



Government of the District of Columbia Advisory Neighborhood Commission 4B

[DRAFT] RESOLUTION #4B-20-0605

Calling for Divestment of Local Police Funding and Reinvestment in Community-Based Supports and Services Adopted June 22, 2020

Advisory Neighborhood Commission 4B (Commission) takes note of the following:

- Protests against police violence and murders have erupted in DC and across the nation. While these protests are achieving new prominence, we recognize them as the product of years of work, protest, and frustration by communities of color across the nation. In DC, we mourn the deaths of [Jeffrey Price](#), [D'Quan Young](#), [Marqueese Alston](#), [Terrence Sterling](#), [Raphael Briscoe](#), [Miriam Carey](#), and many others due to encounters with law enforcement officers in the District, as well as others, [including youth](#), who have been harassed and erroneously arrested due to encounters with [local police forces](#). The Commission recognizes the immediate cause of these protests are recent deaths and other harassment at the hands of law enforcement officers, as well as the lack of accountability for these actions, while also recognizing the history and persistence of systemic racism and oppression. It should not take the death of anyone to recognize the institutional racism that has pervaded our legal systems. As elected officials, we will dedicate ourselves to dismantling these systems.
- The District of Columbia has the [highest number of officers per capita](#) among big cities reporting data to the Federal Bureau of Investigation, with approximately 3,800 police officers (55 per 10,000 residents) – double the national average. Police presence in the District is even higher, though, considering the myriad additional law enforcement agencies operating within the District, including U.S. Park Police, U.S. Capitol Police, Metro Transit Police, DC Housing Authority Police, and many more, including special police officers, security officers, private investigators, and private detectives, and any other entity receiving licensure through the DC Department of Consumer Regulatory Affairs and the Metropolitan Police Department's [Security Officers Management Branch](#). See Bill Myers, *Washington City Paper*, "[D.C. Is Teeming With Police Officers, So The Mystery May Be Why Crime Happens At All](#)," (Sept.

21, 2017) (“The District is the most heavily policed place in the U.S., which means it’s one of the most heavily policed places on earth.”). There is [little evidence more police results in less crime](#), while alternative approaches like violence interruption [can both reduce crime and save money](#). As Councilmember Kenyan McDuffie (Ward 5) [noted](#), “We incarcerate more people than anywhere else in the country, and here we are up 9 percent in homicide.”

- Nationwide, as well as in the District, the amount of public funds going toward policing has increased. *See generally* Emily Badger and Quoc Trung Bui, The New York Times, [“Cities Grew Safer. Police Budgets Kept Growing.”](#) (June 12, 2020) (“[T]he police share of spending has grown over the past 40 years, even as cities have become far safer.”). The current [annual capital budget](#) for the Metropolitan Police Department is \$559,526,918. Mayor Bowser has proposed a nearly \$19 million increase (3.3 percent) for Fiscal Year 2021, which includes 42 new FTEs. This is [more funding](#) for police than affordable housing, public housing, jobs programs, mental health care, and the University of the District of Columbia combined. Increased police budgets, accompanied by static or decreasing funding for social services, have resulted in police being used to fill the gaps where city services are inadequate or outright lacking. This inequity can be easily found in lower-income and marginalized communities, primarily East of the River. The role for and duties of police in the District has expanded, often causing officers to serve as social workers, mental health experts, and neighborhood mediators, roles for which they [lack full training and may be ill-equipped](#).
- The District of Columbia is in the midst of an unprecedented public health emergency that starkly highlights racial disparities in our city. In the District, Black residents make up 75 percent of coronavirus-related deaths, and more than twice as many Black residents have tested positive for the virus than white residents. Black residents are more likely to have access to fewer well paying, stable jobs, more likely to live in food deserts, and more likely to be uninsured, among other notable disparities. *See* Doni Crawford & Qubilah Huddleston, DC Fiscal Policy Institute, [The Black Burden of COVID-19](#) (Apr. 16, 2020); *see also* Molly Hensley-Clancy, BuzzFeed, [“The Coronavirus Is Shattering A Generation Of Kids”](#) (June 11, 2020) (“Teachers and psychologists have no doubt, they say, that most of the children who were already at an advantage will emerge from this pandemic — from their small constricted worlds, from their bubbles — with an even greater lead. And the children who did not have those advantages, who were already struggling, will almost certainly emerge even farther behind.”). Without intentional actions by our elected leaders, the public health emergency will continue to worsen economic and health inequities in our city. The District’s budget presents an opportunity to right these historical wrongs and invest in people equitably.

