



**Testimony of**  
**Councilmember Charles Allen, Ward 6**  
**Council of the District of Columbia**

**Before the**  
**Committee on Oversight and Accountability**  
**U.S. House of Representatives**

**March 29, 2023, 10 a.m.**  
**Rayburn House Office Building, Room 2154**

Good morning, Chairperson Comer, Ranking Member Raskin, Congresswoman Norton, and distinguished members of the Committee. Thank you for the opportunity to testify. I am Charles Allen, and I represent Ward 6 on the Council of the District of Columbia. I am also the Chair of the Council's Committee on Transportation and the Environment, and I am the Vice Chair of the Metropolitan Washington Council of Governments.

The Council is the legislative branch of the District government, and I and my twelve colleagues are elected to represent the nearly 700,000 residents of the District of Columbia. Ward 6 is a large and diverse ward with a tapestry of rich cultures, and it includes some or all of the neighborhoods of Mount Vernon Triangle, NoMa, H Street, Capitol Hill – including the United States Capitol and the House and Senate Office Buildings – Navy Yard, Southwest, and Judiciary Square. I represent the fish market and liveboards of the Southwest Waterfront, the cutting-edge restaurants and the carryouts of the H Street corridor and Barracks Row, historic landmarks like Union Station – the Nation's Station – and Eastern Market, and the cherry trees – now in peak bloom – in Lincoln and Stanton Park. I represent the native Washingtonians whose families have lived in their homes for generations, the young people who've come here from across the country to make their mark, the families – like mine – who fell in love with the District and are now raising children attending our public schools, the grandparents and their grandchildren growing up in public housing, and yes, I even represent many of you, your families, and your staffs.

My role as a D.C. Councilmember is unique. Generally speaking, Councilmembers have four core responsibilities: to provide constituent services, to advance policies and legislation, to appropriate the District's budget, and, like this Committee, to conduct oversight. And on any given day, my office handles a variety of city-, county-, and state-level issues that touch on these responsibilities. For example, in the past week, I joined domestic violence service providers to advocate for funding for their programs in the District's victim services grants budget; I held a public hearing reviewing the budget and operations of the Department of Motor Vehicles; I joined local artists to celebrate the 150<sup>th</sup> anniversary of the historic Eastern Market on Capitol Hill; I met with business leaders to discuss the future of regional transit and the District's economic recovery from the pandemic; I spoke with agency directors about an action plan after a constituent's home was burglarized; my staff and I planned a Ward-wide spring beautification event we are holding this weekend; and I introduced legislation to reduce deaths from prostate cancer through annual screenings. After today's hearing, I will chair my own hearing on the Department of Transportation, where we will hear from dozens of public witnesses about how the agency's proposed budget should prioritize safe streets, traffic enforcement, and affordable and accessible transit.

I am beginning my testimony in this way for three reasons. First, I want to help those who may be watching this hearing in towns and cities across the country – including our fellow Americans in Kentucky, Ohio, Arizona, North and South Carolina, Wisconsin, Louisiana, Kansas, Texas, Florida, North Dakota, Pennsylvania, Tennessee, Georgia, Michigan, Colorado, New York, Missouri, and the state in which I was raised – Alabama, to better understand the District of Columbia, our unique form of government, and the role of a Councilmember. By knowing more about the District and our people, you may better appreciate why our lack of control over our own destiny is a grave injustice for which the only remedy is statehood, autonomy, and full voting representation in both houses of Congress.

Second, I am very proud of my home, my neighbors, my Council colleagues, and the more than 37,000 District government employees who go to work each day to teach our children, clean our streets, support our small businesses, and keep us safe. That said, like the members of this Committee, I ran for office to solve problems on behalf of my constituents. And as in the congressional districts represented by the members of this Committee, the District and its government are always working to improve. But that is why our residents elected their own leaders to office: to work hard for them, every day, to solve those problems by holding our government accountable and improving its operations.

And third, I wanted to open by describing my Ward, the constituents I represent, and what the Council does because in recent weeks, the District of Columbia been disparaged and strategically attacked for national political gain by those who know very little – if anything – about us, who have never previously taken an interest in our work to improve public safety, and who actively advance policies that, ironically, make us less safe, such as failing to curb the flow of illegal firearms or restore full local control of our criminal justice system.

