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Testimony on behalf of the
American Civil Liberties Union of the District of Columbia
before the D.C. Council Committee on the Judiciary and Public Safety Hearing on
Heightened Federal Law Enforcement and National Guard Activities in the District;
B26-0618, the Full Accountability in Arrest Reporting Amendment Act of 2026;
B26-0603, the Body-Worn Camera Transparency for Use of Force Amendment Act of 2026; and
B26-0549, the Safe Community Places and Policing Amendment Act of 2025

Hearing on November 5, 2026
Submitted on November 9, 2026

Chairperson Pinto and members of the Committee, thank you for holding this hearing and for the opportunity to present testimony today on behalf of the American Civil Liberties Union of the District of Columbia (ACLU-D.C.) and our over 10,000 members and supporters across the District. Our testimony addresses heightened federal law enforcement and National Guard activities in the District, as well as our recommendations regarding B26-0618, the Full Accountability in Arrest Reporting Amendment Act of 2026;[1] B26-0603, the Body-Worn Camera Transparency for Use of Force Amendment Act of 2026;[2] and B26-0549, the Safe Community Places and Policing Amendment Act of 2025.[3]

I. District residents have been subjected to heightened federal law enforcement and National Guard activities in the District, putting residents' safety and lives at risk.

Over the past year, District residents have seen an unprecedented deployment of National Guard troops in our neighborhoods and corresponding threats to civil rights, civil liberties, and D.C.'s right to self-government. Over 4,000 National Guard troops, pulled from 15 states and the District, have patrolled neighborhoods in Washington, D.C., beginning with President Trump's deployment of the D.C. National Guard in August 2025. For more than a year, D.C. residents have encountered National Guard troops not only around federal buildings and major events, but outside homes, schools, and local businesses. In October 2025, ACLU-D.C. filed a legal claim on behalf of Sam O'Hara, a D.C. resident who was handcuffed for playing the "Imperial March" from Star Wars while walking behind National Guard troops in a constitutionally protected act of protest.[4] In May, ACLU-D.C. filed a legal claim on behalf of Anna King, a combat veteran and Purple Heart recipient, who was assaulted by National Guard troops outside her D.C. home.[5] In response to the attacks and blatant disregard of rights like those experienced by Mr. O'Hara and Ms. King, the ACLU-D.C., joined by ACLU national and ACLU affiliates across the country, has underscored that there is no emergency in the District that requires a continued National Guard troop

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[1] B26-0618 - Full Accountability in Arrest Reporting Amendment Act of 2026, available at https://lims.dccouncil.gov/Legislation/B26-0618.
[2] B26-0603 - Body-Worn Camera Transparency for Use of Force Amendment Act of 2026, available at https://lims.dccouncil.gov/Legislation/B26-0603.
[3] B26-0549 - Safe Community Places and Policing Amendment Act of 2025, available at https://lims.dccouncil.gov/Legislation/B26-0549.
[4] ACLU-D.C., D.C. Police Agree To Compensate District Resident Handcuffed for Playing Star Wars "Imperial March" Theme Near National Guard Troops, Jun. 26, 2026, https://www.acludc.org/press-releases/mpd-imperial-march-settlement/.
[5] "Decorated Veteran Assaulted by National Guard Troops in D.C. Files Legal Claim to Challenge Abuse," ACLU-D.C., Jul. 29, 2026, https://www.acludc.org/press-releases/decorated-veteran-assaulted/.

presence, and that the continued deployment of troops in the nation's capital risks normalizing the use of the military against people in the United States.[6]

In addition to this unparalleled deployment of National Guard troops, we have also seen a significantly heightened federal law enforcement presence in the District. In D.C., residents are policed not only by Metropolitan Police Department (MPD) officers but also by federal law enforcement, including the Park Police, Secret Service, Capitol Police, and more. This has long been the case, but the Trump administration's deployment of federal officers in D.C. and shootings involving federal officers across the country have caused fear and concern about what these officers are doing in our streets, and how to hold them accountable when they harm District residents.

