

**METRODC DSA DEFUND MPD WORKING GROUP TESTIMONY
ALTERNATIVES TO POLICING HEARING
DECEMBER 18, 2020**

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I. The Metropolitan Police Department Does Not Protect Us and It Does Not Serve Us

The core promise of policing is that the police will keep us safe. Indeed, MPD says its mission is “to safeguard the District of Columbia and protect its residents and visitors with the highest regard for the sanctity of human life.”¹ Yet the police are not meeting that mission, both by failing to competently perform their assigned responsibilities and by instigating violence against the very residents they purport to protect and serve.

A. The Metropolitan Police Department Brings More Violence Into Our Communities

Interactions with Metropolitan Police Department (MPD) officers often lead to physical and psychological violence. The MPD committed one disturbing example on Swann Street on the night of June 1, 2020. Decked out in riot gear, MPD officers trapped dozens of young protesters using an abusive tactic known as kettling, eventually deploying pepper spray and forcing them to seek emergency shelter in the homes of welcoming residents.² The use of kettling by MPD has been banned in most cases since 2004. Pepper spray is considered to be a chemical weapon when used in warfare and is banned by the Chemical Weapons Convention. Nonetheless, MPD allows its use.³ Pepper spray’s effects increase susceptibility to pathogens and can cause permanent damage to lungs and even death. It is reckless and dangerous for MPD to use this kind of chemical force on people amid the ongoing COVID-19 crisis.⁴

More recently, the MPD’s senseless killings of Deon Kaye and Karon Hylton showed how the MPD escalates non-violent, perceived, or even fabricated violations by Black residents through needless violence. Deon Kaye was 18.⁵ Karon Hylton was 20.⁶ Both should be alive today.

We stand in solidarity with the protesters taking to the streets to fight back against systemic, racialized police violence — including the deaths of Deon Kaye, Karon Hylton, George Floyd, Breonna Taylor, and countless others whose names would require pages to list.

¹ MPDC: *Mission and Value Statement*, DC.gov, <https://mpdc.dc.gov/node/132982>.

² Jane Recker, *What Really Happened on Swann Street* (Jun. 8, 2020), <https://www.washingtonian.com/2020/06/08/what-really-happened-on-swann-street/>;

Colleen Grablick, *Swann Street Residents Sheltered Dozens of Protesters From Police On The Fourth Night of Protests*, DCist (Jun. 2, 2020), <https://dcist.com/story/20/06/02/dupont-dc-home-protest-rahul-dubey/>.

³ First Amendment Rights and Police Standards Act of 2004, D.C. Law 15-352 (codified at D.C. Code § 5-331.16); *What is a Chemical Weapon*, OPCW, <https://www.opcw.org/our-work/what-chemical-weapon>.

⁴ Judy Stone, *Tear Gas and Pepper Spray Can Maim, Kill and Spread Coronavirus*, Forbes (Jun. 8, 2020), <https://www.forbes.com/sites/judystone/2020/06/08/tear-gas-and-pepper-spray-can-maim-kill-and-spread-coronavirus/#51bb9599725f>.

⁵ Delia Goncalves, 'We can't put conditions on how black lives are supposed to matter' | Community reacts to killing of 18-year old by DC Police, WUSA (Sept. 3, 2020) <https://www.wusa9.com/article/news/local/dc/who-is-deon-kay-18-year-old-shot-killed-by-police/65-2977713a-b294-46bd-a19a-7615cf0d31d2>.

⁶ Madison J. Gray, *Karon Hylton Death: Protests After DC Man Killed In Police Chase On Moped*, BET (Oct. 28, 2020), <https://www.bet.com/news/national/2020/10/28/karon-hylton-washington-police-moped-crash.html#!>.

According to the most recent DC Office of Police Complaints' Report on the Use of Force, MPD officers shot at *ten* people in 2019, killing one person.⁷ *All persons fired upon were Black.*

As another recent example, in 2018, Marquese Alston, age 22, was shot 18 times by MPD and pronounced dead at the scene, leaving behind a daughter and grieving parents.⁸ Police said Alston fired the first shot, but community members have disputed that claim with video evidence.⁹ The city has yet to release body camera footage from the incident.¹⁰ D'Quan Young, age 24, was shot to death by an off-duty officer.¹¹ His family still knows little about what happened and why, and the officer who killed him did not face charges.¹² Jeffrey Price, age 22, died after an MPD cruiser collided with his dirt bike during a pursuit.¹³ These young men did not deserve to die. Their deaths were extrajudicial, extreme examples of a failing justice system that punishes Black people with disproportionate frequency and harshness.¹⁴

Even when MPD's use of force does not result in death, it is still violent and rife with racial disparities. In 2019, MPD officers used force 2,471 times, or about six times every day.¹⁵ Further, MPD officers overwhelmingly and disproportionately use force on Black community members. Black people make up 46 percent of District residents but 91 percent of the total persons MPD officers reported using force on.¹⁶ A report on stop-and-frisk data from July to December 2019 revealed that 72% of stops were performed on Black people. These data exemplify shameful racial violence and profiling on the part of MPD, and are particularly terrifying given evidence of some

⁷ Gov't of the District of Columbia, Police Complaints Board, Report on the Use of Force by the Washington, D.C. Metropolitan Police Department, at 29-30 (2019), https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf [hereinafter MPD Use of Force Report 2018].

⁸ *D.C. Police Shoot Man 18 Times In Alley, Police Say It Was Self-Defense*, Hip Magazine (Jun. 14, 2018), <https://hipmagazine.org/d-c-police-shot-a-man-18-times-after-throwing-gun/>.

⁹ *Mom of man killed by DC police pleads for closure a year later*, WUSA9 (Aug. 23, 2019), <https://www.wusa9.com/article/news/crime/im-still-trying-to-find-out-what-happened-mom-of-man-killed-by-dc-police-pleads-for-closure-a-year-later/65-8f357c44-b64a-47f9-8597-2a848d385ede>.

¹⁰ *Id.*

¹¹ Natalie Delgadillo, *D'Quan Young Was Shot By An Off Duty Police Officer. A Year Later, His Family is Mourning and Seeking Answers*, DCist (May 10, 2019), <https://dcist.com/story/19/05/10/dquan-young-was-shot-by-an-off-duty-police-officer-a-year-later-his-family-is-mourning-and-seeking-answers/>.

¹² NBC Washington Staff, *No Charges for MPD Officer in Fatal Off-Duty Shooting*, NBC Washington (July 4, 2019), <https://www.nbcwashington.com/news/local/mpd-officer-no-charges-in-fatal-off-duty-shooting/134544/>.

¹³ Natalie Delgadillo, *After Her Son Was Killed In A Collision With A Police Car, Woman Sues MPD Over Search of Her Backyard*, DCist (Apr. 29, 2019), <https://dcist.com/story/19/04/29/after-her-son-was-killed-in-a-collision-with-a-police-car-woman-sues-mpd-over-search-of-her-backyard/>.

¹⁴ See Weihua Li, *The Growing Racial Disparity in Prison Time*, The Marshall Project (Dec. 3, 2019), <https://www.themarshallproject.org/2019/12/03/the-growing-racial-disparity-in-prison-time>; Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (2015), <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

¹⁵ MPD Use of Force Report 2019, at 15.

¹⁶ MPD Use of Force Report 2019, at 21.

MPD officers' explicitly racist behavior. For example, in 2017, Law for Black Lives DC discovered photographs showing MPD officers wearing white supremacist paraphernalia, a clear message of violence to Black residents and visitors of the District.¹⁷

Racialized police violence causes profound harm not only to the individuals killed or assaulted and their families, but broadly to community health and well-being.¹⁸ The most effective way to decrease individual risk of police violence is to limit interactions with the police by ending over-policing and investing in non-law enforcement alternatives, such as stronger community programs and better social services.

We note that “police reform” is not a solution. Jurisdictions across the country have tried seemingly every police reform solution, and yet the police still attack, murder and profile Black residents with near impunity. For local examples, in 2017, the MPD adopted reform measures intended to reduce the use of force. Since then, at least five residents have been murdered by MPD, and MPD continues to use force multiple times each day.¹⁹

And earlier this year, in response to the Movement for Black Lives protests in the District and across the country, the D.C. Council unanimously passed legislation banning neck restraints and the use of tear gas on First Amendment protesters. MPD continued to deploy tear gas through the summer, and not four months later, they had executed both Deon Kaye and Karon Hylton-Brown. In the First Amendment protest of MPD following the latter, District residents were once again tear-gassed.

