



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

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It is hard to overstate the magnitude of the moment, the opportunities it creates and the risks that it poses. As a nation, we stand at a crossroads. We can either chose to face the racial injustice that is woven deep in the fabric of our history, our institutions, our culture, and our lives and fight for fundamental change or we can make changes around the edges in the hope that the crisis will pass and we can return to business as usual. Justice lies down the first path and continued pain and inequity down the second.

The Metropolitan Police Department is not free from the issues plaguing police around the country. Past efforts at reform have, in some cases, been fleeting or have failed to make the changes necessary. No further evidence of the deep issues in policing in DC is needed than the fact that 1500 people signed up for this hearing.

As the Council considers the budget for the Metropolitan Police, it has an historic opportunity to choose the path of justice. We therefore urge the Council to:

1. Significantly reduce the budget of the MPD. This can be immediately accomplished by imposing a hiring freeze in the Department, the elimination of vacant positons and reduction in force through attrition. Additional funds can be saved through the elimination of specialized units, including the Gun Recovery Unit. The District has 65.6 officers for every 10,000 residents, which is more than twice the average for cities the size of the District.² That does not include the myriad of federal police operating in the District.³
2. Reinvest the resources in programs that will create true public safety, including health and mental health, drug treatment, cultural workers, education, violence interruption, recreation and community building programs. The reinvestment of these funds should be driven by the priorities of communities long excluded by racism from the economy. Community-based organizations and those led by persons who have been victims of the

¹ The Washington Lawyers' Committee was founded in 1968 to address civil rights violations, racial injustice and poverty-related issues in our community through litigation and other advocacy. The Committee has a long history of working to address discrimination in housing, employment, criminal justice, education, public accommodation and against persons with disabilities. We work closely with the private bar to bring litigation and pursue policy initiatives.

² Law Enforcement Officers Per Capita for Cities, Local Departments, Governing magazine; <https://www.governing.com/gov-data/safety-justice/police-officers-per-capita-rates-employment-for-city-departments.html>

³ There are at least 32 federal law enforcement agencies operating in the District with cooperation agreements with MPD. <https://mpdc.dc.gov/page/cooperative-agreements>

over-policing and criminalization of people of color should be prioritized for the re-invested funds.

3. Remove all police from schools and invest in non-law enforcement interventions that will serve students and promote public safety.
4. Invest in a crisis intervention response program that does not involve police. The response to a call for service for someone in mental health crisis should be a trained mental health professional, not a police officer.
5. Create a civilian body that includes broad representation from communities most likely to be policed to participate in the development and review of policing policies and training. To ensure broad participation, members of the body should be compensated for their time.
6. Require the MPD to renegotiate its cooperation agreements with federal law enforcement agencies to limit the authority of those federal agencies to operate off of federal property.⁴
7. The creation of an independent civil rights inspector general for MPD. The inspector general would be given staff and resources to review both incidents of potential civil rights violations as well as current and future policies, procedure, practices, and tactics of the Department.
8. Fund the creation of a process to re-imagine public safety. Listen to the calls to abolish the police and replace them with initiatives rooted in equity, equality, and reparations. We recognize that the Council is not, in this budget, going to achieve the necessary transformational changes that are needed; however, it can commit to doing so and take critical steps down that path.

We have been here before – Do not let this Moment Pass

The deaths of George Floyd, Breanna Taylor & Ahmad Aubry weigh heavily as we offer this testimony. The video of Mr. Floyd gasping for his last breath shocked the nation. For many this was a defining moment. A time to say that enough is enough. We must do something differently.

⁴ Id.

This is not the first time we have been at this moment. In fact, in the last half century we have seen over and over again the death of a Black person at the hands of police cause an uprising, calls for reform and then we move on.