Our neighbors in the District have been chased, harmed, and even killed as a result of federal officer actions. On February 12, U.S. Marshals responding to a request for MPD officers shot and killed Julian Bailey in the Mayfair neighborhood of Ward 7.[7] On June 20, Nolberto Meza, a driver making deliveries for DoorDash, was killed in a high-speed car chase started by U.S. Park Police.[8] Following these tragedies, as well as other violent and concerning incidents, questions have arisen not only about federal officers, but also about how MPD is working with them. Since MPD voluntarily began participating in President Trump's "DC Safe and Beautiful Task Force" in 2025, District residents have demanded answers as to the extent of MPD's cooperation with federal officials, and the implications for both our safety and the District's autonomy.

The bills before the committee today underline the need for an end to the federal occupation in the District writ large, and the corresponding fear and harm experienced by District residents. These bills will bring much-needed information and transparency to the people of D.C., and will help to lift the shroud of secrecy around federal officer involvement with MPD. Following the passage of these bills, Council must also act to pass legislation that goes beyond transparency and allows people in the District to hold all law enforcement agents accountable when they violate our constitutional rights.

II. The Full Accountability in Arrest Reporting Amendment Act of 2026 and the Body-Worn Camera Transparency for Use of Force Amendment Act of 2026 must be made permanent law.

The Full Accountability in Arrest Reporting Amendment Act of 2026[9] (FAAR) would require MPD officers, after an arrest, to document identifying information of each law enforcement officer present at the scene, including name, badge number or other identifying number, and employing agency. Additionally, the legislation requires MPD to document whether any law enforcement officer present at the scene used force during the arrest, and if so, a description of the force used, as well as the number of unidentified law enforcement officers at the scene and whether any law enforcement officer declined to disclose their identity. The legislation would also require public release of body-worn camera footage for incidents captured in whole or in part on a body-worn camera recording made by a member of MPD, in

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[6] "The ACLU and Affiliates Nationwide Underscore Urgent Need for National Guard to Leave the Nation's Capital," ACLU-D.C., Sept. 3, 2026, https://www.acludc.org/press-releases/the-aclu-and-affiliates-nationwide-underscore-urgent-need-for-national-guard-to-leave-the-nations-capital/.

[7] "Police identify DC man shot and killed by U.S. marshal in Northeast," NBC 4, Feb. 13, 2026, https://www.nbcwashington.com/news/local/police-identify-dc-man-shot-and-killed-by-u-s-marshal-in-northeast/4060189/.

[8] "Police chased a car, and a delivery driver died. His family wants answers," The Washington Post, Jul. 21, 2026, https://www.washingtonpost.com/dc-md-va/2026/07/21/family-dc-delivery-driver-calls-justice-fatal-park-police-chase/.

[9] B26-0618 - Full Accountability in Arrest Reporting Amendment Act of 2026, available at https://lims.dccouncil.gov/Legislation/B26-0618.

which a federal law enforcement officer commits a serious use of force against an individual in the presence of one or more members of MPD. The Council previously passed emergency and temporary legislation implementing the arrest reporting component of the bill; that temporary law is currently in effect.

The Body-Worn Camera Transparency for Use of Force Amendment Act of 2026[10] aims to enhance transparency with use of force incidents involving federal agencies. The bill would require the public release of MPD body-worn camera recordings of all officer-involved deaths or serious use of force incidents, in addition to the names of all officers involved and a description of the incident. If body-worn camera recordings involve an officer-involved death, the legislation requires that the decedent's next of kin must provide consent before the footage is released. For recordings that involve a serious use of force incident, the alleged victim or guardian if the victim is a minor must consent to its release. The bill would also require that MPD's public database of MPD body-worn camera recordings and names of all officers directly involved with an officer-involved death since January 1, 2026, include names of directly involved federal law enforcement officers, if available. Finally, the bill would require a roll call record of all federal agents in attendance at daily MPD roll call to provide transparency to the public regarding MPD joint patrols with federal agencies. Chairwoman Pinto previously introduced and passed emergency and temporary legislation implementing the first two components of the bill; that temporary law is currently in effect.

