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**Statement 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
Performance Oversight Hearing for the
Metropolitan Police Department
By
Ahoefa Ananouko, Policy Associate
February 13, 2024**

Hello Chair Pinto and members of the Committee. My name is Ahoefa Ananouko, and I present the following testimony on behalf of the American Civil Liberties Union for the District of Columbia (ACLU-D.C.).

The ACLU-D.C. works to protect fundamental civil liberties and rights of District residents. We advocate for common-sense, evidence-based solutions to public safety. A critical aspect of public safety is ensuring that police are not abusing their powers and violating people's rights—and that they are held accountable when they do. For years ACLU-D.C. has called on the Council to closely scrutinize harmful police practices like stop and frisk and establish meaningful mechanisms for accountability and transparency of the District's policing apparatus.

This testimony will focus on several concerns the ACLU-D.C. has regarding police practices, transparency, accountability.

Police Practices

Stop and Frisk

When discussing how to respond to crime in the District, the mayor and other District leaders raise concerns about the U.S. Attorney's Office (USAO) for D.C. not prosecuting enough of the people they arrest.¹ The U.S. Attorney and MPD have misleadingly blamed recent legislative changes for the USAO's inability to prosecute many gun possession cases,² but a large part of the issue is how officers are conducting stops and searches—and this point often gets lost in discussions about public safety solutions. Rarely, if ever, does the police department admit that its officers are stopping and searching people in an

¹ Alexander, K. L. "D.C. U.S. attorney declined to prosecute 67% of those arrested. Here's why." The Washington Post, March 29, 2023. Available at <https://www.washingtonpost.com/dc-md-va/2023/03/29/us-attorneys-office-charges-declined-dc-police/>.

² Flack, E. "US Attorney for DC: Gun Prosecution Laws Fall Short, Put Gun Offenders Back on the Street." WUSA9, December 6, 2023. Available at <https://www.wusa9.com/article/news/local/dc/matthew-graves-us-attorney-crime-guns-dc-gun-violence-illegal-guns-dc-superior-court/65-263aefd3-733c-4bff-8079-cbd056bacaca>.

unconstitutional manner. However, there are many reported instances of prosecutors and judges throwing out cases because of officers' unconstitutional gun seizure practices.³

Stops and frisks, also referred to as Terry stops, allow police to stop people and search them for weapons without probable cause. It essentially exploits people's inherent fear of police and the power imbalance between officers and civilians, often allowing officers to cross the line. This racially biased police practice primarily targets Black and brown people and has not been shown to be effective in making communities safer.⁴

A particularly aggressive version of stop and frisk that has been used by MPD officers (especially those in its Crime Suppression Team and Gun Recovery Unit) is "jumpouts"—a colloquial term used by people in the community to describe a tactic in which police typically drive up to a person or a group (usually of Black men), jump out or rush towards them and quickly start asking accusatory questions or just searching them without their consent. Previous MPD chiefs have denied use of the tactic, but we have yet to see the Department take concerted steps to investigate whether officers are still in fact using these methods.

Since MPD began publishing stops data (in late 2019), the data have consistently shown that Black people are being disproportionately targeted. An ACLU analysis of 2019 MPD data showed that over 86 percent of the stops, and more than 91 percent of the searches, that resulted in no warning, ticket, or arrest, were of Black people.⁵ Analysis of 2020 data showed virtually the same thing: 86.5 percent of the stops, and 90.7 percent of the searches, that resulted in no warning, ticket, or arrest, were of Black people.⁶

Preliminary insights from an updated ACLU analysis of data on stops conducted by MPD officers during all of 2022 and the first half of 2023 indicate that Black people continue to be disproportionately stopped and searched in D.C. According to the data, across the District, irrespective of police district or ward, Black people are more likely to be stopped and searched. Black people made up over 71 percent (71.4%) of people stopped in 2022, despite composing just over 51 percent (51.5%) of the District's population. Similarly, Black people made up 71.2 percent of all stops during the first half of 2023. Additionally, Black people made up 84.6% of stops that did not lead to a warning, ticket, or arrest, and nearly 91 percent

³ Koma, A. & Ryals, M. "Nineteen D.C. Police Officers Are Under Criminal Investigation for Questionable Gun Seizures, According to Court Records." Washington City Paper July 14, 2023. Available at <https://washingtoncitypaper.com/article/614552/nineteen-d-c-police-officers-are-under-criminal-investigation-for-questionable-gun-seizures-according-to-court-records/>.