As another example, Minneapolis was “one of the national leaders of police reform,”²⁰ yet officers of its police force still murdered George Floyd.

And too often, police reforms end up giving *more* resources to the police, to pay for things like costly body cameras or training. Reform is simply not effective, and police reform therefore is not an adequate solution.

B. The Metropolitan Police Department Has Too Many Responsibilities and Performs Them All Poorly

The police are assigned too many roles. Over the last 50 years, policy makers have given police more and more responsibilities as the size of police forces exploded. The police fail at all of those roles, especially their core ones: stopping crimes and investigating crimes.

¹⁷ Jason Downs, *The culture of violence infecting the D.C. police department*, Washington Post (Sept. 29, 2017), https://www.washingtonpost.com/opinions/the-culture-of-violence-infecting-the-dc-police-department/2017/09/29/d906ea5c-8745-11e7-a50f-e0d4e6ec070a_story.html.

¹⁸ See, e.g., Amanda Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, 104 Am. J. Pub. Health 2321, 2321-2327 (2014).

¹⁹ MPD Use of Force Report 20198, at 211, 12.

²⁰ Holly Bailey and Mark Berman, *Minneapolis struggled with police violence and adopted reforms. ‘And yet, George Floyd is still dead.’*, Wash. Post (May 29, 2020).

i. The Police Have Too Many Roles

Over time, more and more responsibilities have been added to the purview of law enforcement, expanding their reach far beyond the more traditional roles of stopping and investigating crimes. Police are now tasked with responding to all sorts of disputes, from domestic violence to traffic accidents to discriminatory calls against homeless individuals. Once on scene, police officers use their discretion to decide which of the tools in their toolbox they will use. Will they write a police report to serve as the official record of the situation? Will they detain a person and search them for anything incriminating to charge them with a crime? Will they use violence? Will they act at all?

There is a growing mismatch between the police's tools and abilities and the ever-growing list of public services on their plate. As the scope of their duties increases, police are forced to respond to a wide variety of community conflicts and needs with the same solutions: file reports, make arrests, use force, or a combination of the three. Quite simply, police officers cannot and should not simultaneously act as first responders, purveyors of force, mediators, social workers, and traffic enforcers.²¹ We envision a city where first responders have the training and tools to appropriately and nonviolently respond to complaints as often as possible.

ii. The MPD Refuses to Disclose How It Directs Resources Between Those Roles

The MPD itself makes it difficult to know how much time and how much of the public's resources it spends on each of these functions. MPD does not disclose this type of information publicly, and there are few if any sources of data available to evaluate it.

In fact, the MPD claims it doesn't have any of that data itself. A MetroDC DSA member recently requested under the D.C. Freedom of Information Act ("FOIA"): 1) any records showing "how MPD employees' time is spent generally, *e.g.* time studies, efficiency studies, aggregate arrest or patrol reporting data, etc."; and 2) any records showing "the amount of time and resources spent on different programs or types of activities (*e.g.*, the amount of time spent on traffic control, protest control, investigating violent crime, testifying in court, etc.)." In response, the MPD said, "a search located no records responsive to your request."²²

iii. 911 Call Data Provides a Window into MPD Activities

MetroDC DSA analyzed the Fiscal Year 2020 911 calls, as provided to us in response to a FOIA request.²³ There were 747,175 911 calls in FY2020. Of those, 201,053 were for DC Fire and Emergency Medical Services, and 546,122 were for the MPD.

²¹ See Barry Friedman, *Disaggregating the Police Function*, N.Y.U. School of L. Public L. & Theory Research Paper Series Working Paper No. 20-03 (Apr. 2020).

²² Request No. 2020-FOIA-00087. Record available on request.

²³ Request No. 2021-FOIA-00160. Data and full analysis available on request.

Calls in DC are ranked by priority. The vast majority are priority 1, 2, or 3, with 60% being priority 2. See Table 1.

Table 1: Calls by Priority		
	Number	Percent of total
Total MPD Calls FY2020	546,122	-
Priority 1 Calls	60,343	11.05%
Priority 2 Calls	332,208	60.83%
Priority 3 calls	153,275	28.07%

As summarized in Table 2, the ten most frequent types of calls comprise almost 44% of all MPD calls. These calls show the diversity of the roles police are called on to perform. Eight percent of their time may be spent responding to disorderly/unwanted person calls. About one in 20 calls will involve domestic violence situations, where the police will be called on to be social workers. Another one in 20 calls will involve traffic stops. And about 7% of calls will involve responding to commercial and residential burglary alarms, which presumably are mostly accidental and rarely involve the police stopping burglary.

Table 2: Ten Most Frequent Types of MPD Calls		
Call Type	Count	Percent of Total
DISORDERLY-UNWANTED PERSON (INSIDE OR OUT)	45,428	8.32%
MISCELLANEOUS	30,128	5.52%
DOMESTIC VIOLENCE/FAMILY FIGHT	25,997	4.76%
TRAFFIC STOP	25,589	4.69%
BUSINESS/COMMERCIAL BURGLARY ALARM	20,688	3.79%
PARKING COMPLAINTS	19,847	3.63%
MENTAL HEALTH CONSUMER	19,416	3.56%
RESIDENTIAL BURGLARY ALARM	18,372	3.36%
DISTURBANCE-GROUP (MORE THAN 3)	17,551	3.21%
NOISE/LOUD MUSIC	16,271	2.98%

Finally, we grouped the most common types of 911 calls to describe what a non-police response might look like. The four potential responses were a) de-escalating violent or difficult situations to offer services and help; b) general assistance in non-violent situations; c) traffic-related issues; and d) mental health services. Also included are unknown, and none (i.e., no police response needed). As an example, Table 3 shows the top 20 categories by priority.

Table 3: Top 30 Call Types by Non-Police Response Needed			
Event Description	Priority	Count	Non-Police Response Needed
DISORDERLY-UNWANTED PERSON (INSIDE OR OUT)	2	45,418	De-Escalation
MISCELLANEOUS	2	30,094	Unknown
DOMESTIC VIOLENCE/FAMILY FIGHT	1	25,756	De-Escalation
TRAFFIC STOP	2	25,589	Traffic
BUSINESS/COMMERCIAL BURGLARY ALARM	2	20,680	Non-Violent Assistance
PARKING COMPLAINTS	3	19,823	Traffic
MENTAL HEALTH CONSUMER	2	19,393	Mental Health
RESIDENTIAL BURGLARY ALARM	2	18,372	Non-Violent Assistance
DISTURBANCE-GROUP (MORE THAN 3)	2	17,545	De-Escalation
NOISE/LOUD MUSIC	3	16,270	De-Escalation
DISORDERLY-VERBAL ONLY	2	13,773	De-Escalation
PRISONER TRANSPORT	3	13,676	None
PERSON DOWN	2	13,572	Non-Violent Assistance
ACCIDENT PROPERTY DAMAGE-MPD	3	13,536	Non-Violent Assistance
INVESTIGATE THE TROUBLE	2	12,951	Non-Violent Assistance
CHECK ON THE WELFARE	2	10,609	De-Escalation

FIGHT/SIMPLE ASSAULT	1	9,910	De-Escalation
THEFT OF PROPERTY	2	8,911	Non-Violent Assistance
SUSPICIOUS PERSON	2	7,723	Non-Violent Assistance
STOP / FRISK	3	6,970	None

Here are the totals for each evaluated tag, comprising around 505,000 calls (out of the approximately 546,000 total, or around 92% of the total). *See* Table 4.

Appropriate Response	Number	Percent
De-Escalation	181,442	35.51%
Non-Violent Assistance	167,885	32.86%
Traffic	79,504	15.56%
Unknown	38,941	7.62%
None	22,463	4.40%
Mental Health	20,740	4.06%

In other words, we believe that the police are spending around 35% of their response time responding to situations that require de-escalation and mediation — disorderly person calls, unwanted person calls, domestic violence, welfare checks, fights, and noise complaints.

Another 33% of their calls involve situations in which first response is needed, but which don't necessarily involve an active conflict or dispute — for example, burglar alarms, property damage and theft, reassuring people of their safety.

Just under 16% of calls involve traffic stops, where police respond to accidents, make traffic arrests and respond to parking complaints.

Beyond these three largest categories, about 8% of calls are not coded in a way where we can accurately describe the response needed. At least one in 25 calls involves functions the police should not be doing at all, such as the approximately 7,000 stop-and-frisk 911 calls last year. And, finally, mental health calls that are specifically tagged as mental health comprise around 1 in 25 calls.