### **Improving Public Safety and Ending Gun Violence**

Although I am currently the Chair of the Council's Committee on Transportation and the Environment, I served as the Chair of the Committee on the Judiciary and Public Safety for three Council Periods, and I am assuming that is why I have been invited to testify today. At the time, that Committee maintained oversight of approximately thirty-five District government agencies, boards, and commissions, including police, fire, 911, corrections, victim services, forensic sciences, homeland security, and elections and campaign finance – totaling more than 10,400 employees in all and a combined budget of \$1.7 billion.

During my tenure as Chair, the Committee passed more than 120 bills and held nearly 250 oversight hearings. My top legislative and oversight priority was improving public safety, with a focus on gun violence prevention and reduction. My professional background is in public health, and I view gun violence through that lens: it is an American epidemic, its effects are far-reaching and spread through the community – even if you have not personally been a victim, but there are proven, effective interventions. Like any other disease, violence is often predictable and preventable. But ending gun violence is not only a professional calling; it is also extremely personal to me. I experienced an armed robbery, and the scar on the back of my head from a pistol striking me and the gun firing is a reminder of how close I was to a bullet that could have ended my life, and terrifyingly, my wife's, who was with me at the time. Although the incident was years ago now, I still carry it with me. I mention it here, because although it has taken me years to feel comfortable talking about it in public, there are many other Americans in towns and cities across the country who have also been victims of gun violence, and more still for whom the sounds of gunfire are a background noise in their daily lives. I have met many of them through my work on the Council, and some partners in this fight were lost to gun violence along the way. I do not believe today's hearing is intended to honor their experiences and lives – or meaningfully work toward ending gun violence or crime, for that matter – but it is important that I do so in my testimony.

As I said and will repeat, gun violence is an American epidemic, and the District of Columbia is not immune. Many on this Committee have served as local, county, and state legislators and elected officials, and you have also consoled grieving loved ones in your districts. Unfortunately, your towns, cities, and states are also not immune. For example, in an average year, 823 people in Kentucky die by guns, including 288 by homicide (for comparison, the District experienced 174 homicides by gun in 2022). The rate of gun deaths increased 43% from 2012 to 2021, and Kentucky has the 14<sup>th</sup> highest rate of gun deaths in the United States. From a fiscal perspective, gun violence in that state costs its taxpayers \$183 million per year. There are similar terrible statistics for every district represented on this Committee, but you should know that District residents stand with you and your constituents as partners in the fight against gun violence.

As we will likely discuss today, despite historically low overall crime, the District is experiencing challenging increases in certain categories of violent crime, namely homicides and carjackings. As of the submission of this testimony, 50 lives have been taken due to homicide this year, to date, including six in my Ward. Even a single homicide should be cause for outrage, and every resident deserves not only to feel but to be safe in their community. There is no excuse, and we can never accept even one act of violence, especially a loss of life. My Council colleagues and I have comforted too many grieving mothers and fathers, seen too many students hold each other with tears streaming down their faces, and released balloons at too many vigils.

These crimes are being driven by a significant rise in illegal firearms being trafficked into the District. Illegal gun recoveries increased by 143% from 2013 to 2022. Although the Council passed legislation prohibiting so-called “ghost guns”, the recovery of this hard-to-trace type of gun has skyrocketed. While only three were recovered in 2017 (or 0.1% of all recoveries), 487 were recovered in 2022 (or 20%). Looking at the top source states for those firearms reveals an opportunity for the members of this Committee to take immediate action to improve public safety in the District. The top five source states are Virginia, Maryland, Georgia, North Carolina, and South Carolina. The number of recovered guns sourced from Georgia increased 244% between 2013 and 2021; from North Carolina, by 83%; and from South Carolina, 203%. It is no coincidence that with this rise in illegal firearm trafficking, the Metropolitan Police Department’s (MPD) adult gun and weapon arrests also increased by 161% during that period.

Thankfully, we are not without effective, evidence-based interventions. The District of Columbia employs a number of strategies, but speaking broadly, a comprehensive and effective response to gun violence requires strategic coordination between policymakers, law enforcement, prosecutors, the courts, corrections officials and reentry experts, pre-trial and community supervision personnel, juvenile justice agencies, victims of crime and victim services providers, social services agencies and providers, legal services, public health-based partners like violence interrupters, and – critically – community organizations, advocates, and residents. These partners will not always be aligned on perspective, methodology, or approach – and they should not be, as they play different roles with respect to the criminal justice system. For example, law enforcement and violence interruption are two different models of gun violence reduction, but they should both approach their work from an evidence-based perspective, with precision, and with shared goals.