The emergency version of this bill was crucial to the release of body-worn camera footage from an incident in which a Homeland Security Investigations agent shot at a man, Phillip Brown, in D.C. at least three times during a traffic stop, according to Mr. Brown's attorneys.[11] However, MPD officers, who were working with federal agents on the "Make DC Safe Again" initiative that day and were present during the stop, omitted any mention of the shooting in an affidavit filed in court and in the public incident report. Due to federal officer involvement, the body-worn camera footage of this incident was released only after the passage of the emergency version of this legislation, the Body-Worn Camera Transparency for Use of Force Emergency Amendment Act of 2026.[12]

Both pieces of legislation are responsive to the public's call for greater transparency around federal agent abuses of D.C. residents, and MPD's collaboration with federal agencies. Given the Council's and the public's frustrations around the lack of clarity as to the nature of MPD's collaboration with federal agencies, and the fact that the District cannot compel federal agencies to share data, it is critical that D.C. leaders do everything in their power to obtain as much information as can be gathered through MPD. These measures would fill a major information gap that currently exists. If a federal agent arrests or hurts someone, the public should know the who, what, when, where, and why. Both pieces of proposed legislation would help answer questions that people in D.C. have been asking for months: who is arresting people in our streets, what are the reasons for their arrests, and what happens when federal agents use force in our neighborhoods. These bills are an important first step toward preventing federal officers from abusing their power. ACLU-D.C. commends the Council for the steps it has already taken in response to the public's outcry, including advancing and passing emergency versions of these bills, reversing the Mayor's veto of FAAR, and standing strong in the face of Congressional disapproval resolutions. Now, ACLU-D.C. urges Council to pass the permanent versions of both pieces of legislation.

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[10] B26-0603 - Body-Worn Camera Transparency for Use of Force Amendment Act of 2026, available at https://lims.dccouncil.gov/Legislation/B26-0603.

[11] "A Federal Agent Shot at a Driver in D.C. An MPD Officer Was Told To Omit the Shooting from His Report," Washington City Paper, Oct. 27, 2025, https://washingtoncitypaper.com/article/773235/federal-agent-shot-coverup-mpd-police-report/.

[12] "DC police release body camera video from October officer involved shooting," Fox 5, Apr. 7. 2026, https://www.fox5dc.com/news/dc-police-release-body-camera-video-from-october-officer-involved-shooting.

III. Council must also strengthen and pass B26-0549, the Safe Community Places and Policing Amendment Act of 2025.

The Safe Community Places and Policing Amendment Act of 2025 provides that, in the absence of a judicial warrant, the District would be prohibited from transporting federal agents for immigration enforcement purposes in District-owned vehicles (except public transit), participating in surveillance or patrols connected to civil immigration enforcement, and conducting immigration enforcement operations at designated "safe community places," unless there are exigent circumstances. The bill would designate locations such as schools, day cares, health care providers, recreation centers, and shelters as "safe community places" and prohibit joint District and federal immigration enforcement operations at those locations unless a judicial warrant or exigent circumstances exist. The bill also requires the District to train employees on these protections to ensure consistent implementation across agencies.

On January 21, 2025, the Federal administration rescinded a prior policy[13] that protected certain sensitive locations — places of worship, schools, hospitals — from immigration enforcement, later issuing a memo[14] that provided for some minimal safeguards. While a full view of the long-term consequences of some of these changes may take years to sort out, some preliminary research on effects has started to come out. For example, existing research[15] on likely impacts of aggressive immigration enforcement on students, including attendance, engagement, mental health, and academic performance, points to concerning trends. Locally, reports available[16] are consistent with these findings — this policy and enforcement shift are harming our community.