While this data can be used to begin to map out non-police alternatives to activities currently carried out by MPD officers, it cannot capture the full range of responses needed. For example, the data does not describe which calls involve unhoused neighbors, where a compassionate response should involve securing the person safe, long-term housing and connecting them to services. It also undercounts the calls connected to mental health issues — as described below, Eugene, Oregon’s crisis response EMS service responds to about 20% of all 911 calls, so a similar volume could be expected here.

Despite these limitations, this data is the best insight into what police are doing, and it shows that many of MPD’s current activities could be immediately replaced by other public employees who could more effectively fill these roles in ways that are safer for District residents and more cost effective for the City’s budget.

iv. The Police Perform Those Roles Poorly

Police are not crime stoppers. Police violence is often justified due to a purported need for their services, but the reality is they do not succeed in their mission. Police spending is not correlated with a reduction in crime. A Washington Post analysis of police spending found no correlation between nationwide police spending and crime rates, both when analyzing from 1960 through 2018 and from 2006 through 2017.²⁴

MPD itself reported in 2018 that “gun violence in the District has remained consistent over the past few years, with approximately 500 victims of shootings in the District annually from 2016 through 2018. Further, while the number of shootings has remained roughly the same, the percentage of fatal shootings has increased.”²⁵ This is despite the significant increase in police funding over that period. Except in the rarest of circumstances, the police do not stop violence in our communities.

Police are not crime solvers. When it comes to crimes big and small, there is one consistency: the police leave too many unsolved. Most striking is MPD’s failure to solve homicides. MPD reported that their 2018 Uniform Crime Reporting (UCR) Clearance Rate for homicides was only 66%. And from 2014-2018, they averaged only a 67.6% clearance rate.²⁶ Around one in three murders in the District of Columbia goes unsolved (and this of course does not count the cases that were ‘solved’ incorrectly).

²⁴ Philip Bump, Over the past 60 years, more spending on police hasn’t necessarily meant less crime, Washington Post (June 7, 2020), <https://www.washingtonpost.com/politics/2020/06/07/over-past-60-years-more-spending-police-hasnt-necessarily-meant-less-crime/>.

²⁵ *Id.* at 7.

²⁶ D.C. Metropolitan Police Department 2018 Annual Report, at 20, https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202018_lowres_0.pdf.

Clearance rates for other crimes are even worse. For aggravated assault, the clearance rate was only 60% in FY2018. For forcible rape, 58.4%. For robbery, 36%. Motor vehicle theft, 5.3%.²⁷ **Simply put, police do not solve most crimes, including some of the most serious crimes.**

Relatedly, police departments do not protect people from sexual assault. According to RAINN, out of every 1000 sexual assaults, 995 perpetrators will not be incarcerated. Only 23% of assaults are reported to the police, and only 20% of reports lead to an arrest. Then, in only 0.9% of assaults does a case get referred to a prosecutor, 0.5% lead to a felony conviction, and 0.46% lead to incarceration.²⁸ That means the police and our criminal justice system are largely failing to address sexual assault and violence.

One contributing factor may be the response many survivors get when reporting their assaults. The #MeToo movement and related news coverage revealed far too many cases of survivors who were laughed at or brushed off when reporting sexual violence to the police. In some cases, women have even been prosecuted for filing a false report after telling true stories of sexual assaults.²⁹

And, astonishingly, many police departments across the country inflate their rape clearance statistics by reporting many of their cases as closed under “exceptional clearance” despite not making an arrest.³⁰ According to ProPublica, MPD declined to provide ProPublica with the data needed to analyze their rape clearance rate,³¹ which is an abysmal 58.4%, leaving questions about its accuracy.

The police are not crisis responders, social workers, de-escalators, or mediators. Across the US, police serve as de facto mental health interventionists. Ten percent of all police encounters involve persons with mental illness (PWMI).³² These encounters disproportionately end in arrests³³ and a quarter of fatal law enforcement encounters involve a PWMI.³⁴ One-third of individuals

²⁷ See MPD FY 2019 Performance Oversight Hearing Response, at Question 24 Attachment 1, p. 389 <https://dccouncil.us/wp-content/uploads/2020/03/JPS-Performance-Oversight-Responses-2020-MPD.pdf>.

²⁸ *The Criminal Justice System: Statistics*, RAINN, <https://www.rainn.org/statistics/criminal-justice-system>.

²⁹ Ken Armstrong et al., For Some Victims, Reporting a Rape Can Bring Doubt, Abuse — and Even Prosecution, ProPublica (Nov. 24, 2017), <https://www.propublica.org/article/for-some-victims-reporting-a-rape-can-bring-doubt-abuse-and-even-prosecution>.

³⁰ Bernice Young et al., When It Comes to Rape, Just Because a Case Is Cleared Doesn’t Mean It’s Solved, ProPublica (Nov. 15, 2018), <https://www.propublica.org/article/when-it-comes-to-rape-just-because-a-case-is-cleared-does-not-mean-solved>.

³¹ Lena V. Groeger, *Could Your Police Department Be Inflating Rape Clearance Rates?*, ProPublica (Nov. 15, 2018), https://projects.propublica.org/graphics/rape_clearance (identifying MPD as one of the jurisdictions which “did not provide the rape case data we requested”).

³² Steadman, H. J., Deane, M. W., Borum, R. & Morrissey, J. P. Comparing outcomes of major models of police responses to mental health emergencies. *Psychiatric services* 51, 645–649 (2000).

³³ Borum, R., Swanson, J., Swartz, M. & Hiday, V. Substance abuse, violent behavior, and police encounters among persons with severe mental disorder. *Journal of Contemporary Criminal Justice* 13, 236–250 (1997).

³⁴ Lowery, W. et al. Distraught people, deadly results. *Washington Post* 30, 2015 (2015).

transported to emergency rooms in psychiatric crisis are escorted by police.³⁵ In DC, 11% of 911 calls in 2019/20 were responses to incidents involving PWMI.³⁶

Similarly, a large percentage of police time is spent pursuing substance use and possession. The federal government spends \$9 million a day, and states another \$19 million a day, to incarcerate people charged with drug-related offenses.³⁷ In 2018, police made 1.6 million drug arrests, mostly (86%) for use or possession.³⁸ Law enforcement damages the health and safety of people using controlled substances³⁹ by inhibiting people who inject drugs (PWID) access to harm reduction programs (e.g., needle exchanges) and increasing community transmission of HIV and hepatitis.⁴⁰

Police are also tasked with responding to domestic violence and other sensitive emergencies. For example, in DC, the MPD responds to over 25,000 domestic violence calls a year, or about one in 20 MPD calls.⁴¹

Across all types of calls, police too often respond with violence and harm. They simply are not trained or able to provide the assistance needed, to connect individuals to necessary services, or to begin longer-term support. For example, a national study found that “nearly a quarter of fatal police encounters followed calls about ‘disruptive behavior’ directly tied to a person’s mental illness and/or substance abuse disorder.”⁴²

We can have safer, cheaper, and better public services. Many tasks of the police are ministerial, pro forma, or unrelated to violent harm. Examples include traffic enforcement, traffic directing following an accident or in an emergency situation, creating an official public record of an incident through a ‘police report,’ or community relations. But an officer who works too much overtime, carries a gun and has arrest powers into these situations makes everyone less safe.

³⁵ Lamb, H. R., Shaner, R., Elliot, D. M., DeCuir, W. & Foltz, J. T. Outcome for psychiatric emergency patients seen ^[1]by an outreach police-mental health team. *Psychiatric Services* (1995).

³⁶ (2020). URL <https://www.wusa9.com/article/news/911-mentally-ill-crisis-intervention-training-police-mental-health-dc-police-65-3270ab6a-e15c-4ecb-9605-de5490668ca2>.

³⁷ Mai, C. & Subramanian, R. *The price of prisons: Examining state spending trends, 2010-2015*. New York: Vera Institute of Justice, 2017.

³⁸ FBI Uniform Crime Reporting, Table 29.

³⁹ Wood, E. et al. Vienna declaration: a call for evidence-based drug policies. *The Lancet* 376, 310–312 (2010); Beyrer, C. et al. Time to act: a call for comprehensive responses to HIV in people who use drugs. *The Lancet* 376, ^[1]551–563 (2010).