⁴ Hunter R. "We Know That Stop-and-Frisk is All Kinds of Horrible: So Why Is it Expanding Nationwide?" American Civil Liberties Union, September 24, 2013. Available at <https://www.aclu.org/news/smart-justice/we-know-stop-and-frisk-all-kinds-horrible-so-why-it-expanding>.

⁵ "Racial Disparities in Stops by the Metropolitan Police Department: 2020 Data Update." Published June 16, 2020. Available at https://www.acludc.org/sites/default/files/2020_06_15_aclu_stops_report_final.pdf.

⁶ ACLU Analytics & ACLU-D.C. "Racial Disparities in Stops by the Metropolitan Police Department: 2020 Data Update." Published March 10, 2021. Available at <https://www.acludc.org/en/racial-disparities-stops-metropolitan-police-department-2020-data-update>.

(90.9%) of searches that did not lead to a warning, ticket, or arrest.⁷ These numbers indicate that Black people are frequently being stopped for innocent conduct or for doing nothing at all.

The recent data also show persistence in racial disparities in non-traffic stops between January 2022 and June 2023, as shown in the previous reports, with 87 percent of non-traffic stops being of Black people, while only 5.3 percent were of white people. On top of being more frequently stopped by police, Black people are nearly seven times (6.8) more likely to undergo a pat-down of their person and about 5 times (4.8) more likely to have a search of their property than white people.

Some stops and frisks are purportedly conducted with the consent of the person searched, relieving the officer of the need to satisfy the legal requirements for Terry stops. D.C. law seeks to assure that consent is real—requiring police to explain to people that consent is voluntary and that they can refuse to be searched, and to confirm that the person they wish to search actually understands their rights. If a person declines, the officer cannot conduct a search.⁸ But because of the history and pervasiveness of policing—especially in Black and brown communities—coupled with the power imbalance between officers and members of the public, and the high-risk and stress-inducing nature of such encounters, many people do not believe they can actually decline searches.⁹ In 2017 the Office of Police Complaints issued a report on consent searches, in which it found that consent searches were disproportionately used on Black people in D.C.¹⁰

Unlawful stop and frisk practices, including non-consensual “consent” searches, contribute to community distrust of police^{11,12} and reflect on the integrity of the police department. The ACLU-D.C. continues to call on the Council to ban stop and frisk practices, including “consent” searches and jumpouts. We also recommend that the Council require a full audit of MPD practices by a third party to determine how officers are conducting stops and the effectiveness of their practices.

Real Time Crime Center

⁷ Full analysis and report forthcoming.

⁸ D.C. Code, § 23–526. Limitations on consent searches. Available at <https://code.dccouncil.gov/us/dc/council/code/sections/23-526>.

⁹ Sommers, R. & Bohns, K. V. “The Voluntariness of Voluntary Consent: Consent Searches and the Psychology of Compliance.” Revised May 25, 2021. Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3369844.

¹⁰ See D.C. Police Complaints Board Report on MPD’s Consent Search Procedures. Published September 25, 2017. Available at <https://policecomplaints.dc.gov/node/1276396>.

¹¹ La Vigne, N. G., et. al. “Stop and Frisk: Balancing Crime Control with Community Relations. .” D.C. Office of Community Oriented Policing Services. Published 2014. Available at <https://www.urban.org/sites/default/files/publication/33661/413258-Stop-and-Frisk-Balancing-Crime-Control-with-Community-Relations.PDF>.

