



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

February 5, 2024

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
United States House
Washington, DC 20515

The Honorable Jamie Raskin
Ranking Member
Committee on Oversight and Accountability
United States House
Washington, DC 20515

Via E-Mail

Dear Chairman Comer and Ranking Member Raskin:

We write to express our opposition to H.R. 5798, the “Protecting Our Nation’s Capital Emergency Act of 2023,” which we understand will be scheduled for a committee vote tomorrow. This bill would repeal two provisions in D.C. law that protect our police force from bad cops.

First, H.R. 5798 would repeal a provision, that has been law since 2020, that reserves as a management right the disciplinary process for police officers. While the repeal may seem benign, it would actually be a significant step backward for police accountability. A D.C. Auditor’s report from 2022 catalogued cases where the Metropolitan Police Department (MPD) was barred from firing officers who had committed sexual assault or domestic violence, who themselves were arrested for assorted criminal activity, and who gave false statements, misused their issued firearms, and slept on the job. Every MPD Chief for the past 15 years has supported this reform because it empowers police leadership – not a third party – to determine the appropriate standards of conduct and discipline for their officers. Congress should not substitute its authority for that of local elected leaders and MPD Chiefs who have examined these issues closely.

Second, H.R. 5798 would restore a 90-day statute of limitations for claims against police officers. The Council eliminated this provision because it was repeatedly used by officers seeking to avoid accountability in disciplinary cases, including in cases where their superior sworn officers deemed the discipline appropriate. This arbitrary timeline has led to officers who have committed serious misconduct like rape and domestic violence staying on the force due to technicalities in arbitrators’ decisions.

Third, H.R. 5798 would limit the discretion of the Chief to impose disciplinary penalties greater than those recommended by the trial board. If, for instance, the trial board recommended a 10-day suspension for egregious misconduct that the Department believes should result in a 30-day suspension, H.R. 5798 would make it impossible for the Chief to do this, as they could not increase the penalty beyond what the trial board recommended. Again, this would be second-guessing the Police Chiefs of the Nation’s Capital.

Fourth, H.R. 5798 would repeal language that requires the Metropolitan Police Department to publicly announce its adverse action hearings. This would undermine the public’s ability to attend these hearings, a longstanding right that they have under District law. Additionally, this is something done by many other jurisdictions with police trial boards or similar bodies, including New York City, Baltimore, Chicago, and Prince George’s County, Maryland.

We support having a robust and strong police force and work closely with MPD leadership to provide them with the tools they need to make the city safe. Part of that effort includes ensuring that the force can appropriately remove officers who violate the law, MPD policies, and the public trust. When the public trusts that MPD can effectively police its own, they are more likely to cooperate in investigations and more likely to assist in prosecution, making the city safer. H.R. 5798 would make it harder for law enforcement leadership in the Nation’s Capital to remove bad actors who impede credible, competent, and lawful policing in the District.

Sincerely,



Phil Mendelson
Chairman, At-Large



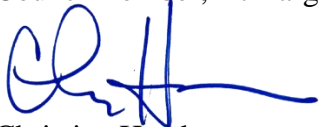
Keryan R. McDuffie
Chair Pro-Tempore, At-Large



Anita Bonds
Councilmember, At-Large



Robert C. White, Jr.
Councilmember, At-Large



Christina Henderson
Councilmember, At-Large



Brianne Nadeau
Councilmember, Ward 1



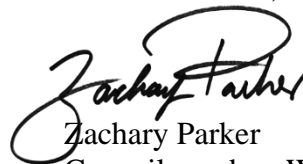
Brooke Pinto
Councilmember, Ward 2



Matthew Frumin
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Zachary Parker
Councilmember, Ward 5



Charles Allen
Councilmember, Ward 6



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