- On June 10, 2020, Metropolitan Police Department Chief Peter Newsham claimed that “the number one thing that contributes to excess force in any police agency is when you underfund it.” He could only cite his experience at the Metropolitan Police Department since he first joined in 1989 in support of this statement. DC Auditor Kathy Patterson has noted that she is not aware of data that links funding to use of force. See Amanda Michelle Gomez, *Washington City Paper*, “[D.C. Council Passes Police Reform Legislation, Reckons With Calls to Defund the Police](#)” (June 10, 2020). More recently, Chief Newsham [said](#) in response to recent unanimous DC Council legislation regarding police reform that “[the DC Council] insulted [MPD] by insinuating that we are in need of reform.” Chief Newsham’s statements indicate he views oversight and accountability as an insult and the District’s elected representatives as adversaries. They further indicate he fails to fully understand the gravity of the moment and the need for change. Chief Newsham, furthermore, has repeatedly justified and participated in practices later prohibited in the District of Columbia, including using [mass arrests](#) and [covert mass surveillance](#). It is time to reconsider his leadership.
- The Commission appreciates the DC Council’s legislative efforts to date, including the “[Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020](#),” which includes a suite of reform measures Council unanimously passed such as prohibitions on the use of neck restraints, limitations on hiring officers with a history of serious misconduct, improved access to body-camera footage, training enhancements, and officer discipline reforms, among others. The Commission also appreciates the efforts of other Advisory Neighborhood Commissions, as well as the efforts of [individuals](#), local advocacy groups like [Black Lives Matter DC](#), [Stop Police Terror Project DC](#), and [Black Youth Project 100](#), and national advocacy groups like [8 to Abolition](#).
- We call for additional action to address the root causes of police violence against Black communities, but also recognize that calls to move away from investment in policing and [into strengthening communities of color](#) are long overdue.

The Commission calls for the following actions to prioritize and invest in the safety and health of our communities:

- **Move Promptly to Pass Permanent Legislation:** We reiterate our support for the steps taken so far by the DC Council in the “[Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020](#).” We expect the Council will act promptly to pass the suite of reforms into permanent law, including provisions related to retroactive [release of body-worn camera footage](#), prohibitions on the Metropolitan Police Department [hiring individuals previously terminated or forced to](#)

[resign based on past disciplinary action, and removal of the Metropolitan Police Department disciplinary process from the District's collective bargaining with the DC Police Union.](#)

- **Reject Proposed Increase in the Metropolitan Police Department's Budget & Consider Mechanisms to Constrain the Role and Budget of MPD:** The Metropolitan Police Department's budget is over half a billion dollars and grows every year. Mayor Bowser has [proposed increasing](#) the Metropolitan Police Department's operating budget by 3.3 percent to \$578,069,493 and 4,796 FTEs. The push to reform police departments through additional funding has failed to prevent senseless murders, and [experts are skeptical increased funding for police leads to a reduction in crime](#). While the DC Council plans to allocate more funds to training for Metropolitan Police Department officers, these reforms have [questionable impact on officer behavior](#). We encourage the DC Council to reject any increase in the Metropolitan Police Department's budget, including FTEs, and consider additional budgetary cuts and cuts to FTEs. Minneapolis has committed to disbanding its police department in favor of funding community-centered solutions for public safety. *See generally* Sarah Holder, *Citylab*, ["The Cities Taking Up Calls to Defund the Police"](#) (June 9, 2020). Within the Metropolitan Police Department's budget, the DC Council should also scrutinize expenditures to ensure that they are appropriate for [community priorities of transparency](#) and oversight. The DC Council should similarly engage seriously with the possibility of minimizing the role and responsibilities of MPD, special police officers, and security officers and investing in education, health, transportation, and other services instead.
- **Restore & Enhance Sustained Violence Interruption Funding:** While Mayor Bowser has proposed increasing the Metropolitan Police Department's budget, she has also proposed reducing the budget for violence interruption services, which have been shown to [reduce crime and save money](#). The Mayor's proposed budget reduces funding to various programs, including reducing funding to the Office of Neighborhood Safety and Engagement by 11.4 percent (\$863,000), including reductions to violence interruption contracts; reducing funding to the Office of Victim Services & Justice Grants, some of which are anticipated cuts in federal funding (\$1.1 million reduction in local victim services grants; \$740,000 reduction in local reentry and justice program grants; and \$670,000 decrease in funding for legal services for low-income Washingtonians, including eviction defense and \$1.8 million conversion of funding in that program to one-time dollars, so funding will expire after Fiscal Year 2021); and reducing funding to the District Department of Recreation's Roving Leaders program by 67 percent (\$1.4 million dollars). In addition, the proposed budget fails to renew a one-time funding mechanism from the last Fiscal Year for the Office of the Attorney General's "Cure the Streets" violence prevention program. These budget reductions impede