This comprehensive and strategic response must also be laser-focused on providing rapid interventions and support to the relatively small, identifiable group of individuals who are most at

risk of committing or being victims of violence and crime – meaning it should be a coordinated response that centers around, as they are sometimes referred to, “hot people” and “hot places”. For example, when I chaired the Combating Violent Crime Working Group of the District’s Criminal Justice Coordinating Council, we spent significant time developing “risk terrain modeling” for the District, a cutting-edge analytic technique using large data sets to identify where crime is most likely to happen in the future, based on mathematical relationships between certain locations, their urban and environmental features, and past crime. Using risk terrain modeling, we predicted the top risk factor for carjackings in Ward 6 in 2023, to date, based on 2022 data, would be proximity to gas stations, which is different from robberies with guns and shootings. In Ward 8, it would be near illegal dumping locations. This modeling can easily be used to focus police and non-police resources based on both priority areas and highest-risk areas.

This is the central work of the District to end gun violence and crime: consistent and focused coordination between all these partners to implement our gun violence reduction strategic plan. Although the Executive was not invited to today’s hearing, it is, of course, that branch of government – primarily led by the Office of the Deputy Mayor for Public Safety and Justice, the Metropolitan Police Department, the Office of Gun Violence Prevention, and the Office of Neighborhood Safety and Engagement – that leads the on-the-ground interventions. I will speak more to the legislative response in a moment.

Despite those partners’ efforts, meaningful progress is constantly confounded by the absurdity of the District of Columbia’s criminal justice system – an absurdity within Congress’s power to remedy. For those who are unaware, the District’s criminal justice system does not operate like the justice system in any state. We have a local police department, but almost all adult crimes are prosecuted by the United States Attorney for the District of Columbia – a federally appointed position. This person is not elected by, and is entirely unaccountable to, District residents, including victims of crime and the few components of the criminal justice system subject to local control. We cannot control whether an arrest is papered or tried – frankly, District residents are often not even respected enough to be told the outcome. If an arrest is charged in court, the arrestee appears not before a local judge, but before a federal judge, who receives a pre-trial detention recommendation from a different federal agency. Let me reiterate: the District does not have a local court system as your towns, counties, and states do. We do not appoint our judges, we do not have oversight of their performance, and the little insight we have into their operations and decisions is because the current Superior Court and Court of Appeals leadership have chosen to be transparent and collaborative partners. If an arrest is for a felony offense and leads to a sentence of incarceration, the individual is incarcerated not in a local jail or prison, but in a Federal Bureau of Prisons facility hundreds or thousands of miles from home, likely with deplorable conditions, rampant violence, and little to no rehabilitative or reentry programming. At the end of their incarceration, they are provided with transportation back to the District (often a bus ride arriving in the dead of night) and barely any support with reintegration, with their supervision overseen by yet another unaccountable federal agency.

I do not say this to be hyperbolic: you could not have designed a more complicated and unsafe criminal justice system if you tried. Yes, it is also nonsensical and incredibly unjust, but I want to focus on the profound harm this lack of coordination, accountability, and transparency presents to public safety. For example:

- A resident will likely never know the outcome of an arrest for a crime committed on their block. *This does not promote a sense of or actual safety or justice.*
- Voters cannot hold prosecutors accountable at the ballot box for their charging decisions or lack of transparency. *Lack of transparency and accountability creates distrust of the criminal justice system.*
- A police officer's hard work in a homicide case is thrown out with no feedback about potential deficiencies in the evidence they could remedy. *This is demoralizing for our officers, a waste of government resources, and could have been an opportunity to learn how to build stronger cases.*
- A social worker does not know when his incarcerated client is being released from the Bureau of Prisons to be able to connect them to a job or get them their driver's license. *This leads to immediate homelessness and disconnection from reentry services, which dramatically increases the likelihood of recidivism.*
- Hundreds of incarcerated residents in the D.C. Jail are relocated overnight by the U.S. Marshals Service to a federal prison, with only a moment's notice to the District's Department of Corrections. *This is short-sighted and does nothing to improve conditions of confinement. It also severs community connections and puts hundreds of miles between detainees and their families and counsel.*
- The Chair of the Council's Judiciary Committee cannot compel the federal prosecutor to testify in an oversight hearing about prosecutions for violent crime in the Nation's Capital. *This disrespects duly elected District lawmakers, shows disdain for accountability, and tells residents federal prosecutors do not care about their concerns.*

