



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

January 16, 2024

VIA ELETRONIC MAIL

Re: *Considerations on Legislative Fixes to DC's Violence Crisis*

Dear Councilmember Pinto,

As you consider the Secure DC Omnibus Amendment Act of 2024 and other proposals to end the crisis of violence in the District, we urge you to focus on evidence-based solutions that disrupt the root of causes of violence and avoid further harm to communities of color that already bear the brunt of the current epidemic. Over-policing causes demonstrable harm to District residents and is ineffective at curbing violence. The Council should not rely on more over-policing tactics to address the current crisis.

Stark examples of how DC's current approach to violence is both dangerous and ineffective can be found in a report titled "Targeted, Labeled, Criminalized: Early Findings on the District of Columbia's Gang Database." This report has been attached to this letter for your reference. The Report details how the DC Gang Database, a secretive list tracking 1,951 individuals, all but one of whom are people of color, is riddled with inaccuracies. Further, it is a database that purports to prevent violence but instead surveils numerous individuals that would never be considered gang members under the DC Code. Rather, the database criminalizes normal behavior like congregating with others or visiting family members. The reality is MPD's database dedicates more resources toward tracking Black and Brown low-income community members than tracking groups like MS-13. Further, despite meeting DC Code and MPD's criminal gang definitions, the DC Gang Database does not track a single white supremacist group. Therefore, the database's discriminatory application is not a way to reduce violence, but instead a tool of surveillance and harassment against people of color.

The impacts of the DC Gang Database are substantial to individuals involved in the District's criminal, youth services, and immigration systems. Multiplying its impact, database data is shared with at least 22 outside entities that can use its unreliable information as a basis to deny employment, housing, expel or suspend students from school, or affect a person's asylum status.

In light of how poorly MPD manages the DC Gang Database, the Council must not support over-policing tactics that will lead to greater harassment of people of color in the District. Such proposals include the Omnibus Act's provisions on drug free zones, which will permit suspected "gang members" in the DC Gang Database to be arrested without having engaged in criminal activity – even though it is clear that MPD's gang intelligence is unreliable. It will also increase targeting of low-income Black and Brown people the same way that the DC Gang Database does. Drug free zones will be declared

in parts of the District that are most afflicted by poverty. These include public and low-income housing complexes. Just as the DC Gang Database allows MPD to categorize Black and Brown folk who are congregating in or near these housing complexes as “gangs,” drug free zones will designate these same individuals as potential criminals and compel them to disperse. The right to personal association is enshrined in the First Amendment and an individual should not be targeted simply for spending time with friends or family members.

The facts are clear: violence is not on the rise because of people spending time together in public housing. It is not on the rise because individuals are being released pending trial. And it is not on the rise because officers cannot view their body-worn camera footage before writing a report. Permitting weak justifications for stops, arrests, and hindering opportunities for pre-trial release will only drive DC residents into poverty and the dangerous DC Jail.

The report also demonstrates MPD’s disdain for transparency. Individuals have no insight as to whether they are included in the DC Gang Database. They have no opportunity to challenge their designation or to understand how their personal information has been shared. MPD has fought every effort to provide the public with information about the DC Gang Database. Lawsuits against the District were the only way to access necessary public information. With this backdrop in mind, we are pleased that the Omnibus Act retains the inclusion of officers’ names in the discipline database and in FOIA responses. In the same vein, the Council must resist any effort to erode transparency within MPD and ensure that the Office of Police Complaints has robust ability to investigate and monitor abuse. Whether it is disciplinary records or body worn camera footage – District residents need insight into if MPD is effectively doing its job.

Increased penalties and expansion of criminal offenses are not proven ways to bring peace to our streets. There are solutions, however, that can create safer communities:

- Pass legislation dismantling the DC Gang Database.
- Pass legislation prohibiting government surveillance based strictly on personal association or protected classes in accordance with the DC Human Rights Act.
- Implement the 2018 National Institute for Criminal Justice Reform’s District of Columbia Gun Violence Reduction Strategic Plan.
- Invest in more violence interrupters.
- Continue to fund robust anti-poverty programs.
- Invest in unarmed civilian investigators to investigate property crimes.

We agree that action is needed to end this crisis. However, the District cannot police or incarcerate its way to stability. We are available to discuss effective solutions to the current crisis and/or answer any questions you may have regarding past failed over-policing tactics.

Sincerely,

The Washington Lawyers' Committee for Civil Rights and Urban Affairs
Civil Rights Corps
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