the effectiveness of the Neighborhood Engagement Achieves Results Act and call into question the Mayor's commitment to developing means to reduce crime without police intervention. We must work to ensure the safety, healing, and wellbeing of all DC residents. The DC Council needs to invest in community-led violence interruption programs, independent of law enforcement, including through these existing programs. The DC Council should ensure sustainable funding for these programs at least at the current Fiscal Year levels, and ideally increase funding these violence interruption programs so that they are able to provide full services citywide, and not just within limited pockets of the District. If federal funding for these programs is reduced, such as for the Office of Victim Services & Justice Grants, the DC Council should ensure local funding to fill in those gaps. Cure the Streets should receive recurring funding (not just one year at a time) either through litigation funds (which currently partially funds the program) or other budget allocations, which would allow the program to exercise longer term planning, scale, and measures. Additional details regarding violence interruption services, including specifically as related to Ward 4, can be found in Advisory Neighborhood Commission 4C's "[Request for Petworth and Columbia Heights Violence Interrupters and additional violence prevention program funding.](#)"

- **Invest in Communities:** The broader call for [defunding the police](#) embodies, in part, the belief that investing in communities better addresses public safety and prevents crime. This includes [housing as a human right](#) and a "[care not cops](#)" model, which calls for allocating city funding toward healthcare infrastructure, childcare, public transit, healthy food, youth programs, and more. In the District specifically, we have witnessed chronic underinvestment in ending chronic homelessness, public housing, affordable housing, education, and more. Investing in these basic human needs will go a long way toward addressing not just public safety, but also historic inequities in our city and across the nation.
- **Continue to Demilitarize DC Police:** Police militarization – where a law enforcement agency embraces an ideology that stresses the use of force as a desired way to solve problems – makes police more likely to turn to violence to solve problems. We support provisions in the Council's "[Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020](#)" banning the Metropolitan Police Department from buying military-style equipment from the federal government, as well as provisions prohibiting the Metropolitan Police Department's use of tear gas, rubber bullets, and riot gear at First Amendment assemblies. We call for additional effort to demilitarize the police, including continued consideration prohibiting military training for Metropolitan Police Department officers, and other officers where possible. See, e.g., Alice Speri, *The Intercept*, "[Israel Security Forces Are Training Cops Despite History of Rights Abuses](#)" (Sept. 15, 2017). The DC Council should also

consider mandating a reduction in the usage of military- and intelligence-linked surveillance tactics through a Community Oversight of Surveillance program and require disclosure of surveillance tactics and technology. See Joshua Kaplan, *Washington City Paper*, "[The ACLU Is Campaigning to Police Police Surveillance](#)" (June 27, 2019).

