



**WASHINGTON LAWYERS' COMMITTEE**  
**FOR CIVIL RIGHTS AND URBAN AFFAIRS**

**Written Testimony of Carlos Andino, Equal Justice Works Fellow, Washington Lawyers' Committee for Civil Rights and Urban Affairs**

**Before the Council of the District of Columbia, Committee on the Judiciary and Public Safety and the Committee of the Whole**

**Concerning the D.C. Police Reform Commission's Recommendations on Special Police Officers in the District of Columbia**

**May 20, 2021**

My name is Carlos Andino, I am a District of Columbia resident and an Equal Justice Works Fellow for the Washington Lawyers' Committee for Civil Rights and Urban Affairs (the "Washington Lawyers' Committee").

The Washington Lawyer's Committee encourages the Council to immediately adopt the D.C. Police Reform Commission's ("Commission") recommendations to rein in Special Police Officers ("SPOs"). However, the Committee firmly believes the Council should go further, and adopt proposals that disarm all SPOs and eliminate their power to make arrests.

With the most police per capita<sup>1</sup>, the District does not need an additional force of 7,500 armed security guards.<sup>2</sup> SPOs have evolved far beyond their original purpose, and currently wield unnecessary powers that have resulted in the wrongful deaths and serious injury of District of Columbia ("D.C.") residents. SPOs can better serve D.C. residents by documenting suspected criminal conduct and ensuring building safety, calling on trained police officers to investigate and solve crimes. In the limited cases where private businesses actually need security personnel with police powers, the District has regulations permitting them to hire MPD officers.<sup>3</sup>

Special Police Officers were originally authorized by the D.C. to patrol buildings<sup>4</sup> as "watchmen" tasked with protecting property by "periodically checking doors, windows, etc."<sup>5</sup> Despite this docile purpose, the District empowered SPOs with the authority to make arrests<sup>6</sup> and

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<sup>1</sup> See <https://www.wusa9.com/article/news/verify/verify-does-dc-have-more-police-per-capita-than-any-other-us-city/65-9fae328a-5da3-4e0f-8e54-009f48b97b57>.

<sup>2</sup> "Over 7,500 privately employed special police officers (SPOs) patrol public housing, hospitals, schools, and other spaces in the District." See Decentering Police to Improve Public Safety: A Report of the DC Police Reform Commission, Page 124.

<sup>3</sup> Police Officers Outside Employment Amendment Act of 2000 (DCMR 6-A3). See also <https://mpdc.dc.gov/page/hiring-officer-part-time-employment-private-property-only>.

<sup>4</sup> District of Columbia Appropriations Act of 1899, 30 Stat. 1045.

<sup>5</sup> See 6-A DCMR § 1101.6.

<sup>6</sup> D.C. CODE § 23-582(a).

carry firearms,<sup>7</sup> powers not needed to protect property, yet requiring only the most minimal training<sup>8</sup> and providing virtually no oversight.<sup>9</sup>

The results of the District's policy have been tragic. The abuse of the power to arrest, for example resulted in the death on James McBride. In 2015, at MedStar Washington Hospital Center,<sup>10</sup> Mr. McBride, a 74-year-old African-American man, was leaving the hospital without following sign-out procedures. Mr. McBride was not armed, he did not attempt to flee. Yet, only 15 minutes after he left the hospital, SPOs killed Mr. McBride by breaking his neck in the course of a purported arrest. The SPOs involved were charged with involuntary manslaughter but not convicted.<sup>11</sup> As a result of SPOs' abusive exercise of authority, Mr. McBride's daughter was left without a father and his wife, without a husband.

