

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Executive Office of Mayor Muriel Bowser



Public Hearing on
Beyond 100 Homicides: Violent Crimes in the District of Columbia
&
B21-0261, the “Sale of Synthetic Drugs Amendment Act of 2015”

Testimony of
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Committee on the Judiciary
Kenyan R. McDuffie, Chairperson

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Council Chamber
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

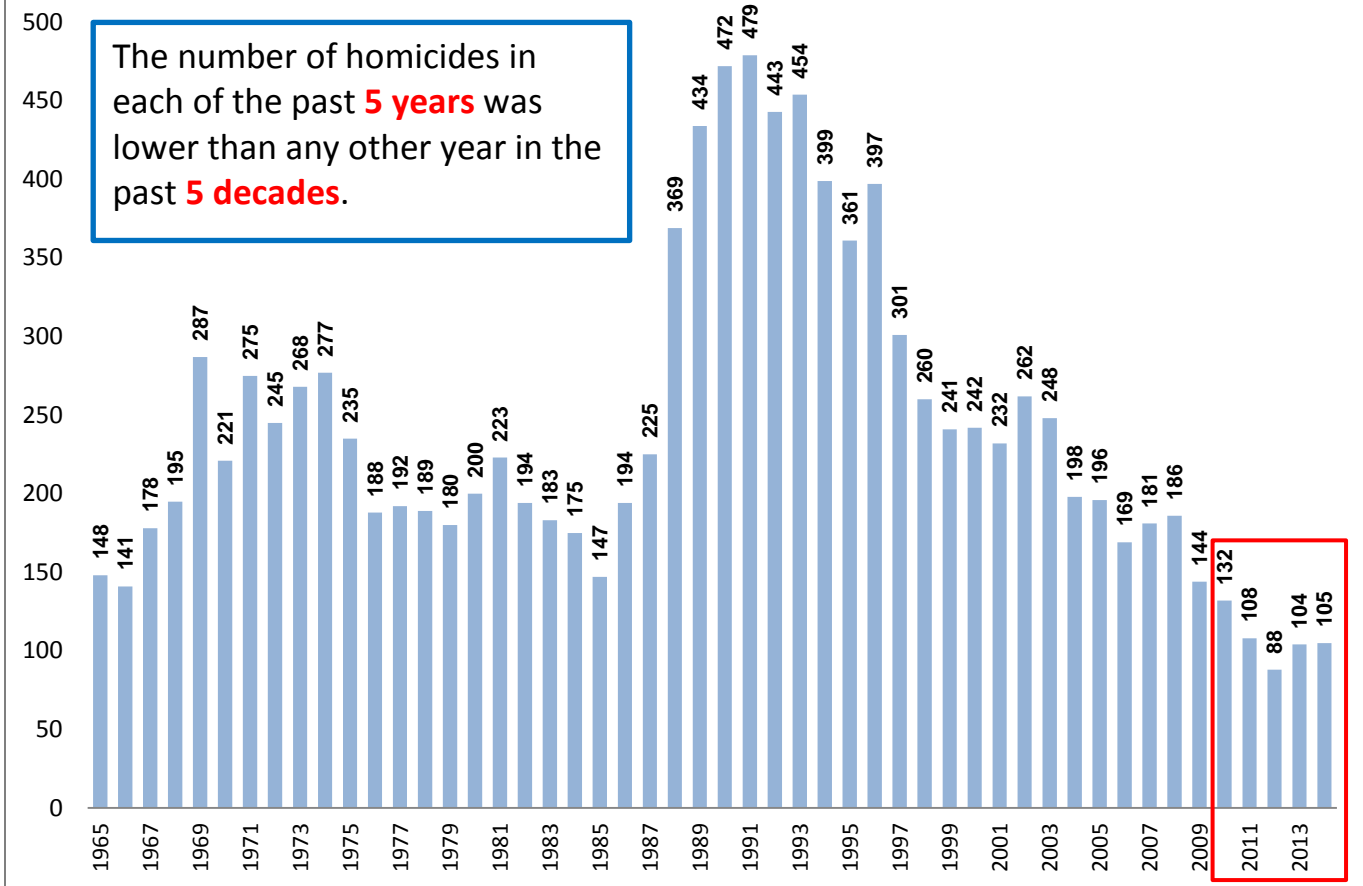
Good evening, Councilmember McDuffie, Councilmembers, and guests. Thank you for convening this hearing to discuss two important topics that the District is facing: the growing impact of synthetic cannabinoids and the uptick in homicides. My colleague, Dr. Nesbitt, the Director of the Department of Health, will discuss information on synthetic narcotics, while I will address how the “Sale of Synthetic Drugs Amendment Act of 2015,” will help us to fight this dangerous drug in our communities. But first, I would like to brief you on homicides and other crime in the District. After working with the community and our criminal justice partners to bring homicides down to its lowest level in five decades, we don’t want to lose ground. I am proud of and want to thank MPD’s officers who are on our streets every day, committed to ensuring the safety of our communities. As we are dealing with an uptick in homicide and far too many guns with high capacity magazines, our officers are working to disarm these criminals, putting themselves in very risky situations.

While I do not want to minimize the loss of any life, or the pain that the violence can bring to the survivors, or the fear that it can bring to the community, it is important to put the recent homicides in perspective. First, as Deputy Mayor Donahue highlighted, other categories of crime paint a more promising picture. For 2015 to date, assaults with a dangerous weapon – which includes guns – are actually down 5 percent in the District. Although robberies are up 5 percent (or just over 100 robberies), this follows an 18 percent drop last year. Burglaries are down 23 percent, and thefts – including auto theft – are down 2 percent. Looking at the past 30 days compared to the prior 30 days, crime was down by double digit percentages for every category of crime including homicides, and overall violent crime was down 25 percent.