If the Committee is serious about improving public safety (and saving taxpayer dollars), it will support full statehood and autonomy, or at the very least, return control over the District's criminal justice system to its people. I would recommend that it begin with the resumption of control of parole from the broken U.S. Parole Commission and returning the approximately 2,200 District residents in the Bureau of Prisons' custody to the District Department of Corrections, where they are much more likely to have access to the supports to allow them to reenter society successfully upon release. This would immediately save the taxpayers in the states represented by this Committee the appropriately \$40,000 per year it costs to incarcerate an individual in the federal Bureau of Prisons.

### Legislation and Budget Initiatives

I want to turn to two of the core responsibilities of Councilmembers that I referenced in the beginning of my testimony – to advance policies and legislation and to appropriate the District's budget – and discuss how we have done so in the area of public safety.

The Council considers legislation and reviews the annual proposed budget through a public, transparent, thoughtful, and deliberate process. For example, a bill that the Council recently moved

forward took sixteen years to pass. This is an outlier, as most bills move through the process more quickly, but the example is relevant. It began as a commonsense solution by Councilmembers in the early 2000s to revise archaic laws on the books, many authored by Congress more than a century ago. These laws had created significant challenges for both those charged with enforcing them and those impacted by them. Councilmembers began by passing a bill to create an independent, apolitical commission, composed of representatives from all sides of the issue, to study the law and propose a draft revision. This commission hired staff, experts in criminal law and statutory drafting. The commission met more than fifty times in open meetings over many years to solicit comments on its draft proposals, analyzed extensive data about current practice, conducted a survey of District residents' perspectives on the law to inform its work, compared the proposal to models from all fifty states, came to the Council biannually to provide updates and solicit feedback, and commented on proposed legislation under consideration at the Council as it worked to ensure the comprehensive legislation would be thoughtful, well-drafted, and harmonize with existing law. Nearly fifteen years after the original legislation was proposed, the commission voted unanimously to move its proposal forward and sent it to the executive and legislative branches for their consideration. The Council then held several hearings on the proposal, heard from dozens of witnesses with varying perspectives, and worked for more than a year to reach agreement on nearly the entire proposal among Councilmembers, the Executive, impacted government agencies, advocacy and legal organizations, and interested members of the public. It was approved unanimously, twice, and then a third time in a 12-1 vote. Finally, the bill was sent to Congress for its passive review. Of course, I am speaking about the Revised Criminal Code Act of 2022, or the "RCCA".

That work is far from over – it is merely paused – but the decision to overturn the RCCA was wrong and uninformed. In fact, twenty-nine other states have revised their criminal codes in the style of the Model Penal Code, as the District did, including states represented by the Majority on this Committee: Kentucky, Alabama, Arizona, Colorado, Illinois, Kansas, Michigan, Missouri, New York, North Dakota, Ohio, Pennsylvania, Tennessee, Texas, and Wisconsin. The decision was also unsafe. Ultimately, one may not agree with the entirety of the District's proposal, but maintaining the status quo – what has been ranked as one of the worst criminal codes in the country – makes us less safe. A clear, concise, and proportionate code benefits all sides because it clearly communicates what conduct is illegal and assigns it a penalty proportionate to the seriousness of the harm. For example, the Council believed that the penalty for assaulting a police officer in current law was too low, so in the end, those who voted to disapprove the bill actually voted to lower penalties for crimes against law enforcement.