¹² Fratello, J., et. al. “Coming of Age with Stop and Frisk: Experiences, Perceptions, and Public Safety Implications.” Vera Institute of Justice, September 2013. Available at <https://www.vera.org/newsroom/study-reveals-stop-and-frisk-significantly-impacts-trust-in-new-york-city-police>.

In December the Mayor and MPD announced that the police department was launching a new real-time crime center at MPD headquarters.¹³ In partnership with several regional and federal law enforcement agencies, including the Metro Transit Police, the U.S. Capitol Police, the Park Police, and the Secret Service, MPD will be monitoring surveillance cameras across the District 24/7. The Mayor indicated in her press release that this center will be “the nerve center for law enforcement in the District and throughout the region to collect and analyze data, to enhance situational awareness, and facilitate quick decision-making regarding crimes,” and that the crime center will “improve the overall efficiency of crime prevention and response efforts.” Neither the Mayor nor MPD cited any evidence which suggests that this center would indeed be an effective method to prevent crime or make the District safer.

We understand the valid concerns District leaders and residents have regarding crime in D.C. However, expanding government surveillance is not the solution.

D.C. already has an extensive web of surveillance which continuously surveil locations such as schools, roadways, and even public housing complexes. A 2022 report by the ICE Out of DC Coalition stated that D.C.’s Homeland Security and Emergency Management Agency (HSEMA) began operating 5,000 closed circuit TV (CCTV) cameras as part of the Video Interoperability for Public Safety (VIPS) program, which was launched in 2008.¹⁴ MPD had access to all of the surveillance cameras and technology in the VIPS program. It is unclear if the VIPS program is still in place today.

The District also has a Fusion Center (the National Capital Region Threat Intelligence Consortium) housed within HSEMA.¹⁵ The Fusion Center, which partners with other fusion centers in Maryland and Virginia, as well as federal government entities, is part of the national network of fusion centers. The Fusion Center “employs an all-crimes, all-hazards approach,” sharing information about both natural and humanmade threats. Since HSEMA has access to at least 148 CCTV traffic feeds operated by the D.C. Department of Transportation,¹⁶ we can presume that the Fusion Center does as well.

The Fusion Center consists of an Analysis Center, a Cyber Center, a Public Safety Center, and a Watch and Warn Center. The Analysis Center “provides daily intelligence to law enforcement and first-responder communities while looking at long-term trend analysis—the building block for regional estimates and

¹³ Mayor’s press release announcing new real-time crime center. December 7, 2023. Available at <https://mayor.dc.gov/release/mayor-bowser-and-mpd-announce-new-real-time-crime-center-0r>.

¹⁴ ICE Out of DC Coalition. “DC Law Enforcement Surveillance Technology.” Published June 2022. Available at <https://www.flipsnack.com/justfutures/dc-law-enforcement-surveillance-technology/full-view.html>. See also D.C. Code § 7–2231.10. Rules for use of surveillance cameras. Subsection (c). <https://code.dccouncil.gov/us/dc/council/code/sections/7-2231.10.html>.

¹⁵ The District’s Fusion Center was designated on April 1, 2012 by then-Mayor Vincent Gray in Mayor’s Order 2012-37, and is recognized by the U.S. Department of Homeland Security. See <https://www.dcregs.dc.gov/Common/MayorOrders.aspx?Type=MayorOrder&OrderNumber=2012-37>. The Fusion Center was given law enforcement status and authority in 2021 through B24-561, which was enacted in January 2023 (Law L24-299, effective from March 10, 2023). See <https://lims.dccouncil.gov/Legislation/B24-0561>.