⁴⁰ Global Commission on Drug Policy. *The war on drugs and HIV/AIDS: how the criminalization of drug use fuels the global pandemic* (Global Commission on Drug Policy, 2012).

⁴¹ See the discussion of MPD 911 calls, above.

⁴² Eric Westervelt, *Removing Cops From Behavioral Crisis Calls: 'We Need To Change The Model'*, NPR (Oct. 19, 2020) (citing Sarah DeGue et al., *Deaths Due to Use of Lethal Force by Law Enforcement*, *Am. J. Preventative Med.* (Nov. 1, 2016), [https://www.ajpmonline.org/article/S0749-3797\(16\)30384-1/abstract%20](https://www.ajpmonline.org/article/S0749-3797(16)30384-1/abstract%20)).

The MPD does not does not protect us or serve us. Instead, the District should invest in real public safety initiatives. We have ideas for how the District can do that.

II. We Can Have Real Public Safety Without the Police

Real public safety requires replacing the one-size-fits-all tool of the police with a set of policies designed to address and reduce social harm. Instead of sending heavily armed, unaccountable officers to respond to situations, we envision redistributing the police budget to non-violent, non-carceral emergency response services and a number of policy interventions to reduce harm before emergency response is required. We envision treating racism and poverty like the crises they are, particularly during this pandemic, and fully funding the programs needed to tackle these harms from the MPD's budget. In other words, we envision a safer, healthier, and more just District for everyone.

A. Invest in Drug, Alcohol, and Mental Health Crisis Intervention

Imagine your family member who struggles with drug and alcohol addiction or mental health issues experienced a serious crisis and needed assistance. Currently, many DC residents in this situation hesitate to call 911 because the police too often respond to mental health crises with violence, particularly if the person is Black.

Now imagine there was a safe three-digit number for you to call to request non-violent emergency care. The District would dispatch a rigorously trained, non-violent crisis responder to de-escalate and provide appropriate emergency care. DC would then perform follow-ups to connect the individual to services, such as working with them to establish behavioral health care, sign them up for public health insurance and enroll them in community-based drug and alcohol treatment if needed.

That's the approach many other places are taking, and it works.

The best known example comes from Eugene, Oregon. In 1989, the White Bird Clinic in Eugene started the Crisis Assistance Helping Out on the Streets (CAHOOTS) program. The program works through the 911 call center, which directs "non-violent, non-criminal" calls to a CAHOOTS team that includes a nurse/EMT and a trained crisis responder. This amounts to 17% of 911 calls.⁴³

The CAHOOTS annual budget is \$2 million, compared to \$51.3 million for the Eugene Police Department, and saves the city \$8.5 million per year in police costs.⁴⁴ If similar cost savings could be achieved based on the MPD's \$560 million budget, an investment of around \$21.8 million annually in a comparable program could reduce police expenditures by an estimated \$93 million a year.

⁴³ <https://whitebirdclinic.org/category/cahoots/>.

⁴⁴ Elinson, Z. When mental-health experts, not police, are the first responders. Wall Street Journal 24 (2018); White Bird Clinic, What Is Cahoots, <https://whitebirdclinic.org/what-is-cahoots/>.

Several programs have emerged based on the CAHOOTS model. Project Respond in Portland is a collective of action groups that respond to public safety concerns that have historically been handled by Portland’s police.²⁵ In 2020, the city committed to transferring \$4.8 million from the police budget to one of these groups, Portland Street Response. Similarly, Support Team Assisted Response (STAR) in Denver was piloted by Denver Justice Project and mobilizes paramedics and social workers to 911 calls related to psychiatric or substance use crises. STAR was awarded a grant in 2019 from the Caring 4 Denver Fund.⁴⁵ Dallas is scaling up a similar program.⁴⁶

Outside of the US, one of the more notable examples comes from Sweden. In 2015, Stockholm established a psychiatric emergency response team called Psykiatrisk akut mobilitet (PAM). During its first year, PAM responded to 3.4 cases per day. One-third of cases resulted in no action being taken and 40% resulted in inpatient psychiatric or substance use care. No cases resulted in incarceration or shooting.⁴⁷

Already, cities across the country and the world have begun to implement innovative policies that seek to replace the coercion and violence endemic within police forces with the care and compassion that neighbors can provide.⁴⁸ The District should implement similar approaches.

In the words of Minneapolis’s MPD150 project: “Rather than strangers armed with guns, who very likely do not live in the neighborhoods they’re patrolling, we want to create space for more mental health service providers, social workers, victim/survivor advocates, religious leaders, neighbors, healers, and friends— all of the people who really make up the fabric of a community—to look out for one another.”⁴⁹

B. Invest in Drug, Alcohol and Mental Health Programs to Reduce Need for Crisis Intervention

The District has already acknowledged that public safety is a public health issue through the passage of the NEAR Act.⁵⁰ We urge the District to act accordingly by investing in resources to address public health and social concerns as alternatives to policing. Prioritization of programs

⁴⁵ Beaty, K. A long-planned program to remove police from some 911 calls launched as Denver’s streets erupted in police brutality protests. *Denverite* (2020).

⁴⁶ Lucas Manfield, *Dallas Has Been Dispatching Social Workers to Some 911 Calls. It’s Working.*, *Dallas Observer* (Dec. 10, 2019), <https://www.dallasobserver.com/news/dallas-has-been-dispatching-social-workers-to-some-911-calls-its-working-11810019>

⁴⁷ Bouveng, O., Bengtsson, F. A. & Carlborg, A. First-year follow-up of the psychiatric emergency response team (pam) in stockholm county, sweden: a descriptive study. *International Journal of Mental Health* 46, 65–73 (2017).

⁴⁸ We note there are also examples of police-partnered crisis intervention teams, including in LA, San Diego, and Houston. However, we do not believe sending a social worker / crisis responder and a police officer to respond to calls at the same time is necessary in the vast majority of cases, wastes time, and increases the risk of violence against the person in crisis.

⁴⁹ *Frequently Asked Questions*, MPD 150, <https://www.mpd150.com/faq/>.

⁵⁰ See Kenyan R. McDuffie, *The NEAR Act* (<https://kenyanmcduffieward5.com/nearact/>) (“The **NEAR Act uses a public health approach** to address **root causes of violent crime**.” (emphasis in original)).

that reject criminalization, like behavioral and mental health intervention, is critical.

We know that our society is failing individuals facing mental illness or addiction. Too often, we use police and prisons as the solution to mental illness and addiction: approximately 64% of people in jail and more than 50% people in prison have a mental health problem.⁵¹ In other words, rather than help our neighbors in crisis, we lock them up.

We envision instead a District where individuals experiencing crisis receive the help they need to get stable, safe, and healthy. That means housing as a human right. That means non-carceral, personhood-supporting community-based drug and alcohol treatment programs covered by public insurance plans. That means food and resources to support them through the process.

It also means adopting harm reduction programs to reduce the daily harm caused by drug and alcohol addiction, through evidence-based harm reduction solutions. In 2009, a set of evidence-based intervention strategies were proposed by the World Health Organization, the United Nations Office on Drugs and Crime, and the Joint United Nations Programme on HIV/AIDS to alleviate the health and safety burden of people facing drug and alcohol addiction.⁵² As one example of these programs' impact, they have been shown to reduce community HIV transmission by as much as 42%.⁵³ They are:

- Needle/syringe exchange
- Opioid substitution treatment
- HIV/STI counseling/testing
- Condom distribution
- HIV/STI education campaigns
- Vaccination/treatment of hepatitis
- Prevention/treatment of tuberculosis

Long-term programs to reduce the need for crisis intervention are a critical aspect of public safety, and can be especially effective when coupled with the non-violent crisis response envisioned above. We envision crisis responders not just de-escalating and assisting in a crisis, but connecting individuals to an integrated, fully funded, and non-coercive support system to assist them in improving their lives.

C. Invest in Violence Prevention

Community-based programs have been shown to decrease violence. Community patrol is rooted in self-determination strategies that originated in non-white communities. For example, in the 1960s the Black Panther Party, as a complement to its organization around national and global

⁵¹ Eric Westervelt, Removing Cops From Behavioral Crisis Calls: 'We Need To Change The Model', NPR (Oct. 19, 2020) (<https://www.npr.org/2020/10/19/924146486/removing-cops-from-behavioral-crisis-calls-we-need-to-change-the-model>).

⁵² *Frequently Asked Questions*, MPD 150, <https://www.mpd150.com/faq/>.