In that same vein, the 275-page bill was portrayed as "lenient", with one member of House leadership mistakenly claiming that the bill "decriminalized carjacking" (the bill proposed more than two decades in prison for the offense, while armed). However, the RCCA's proposed penalties for the following crimes – among others – were higher than the analogous crimes in states represented by the Majority on this Committee:

- *Armed carjacking*: the RCCA penalty was higher than in Kentucky, Arizona, Colorado, Georgia, Kansas, North Carolina, North Dakota, and Ohio;

- *Armed robbery*: the RCCA penalty was higher than in Arizona, Colorado, North Carolina, North Dakota, and Ohio; the RCCA’s penalties were the same as or similar to those of Kentucky and Pennsylvania;
- *Unarmed carjacking*: the RCCA penalty was higher than in Kentucky, Arizona, Colorado, Georgia, Kansas, North Carolina, North Dakota, Ohio, and Tennessee;
- *Unarmed robbery*: the RCCA penalty was higher than in Kentucky, Arizona, Colorado, Kansas, North Carolina, North Dakota, and Tennessee;
- *Murder I*: the RCCA penalty was higher than in Kentucky, Alabama, Illinois, New York, and Texas;
- *Felony murder*: the RCCA penalty was higher than in Kentucky and Michigan (states that have abolished felony murder);
- *Voluntary manslaughter*: the RCCA penalty was higher than in Alabama, Arizona, Georgia, Kansas, North Carolina, and Pennsylvania;
- *Involuntary manslaughter*: the RCCA penalty was higher than in Kentucky, Georgia, Kansas, North Carolina, Ohio, and Pennsylvania;
- *Negligent homicide*: the RCCA penalty was higher than in Arizona and Ohio (where it is a misdemeanor); and
- *Burglary*: the RCCA penalty was higher than in North Dakota.

A vote to disapprove the so-called “radical, left-wing” RCCA was a vote against higher penalties than those in many of the Majority’s home states, including for the crimes of murder and armed carjacking. Similarly, those who expressed dismay at the RCCA’s proposed expansion of jury trials were likely unaware that thirty-five states have the same guarantee of a jury trial right when a defendant faces any prison time, as in the RCCA, including Kentucky, Alabama, Colorado, Florida, Georgia, Kansas, Michigan, Missouri, North Dakota, Ohio, South Carolina, Tennessee, Texas, and Wisconsin. This was a commonsense reform many years in the making, and the Majority acted against our interest and contrary to public safety in disapproving it.

I also want to highlight several other bills that the Council passed during the past three sessions to improve public safety:

#### *Improving Policing & Public Safety*

- “*Public Servants and First-Responders Housing Incentive Amendment Act of 2017*” (included in an annual budget): expanded the availability of zero-interest loans and grants for home purchase down payment and closing costs for police officers, corrections officers, firefighters, emergency medical technicians, and paramedics
- B22-0287, the “*Injured Metropolitan Police Officer Relief Amendment Act of 2018*”: limited the forced retirement of MPD officers who sustain serious or life-threatening injuries or illnesses in the line of duty
- B22-0472, the “*Sexual Blackmail Elimination and Immigrant Protection Amendment Act of 2018*”: closed loopholes in criminal law to penalize sexual extortion and threats to notify law enforcement about a person’s immigration or citizenship status



- B22-0588, the “*Firearms Safety Omnibus Amendment Act of 2018*”: strengthened the penalties for possessing automatic weapons, prohibited “bump stocks”, and created a “red flag” law to prevent people who pose a danger to themselves or others from owning firearms and ammunition
- B22-0628, the “*Revised Synthetics Abatement and Full Enforcement Drug Control Amendment Act of 2018*”: added new synthetic drugs to the District’s controlled substances schedule to allow law enforcement to go after distributors
- “*Retired Police Officer Redeployment Amendment Act of 2018*”, the “*Retired Police Officer Redeployment Program Amendment Act of 2019*”, and the “*Senior Police Officers Retention Amendment Act of 2020*” (included in annual budgets): allowed MPD to retain the expertise of senior police officers
- B23-0542, the “*District Government Continuity of Operations Plans Amendment Act of 2020*”: improved emergency response by coordinating and strengthening continuity of operations planning by the Homeland Security and Emergency Management Agency
- B24-0561, the “*Homeland Security Fusion Center and Law Enforcement Authority Amendment Act of 2022*”: stated the purpose and duties of the District’s homeland security “Fusion Center”, provided its scope and activities, and designated it as a “law enforcement organization” to allow it to better share intelligence regionally and nationally
- B24-0760, the “*Omnibus Firearm and Ghost Gun Clarification Amendment Act of 2022*”: strengthened the District’s prohibition on “ghost guns” and other gun safety laws
- B24-0838, the “*Restoring Trust and Credibility to Forensic Sciences Amendment Act of 2022*”: strengthened the forensics lab by making it independent and improving its quality assurance processes and oversight
- B24-0952, the “*Opioid Litigation Proceeds Act of 2022*”: created an Office of Opioid Abatement and an Opioid Abatement Advisory Commission to govern the use of opioid litigation settlement proceeds for opioid abatement

