Government of the District of Columbia
Advisory Neighborhood Commission 4B

RESOLUTION #4B-23-0605

Opposing Weakening of Police Accountability Measures in B25-014, the Police Officer Recruitment and Retention Act of 2023 & Supporting Recommendations for Recruitment and Retention
Adopted June 26, 2023

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

- On February 21, 2023, Ward 7 Councilmember Vincent Gray introduced B25-014, the "Police Officer Recruitment and Retention Act of 2023 (the Act)." The proposed legislation has no co-sponsors. It was referred to the DC Council's Committee on the Judiciary and Public Safety and the Committee on Executive Administration and Labor on March 7, 2023, and has not been scheduled for a hearing.

- The Act would repeal accountability measures passed unanimously by the DC Council as part of the Comprehensive Policing and Justice Reform Amendment Act of 2021, and proposes restoring the DC Police Union's ability to use officer discipline as a bargaining chip in its collective bargaining negotiations, eliminating the newly created position of Deputy Auditor for Public Safety in the Office of the DC Auditor, and reducing the number of days the Metropolitan Police Department has to impose discipline after a misconduct investigation has opened from 120 to 90 days, which makes it easier to run out the clock on imposing discipline, even in cases where misconduct is not in dispute. DC Council Chair Phil Mendelson has said: "It's a bad bill." *See* Vince Gray Bill Aimed at Increasing D.C. Police Force Would Roll Back Accountability Reforms, Washington City Paper, February 23, 2023.

- On October 22, 2022, the DC Auditor released a Report entitled "36 Fired MPD Officers Reinstated; Receive $14 Million in Back Pay." The DC Auditor's review found: "[the Metropolitan Police Department (MPD)] reinstated 37 officers who were fired for a variety of offenses—including several whose behavior was categorized by [the Office of the District of Columbia Auditor] as a 'threat to safety'—and paid 36 of them [$14.3 million] in back pay." Officers were re-hired and paid millions of dollars in

back pay after committing egregious misconduct, including one officer found guilty of exposing his genitals to a woman in a parking lot. *See also* Advisory Neighborhood Commission (ANC) 4B Resolution 4B-20-0605, Calling for Divestment of Local Police Funding and Reinvestment in Community-Based Supports and Services (June 22, 2020) ("Research on police sexual misconduct (including sexual harassment, extortion, and forcible rape by officers) overwhelmingly concludes that [sexual misconduct by police officers] is a systemic problem.... In DC, we have seen this borne out within MPD's Human Trafficking Unit in particular.").

- The DC Auditor's Report included a response from MPD Chief Robert Contee supporting the work and recommendations of the DC Auditor. He stated: "Reinstatement of members who engaged in egregious misconduct that warranted termination has been a source of great frustration for me and my predecessors.... I am hopeful that [] this audit's recommendations, the newly negotiated collective bargaining agreement that eliminates disciplinary arbitration, and [the MPD's] new disciplinary process will substantially improve a problem that has plagued the District of Columbia for decades."

- MPD, in its response to the DC Auditor's Report, urged the DC Council to repeal the 90-day rule in its entirety, stating: "The 90-day rule ... creates a technical hurdle that allows guilty employees to avoid accountability for their misconduct, particularly in cases involving criminal acts. Interpretations of when the 90-day clock started, when it stopped, whether the stopping was proper when it re-started, and when it concluded have resulted in at least six (6) Court of Appeals cases, two Council amendments, and as this audit found, 14 members (39% of all reinstatements) whose terminations were overturned, including in cases where the misconduct was not in dispute."

- The Police Reform Commission (PRC) – established by the DC Council to help the Council better understand how to improve or find alternatives to policing in the District – issued a Report on April 1, 2021, entitled "Decentering Police to Improve Public Safety." The PRC similarly recommended the removal of collective bargaining over police discipline in their Report, stating "collective bargaining agreements should not be used to shield police officers, or any public employees, from accountability. For too long they have been allowed to do so. The District has the opportunity to lead the nation in dismantling this long-standing hurdle to holding police accountable when they harm people."

