

2021-2022

OFFICERS

CHAIR OF THE BOARD

Marianela Peralta
Aerotek, Inc.

PRESIDENT

Patrick McGlone
Ullico Inc.

IMMEDIATE PAST PRESIDENT

Irvin B. Nathan
Arnold & Porter LLP (ret.)

VICE PRESIDENT

James H. Hulme
Arent Fox LLP

SECRETARY

John B. (Jay) Kennedy
The Washington Post

TREASURER &
FINANCE COMMITTEE CHAIR

Julia A. Matthews

EXECUTIVE COMMITTEE

Debra R. Beloff
Jones Day

Joshua B. Bernstein
*Bernstein Management
Company*

Abigail Blomstrom
Monumental Sports

Carol Elder Bruce
*Law Office of Carol Elder
Bruce, PLLC*

Kevin A. Chambers
U.S. Department of Justice

Paulette E. Chapman
*Koonz, McKenney, Johnson, &
DePaolis LLP*

David H. Cox
Jackson & Campbell, P.C.

Karen E. Evans
The Cochran Firm

Eric S. Glover

Victor E. Long
Regan Zambri Long PLLC

Benjamin J. Razi
Covington & Burling LLP

Elizabeth A. Scully
BakerHostetler

Natalie S. Walker
Webster & Fredrickson, PLLC

Tami Weerasingha-Cote
Children's Law Center

Cynthia G. Wright

Joanne L. Zimolzak

Lisa B. Zycherman
Davis Wright Tremaine LLP

NOMINATING COMMITTEE
CHAIR

Brian L. Schwalb
Venable LLP

EXECUTIVE DIRECTOR

Misty C. Thomas

Judicial leaders not listed.

**Statement of the Council for Court Excellence
Before the Committee on Judiciary and Public Safety
and the Committee of the Whole
of the Council of the District of Columbia**

**Hearing on B24-0356: Strengthening Oversight and Accountability of Police
Amendment Act of 2021**

October 21, 2021

Good afternoon, Chairman Allen and members of the Committee. My name is Emily Tatro and I am the Deputy Director for the Council for Court Excellence (CCE). CCE is a nonpartisan, nonprofit organization with the mission to enhance justice in the District of Columbia. For nearly 40 years, CCE has worked to improve the administration of justice in the courts and related agencies in D.C. through research and policy analysis, facilitating collaboration and convening diverse stakeholders, and creating educational resources for the public. Please note that in accordance with our policy, no judicial member of CCE participated in the formulation or approval of this testimony. This testimony does not reflect the specific views of, or endorsement by, any judicial member of CCE

Today, I am here to testify in support of the Strengthening Oversight and Accountability of Police Amendment Act of 2021 (SOAPAA). The Council for Court Excellence has long been a facilitator of conversations among and between people with all kinds of experience with D.C.'s complex justice system, including people who have experienced police violence and been arrested and incarcerated, survivors of crime, system actors and administrators, researchers, and advocates. The topic of police reform has consistently occupied these conversations and

remains far more than just a debate for many residents of the District; it has real consequences on individuals' lives and impacts the broader community's perceptions of safety and justice. The public knows all too well the harm that police can cause communities of color, and recent publicity of police violence both nationwide and in the District has brought to the forefront the structural flaws in our law enforcement systems. Violent police responses to last summer's racial justice protests in the District serve as just one example of the behavior that so many wish to see changed.¹

The District is also notoriously over-policed and officers' law enforcement actions have racially disparate impacts. D.C. has the highest per capita rate of law enforcement officers per resident of any large U.S. city. As of 2016, the Metropolitan Police Department (MPD) had 20% more police officers per resident than the next most heavily-policed city, Chicago.² This high rate of law enforcement presence does not even account for the more than two dozen independent law enforcement agencies that have limited jurisdiction around the District, including the D.C. Housing Authority Police, the Metro Transit Police, the U.S. Park Police, and the U.S. Capitol Police.³ According to the District Task Force on Jails & Justice, between 2013 and 2017, Black people composed 47% of D.C.'s population but 86% of its arrestees; during this period, Black people

¹ See Elliot C. Williams, Maragaret Barthel, "D.C. Police Used Tear Gas, Arrested More Than 40 People During Black Lives Matter Protests In Adams Morgan", *The DCist*, August 14, 2020, <https://dcist.com/story/20/08/14/black-lives-matter-blm-protest-kettle-adams-morgan-dc-arrest/>

² The Council for Court Excellence, *D.C.'s Justice Systems Overview 2020*, http://www.courtexcellence.org/uploads/publications/DCs_Justice_Systems_Overview_2020.pdf

³ *Ibid.*

were arrested at 10 times the rate of white people in D.C.⁴ The SOAPAA makes several important steps towards a future in which we reduce the harm that law enforcement creates in D.C.’s Black communities by improving transparency, oversight, and accountability.