#### *Supporting Survivors of Crime*

- B22-0014, the “*Employment Protections for Victims of Domestic Violence, Sexual Offenses, and Stalking Amendment Act of 2018*”: protected victims of domestic violence, sexual offenses, and stalking from discrimination by employers
- B22-0021, the “*Sexual Abuse Statute of Limitations Amendment Act of 2018*”: extended the civil statute of limitations for recovering damages for sexual abuse to age 40, or five years from when the victim knew or should have known of the sexual abuse, and eliminated the criminal statute of limitations

- B22-0037, the “*Address Confidentiality Act of 2018*”: created an Address Confidentiality Program for victims of domestic violence, sexual offenses, stalking, and human trafficking
- “*Crime Victims Compensation Funeral and Burial Expenses Amendment Act of 2019*” (included in an annual budget): increased crime victims’ compensation for funeral and burial assistance
- B23-0067, the “*Sexual Assault Victims’ Rights Amendment Act of 2019*”: enhanced crime victims’ compensation and reformed the continuum of care for sexual assault survivors, including by expanding juvenile and adult survivors’ rights to advocates in forensic exams, hospitals, and law enforcement interviews
- B23-0181, the “*Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020*”: strengthened the civil protection order process, extended the length of temporary protective orders and civil protection orders, and created new “anti-stalking” orders
- B24-0075, the “*Expanding Supports for Crime Victims Amendment Act of 2022*”: expanded eligibility for and the amount of crime victims’ compensation, harmonized mandatory reporting and confidentiality protections, created crime victim counselors and hospital-based violence intervention programs, allowed adults with custody of minors to petition for civil protection orders on their behalf, criminalized the abuse of a detainee or arrestee, authorized the warrantless arrest of people who violate stay-away or no-contact orders, allowed gunshot and stabbing victims the right to have members of hospital-based violence intervention programs present during forensic exams, hospital settings, and law enforcement interviews, stood up a Task Force on Hospital-Based Violence Intervention Programs to study best practices, and restricted arrests of sexual assault victims seeking emergency medical or forensic care

#### *Reducing Recidivism & Improving Conditions of Confinement*

- “*Returning Citizens Opportunity to Succeed Amendment Act of 2019*” (included in an annual budget): waived driver’s license and identification card fees for residents being released from incarceration
- B23-0127, the “*Omnibus Public Safety and Justice Amendment Act of 2020*”: strengthened the District’s “red flag” gun safety law, banned “ghost guns”, enhanced the Attorney General’s power to fight elder abuse and financial exploitation, provided grants for restorative justice for crime survivors, required the Department of Health to inspect the Correctional Treatment Facility, and required the Department of Corrections to work with prosecutors and the Office of Victim Services and Justice Grants to improve the release notification process for victims
- B24-0076, the “*Corrections Oversight Improvement Omnibus Amendment Act of 2022*”: required the Superior Court to create a panel of special education attorneys for indigent emerging adult defendants, improved oversight of corrections by expanding access to Department of Corrections facilities, records, and video footage, required notifications of

deaths in custody, expanded the purpose and duties of the Corrections Information Council, and allowed individuals incarcerated for D.C. Code offenses to earn credits for participation in rehabilitative programming

Lastly, I want to speak to the Comprehensive Policing and Justice Amendment Act of 2022, which has been law in emergency and temporary form for nearly three years, and which the Majority intends to disapprove after this hearing concludes. To my knowledge, no Member of Congress expressed concerns at the time of its passage or in the intervening years. The bill was passed unanimously, with contributions from the entire Council, following the murder of George Floyd, and closely resembles the George Floyd Justice in Policing Act. Although his death took place more than one thousand miles from the District, it fueled a national movement to honor Black lives through policy change in local communities, including in policing practices. Like many towns, cities, and states, the District passed this legislation to improve transparency, accountability, and trust in law enforcement.