¹⁶ ICE Out of DC Coalition (2022).

strategic warning.” The Cyber Center is described as a “one-stop shop for cybersecurity information sharing, threat analysis, and incident reporting”... focused “on increasing regional resiliency to cyber attacks by providing situational awareness and the widespread adoption of best practices.” The Public Safety Center essentially functions as the Fusion Center’s public relations arm, providing intelligence products to inform and warn residents of hazards, among other things. The Watch and Warn Center “provides around-the-clock alert notifications and develops a common operating picture supporting coordination and collaboration on emerging incidents across the National Capital Region.”¹⁷

Although the D.C. Council Office of Racial Equity’s Racial Equity Impact Analysis determined that the impact on Black, Indigenous, and other residents of color was inconclusive, it did note that the Fusion Center would “exacerbate racial inequity for Black residents, Indigenous residents, and other residents of color in the District by contributing to—and potentially increasing—surveillance in these communities.”¹⁸

MPD also operates a network of CCTV cameras through its Joint Operations Command Center (JOCC). The JOCC “supports police operations in the District on a continuous basis,” as indicated on MPD’s website.¹⁹ The exact number of CCTV cameras operated by MPD is not certain. MPD’s webpage featuring information about the JOCC and CCTV system notes that the network has 18 cameras,²⁰ but on another page describing the operations and capabilities of the CCTV system, MPD says that there are 19 permanently installed cameras owned and operated by the Department. Adding to the uncertainty of the number of CCTV cameras MPD operates, the same 2022 ICE Out of DC report previously mentioned noted that at the time of the report, MPD was operating 345 CCTV cameras in D.C.—18 or 19 versus 345 cameras is a large discrepancy.^{21,22} MPD also notes that they can add additional cameras on a temporary or permanent basis, and that “during exigent circumstances, additional cameras can be deployed on a temporary basis without advance public notice.”²³ It is unclear whether “the public” includes the D.C. Council, which has oversight over the police department, but is sometimes in the dark about aspects of MPD’s operations.

Furthermore, just this past fall, the District more than doubled its number of traffic surveillance cameras (bringing the total from 150 to 337) with plans to add 140 more by this spring. The traffic surveillance camera system is composed of 140 speed cameras, 140 bus zone enforcement cameras (which are attached to Metrobuses), 41 red light cameras, and 16 stop sign cameras.²⁴

¹⁷ See HSEMA “National Capital Region Threat Intelligence Consortium.” Available at <https://hsema.dc.gov/DCFC>.

¹⁸ The reporting requirements of the bill did not mandate ongoing racial impact analysis. Therefore, we don’t know what the actual impact has been on different racial and other marginalized groups.

¹⁹ See <https://mpdc.dc.gov/page/cctv-facts-and-figures>.

²⁰ Id.

²¹ See <https://mpdc.dc.gov/node/214462>.

²² The report noted that at the time, these cameras were not monitored at all times, but around-the-clock staffing was activated for significant events such as demonstrations, protests, and sporting events, among other things. See ICE Out of DC Coalition (2022).

²³ See MPD webpage on CCTV System Operations and Capabilities: <https://mpdc.dc.gov/node/214462>.

²⁴ Lalo, L. “D.C. Doubled its Number of Traffic Cameras this Fall. 140 More Are Coming.” The Washington Post, November 24, 2023. Available at <https://www.washingtonpost.com/transportation/2023/11/24/dc-traffic-cameras-expansion/>.

Taken together with still other initiatives like the District’s Private Security Camera Rebate Program,²⁵ which is being expanded under the Secure DC Omnibus Amendment Act of 2024,²⁶ it would appear that D.C. already has robust surveillance operations. What would the real-time crime center do and accomplish that these other entities and initiatives are not already doing?

Currently the District has no laws that require oversight of how surveillance tools are acquired and used. This means MPD and other District agencies have sole authority and can make significant decisions about how, when, and where they can obtain and use powerful surveillance technologies without any accountability to the D.C. Council or the community. District residents have little information on how the CCTV system or the Fusion Center function in their day-to-day lives. Due to the opaqueness of the operations of these programs and entities, the public, including the Council, does not know their data-sharing practices nor the true ramifications to residents and D.C. government.

Government efforts to improve public safety should not come at the expense of District residents’ civil liberties and rights. Unchecked government surveillance is another barrier to trust between law enforcement and the public—especially communities that are already overpoliced—including Black and brown communities, low-income communities, Muslim communities, immigrant communities, LGBTQ+ communities, and political activist groups—which face the greatest threats to their civil rights.