While federal legislation[17] has been introduced that seeks to prohibit immigration actions within 1,000 feet of a sensitive location, except under exigent circumstances, absent enaction of this legislation, states and localities must safeguard our communities. Students should be able to feel safe going to school. People should be able to access healthcare. Vulnerable communities should be able to access assistance and resources. And, our community should be able to access places of worship without fear. The Safe Community Places and Policing Amendment Act of 2025 is a step in that direction.

However, the proposed bill must be strengthened in order to provide adequate protection to immigrant communities, and to avoid creating new loopholes that may allow MPD to coordinate with federal immigration enforcement. To that end, the word "civil" should be deleted from proposed Section 7a(a)(2) where it modifies "immigration enforcement activity." To leave the language as currently drafted would risk creating a potential loophole in which surveillance and patrols could continue under the guise of criminal immigration enforcement. Given that the law already requires MPD to comply with judicial warrants or valid federal orders, the use of "civil" as a modifier is unnecessary. We urge Council to correct this loophole across existing District law, including in the Sanctuary Values Amendment Act of

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[13] Department of Homeland Security, Statement from a DHS Spokesperson on Directives Expanding Law Enforcement and Ending the Abuse of Humanitarian Parole, Jan. 21, 2025, https://www.dhs.gov/news/2025/01/21/statement-dhs-spokesperson-directives-expanding-law-enforcement-and-ending-abuse.

[14] AILA, ICE Releases Memo on Enforcement Actions in or Near Protected Areas, Jan. 31, 2025, https://www.aila.org/library/ice-releases-memo-on-enforcement-actions-in-or-near-protected-areas.

[15] Brookings, How immigration enforcement is harming US schools and students, Apr. 14, 2026, https://www.brookings.edu/articles/how-immigration-enforcement-is-harming-us-schools-and-students/.

[16] DC Department of Human Services, Truancy Reduction Pilot Program, Year 2 Final Report, Oct. 16, 2026, https://lims.dccouncil.gov/downloads/LIMS/62729/Introduction/RC26-0269-Introduction.pdf?Id=247969.

[17] H.R.1061 - Protecting Sensitive Locations Act, 119th Congress, https://www.congress.gov/bill/119th-congress/house-bill/1061.

2020. Additionally, ACLU-D.C. urges Council to ensure that the list of "safe community places," as defined in the proposed legislation, is as expansive, inclusive, and protective as possible.

The ACLU-D.C. supports this legislation, as strengthened through amendment, and strongly opposes cooperation between local District government agencies and federal immigration enforcement in relation to areas designated "safe community places," absent judicial warrant or exigent circumstances. In addition to the harms already outlined, the ACLU-D.C. is concerned about the significant safety consequences that may result from cooperation between District agencies and federal immigration authorities in these sensitive places. The ACLU-D.C. has stood by the Council in its efforts to limit the District's involvement in federal immigration enforcement by prohibiting cooperation between District government agencies and federal immigration authorities since the Sanctuary Values Amendment Act was first introduced. We commend continued work by Council to ensure that the District is a safe and welcome place for all people, including our immigrant neighbors, and to protect our most vulnerable communities from continued attacks.

IV. Council must now act to allow federal officers who violate our rights in the District to be held accountable, as a necessary next step to these important transparency efforts.

As District residents have watched the increased presence of federal law enforcement on our streets and in our neighborhoods, concerns have heightened about how people can hold federal law enforcement officers accountable for constitutional violations. Because of court decisions and congressional inaction, suing federal agents under federal law has become increasingly difficult – and rights without recourse are simply empty promises. Thankfully, D.C. leaders have an opportunity to fill this accountability gap through legislation. By passing a new law, the D.C. Council can ensure that federal officers, no less than local law enforcement agents, answer for rights they violate in the District. As federal officers become more aggressive and commit more constitutional violations, sometimes with deadly results, it is even more critical for D.C. leaders to act.