- The recommendation to remove negotiation of officer discipline from the collective bargaining process was permanently codified by the DC Council as part of the Comprehensive Policing and Justice Reform Amendment Act of 2021, passed unanimously on December 20, 2022, and enacted on January 19, 2023. Advisory Neighborhood Commission 4B expressed

strong support for this legislation. *See* Resolution 4B-20-0605, Calling for Divestment of Local Police Funding and Reinvestment in Community-Based Supports and Services (June 22, 2020) ("[The Commission] reiterate[s] our support for the steps taken so far by the DC Council in the 'Comprehensive Policing and Justice Reform Emergency Amendment Act of 2020.' [The Commission] expect[s] the Council will act promptly to pass the suite of reforms into permanent law, including provisions related to the 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.").

- In March 2023, the Police Executive Research Forum (PERF) – a police research and policy organization – released a Report entitled "A Cultural Assessment of the MPD Workplace." Then-newly confirmed Chief Contee commissioned the Report to provide "a snapshot of the department's culture" to determine "the organization's strengths and weaknesses." The Report, informed by extensive interviews with current and recently separated Metropolitan Police Department employees, contained recommendations to improve retention and workplace culture within the police department.

- The PERF Report identified several areas for improving the Metropolitan Police Department's work culture, including but not limited to improving training and mentoring programs, revising the promotion process, providing more resources and support for Metropolitan Police Department officers who are parents, improving behavioral health supports for officers, and establishing uniform Department-wide policies for determining who will work mandatory overtime and when. In addition, the PERF report identified the need for better data collection on officer recruitment and retention and recommended several steps the department could take to improve recruitment and retention, including developing retention incentives for veteran Metropolitan Police Department officers, professionalizing administrative positions to shift sworn officers to patrol duties, and allowing officers to complete their college credit requirements during their first four years of service.

- During the May meeting of the ANC 4B Community Safety and Support Committee, duly noticed via flyers, social media, and email, to further discuss this bill, MPD Lieutenant Patrick Loftus, Director of Strategic Engagement Office, which oversees advertising and marketing stated that "[MPD] want[s] quality people over just filling seats. You know we don't want to repeat the mistakes of the past…in the late eighties or early nineties when DC went through a huge, hiring surge, and they hired a lot of people who shouldn't be police officers and [we] weed them out, obviously over time. We're being very intentional in our recruiting [and]

doing everything we can to make sure that we spread our message, and also make sure that we carefully vet our applicants as they go through our hiring process". This bill would stymie MPDs continued efforts to "weed out" officers who were only hired to fill a quota, and not based on their skill set, ethics, knowledge of the communities they are sworn to serve and ability to make a positive impact and help people.

- ANC 4B believes that public safety and police accountability are not mutually exclusive, and the Commission rejects the notion that repealing police accountability measures is an appropriate way to improve the recruitment and retention of MPD personnel. *See* Advisory Neighborhood Commission 4B, Annual Report 2022 (Nov. 28, 2022) ("The Commission has emphasized accountability and transparency in policing and other emergency services."); Resolution 4B-20-0605, Calling for Divestment of Local Police Funding and Reinvestment in Community-Based Supports and Services (June 22, 2020) ("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.").

RESOLVED

- Under a review of B25-014 by the ANC 4B Community Safety and Support Committee, a public meeting on the bill and current practices regarding MPD recruitment and retention, ANC 4B oppose any language in the Act that would repeal police accountability measures and return MPD to a disciplinary system that historically has forced them to retain or re-hire egregious bad actors, including those who are a danger to the community, as noted by the DC Auditor, the Police Reform Commission, and multiple former MPD Chiefs.

- ANC 4B encourages the DC Council, in coordination with MPD, to enact evidence-based measures to improve its workforce culture, recruitment, and retention, as recommended in the PERF Report, "A Cultural Assessment of the MPD Workplace."

FURTHER RESOLVED:

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

FURTHER RESOLVED:

That, if the designated representative Commissioners cannot carry out their representative duties for any reason, the Commission authorizes the Chair to designate another Commissioner to represent the Commission in all matters 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, as far 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 roll call vote at a regular public meeting (notice of which was properly given, and at which a quorum of X members was present) on June 26, 2023, by a vote of X yes, X no, X abstention.