The ACLU-D.C. strongly urges District leaders to put in place mechanisms that provide oversight of and transparency into how District agencies acquire and use surveillance technologies.

Transparency

From the Department’s internal processes to improper handling of Freedom of Information Act requests,²⁷ transparency continues to be an ongoing issue with MPD.

Gang Database

MPD’s gang database is a clear example of how the Department is allowed to act with little to no oversight, accountability, or transparency. Started in 2009, the gang database keeps track of people MPD thinks are associated with street gangs. MPD’s policies give officers wide discretion to use racially biased, overly

²⁵ See Office of Victim Services and Justice Grants webpage on The Private Security Camera Rebate Program: <https://ovsjg.dc.gov/page/private-security-camera-rebate-program>.

²⁶ See B25-0345 - Accountability and Victim Protection Amendment Act of 2023 (now known as "Secure DC Omnibus Amendment Act of 2024"). Available at <https://lirms.dccouncil.gov/Legislation/B25-0345>.

²⁷ It was reported in February 2022 that FOIA officers at MPD were instructed to delay or deny FOIA requests from requesters on a “watchlist” under the direction of former police chief Newsham and MPD’s chief operating officer Leann Turner. The “watchlist” included certain journalists, attorneys, ANC Commissioners, and organizations including the ACLU-DC. See Auster Muhle, M. “D.C. Police Delayed Or Denied Public Records Requests From Critics On ‘Watchlist,’ Says Lawsuit.” DCist, February 3, 2022. Available at <https://dcist.com/story/22/02/03/dc-police-watchlist-critics-lawsuit/>.

broad and vague criteria to justify surveillance of Black and Latine people in the District. Such criteria include what people wear, who they are related to, where they live, or whether they are identified as a gang member by “an unproven informant.”²⁸ In 2021 The Intercept reported that MPD often depends on unreliable information and even included children younger than 10 years old in the database.²⁹

On January 16 of this year, the Washington Lawyers Committee for Civil Rights and Urban Affairs (WLC), along with a coalition of other civil rights advocacy organizations, published a report detailing MPD’s ongoing practice of racially discriminatory surveillance via its gang database.³⁰ The report revealed that MPD continues to push a false narrative about Black and Latine people being inherently dangerous, using weak and undefined criteria for adding people to the database—while not including white supremacist groups who meet the same criteria.³¹ According to the report, the gang database often tracks people improperly based on associations with fewer than six individuals,³² regularly tracks individuals with no relation to crimes at all, and tracks individuals who are in zip codes historically concentrated with Black and brown people.

²⁸ It is unclear how MPD’s policies differentiate an “unproven” versus a “reliable” informant. Geraldi, C. “Hacked Emails Give Unfiltered View Into the D.C. Police Gang Database.” The Intercept, June 18, 2021. Available at <https://theintercept.com/2021/06/18/dc-police-gang-database-hacked-emails/>.

²⁹ “At the time a FOIA request revealed that there were 3,779 entries in the database—a jump of 47% over five years.” Later, in its response to the Judiciary Committee’s questions to MPD regarding its gang database, MPD said that there were 3,158 individuals on their gang database as of January 31, 2022. See Geraldi, C. “More Kids and Overwhelmingly Black: New Records Show Concerning Trends in D.C. Gang Database.” The Intercept, January 9, 2022. Available at <https://theintercept.com/2022/01/09/dc-police-gang-database-mpd/>.

³⁰ Washington Lawyers Committee for Civil Rights and Urban Affairs, et. al. “Targeted, Labeled, and Criminalized: Early Findings on the District of Columbia’s Gang Database. January 2024. Available at <https://www.washlaw.org/wp-content/uploads/2024/01/Edited-TARGETED%5EJ-LABELED%5EJ-CRIMINALIZED-Final-Conforming-Edits-01-11-24.pdf>.