In 1971, Supreme Court case *Bivens v. Six Unknown Named Agents*[18] created a pathway for people to sue federal officers when those officers violated their constitutional rights. But since then, the Court has practically eviscerated the ability of individuals to bring a cause of action (known as a "*Bivens*" action) for damages against federal officers who violate constitutional rights.[19] As a result, the legal mechanisms to hold local D.C. officers and federal officers accountable now differ dramatically. People can sue local law enforcement under 42 U.S.C. § 1983, which provides the full range of remedies. However, people wronged by federal officers are limited in most cases to a claim under the Federal Tort Claims Act (FTCA), which is littered with exceptions and limitations. A stark example of the differences in enforcement mechanisms available is the ongoing case *Black Lives Matter D.C. (BLM-DC) v. United States*,[20] brought by the ACLU-D.C., in which the courts held that the constitutional claims of civil rights demonstrators who were brutally attacked without provocation could proceed against D.C. police officers, but that we lacked a constitutional cause of action against the federal officers even though they violated the same constitutional rights through the same egregious misconduct.

To address this accountability gap, D.C. leaders can pass a new D.C. law that allows people to hold all officers, including federal agents, accountable when officers violate people's constitutional rights in the District. This legislation would significantly enhance the accountability of federal actors for

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[18] *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).
[19] *See generally Egbert v. Boule*, 596 U.S. 482 (2022).
[20] ACLU-D.C., *Black Lives Matter D.C. v. Trump – Challenging Federal Officers' Unprovoked Attack on Civil Rights Demonstrators at Lafayette Square in Front of the White House*, https://www.acludc.org/cases/black-lives-matter-dc-v-trump-challenging-federal-officers-unprovoked-attack-civil-rights/.

constitutional violations and help ensure that everyone whose rights are violated has a meaningful remedy, no matter what badge the officer wore.

In several states, legislators have recognized the accountability gap that exists for federal officers and passed legislation to remedy it. California, Maine, Massachusetts, New Jersey,[21] New York,[22] and Vermont[23] have passed laws to allow people to take federal agents to court for violating their rights. These laws are sometimes known as civil rights protection acts, or "converse-1983" laws. The name refers to the federal statute, 42 U.S.C. § 1983, that lets people seek justice when state and local officers, but not federal agents, infringe on constitutional rights.

D.C. Councilmembers have already shown true leadership and commitment to protecting the D.C. community by pushing forward the permanent versions of the bills being considered by Council today, despite the mayoral veto of FAAR, and in the face of Congressional disapproval resolutions. These bills will mark important steps toward transparency, shining a bright light on the abuse and harassment the people of D.C. are experiencing at the hands of federal officers. The people of D.C. have every right to know what is happening on our streets, including who is doing what and why. While the Trump administration shrouds agents' behavior in secrecy and allows federal law enforcement to act with no repercussions, the District can and should be transparent to the people by showing how these agents are treating us. The next important step Council must take is to pass legislation that goes beyond transparency and allows people in the District to hold all law enforcement agents accountable when they violate our constitutional rights.

[21] ACLU, "States Have the Power to Hold Federal Agents Accountable by Allowing People to Sue Them for Rights Violations," Apr. 6, 2026, https://www.aclu.org/news/immigrants-rights/states-have-the-power-to-hold-federal-agents-accountable-by-allowing-people-to-sue-them-for-rights-violations.
[22] New York State Bivens Act, https://www.nysenate.gov/legislation/laws/CVR/85.
[23] ACLU Vermont, "ACLU Statement on Passage of H.849, the Constitutional Accountability Act," Apr. 28. 2026, https://www.acluvt.org/press-releases/aclu-statement-on-passage-of-h-849-the-constitutional-accountability-act/.