50 years ago in Newark and Detroit and more than 100 cities we saw uprisings. The Kerner Commission was appointed to investigate and it found that in each case, violence against a Black person set off the rebellions. They concluded, in language of the time that could just as readily be written today: "The police are not merely a 'spark' factor. To some Negroes police have come to symbolize white power, white racism and white repression. And the fact is that many police do reflect and express these white attitudes. The atmosphere of hostility and cynicism is reinforced by a widespread belief among Negroes in the existence of police brutality and in a 'double standard' of justice and protection--one for Negroes and one for whites."

Since 1968 at almost predictable intervals, another violent death has led to protest and a demand for change. Rodney King led to the burning of South Central LA and the Christopher Commission Report on police reform. The beating death of Arthur McDuffie in Little Haiti led to disturbances in Miami and national protests. Eleanor Bumpers, shot by police through the door of her public housing apartment led to days of protest in New York. Amadu Diala was killed by 41 NYPD bullets in a doorway that led to a national protest movement. Michael Brown, Sandra Bland and so many others gave their lives for a moment when change appeared possible and slipped through our grasp.

We cannot make this another moment where the opportunity for justice was missed.

Policing practices in the District are a driver of injustice

Involvement with the criminal legal system is a major driver of inequality in the District of Columbia. The District has a high rate of incarceration that disproportionately affects African American men, women and families. Ninety percent of the District's prison population is African American and only four per cent is white despite that the City is almost half white and half Black.⁵ The District has one of the highest rates of incarceration in the nation.⁶

The disparity in criminal system involvement cannot be explained by behavior differences between whites and African Americans. A report of the United States Department of Health and Human Services found "significantly higher likelihood of having ever been arrested among

⁵ District of Columbia Custodial Population Study: Seeking Alignment between Evidence Based Practices and Jail Based Reentry Services, Justice Research and Statistical Association, (September 2017), <https://www.jrsa.org/pubs/reports/jrsa-dc-custodial-pop-study-9-2017.pdf>.

⁶ Bureau of Justice Statistics, Correctional Populations in the United States. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5177>

blacks, when compared to whites, even after accounting for a range of delinquent behaviors. Importantly, after controlling for racial composition of the neighborhood, these disparities were no longer present, suggesting the importance of neighborhood context in influencing racial/ethnic disparities in arrests.⁷ In other, less academic words, police enforce the laws one way in white communities and a different way in Black communities. Black people get arrested when white people do not for the same conduct.

The problem is not just over policing, but underserving African American communities. While crime is at historic lows in the District and the nation, predominately working and low-income African American neighborhoods continue to face significant public safety concerns.⁸ In a recent study conducted by the Consortium of Legal Services Providers of 590 District residents living under 200% of poverty, 27.8% reported being stopped by the police for no reason, 15.1% reported that police did not take them seriously when they called for assistance, another 14.3% reported that police responding to a call made them feel at fault for the crime that had victimized them and more than 10% reported police asking them inappropriate questions. The majority of those surveyed felt that the police were indifferent, at best, to the issues in their community⁹ A separate study found that only 51% of African Americans in the District trust the police.¹⁰

Conclusion

During his famous I have a dream speech, Dr. King preached: “We have also come to this hallowed spot to remind America of the fierce urgency of Now.” Dr. King went on to warn of a “rude awakening if the nation returns to business as usual” - if the Nation did not, among other things, address the “unspeakable horrors of police brutality.”

We are again in a fierce urgency of now moment. It is a time that we must act and must act through fundamental change. Defunding the police and reinvesting those dollars in efforts that will create equity is an important part of that necessary change.

⁷ Understanding Racial and Ethnic Disparities in Arrest: The Role of Individual, Home, School and Community Characteristics; <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5509345/>

⁸ <http://crimemap.dc.gov/Report.aspx>

⁹ Report of the Community Listening Project; <https://www.lawhelp.org/dc/resource/community-listening-project>

¹⁰ http://www.cpdc.org/wp-content/uploads/2016/06/Perceptions-of-Public-Safety_FINAL_w-COVER1.pdf