I will not describe its provisions in full, but to summarize, the bill:

- Expands the District’s current ban on certain types of chokeholds to include other restraints that pose a severe risk of death or permanent injury;
- Enhances transparency by improving public access to MPD body-worn camera footage after an officer-involved death or serious use of force;
- Strengthens the District’s civilian police complaint review office;
- Expands the membership of the Use of Force Review Board to include civilian members;
- Requires continuing education for MPD officers on limiting the use of force, deescalation tactics, and the duty to report suspected misconduct;
- Prohibits MPD from hiring officers from other law enforcement agencies who have committed serious misconduct, were terminated or forced to resign for disciplinary reasons, or resigned to avoid adverse action or termination;
- Empowers the Chief of Police to establish internal policies and procedures for discipline;
- Allows the Chief of Police to increase a disciplinary penalty issued by the MPD internal trial board, instead of tying his hands;
- Makes MPD’s restrictions on vehicle chases permanent and clarifies the types of tactics that can be used;
- Requires schools to report data on school-based arrests;
- Enhances transparency around MPD use of overtime;
- Expands MPD’s popular cadet program to increase the number of officers on the force from the communities they serve;
- Creates a publicly accessible database for sustained allegations of misconduct in cases involving an officer’s commission of a crime, interactions with members of the public, and integrity in criminal investigations; and
- Allows certain government agencies to share arrest data to improve their anti-gun violence efforts.

I anticipate that some may claim that these provisions create a hostile climate for police or have caused officers to leave the force. Or perhaps that the Council is “anti-police”. This is odd claim, particularly coming from those who have largely refused to acknowledge the brave men and

women of MPD who saved their lives in the Insurrection, in which approximately 140 officers were assaulted, including 60 from MPD. With that said, I will respond.

The Council – like many small and large legislatures across the country – believes that a transparent and accountable force, which polices constitutionally and respectfully, is the desire of – and benefits – both the public and law enforcement. Misconduct does serious damage to trust in law enforcement. It also jeopardizes crime fighting and denies justice to victims and the public. For example, last week, the *Washington Post* reported on the fallout from an internal investigation into whether a small number of MPD officers in a specialized unit stopped District residents and seized their illegal firearms, but did not make arrests, and potentially falsified reports. According to the Chief of Police, this misconduct was discovered during a review of body-worn camera footage following the receipt of a civilian complaint, two areas of policy strengthened by the bill. The fallout from these incidents is fourfold: (1) first, those whose illegal firearms were seized but not arrested are now free to pick up another illegal gun and use it to do harm - potentially even commit a homicide – and also likely cannot be held accountable if they had used the seized gun in another crime; (2) lawful seizures made by the officers in question will be dropped because their credibility is tainted – in fact, as of March 13, 65 gun possession and 25 drug cases involving MPD Seventh District officers had already been dropped, and in 32 of the dropped gun possession cases, those charged had previously been convicted of murder, armed robberies, and assault; (3) the exceptional police work by those officers’ colleagues is now in jeopardy; and (4) the reputations of the entire unit are tarnished, despite their years of service and sacrifice.

Imagine being the mother of a homicide victim whose death could have been prevented by the perpetrator’s prior arrest for gun possession. Or a sexual assault survivor whose case was just dropped because the officer assigned now has no legal credibility in a court of law. Those are potential real life examples of why this bill is so important. It is not to say that all MPD officers behave in this manner; it is simply to say that one bad apple really can spoil the bunch, and legislation can effectively respond to that bad apple, while improving trust in the profession as a whole. It also saves the Chief from having to rehire terminated officers and saves the District government and taxpayers tens of millions of dollars in backpay for reinstated officers and police misconduct settlements. A recent report from the District of Columbia Auditor found that 37 fired officers – including those terminated for child abuse, domestic violence, and sexual assault – were reinstated between 2015 and 2021 and received \$14.3 million in back pay. Since they returned to the force, nine have had a new complaint lodged against them or new misconduct on their records. And between 2010 and 2020, District taxpayers paid out \$91 million in police misconduct settlements. Among other related reforms, the bill would allow the Chief to set his own discipline policies, rather than rehire these officers and pay out tens of millions of dollars.