- **Prohibit Sexual Misconduct by Police Officers:** Research on police sexual misconduct (including sexual harassment, extortion, and forcible rape by officers) [overwhelmingly concludes](#) that it is a systemic problem. Research also demonstrates that [police officers target women they do not think would be believed if they came forward](#), including women of color, transgender women, women who use drugs or alcohol, and women involved in the sex trade. Furthermore, [domestic violence rates](#) are high for police officers. Despite [national guidance](#) calling for policies prohibiting sexual misconduct by officers, most police departments have no policies or training making it clear that sexual misconduct against civilians is prohibited. In DC, we have seen this borne out within [MPD's Human Trafficking Unit](#) in particular. Joshua Kaplan, *Washington City Paper*, "[Police Reports Raise Questions about MPD's Tactics During Undercover Prostitution Stings](#)" (Oct. 17, 2019) ("*City Paper* asked if it violated their rules for an officer to take his penis out and have a sex worker touch it, or to ask a sex worker to take off their clothes. MPD responded, 'MPD does not discuss tactics for undercover operations.'"). See also Lou Chibbaro Jr., *Washington Blade*, "[D.C., P.G. cops investigated for 'coercing' trans sex worker](#)" (Nov. 19, 2018) ("News of the two officers' alleged efforts to coerce one or more transgender sex works for sexual favors in exchange for not arresting them surfaced less than a week before D.C.'s annual Transgender Day of Remembrance was scheduled to take place on Nov. 20 at the Metropolitan Community Church of Washington."). The DC Council should immediately direct MPD to revise standard operating procedures to expressly prohibit sexual misconduct by police officers, regardless of their duty status, as well as possible revisions regarding the scope of [misconduct investigations](#) and [misconduct sanctions](#). Other Metropolitan Police Department procedures govern [off-duty officer conduct](#), and sexual misconduct should be no different and should be expressly recognized as serious misconduct.
- **Ban Stop & Frisk by Police Officers:** After years of ignoring the legislative mandate of the Neighborhood Engagement Achieves Results Act to disclose stop-and-frisk data, a [Metropolitan Police Department report](#) reveals stop and frisk results in the [disproportionate policing of Black bodies](#) and results in additional unnecessary opportunities for Black people to have police interactions. As of March 5, 2020, 72 percent of all stops and 87 percent of non-ticket stops were Black people, while Black people are 46 percent of the population in DC. The most callous example of stop-and-frisk is the Metropolitan Police Department's Gun Recovery Unit, which performs jump-outs in Wards 7 and 8. The Unit brags about

the practice on t-shirts and banners saying, “[Let me see that waistband, jo](#),” “[Vest up, one in the chamber](#),” and “[Police brutality...or what their parents should have done?](#)”. Stop and frisk has been [deemed unconstitutional and a form of racial profiling in New York State](#). The DC Council should immediately direct the Metropolitan Police Department to revise standard operating procedures and retrain all FTEs, reserve officers, and special police officers to end the use of stop and frisk. This training should include the history behind the arbitrary use of stop and frisk techniques as a pretext for unlawful detainment or arrest and alternatives to these outdated practices. The DC Council should also mandate the Metropolitan Police Department to do a top-down analysis of all current FTEs, reserve officers, and special police officers who have complaints against them for this practice to determine their ability to remain as an officer, even with retraining.

- **Enhance Police Screening, Training, & Connection to the Community:** In light of recent and proposed reforms, as well as the need for these reforms to apply broadly to current law enforcement officers, Metropolitan Police Department officers, reserve officers, and special police officers should be subject to some form of systemic review of their service record, psychiatric assessments, and additional anti-bias and de-escalation training, as necessary. To support the hiring of police officers with connections to the local community, the DC Council should include in their suite of reforms provisions strengthening the hiring preference for District residents and requiring residency in the District.
- **Further Empower the Office of Police Complaints:** The DC Council’s “[Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020](#)” broadens the authority of the Office of Police Complaints to allow the Executive Director to initiate a complaint where the Director discovers evidence of misconduct beyond the scope of the underlying complaint and includes within misconduct the failure of an officer to intervene or report excessive force. These are important and notable changes. We believe additional expanded authority is appropriate, including consideration of anonymous reporting mechanisms (similar to the Metropolitan Police Department’s Internal Affairs Division), expanded authority beyond color of law claims (for example as related to sexual misconduct, including domestic violence), and removal of any standing requirement to allow third-party complaints. Furthermore, while we understand the limited authority to sanction non-DC officers, the Office of Police Complaints should be empowered to independently document, obtain evidence, and attempt to investigate any complaint about any law enforcement officer when the incident in question occurs in the District of Columbia. While other police agencies may not be subject to the jurisdiction of the Office of Police Complaints and may not cooperate with investigations, this process would allow for data collection regarding other law enforcement entities operating in DC, [approximately 40 of which operate in the District with](#)

regularity. See, e.g., Advisory Neighborhood Commission 4B, Resolution #4B-20-0201, [“Supporting Metro Transit Police Adopting Metropolitan Police Department General Order 305-1 regarding Interacting with Juveniles”](#) (Feb. 24, 2020); Resolution #4B-20-0203, [“Expressing a Lack of Confidence in Chief Ronald A. Pavlik, Jr. and Calling for Reform of the Metro Transit Police Department”](#) (Feb. 24, 2020).