³¹ Some of the loosely related criteria or “tags” that MPD uses to include someone in the gang database are:

- a. Individual is observed associating with documented “gang members”;
- b. Individual is observed displaying gang symbol and/or hand signs;
- c. Individual is observed with gang tattoos;
- d. Individual is observed attending gang meetings;
- e. Individual is arrested in a gang area for an offense that is part of that gang’s criminal enterprise; or
- f. An in-custody Department of Corrections background screening supports the individual’s gang affiliation.

It is worth reemphasizing that no white supremacist group is included in MPD’s gang database despite meeting these criteria.

³² This is a reference to the D.C. Code, which defines “criminal street gang” as “an association or group of 6 or more persons that... Has as a condition of membership or continued membership, the committing of or actively participating in committing a crime of violence, as defined by § 23-1331(4)); or has as one of its purposes or frequent activities, the violation of the criminal laws of the District, or the United States, except for acts of civil disobedience...” DC Code § 22-951. Criminal street gangs. Subsection (e)(1)(A) and (B).

[https://code.dccouncil.gov/us/dc/council/code/sections/22951#:~:text=\(1\)%20%E2%80%9CCriminal%20street%20gang,%2D1331\(4\)\)%3B%20or](https://code.dccouncil.gov/us/dc/council/code/sections/22951#:~:text=(1)%20%E2%80%9CCriminal%20street%20gang,%2D1331(4))%3B%20or)

MPD also determines “gang association” by watching young people in and around middle and high schools.³³ This can lead officers to label—and therefore criminalize—typical adolescent behaviors exhibited by Black and brown students (such as how they dress or who they interact with) as gang activity.³⁴ Some young people interviewed for the report shared concerns and fears about potential consequences of being labeled a gang member and being included in the database. Some of their concerns included being targeted and seen as a criminal,³⁵ teachers treating them differently, having difficulty getting a job, and even criminal repercussions for being in the ‘wrong place.’”³⁶

Increased interactions with police have negative implications for the wellbeing of young people, which can impact their ability to self-regulate their behaviors and their performance in school. Young people who encounter police at increased rates experience heightened emotional distress and symptoms of post-traumatic stress, such as rapid heart rates, sweaty palms, uncontrollable thoughts, and decrease in quality sleep.^{37,38}

MPD’s gang database raises serious concerns about violations of constitutionally protected due process and Fourth Amendment rights. Individuals who are added to the database are not notified, so there is no way to appeal inclusion in the database. Because people on the database are more likely to be targeted, they are also more likely to experience increased interactions with law enforcement, police surveillance and harassment, and aggression or use of force. Moreover, inclusion in the database can have devastating consequences for Black and brown D.C. residents, whether or not they are involved with the criminal legal system.

For example, because of MPD’s data-sharing practices, inclusion in the gang database can compromise someone’s immigration status—whether they are undocumented or permanent residents.³⁹ Individuals, such as those seeking asylum or protected under the Deferred Action for Childhood Arrival (aka DACA), can be denied affirmative immigration benefits, could be arrested by federal immigration enforcement authorities, could face immigration detention without bond, and even deportation—all based on unverified allegations of gang involvement. This is not mere speculation. The WLC report noted that,

³³ WLC Report (2024), 31.

³⁴ As noted by Georgetown Law professor Kristin Henning in her book about the criminalization of Black youth, “Teenagers signal their loyalty to their clique by sitting together at school, hanging out after class, dressing alike, and giving themselves nicknames and symbols. For most kids, these behaviors are considered normal and even encouraged for healthy social engagement. For Black youth, these behaviors earn them the label of “gang” or “crew” and put them at risk of arrest—just for being in the group.” Kristin Henning. *The Rage of Innocence: How America Criminalizes Black Youth*. Page 72 and 73. Published 2021.

³⁵ WLC Report (2024), 31.

³⁶ Id. 32.