James McBride was just one victim of SPO brutality. In 2014, SPOs pursued and gunned down a black man suspected of shoplifting.<sup>12</sup> In 2016, a SPO killed a 27-year-old Black man by crushing his knee into the unarmed man's back while handcuffed and helpless on the ground.<sup>13</sup> His offense; appearing "suspicious" at a housing complex.<sup>14</sup> Just last year, another SPO officer brutalized, pepper sprayed, and pummeled a Black woman in front of her children at a restaurant.<sup>15</sup> Her alleged offense: failing to exit the correct door of the restaurant. These are just a few examples of SPOs cruel use of excessive force. Adopting proposals that eliminate SPO unnecessary police powers will make the District safer.<sup>16</sup>

The entire country increasingly recognizes how dangerous it is -- particularly for Black and Brown people -- when even well-trained, seasoned officers have the power to make arrests while

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<sup>7</sup> See, e.g., D.C. CODE § 7-2502.01.

<sup>8</sup> SPOs receive 40 to 56 hours of training before being commissioned, compared to the 28 weeks of recruit training for MPD officers. DCMR Section 1100.7. *Also see*; The U.S. Capitol Police requires a week of orientation, 12 weeks of intensive training at the Federal Law Enforcement Training Center, and 13 weeks of specialized training at the United States Capitol Police Training Academy. The U.S. Marshals Service require 21.5 hours of training at the Federal Law Enforcement Training Center. U.S. Park Police recruits undergo a week of orientation, 18 weeks of training at the Federal Law Enforcement Training Center, and a field training program in D.C.

<sup>9</sup> See Erik Salmi, *Allen Introduces Bill Moving Complaints and Investigations of Special Police Officers to Office of Police Complaints*, OFF. COUNCILMEMBER CHARLES ALLEN (June 4, 2019), [http://www.charlesallenward6.com/allen\\_introduces\\_bill\\_moving\\_complaints\\_and\\_investigations\\_of\\_special\\_police\\_officers\\_to\\_office\\_of\\_police\\_complaints](http://www.charlesallenward6.com/allen_introduces_bill_moving_complaints_and_investigations_of_special_police_officers_to_office_of_police_complaints).

<sup>10</sup> See Special Officers Indicted for Death of MedStar Patient, WUSA, May 17, 2016, <https://www.wusa9.com/article/news/local/dc/special-police-officers-indicted-for-death-of-medstar-patient/65-199548044>.

<sup>11</sup> See <https://www.justice.gov/usao-dc/pr/two-special-police-officers-indicted-grand-jury-involuntary-manslaughter-death-hospital>.

<sup>12</sup> *Need to get case citation from Patrice Sulton.*

<sup>13</sup> Body Camera Video of Alonzo Smith Death Released, WUSA 9 (Dec. 15, 2015, 11:24 PM), <https://www.wusa9.com/article/news/local/dc/body-camera-video-of-alonzo-smith-death-released/32252126>.

<sup>14</sup> See <https://www.justice.gov/usao-dc/pr/us-attorneys-office-concludes-investigation-death-alonzo-smith-southeast-washington>.

<sup>15</sup> See <https://twitter.com/DMVBlackLives/status/1302678454920523782?s=20>.

<sup>16</sup> See Section 23-582(a) & DCMR Section 1100.1 & DC Code 4-114; D.C. Official Code Section 22-405.01.

armed.<sup>17</sup> That danger is multiplied when SPOs, whose principal role is to offer building security, are given powers reserved for the police.

SPOs are ubiquitous and their impact on resident lives go far beyond the excessive use of force captured in this testimony. They are hired by public housing properties, homeless shelters, grocery stores, restaurants, bars and other businesses. They have daily encounters with DC residents that are not only demeaning and abusive, but terrifying, given their powers to carry weapons and make arrests.

The city was correct when it originally defined SPOs as “watchmen” tasked with “periodically checking doors, [and] windows...” Their powers today go far beyond those required to protect property. By eliminating these unnecessary powers possessed by SPOs the District will not only save lives, but also reduce trauma incurred by DC residents.

For all the foregoing reasons, the Council should (1) disarm *all* SPOs and (2) eliminate their authority to make arrests.

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<sup>17</sup> Report: Police treatment of African Americans in the US amounts to crimes against humanity. The World from PRX. (n.d.). <https://www.pri.org/stories/2021-04-29/report-police-treatment-african-americans-us-amounts-crimes-against-humanity>.