⁵³ *Frequently Asked Questions*, MPD 150, <https://www.mpd150.com/faq/>.

politics, engaged in activities intended to promote community safety, such as providing free breakfast to young people, health clinics, and armed monitoring of the police.⁵⁴

CeaseFire, launched in 1999 by the University of Illinois, operates as a part of the nationwide Cure Violence public health initiative. It deploys programs intended to mitigate the environment under which violence emerges (e.g., by providing addiction treatment, childcare, and GED training), as well as directly arbitrates violence in the community through its Violence Interrupters.

A study of the success of CeaseFire conducted by the National Institute of Justice found a considerable decrease (less than 15%) in shootings in the majority of sites studied, a decrease in retaliatory killings, that a substantial majority (more than 80%) of people who asked for help received it, and that CeaseFire itself provided employment for people who are often discriminated against by employers for having served time in prison.⁵⁵

Baltimore, Chicago, and Richmond, California have all created versions of the CeaseFire program, which trains community members to serve as outreach workers who build relationships with people at risk of gun violence and can intervene in arguments before they turn violent. The program has been shown to decrease homicides and nonfatal shootings in all three cities.⁵⁶ Minneapolis, which is considering disbanding its police force entirely, has also begun to use a CeaseFire-based program to reduce gun violence.⁵⁷ This bodes well for DC's similar Violence Interrupter program, assuming it is funded for long enough to function properly.

Other community patrol programs include CAT-911 in Southern California, which provides a resource for mobilizing community action teams as an alternative to calling 911 dispatchers,⁵⁸ and the Anti Police- Terror Project (AFTP), which focuses its efforts on providing support to

⁵⁴ Criminology 10, 399–428 (2014). URL <https://doi.org/10.1007/s11292-014-9210-y>.^[1] Bloom, J. & Martin, W. E. Black against empire: The history and politics of the Black Panther Party (Univ of California Press, 2016); Potorti, M. Feeding revolution: The black panther party and the politics of food. Radical Teacher 98, 43–51 (2014). 64. Ritter, N. Ceasefire: A public health approach to reduce shootings and killings. NIJ Journal 264 (2009).

⁵⁵ Ritter, N. Ceasefire: A public health approach to reduce shootings and killings. NIJ Journal 264 (2009).

⁵⁶ Elliot C. Matthey, *Firearm and Nonfirearm Violence After Operation Peacemaker Fellowship in Richmond, California, 1996–2016*, 109 Am. J. Pub. Health 1605 (2019); Daniel W. Webster et al., *Effects of Baltimore's Safe Streets Program on Gun Violence: A Replication of Chicago's CeaseFire Program*, 90 J. Urban Health 27, 27-40 (2013); Wesley G. Skogan et al., *Evaluation of CeaseFire-Chicago* (2009), <https://www.ncjrs.gov/pdffiles1/nij/grants/227181.pdf>.

⁵⁷ Libor Jany, *New Minneapolis anti-violence program is showing positive results*, Star Tribune (Nov. 17, 2018), <https://www.startribune.com/for-gang-members-experimental-minneapolis-program-offers-alternative-to-streets/500760211/>.

⁴⁹ World Health Organization. *Guidance on testing and counselling for HIV in settings attended by people who inject drugs: Improving access to treatment, care and prevention*. Manila: WHO Regional Office for the Western Pacific, 2009.

⁵⁰ Wodak A, Cooney A. Do needle syringe programs reduce HIV infection among injecting drug users: a comprehensive review of the international evidence. Substance Use and Misuse, 2006, 41:777–813.

⁵⁸ (2020). URL <https://cat-911.org/>.

individuals that have been terrorized by police.⁵⁹ Recently, the Sacramento County Behavioral Health Services committed to investing \$1.5 million to an alternative to 911 in order to “meet the needs of people outside of the criminal justice system.”⁶⁰ There is no data on the efficacy of these programs. Notably, while CeaseFire and other Cure Violence initiatives operate as complements to police departments, CAT-911 and APTP are cast as alternatives.⁶¹

We envision a well-funded violence interrupter, de-escalation, and mediation program that performs both emergency and non-emergency violence reduction work, without the power to engage in state violence, arrest, or detain.

D. Invest in Housing

Mayor Bowser promised that homelessness would be “rare, brief, and non-recurring” by 2020.⁶² Instead, too many individuals and families remain homeless without housing support services, and the District still prioritizes “cleaning up” homeless camps over housing our unhoused neighbors.⁶³ The District’s housing initiatives and homelessness programs are a necessary investment for DC residents, especially given the likely increase in homelessness due to the COVID-19 pandemic. Studies projected that homelessness could increase by as much as 45% since the start of the

⁵⁹ (2020). URL <https://www.antipoliceterrorproject.org/>.

⁶⁰ (2020). URL <https://www.saccounty.net/news/latest-news/Pages/AlternativesTo9-1-1ForMentalHealthResponse.aspx>.

⁶¹ We contrast community patrol strategies outside of police departments to community-oriented policing or community policing. Community-oriented policing (COP) was institutionalized under the Office of Community Oriented Policing Services and seeded by \$8.8 billion from the Crime Control and Law Enforcement Act of 1994, and is a complement to professional policing. Its practice ranges from outreach and involvement of community groups to neighborhood watch. See <https://cops.usdoj.gov/aboutcops>. A meta-analysis of COP across 25 studies found that COP “has no effect on crime” and “does not decrease citizens’ fear of crime.” See Gill, C., Weisburd, D., Telep, C. W., Vitter, Z. & Bennett, T. Community-oriented policing to reduce crime, disorder and fear and increase satisfaction and legitimacy among citizens: a systematic review. The perception of crime and safety among those COP is meant to protect is not trivial. The DOJ’s Investigation of the Ferguson Police Department concluded that “unlawful and harmful practices in policing and in the municipal court system erode police legitimacy and community trust, making policing in Ferguson less fair, less effective at promoting public safety, and less safe”. See Shaw, T. M., States., U., of Justice., D. & Division, C. R. The Ferguson Report : Department of Justice Investigation of the Ferguson Police Department (2015), <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1032102>. COP is therefore not an option to improve public safety or reduce the harm caused by the police, and instead cuts against both of those goals.

⁶² DC Interagency Council on Homelessness, Homeward DC Strategic Plan 2015-2020, Letter from Mayor Muriel Bowser (2015), https://ich.dc.gov/sites/default/files/dc/sites/ich/page_content/attachments/ICH-StratPlan2.11%20web.pdf.

⁶³ See Mike Murillo, Controversy over DC’s plans to clear out homeless encampment in Northeast underpass, WTOP (Jan. 13, 2020), <https://wtop.com/dc/2020/01/controversy-over-dcs-plans-to-clear-out-homeless-encampment-in-k-street-underpass/>; DC Mayor’s Office, Encampment Protocol Engagement FAQ, https://dmhhs.dc.gov/sites/default/files/dc/sites/dmhhs/page_content/attachments/Encampment%20Protocol%20Engagement%20FAQ.pdf.

pandemic.⁶⁴ DC housing advocacy groups have indicated that the current funding is not enough.⁶⁵ In response, Mayor Bowser's Department of Human Services has targeted local nonprofits that serve residents experiencing homelessness for funding cuts.⁶⁶

We envision a District where there is long-term, safe, supportive housing available for every homeless person. We envision a District where 911 calls involving homeless persons do not come with a police response, but with dedicated supportive services. And we envision that those responders will be able to offer real options including guaranteed housing for our unhoused neighbors, because our support programs are fully funded.

For example, increased funding for the Department of Housing and Community Development (DHCD) is a worthwhile alternative for taxpayer dollars currently committed to MPD. The District maintains DHCD to produce and preserve opportunities for affordable housing and economic development and to revitalize underserved communities. DHCD's commitment to promoting community development and providing economic opportunities is especially relevant now, and appropriate for funding, because studies have indicated a link between violent crime and increases in neighborhood foreclosures.⁶⁷

Similarly, the District's Housing Production Trust Fund (HPTF) helps produce and preserve affordable housing. A budget increase in assistance for low-income renters is exactly the type of funding shift that better aligns with the District's priorities and will lead to increased positive outcomes for residents. The Office of the Tenant Advocate (OTA) is yet another avenue for shifted MPD dollars that would better serve residents. The technical advice, education services, emergency funding assistance and advocacy work performed by OTA are critical to the well-being and security of some of the District's most vulnerable residents.

By shifting taxpayer dollars from the MPD budget to these crucial programs, the Council could substantially bolster these and other initiatives to significantly aid much-needed housing support here in the District.