On May 4, 2021, CCE hosted a discussion titled “The Future of Policing in the District, A Roundtable Discussion on Reform”, in partnership with the Office of the District of Columbia Auditor.⁵ Moderated by Auditor Patterson, the panelists included an activist, a Government Affairs professional, the D.C. Police Reform Commission Co-Chairs, the Executive Director of ACLU-DC, and the Executive Director of the D.C. Police Foundation. Throughout the course of the conversation, panelists noted that mental health problems caused by over-policing receives insufficient attention. They also discussed how the trauma that police brutality has inflicted upon communities of color is real and generational.

In order to begin to repair the harm caused by problematic policing, the panelists explored how police should play a protective, community-based, preventative role, not an aggressive, intimidating, and ineffective one. The panel also discussed the traumatizing effects that police interactions can have on children, agreeing that police should not be present for conflicts involving any children, or in school situations at all. After identifying these specific issues, the panel discussed what they believed were necessary measures in order to begin addressing detrimental policy practices, including providing better services for returning citizens, hiring non-police

⁴ District Task Force on Jails and Justice, *Jails & Justice: Our Transformation Starts Today, Phase II Findings and Implementation Plan*, February 2021,

<http://www.courtexcellence.org/uploads/publications/TransformationStartsToday.pdf>

⁵ The Council for Court Excellence, The Office of the District Auditor, *The Future of Policing in the District, A Roundtable Discussion on Reform*, July 21, 2021, <http://www.courtexcellence.org/digital-library&srch=roundtable&cat=&from=&till=>

personnel to respond to domestic violence calls, and increasing in transparency from the MPD generally, and concluded that the MPD needs to have more accountability for its actions.⁶ This will require transparency from the department about the implementation of reforms.

Transparency and improved communication by the police department were also the most prominent suggestions made by D.C. residents, in response to CCE's 2015 survey on perceptions of public safety.⁷ Our analysis identified a disconnect between the problems that residents believe are most impactful in their neighborhood and the problems that police focus on, with only one third of all surveyed individuals believed that police focused on the right problems.⁸ Young people in particular stood out as having the worst relationship with their local police in many categories, including during street interactions. 74% of participants did not know a single local officer by name. This data is in alignment with the conclusions drawn by the Future of Policing roundtable discussion.⁹ Even though we conducted our survey six years ago, we heard similar sentiments and concerns with policing in our 2021 roundtable discussion.

Renaming the Complaints Board to the Police Accountability Commission and expanding its role to allow more review of police behavior decisions, as contemplated by this bill, is directly responsive to the demands of the public that we have heard through our discussions. As members

⁶ *Ibid.*

⁷ *Community Preservation and Development Corporation, The Council for Court Excellence, Local Initiatives Support Corporation, Perceptions of Public Safety: Report on the 2015 DC Public Safety Survey, May 2016, http://www.courtexcellence.org/uploads/publications/Perceptions_of_Public_Safety_ExecSummary.pdf*

⁸ *Ibid.*

⁹ *The Council for Court Excellence, The Office of the District Auditor, The Future of Policing in the District, A Roundtable Discussion on Reform, July 21, 2021, <https://dcauditor.org/report/the-future-of-policing-in-the-district-a-roundtable-discussion-on-reform/>*

of the community have demonstrated, the public deserves transparency and accountability from their local police department. The administrative changes proposed in this bill could help promote those values in the MPD from the top down. CCE seeks to improve the D.C. justice system using fact-based, consensus driven reforms. The SOAPAA provides measures that can be taken to raise the standard of police behavior in the District, and to foster an environment where abuse and misconduct will no longer be tolerated. The Strengthening Oversight and Accountability of Police Amendment Act of 2021 is the beginning of a series of changes that are required for the Metropolitan Police Department to reform in a meaningful, and long overdue, way.

That concludes my testimony, thank you for your time and I look forward to answering any questions you may have.