The legislation also contains several provisions that support our officers and improve the District government’s gun violence reduction efforts. For example, a vote to disapprove the bill today means that one would be reducing the size of our police cadet program – a popular pipeline for new officers in an already challenging recruiting climate. A vote to disapprove the bill today would end mandatory continuing education on deescalation tactics, which would arm officers with the knowledge to diffuse dangerous situations and avoid the use of force. And a vote to disapprove the bill today would maintain barriers to sharing arrest records within government that currently prevent agencies from coordinating and focusing on violent offenders. Let me make this perfectly

clear: if you vote to disapprove our laws, you will be making the District less safe, you will be stripping the Chief of crucial powers he needs to run the Department, and you will be harming the transparency and trust the District is working so hard to build between police and the communities they serve.

Finally, I want to discuss how the Council's approved budget for the District supports public safety, with a focus on our police budget. For example, the current year budget funds the hiring of 347 sworn officers – the amount the Mayor sent to the Council and that the Chief of Police has stated he can reasonably hire without compromising standards. The Council also approved \$5.2 million for hiring recruits, \$1.2 million for tuition reimbursement and educational incentives, and \$500,000 for temporary housing while new officers find homes in the District. However, as of February, MPD had only hired 74 officers, and it is nearly half-way through the District's fiscal year. When combined with the natural pace of attrition, we are losing more officers than we are gaining. Last fiscal year, the District hired 254 officers, while 374 separated.

As Chief Contee recently stated in his agency's spring performance oversight hearing, this is not a budget issue. MPD's sister public safety agencies are experiencing the same recruitment challenges, with the region's Metro Transit Police Department facing an approximate 25 percent vacancy rate. And these hiring challenges are also not only limited to policing. Between March 2020 and August 2022, the number of government workers in the United States dropped by five percent, while the number of sworn and civilian law enforcement personnel dropped by four percent. The District is also seeing more early retirements, career changes, and relocations, including in professions ranging from 9-1-1 call takers and dispatchers to corrections officers, from nurses to crossing guards.

As towns and cities from Juneau to New Orleans – and our neighboring jurisdictions in Maryland and Virginia – offer increasingly generous recruitment and retention incentives, the District must be nimble to keep pace. We must continue to invest in our proven pipeline of homegrown officers through the Cadet Program, which the Mayor and Council have grown from 15 to 150 cadets per year since its creation, and recognize that we must also keep pace with a changing profession. This means investing in officer wellness, flexible scheduling, and improving workplace culture. And it means raising base pay, which the Council recently did when it approved MPD's new contract. All of these strategies will be on the table again in the next several weeks, as the Council considers the Mayor's recently proposed Fiscal Year 2024 budget. During this process, public safety will be improved less by either/or rhetoric and more by a budget that prioritizes “both/and” investments in law enforcement and the other agencies that are critical to crime and violence prevention and reduction.

In conclusion, I want to restate and provide additional examples of actions Congress could take immediately to improve safety in the District of Columbia:

- End taxation without representation by giving the District of Columbia full statehood, autonomy, and voting representation in Congress;
- Return control of our criminal justice system to District residents;
- Mandate transparency and accountability in federal prosecutions for crimes committed in the District;

- Cut off the supply of illegal firearms flowing into the District from top source states like North Carolina and Georgia;
- Improve the conditions of confinement in the Federal Bureau of Prisons and return individuals incarcerated for D.C. Code offenses to facilities near their families and reentry programming;
- Increase federal grants for victims of crime and reentry services;
- Move quickly to confirm every judge nominated for our eleven vacancies on the D.C. Courts, because delays in the administration of justice compromise public safety as evidence grows stale, memories fade, victims cannot heal, innocent people are unnecessarily detained, and the accused who are guilty cannot be held accountable;
- Remove all budget riders related to the District, including on the taxation and regulation of cannabis, which has led to the growth of a gray market that engenders crime;
- Protect our residents by giving our Mayor control over the D.C. National Guard, like the governors of other states and territories have over their National Guards; and
- Learn from our experience in risk terrain modeling, which I discussed above, to eliminate environmental factors associated with crime by organizing a group of volunteers to join the hundreds of neighbors who will be outside on April 1 across Ward 6 to beautify our neighborhoods.

I appreciate the Committee's attention and the opportunity to testify, which I am doing voluntarily and without waiving any of the privileges and immunities available to me as a Member of the Council. I look forward to your questions.

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