³⁷ Jackson, D. B., et. al. “Police Stops Among At-Risk Youth: Repercussions for Mental Health.” *Journal of Adolescent Health* Volume 65, Issue 5, Pages 627-632. November 2019. Available at <https://www.amostbeautifulthing.com/wp-content/uploads/2020/01/Police-Stops-Among-At-Risk-Youth-Repercussions-for-Mental-Health.pdf>.

³⁸ Id.

³⁹ The Intercept (2021).

although MPD has previously reported that they shared data with only four agencies, the Department's own records indicated that it has shared data from the gang database with at least 22 outside entities, including US Customs and Immigration Enforcement.⁴⁰ The report also notes that MPD has shared information about individuals who appear in the D.C.'s gang database with U.S. Citizenship and Immigration Services when the agency is adjudicating immigration applications.^{41, 42}

The wide discretion afforded to MPD when it comes to the gang database, along with the lack of transparency and adequate oversight, lends itself to abuse—both of police powers and the rights of District residents. The gang database is yet another tool that empowers officers to racially profile, harass, and over-police predominantly Black and Latine District residents.⁴³

Both MPD and the D.C. Council have expressed the need and desire to ensure that police are not continuing harmful practices that perpetuate the long history of racism in policing. Therefore, it is incumbent on the Council to perform its oversight duties and rigorously examine MPD's gang database. The Council must inquire into how the database came to be, what purposes it is used for, the risks to community members, and the cost to the District.

We also call on the Council to require MPD to narrow the Department's definitions of gang association—to be in alignment with the D.C. Code—and to develop a due process mechanism that gives people an opportunity to contest their placement on the database.

General Accountability

Misconduct by MPD officers costs the District millions of dollars every year; dollars that would be better spent on resources that actually address public safety concerns and challenges confronting D.C. communities most harmed by both police and gun violence. ACLU-D.C.'s September 2023 testimony for the hearing of then-Acting Chief Smith's confirmation called on the Council to closely examine and question the candidate's actionable goals for ensuring accountability—particularly for handling serious officer misconduct cases that harm members of the community. We urged Council members to be confident that the new MPD Chief would commit to reestablishing police legitimacy, which requires procedural justice, respect for community members, and holding officers accountable when officers disrespect and violate civil rights and liberties of the communities they serve.

⁴⁰ WLC report (2024), 5.

⁴¹ WLC Report (2024), 36-44.

⁴² These actions may violate D.C.'s Sanctuary Values law. See D.C. Law 23-282. Sanctuary Values Amendment Act of 2020. Enacted January 13, 2021. Available at <https://code.dccouncil.gov/us/dc/council/laws/23-282>.

⁴³ The data show that in January of 2022 Black people made up 82% of all people included in the gang database, Latine/Hispanic people made up 12%, and White, Asian-American/Pacific Islander, and other people whose race/ethnicity was unknown, made up 1%. In 2021, 100% percent of the juveniles under the age of 18 included in the database (which made up 20% of total number of people included) were of color. See WLC report (2024), 12 and 13.



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While we have seen the Chief's desire and plans to hold accountable members of the public who violate the law, we have not seen a plan for how Chief Smith will handle officer misconduct cases better than her predecessors. We urge the Council to examine ways Chief Smith has prioritized accountability internally at the Department. What actions has Chief Smith taken to address the longstanding history of failure to hold officers accountable when they violate District law and Department policies? What structural changes have been made to tackle mistreatment of community members and fellow officers by MPD officers?

Conclusion

D.C. continues to be at a critical juncture where decisions must be made about how to respond to public safety concerns. The ACLU-D.C. understands District leaders are under tremendous pressure to act. Putting forth haphazard solutions that may make certain residents "feel" safe, but doesn't meaningfully address safety concerns, actually puts residents, their civil rights and liberties, and public safety at risk. District leaders must make smart decisions and propose effective strategies that will result in long-term positive outcomes for public safety. Continuing or resorting to outdated practices that have been proven to be harmful and/or ineffective only sets back progress towards the vision of a safer and stronger D.C.