E. Invest in Safe Schools and Family Support Services

According to the National Association of School Resource Officers, there are 14,000-20,000 police officers (often called school resource officers) stationed across 30% of schools in the US. The Justice Policy Institute, a research and public policy organization, says that putting police in schools to deter violence "is largely a failed approach in devoting a significant amount of resources but not getting the outcome in school safety that we are all looking for."

⁶⁴ *Analysis on Unemployment Projects 40-45% Increase in Homelessness This Year*, Community Solutions (May 11, 2020), <https://community.solutions/analysis-on-unemployment-projects-40-45-increase-in-homelessness-this-year/>.

⁶⁵ Statement on Mayor Bowers's FY 21 Budget, *The Way Home* (May 21, 2020), <http://www.thewayhomedc.org/app/document/35423095>.

⁶⁶ Andrew Giambrone, *D.C. Is Cutting Funding for Homelessness Services as COVID Cases Surge*, DCist (Dec. 9, 2020), <https://dcist.com/story/20/12/09/d-c-is-cutting-funding-for-homeless-services-as-covid-cases-surge/>.

⁶⁷ Kristin M. Finklea, *Economic Downturns and Crime* (2011), <https://fas.org/sgp/crs/misc/R40726.pdf>.

Instead, evidence shows that the increased presence of law enforcement in schools results in more racist punishment.⁶⁸ The presence of law enforcement at schools results in higher rates of arrests⁶⁹ and suspensions⁷⁰ across all students, but particularly among Black students, who are 25% more likely to face disciplinary action than their white peers.⁷¹ For children aged 7-14, federal grants for school police results in a 6% increase in disciplinary actions⁷² and each additional officer results in 2.5 extra in-school arrests every year.⁷³ Among high schools, federal grants for school police are associated with a 2.5% decrease in graduation rate and 4% decrease in college enrollment.⁷⁴ School discipline has long-term consequences beyond education. The Public Policy Research Institute at Texas A&M University found that exclusionary discipline in school is the best predictor of referral to the juvenile justice system.⁷⁵

In contrast, when students feel more connected to their school environment, they experience lower rates of substance use and violence. Surveys from the National Longitudinal Study of Adolescent Health specifically linked school connectedness to tolerant disciplinary policies, as well as participation in extracurricular activities.⁷⁶ Repeatedly, studies show that extracurricular activities

⁶⁸ Fabelo, T. et al. Breaking schools' rules: A statewide study of how school discipline relates to students' success and juvenile justice involvement. New York: Council of State Governments Justice Center (2011); Fowler, D. School discipline feeds the "pipeline to prison". *Phi Delta Kappan* 93, 14–19 (2011); Morgan, E., Salomon, N., Plotkin, M. & Cohen, R. The school discipline consensus report: Strategies from the field to keep students engaged in school and out of the juvenile justice system (Council of State Governments Justice Center New York, NY, 2014); Wolf, K. C. Arrest decision making by school resource officers. *Youth violence and juvenile justice* 12, 137–151 (2014).

⁶⁹ Shaw, T. M., States, U., of Justice, D. & Division, C. R. The ferguson report : Department of justice investigation of the ferguson police department (2015). URL <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1032102>.

⁷⁰ Fisher, B. W. & Hennessy, E. A. School resource officers and exclusionary discipline in u.s. high schools: A systematic review and meta-analysis. *Adolescent Research Review* 1, 217–233 (2016). URL <https://doi.org/10.1007/s40894-015-0006-8>.

⁷¹ Skiba, R. J. et al. Parsing disciplinary disproportionality: Contributions of infraction, student, and school characteristics to out-of-school suspension and expulsion. *American Educational Research Journal* 51, 640–670 (2014).

⁷² Weisburst, E. K. Patrolling public schools: The impact of funding for school police on student discipline and long-term education outcomes. *Journal of Policy Analysis and Management* 38, 338–365 (2019).

⁷³ Owens, E. G. Testing the school-to-prison pipeline. *Journal of Policy Analysis and Management* 36, 11–37 (2017). URL <https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.21954>. <https://onlinelibrary.wiley.com/doi/pdf/10.1002/pam.21954>.

⁷⁴ Weisburst, E. K. Patrolling public schools: The impact of funding for school police on student discipline and long-term education outcomes. *Journal of Policy Analysis and Management* 38, 338–365 (2019).

⁷⁵ Carmichael, D., Whitten, G. & Voloudakis, M. Study of minority over-representation in the Texas juvenile justice system (Public Policy Research Institute, Texas A & M University, 2005).

⁷⁶ McNeely, C. A., Nonnemaker, J. M. & Blum, R. W. Promoting school connectedness: Evidence from the national longitudinal study of adolescent health. *Journal of School Health* 72, 138–146 (2002). URL <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1746-1561.2002.tb06533.x>. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1746-1561.2002.tb06533.x>.

are associated with increases in school connectedness, student self-perception, performance on achievement tests, ameliorating symptoms beset by parental violence⁷⁷ and with decreases in delinquency.⁷⁸ In other words, when we provide students with the resources, support, and programs they need to thrive, their wellbeing improves on every level. And the needs go even further than that.

That is why we fully support the reforms proposed by the Every Student Every Day Coalition and the Black Swan Academy. In particular, they focus on reducing the impact of police on DC youths' lives through removing police from schools and decriminalizing youth behavior, increasing students' legal rights to be free from police intrusions, and investing in programs to promote real, inclusive safety in schools.

Those programs include increasing investments in school-based mental health programs, providing teachers and staff with informed training and necessary support, investing in a socio-emotional learning curriculum, committing to Positive Behavioral Intervention and Supports programs, expanding restorative justice programming, and investing in school-based and community-based violence interrupter programs. Through changes like these, DC students and children will be safer, happier, and healthier, with fewer police interactions.

F. Develop Non-Police Traffic and Transit Safety Programs

Traffic-related stops make up a large portion of the MPD's work--approximately 16% of all 911 calls. And while WMATA stops are not handled by the MPD in most cases, they still have a large impact on community members.

Traffic stops, like all police activities, disproportionately target people of color. According to the MPD Stop Data Report issued for July 22-December 31, 2019, 72% of all traffic stops were of Black residents, compared to 14% of white residents, distributed more or less evenly across wards (10-18% per ward). 86% of arrests following a traffic stop were of Black residents. Per stop, Black residents were nearly eight times more likely to be pat down than a white resident, five times more likely to have their property searched, and three times more likely to be arrested. Over two-thirds of pat downs and property searches of Black residents were done without the individual's consent. Similarly, in 2018, Washington Lawyers' Committee for Civil Rights and Urban Affairs found

⁷⁷ Gardner, M., Browning, C. & Brooks-Gunn, J. Can organized youth activities protect against internalizing problems among adolescents living in violent homes? *Journal of Research on Adolescence* 22, 662–677 (2012). URL <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1532-7795.2012.00811.x>. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1532-7795.2012.00811.x>.

⁷⁸ Gottfredson, D. C., Gerstenblith, S. A., Soul'e, D. A., Womer, S. C. & Lu, S. Do after school programs reduce delinquency? *Prevention Science* 5, 253–266 (2004). URL <https://doi.org/10.1023/B:PREV.0000045359.41696.02>; Durlak, J. A., Weissberg, R. P. & Pachan, M. A meta-analysis of after-school programs that seek to promote personal and social skills in children and adolescents. *American Journal of Community Psychology* 45, 294–309 (2010). URL <https://doi.org/10.1007/s10464-010-9300-6>; Hirschel, B. & Deutsch, N. *After-school centers and youth development: Case studies of success and failure* (Cambridge University Press, 2011).

that 90% of DC Metro Transit Police citations for fare evasion were issued to Black residents⁷⁹. Beyond the racist aspects of traffic stops, there is no reason why a police officer armed with a gun needs to be waiving traffic along or writing a report documenting a traffic accident. This is particularly the case of that officer is being paid overtime for that work. **We envision traffic- and parking- related functions being transferred fully to the Department of Transportation, to perform in a safe, respectful, non-racist manner.**⁸⁰

Regarding transit, a number of cities have teamed with non-police organizations to defuse conflict and deter vandalism on public transportation, which are typically the remit of police. These programs also aim to provide a social good, such as preventing youth from incarceration and providing resources for people experiencing homelessness. The San Francisco Municipal Transportation Authority (SFMTA) began working with Transit Ambassadors in 1996, which liaises with schools about incidents between students that might become disruptive on public transit. The Transit Ambassadors work to de-escalate conflict and to hold students accountable through non-criminal justice systems. The SFMTA Board Workshop allocated \$1 million to Transit Ambassadors in FY2021, compared to \$3.39 million to SFPD in FY2018. Following a 2016 investigation by the Labor/Community Strategy Center that found the LA Sheriff's Department racially profiled non-white transit passengers for citation and arrest,⁸¹ LA Metro teamed with People Assisting the Homeless (PATH). In 2019, the percentage of contacts with homeless people referred to services increased two-fold and the number that received housing increased from 1% to 27%. In addition to its increased efficacy over a similar police-based program (Homeless Outreach and Preventive Engagement), PATH, with a \$4.9 million in FY2019, is 70% less expensive per employee than the police-based program.⁸²

We envision 100% police-free transit safety programs to diffuse conflict, improve passenger safety, and help connect individuals experiencing homelessness or mental or behavioral health challenges to services.

