental right to vote has been moving the needle in our fight for statehood. And 60 years ago, the ACLU-DC was founded to ensure the ideals promised, but not yet realized, within the Constitution and Bill of Rights were extended to all the residents of D.C.

This is the fight: to continue fighting for rights that we feel we already have, that have perhaps already been secured for us, but continue to be the “postdated check of American democracy with a date that never comes.” And we must do this courageously, especially when these things do not affect us directly. Because in the end, justice is not about just us.

A handwritten signature in black ink that reads "Monica Hopkins".

**Monica Hopkins**  
Executive Director



**District  
of Columbia**

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**ACLU**  
DC

**60**  
YEARS



# BILL OF RIGHTS

CELEBRATION

Join us virtually to  
celebrate our 60th  
anniversary and  
honor this year's  
awardees:

**Congresswoman Eleanor Holmes Norton**

Arthur B. Spitzer Lifetime Achievement Award

**Samantha Davis and Black Swan Academy**

Henry W. Edgerton Civil Liberties Award

**Larry Pearl**

Alan & Adrienne Barth Volunteer Award

**Monday, November 8**

7:00 pm – 8:00 pm ET

Featuring music by The Bengsons

**RSVP:** [ACLUDC.org/BillofRights](https://acludc.org/BillofRights)

Open captions and ASL interpretation will be available