- **Stop the School to Prison Pipeline:** Having uniformed Metropolitan Police Department officers serving as school resource officers is unnecessary and creates space for trauma and harm. The Metropolitan Police Department should be prevented from entering into contracts with DC Public Schools and, where legislation permits, mandate mental health and trauma experts who can be in schools as guardians not enforcers. Additionally, DC Public Charter Schools should be prohibited from independently contracting with off-duty Metropolitan Police Department officers for additional school security, or MPD officers should be prohibited from contracting that employment separately. The Student Fair Access to School Act has been effective in [reducing the rate of out of school punishments in DCPS \(as well as suspensions and expulsions for very young children or attendance issues\)](#), but has been less effective in the charter sector because the Public Charter School Board has refused to enforce it. We [know that students of color are more likely to be the recipients](#) of out-of-school of punishments, and suspending or expelling kids for attendance or dress code issues is linked to the outsourcing of disciplinary issues to the court system. In fact, one study showed that [almost a quarter of students](#) who receive an out-of-school punishment later have contact with juvenile probation and parole. The DC Council should mandate enforcement of the existing law and conduct oversight to ensure all publicly-funded schools implement it.
- **Increase Oversight of Metro Transit Police:** With approximately 500 officers, the Metro Transit Police Department is the largest police department directly funded by the District of Columbia, but it is not subject to oversight by the Office of Police Complaints. The Metro Transit Police Department has functioned in an opaque manner with significant deficiencies in structure and operations including, but not limited to, inadequate oversight and accountability. The DC Council and the Mayor should withhold funding or exercise their jurisdictional veto over the Metro Transit Police Department budget unless the WMATA Board of Directors implements significant structural reforms as recommended by Advisory Neighborhood Commission 4B’s previous resolutions. See, e.g., Advisory Neighborhood Commission 4B, Resolution #4B-20-0201, [“Supporting Metro Transit Police Adopting Metropolitan Police Department General Order 305-1 regarding Interacting with Juveniles”](#) (Feb. 24, 2020); Resolution #4B-20-0203, [“Expressing a Lack of Confidence in Chief Ronald A. Pavlik, Jr. and Calling for Reform of the Metro Transit Police Department”](#) (Feb. 24, 2020).

RESOLVED:

- That Advisory Neighborhood Commission 4B calls on the DC Council and the Mayor of the District of Columbia to immediately pass permanent legislation to implement the above reforms to policing in the District of Columbia.
- That Advisory Neighborhood Commission 4B calls on the DC Council to consider the Mayor's current budget proposal and calls on the Mayor to consider future budgets for the District of Columbia with the overall goal to reduce the role and presence of police in our communities and increase non-police interventions and support services to support the growth and success of our communities.

FURTHER RESOLVED:

That the Commission designates Commissioner Erin Palmer, ANC 4B02 and Commissioner Tiffani Nichole Johnson, ANC 4B06, to represent the Commission in all matters relating to this Resolution.

FURTHER RESOLVED:

That, in the event the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner or Commissioners to represent the Commission in all matter relating to this Resolution.

FURTHER RESOLVED:

That, consistent with DC Code § 1-309, only actions of the full Commission voting in a properly noticed public meeting have standing and carry great weight. The actions, positions, and opinions of individual commissioners, insofar as they may be contradictory to or otherwise inconsistent with the expressed position of the full Commission in a properly adopted resolution or letter, have no standing and cannot be considered as in any way associated with the Commission.

ADOPTED by voice vote at a regular public meeting (notice of which was properly given, and at which a quorum of __ of nine members was present) on June 22, 2020, by a vote of __ yes, __ no, __ abstentions.