G. Develop Non-Police Responses to Gender Violence

The law enforcement approach to gender violence, which includes rape, sexual assault, domestic

⁷⁹ Hunter, R. F. et al. Environmental, health, wellbeing, social and equity effects of urban green space interventions: A meta-narrative evidence synthesis. *Environment international* 130, 104923 (2019); Shepley, M., Sachs, N., Sadatsafavi, H., Fournier, C. & Peditto, K. The impact of green space on violent crime in urban environments: An evidence synthesis. *International journal of environmental research and public health* 16, 5119 (2019).

⁸⁵ https://www.washlaw.org/pdf/2018_09_13_unfair_disparity_fair_evasion_enforcement_report.PDF

⁸⁰ As one creative example, we note that in Bogota, Colombia, traffic mimes, a program initiated by the city's Mayor Antanas Mockus, used de-escalation tactics through performance art to diffuse transit conflicts. The program saw a 50% drop in traffic fatalities. Caballero, M. C. Academic turns city into a social experiment. *Harvard University Gazette* 11 (2004).

⁸¹ (2016). URL <https://fightforthesoulofthecities.com/wp-content/uploads/2016/12/US-DOT-DOJ-Civil-Rights-Complaint-11-14-16.pdf>.

⁸² Dembo, M. *Off the rails: Alternatives to policing on transit* (2020).

violence, and all forms of intimate partner violence, is perpetrator-forward, focusing on what law was broken, who broke it, and how that person should be punished. In far too many cases, this approach fails to protect victims of gender violence from harm or to provide accountability.

First, only about half of victims of violent domestic crimes call the police when they are assaulted by a family member.⁸³ Deciding to call the police on a family member is always a complicated decision, as victims must weigh the risks and benefits. These decisions have been made even more difficult by the current pandemic, when leaving the abuser could mean moving into a shelter where the victim (and their children) could be exposed to the coronavirus.⁸⁴ Victims may be hesitant to call law enforcement, when officers are often limited to arresting the abuser and are unable to provide other services or protection. It also must be noted that multiple studies have found that partners of police officers suffer domestic abuse at rates significantly higher than the general population.⁸⁵ It is troubling that “domestic abusers are literally the people that battered and abused women are supposed to call for help.”⁸⁶

Contrary to the current approach, restorative justice practices center how best to meet the needs of the harmed individual. In the early 2000s, Brooklyn-based Sista II Sista began a community action project, Sista Liberated Ground, to provide non-police support to women of color experiencing gender violence.⁸⁷ Other organizations following restorative justice practices, including DC Safe, offers 24/7 hotlines to connect people experiencing gender violence with resources that meet their needs (*e.g.*, shelter, counseling, safety training, court advocacy). These approaches can provide great benefits for survivors at little cost. For example, Casa Myrna, located in Massachusetts, of which their SafeLink hotline is only a part, operates on an annual budget of \$15,000.⁸⁸

We envision a District where all victims of domestic abuse and other forms of gender violence have access to protection and resources, from shelter to court advocacy.

H. Invest in Economic Justice

We know that economic security is a major piece of the puzzle in addressing community harm. It is the ability to make a good living through a good union job instead of relying on the informal

⁸³ U.S. Department of Justice, Bureau of Justice Statistics, Special Report on Nonfatal Domestic Violence, 2003-2012 (April 2014), <https://permanent.access.gpo.gov/gpo118103/ndv0312.pdf>.

⁸⁴ Wichua Li and Beth Schwartzapfel, *Is Domestic Violence Rising During the Coronavirus Shutdown? Here's What the Data Shows*, The Marshall Project (April 22, 2020), <https://www.themarshallproject.org/2020/04/22/is-domestic-violence-rising-during-the-coronavirus-shutdown-here-s-what-the-data-shows>.

⁸⁵ Conor Friedersdorf, *Police Have a Much Bigger Domestic-Abuse Problem Than the NFL Does*, The Atlantic (Sept. 19, 2014), <https://www.theatlantic.com/national/archive/2014/09/police-officers-who-hit-their-wives-or-girlfriends/380329/>.

⁸⁶ *Id.*

⁸⁷ Burrowes, N. A. Building the world we want to see: A herstory of sista ii sista and the struggle against state and interpersonal violence. *Souls* 20, 375–398 (2018). URL <https://doi.org/10.1080/10999949.2018.1607059>.

⁸⁸ URL <https://casamyrna.org/partners/>.

economy. To afford to leave dangerous domestic situations. To stop worrying about how bills will be paid. Defunding the MPD requires investing in the economic security of DC families.

Economic justice is particularly necessary during this pandemic. Food insecurity in the District is on the rise as the COVID-19 pandemic and school closures have dramatically increased the number of struggling families. The lines for food banks stretch around the block, and unemployment benefits will soon sunset for many District residents on December 31, 2020. What's more, the District currently has "6.5 square miles of food deserts overall—about 11 percent of DC's total area. Areas including Historic Anacostia, Barry Farms, Mayfair, and Ivy City contain the majority of food deserts found in the city."⁸⁹ Child hunger is currently at rates we have not seen in recent years.⁹⁰

We envision a District where all jobs are good union jobs, and where District policy enables all of our residents to train for and get middle class jobs regardless of education. We envision food programs being fully funded so that every single family, regardless of income, immigration status, or any other factor, has enough to eat every day. We envision expanded income support programs for individuals with disabilities. And we envision fully funded reentry programs for our neighbors returning from incarceration, because reentry programs are critical to ensuring our fellow residents have access to stable housing, consistent employment opportunities and social services.

Our safety and health don't come from the police, but from communities with adequate and broadly shared resources. Every community should have that.

I. Invest in the Built Environment

To build healthy communities, we need a healthy environment. A number of recent studies that specifically test the effect of urban green space on crime⁹¹ have shown that green space in cities is linked to reductions in assault and property crimes in Baltimore,⁹² Cincinnati,⁹³ Philadelphia,⁹⁴ and

⁸⁹ Randy Smith, *Food access in D.C. is deeply connected to poverty and transportation*, D.C. Policy Center (Mar. 13, 2017), <https://www.depolicycenter.org/publications/food-access-dc-deeply-connected-poverty-transportation/>.

⁹⁰ Lauren Bauer, *The COVID-19 crisis has already left too many children hungry in America*, Brookings (May 6, 2020), <https://www.brookings.edu/blog/up-front/2020/05/06/the-covid-19-crisis-has-already-left-too-many-children-hungry-in-america/>.

⁹¹ Bogar, S. & Beyer, K. M. Green space, violence, and crime: a systematic review. *Trauma, violence, & abuse* 17, 160–171 (2016).

⁹² Troy, A., Grove, J. M. & O'Neil-Dunne, J. The relationship between tree canopy and crime rates across an urban-rural gradient in the greater baltimore region. *Landscape and urban planning* 106, 262–270 (2012).

⁹³ Kondo, M. C., Han, S., Donovan, G. H. & MacDonald, J. M. The association between urban trees and crime: Evidence from the spread of the emerald ash borer in Cincinnati. *Landscape and Urban Planning* 157, 193–199 (2017).

⁹⁴ Wolfe, M. K. & Mennis, J. Does vegetation encourage or suppress urban crime? evidence from Philadelphia, Pa. *Landscape and Urban Planning* 108, 112–122 (2012).

Portland,⁹⁵ especially in poorer neighborhoods.⁹⁶ Other work has shown that the greening of vacant lots, vegetated walkways, the establishment of community gardens, and overall tree cover have a particularly strong anti-crime effect.⁹⁷

In addition to access to green space, decades of research have shown that toxins, pollution, and harmful environmental destruction is disproportionately concentrated in Black and brown communities.⁹⁸ From leaded water in pipes and lead paint in homes to diesel bus depots and factories in Black and brown communities, people of color too often face the harm from the pollution we are all responsible for. Environmental racism in the District needs to end.

We envision a District where every neighborhood is green, healthy, and safe, with clean air, clean water, and safe homes.

III. The District Should Advance Non-Policing Policy Solutions for Safer and Healthier Washingtonians

Decreasing the footprint of racialized police violence in the District will not only require the Council to defund MPD and invest in the community but also to put an end to policing practices that are inherently racist and that criminalize actions necessary for survival. In addition to the alternatives we discuss above, we urge an immediate end to the following policing practices in the District.

A. Ban Stop-and-Frisk

The District should immediately ban the controversial police practice known as stop-and-frisk, which allows police to temporarily detain, question, and search people on the thinnest of suspicion. Stop-and-frisk as practiced by the MPD results in stark racial disparities. In the District, police stop and search Black people at a disproportionately high rate — according to MPD’s own data, 72 percent of police stops were of Black people, while Black residents comprise only 46 percent

⁹⁵ Donovan, G. H. & Prestemon, J. P. The effect of trees on crime in portland, oregon. *Environment and behavior* 44, 3–30 (2012).

⁹⁶ Kuo, F. E. & Sullivan, W. C. Environment and crime in the inner city: Does vegetation reduce crime? *Environment and behavior* 33, 343–367 (2001).

⁹⁷ Hunter, R. F. et al. Environmental, health, wellbeing, social and equity effects of urban green space interventions: A meta-narrative evidence synthesis. *Environment international* 130, 104923 (2019); Shepley, M., Sachs, N., Sadatsafavi, H., Fournier, C. & Peditto, K. The impact of green space on violent crime in urban environments: An evidence synthesis. *International journal of environmental research and public health* 16, 5119 (2019).

85 https://www.washlaw.org/pdf/2018_09_13_unfair_disparity_fair_evasion_enforcement_report.PDF

⁹⁸ See, e.g., Claire Gillespie, *Environmental Racism Is a Health Issue—How Experts Are Addressing It*, *Health* (Nov. 30, 2020), <https://www.health.com/mind-body/health-diversity-inclusion/environmental-racism> (discussing some of the research).

of DC's population.⁹⁹ A federal court in New York struck down the NYPD's use of stop-and-frisk as unconstitutional for the very same reason, finding that Black and Hispanic people were stopped and searched at higher rates than whites.¹⁰⁰

In addition to potentially violating the constitutional rights of DC residents, stop-and-frisk needlessly increases the number of interactions between the MPD and members of the community, particularly Black people. As discussed above, these interactions often result in violent outcomes.

B. Remove the Metropolitan Police Department from DC Public Schools

The District must immediately remove police, School Resource Officers, and contract security from public and charter schools in order to disrupt the school-to-prison pipeline, end the criminalization of children and recommit to schools as safe environments for growth and learning. By reinvesting the current \$25 million MPD contract, DC Public Schools (DCPS) has the resources to increase school-based mental health programs, expand community violence interrupters and continue training and supporting teachers and school-based staff as per the demands of Black Lives Matter DC and Black Youth Project 100.¹⁰¹

Alongside existing partners like Restorative DC, DCPS is positioned to invest in and increase restorative practices in schools rather than continue to allow the criminalization of students by MPD, School Resource Officers, and contract security.

C. Decriminalize Survival

Mass criminalization increases the likelihood of law enforcement violence. Decriminalization of a range of behaviors in which vulnerable populations engage, such as sex work and drug use, is consistent with World Health Organization (WHO) recommendations.¹⁰² Decriminalization improves the use of services that lead to healthier outcomes, reduces the likelihood of high-risk behaviors and reduces incarceration rates.

For example, the criminalization of sex work punishes people for trying to survive, reduces their access to legal support and health protections and wastes funds on police work that is ineffective toward intended goals. The WHO recommends supportive legislation as a primary method of

⁹⁹ Elliot C. Williams, *New Stop-And-Frisk Data Still Shows Wide Racial Disparities In D.C.*, DCist (Mar. 5, 2020), <https://dcist.com/story/20/03/05/new-stop-and-frisk-data-still-shows-wide-racial-disparities-in-d-c/>.

¹⁰⁰ Aaron Blake, *Judge says New York's 'stop and frisk' law unconstitutional*, Washington Post (Aug. 12, 2013), <https://www.washingtonpost.com/news/post-politics/wp/2013/08/12/judge-says-new-yorks-stop-and-frisk-law-unconstitutional/?arc404=true>.

¹⁰¹ *Police Free Schools*, Defund MPD, [https://www.defundmpd.org/police-free-schools?link_id=3&can_id=b945f0a3ec7be14d77be2de49d56e87e&source=email-defund-mpd-campaign&email_referrer=email_830641&email_subject=defund-mpd-campaign%20\(2020\)](https://www.defundmpd.org/police-free-schools?link_id=3&can_id=b945f0a3ec7be14d77be2de49d56e87e&source=email-defund-mpd-campaign&email_referrer=email_830641&email_subject=defund-mpd-campaign%20(2020)).

¹⁰² See e.g., Matt Ferner, *World Health Organization Calls for Decriminalizing Personal Drug Use*, Huff Post (Aug. 23, 2014), https://www.huffpost.com/entry/who-drug-decriminalization_n_5606609.

reducing violence and providing health protections to those in the sex trades.¹⁰³ MPD has used ineffective techniques, such as prostitution stings, and repeatedly been called out for abuses of power and harassment of sex workers. Criminalization of sex work and the involvement of MPD (and the funding thereof) only exacerbates the existing problems.

As another example, the criminalization of homelessness punishes people for the mere circumstance of having nowhere else to go. The City Council must put an end to inhumane encampment sweeps and instead invest in mental health services and housing services.¹⁰⁴

D. Address Drug Use as a Public Health Issue -- Not a Criminal Matter

Criminalizing drug production, sale and use creates opportunities for police to intrude in the lives of DC residents. That intrusion is often racist because police disproportionately concentrate enforcement against Black and brown people while deemphasizing enforcement against white people. By decriminalizing, regulating, and taxing the production, sale, and use of more drugs, the District would reduce the opportunities for police to harm community members which helping to reduce harm to users from unsafe drug use. Decriminalization also creates opportunities for legitimate business operators to displace illegal drug dealers are a significant source of DC's drug violence. The referendum adopted by District voters to effectively decriminalize certain psychedelic drugs should be built on by the Council for other low-danger drugs.

E. Decriminalize Vending

DC law now treats selling produce or food on the street as a criminal offense -- thus creating yet another opportunity for police to discriminate against people of color.¹⁰⁵ However, seven councilmembers introduced key legislation over the summer that would decriminalize vending, a critical first step towards a fairer regulatory system.¹⁰⁶ By making it a civil, not criminal, offense, the DC Government could place control of street vending entirely in the hands of civil agencies and out of the hands of police.

IV. Conclusion

We believe a safer, more just District of Columbia is possible. One where instead of solving social problems through police and prisons, we solve problems through social services and support. One where Black and brown community members are not murdered or assaulted by public employees, but instead have safety, dignity, security, and power. One where the out-of-control spending on police is diverted to fully fund the institutions providing critical support at every stage of life: pre-

¹⁰³ *Sex work*, World Health Organization, https://www.who.int/hiv/topics/sex_work/about/en/.

¹⁰⁴ Martin Auster Muhle, 'Absurd' And 'Dehumanizing': D.C. Advocates Respond To White House Proposals To Fight Homelessness, WAMU (Sept. 23, 2019), <https://wamu.org/story/19/09/23/absurd-disingenuous-and-dehumanizing-d-c-advocates-respond-to-white-house-proposals-to-fight-homelessness/>.

¹⁰⁵ D.C. Code § 37-131.08.

¹⁰⁶ See B23-0875 - Street Vending Decriminalization Amendment Act of 2020, <https://lims.dccouncil.us/Legislation/B23-0875>.

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schools, schools, universities, public housing, public health care, income and resource support programs, job and training programs, and so much more.

We appreciate the opportunity to comment, and look forward to further conversations with the Judiciary Committee as well as DC Council offices to implement this vision. Please feel free to direct your comments or questions to us at defundmpd@mdcda.org.