Trends in DC Code Index Crimes	
<i>Last 30 days compared to Prior 30 Days</i>	
Overall Crime	-22%
<i>Violent Crime</i>	<i>-25%</i>
Homicide	-20%
Sex Abuse	-36%
Assault with a Dangerous Weapon	-30%
Robbery	-20%
<i>Property Crime</i>	<i>-21%</i>
Burglary	-15%
Motor Vehicle Theft	-14%
Theft from Auto	-24%
Theft / Other	-22%
<small>*August 16 - September 15, 2015, compared to July 16 – August 15, 2015</small>	

While it is understandable that homicides – particularly those that happen on the street or on public transportation – can make people more fearful, the total number of homicides in each of the past five years has been lower than any other year in the past five decades. That is real and sustained progress, and we intend to maintain that progress. Any murder in the District is unacceptable, and we must look closely and seriously at the recent homicides to determine what is contributing to the uptick. To be clear, there is no one, easy-to-address cause of homicides. In my experience, there never is. But we have identified some factors that appear to be contributing to the increase. Indeed, there are several issues that seem to be relevant in violence in many cities this year. In early August, the Major City Chiefs (MCC) and I hosted police chiefs from about three dozen cities, as well as several of those cities’ prosecutors, to discuss what we are seeing.

Homicide Trends in the District of Columbia



One thing was very clear: many major cities in the country are experiencing similar problems with violent crime.

The MCC conducted a survey of its members and found:

- Three out of four of the cities that responded had seen increases in homicides this year and about 60 percent reported an increase in non-fatal shootings.
- The shootings seem to be more lethal. Almost half of the cities reported crime scenes with casings from multiple guns involved in the shootout, many with high capacity magazines.
- Almost half report an increase in gang-related and retaliatory violence. As one of my colleagues said, homicide has become a means for conflict resolution among the criminally involved.
- Synthetic drugs have not reached all cities yet, but 30 percent of the responding cities reported an increase in violent crime in which the offender is under the influence of synthetic drugs. I will go into more detail on this later.

- We are all seeing people who shouldn't be on the streets because they have a significant violent history ending up back on the streets.

At a time when there is growing consensus about the need to modernize the criminal justice system—from policing to sentencing and incarceration – we cannot forget that our communities need to be protected from repeat violent offenders. To be clear, I am not talking about non-violent returning citizens. Re-integration into the community is critical for the success of our returning citizens. However, for repeat violent offenders, we need to seriously consider the potential risk to the community before releasing an individual under community supervision.

Examining this year's homicide victims and identified offenders¹, we see indicators that many have a documented history of violence and involvement in the criminal justice system, and were under supervision at the time of the homicide.

- So far this year, there have been at least seven victims and 11 suspects/arrestees involved in prior homicides. Last year, it appears that there were only two who were involved in assaults with intent to kill.
- At least 21 of our homicide arrestees were under some sort of monitoring or supervision pending trial or on probation or parole at the time of the crime. This is a substantial increase from the 15 under supervision we had in all of 2014.
- At least 27 of our homicide victims were under some sort of monitoring or supervision pending trial or on probation or parole at the time of the crime.
- More than half (52%) of the suspects/arrestees had prior gun-related arrests in DC. This is a dramatic increase compared to just 27 percent in 2014.

It is telling that assaults with weapons are down while homicides are up. In other words, shootings are becoming more lethal, in part because we are seeing so many rounds fired in a single incident and a significant number of high capacity magazines. Based on preliminary figures from the Department of Forensic Science examining just a sample of our gun recoveries, 44 guns had a capacity of 20 to 30 rounds, 30 guns had a capacity of more than 30 rounds, and one gun was outfitted with a 100-round magazine.

With over half of the persons responsible for these homicides having been previously arrested for carrying or using illegal guns, the community, officers, and detectives repeatedly ask me, why were they on the street again? Why are they back in the neighborhood to intimidate or victimize others? I can't answer those questions. But everyone involved in the criminal justice or legislative process must ask why are repeat violent offenders back on the street committing more crimes? I can and do share the public information that MPD can gather on these cases, but it requires an extraordinary amount of resources because we must track each case individually through various data systems. To assist with this effort to better identify any gaps and share important information with the public, Mayor Bowser has asked the Criminal Justice

¹ Most of these individuals were arrested, but five were killed themselves before they could be arrested.

Coordinating Council to launch an important study. The goal is to track arrests for homicides and attempted homicides through the criminal justice process, and then share in one place the public information that already exists in various places. This information is critical for effective and efficient policy making and public safety.

Lastly, although we have discussed here some of the trends we are seeing, I want to again stress that there is no one answer. For many homicides, we can't identify a motive until the case is closed. Thus we know more about prior year cases than current year cases. Even then, sometimes the motive can't be determined, or it changes as an investigation proceeds. Other homicides have multiple motives and it can be challenging to prioritize one motive over another. But we have been successful in identifying and countering emerging trends. In 2008 and 2009, gang violence contributed to many homicides. Later, juveniles were getting more involved in violence. This past year, 19 fatal incidents of domestic violence and child abuse claimed more lives. Each time, we worked with our partners in the community and the government to develop successful interventions that addressed those problems.

This year, at 31 percent of known motives, the proportion of homicides related to robberies is higher than prior years. But that may change. At 17 percent, domestic related homicides are significantly lower than last year, when it peaked at 29 percent, but the numbers are consistent with prior years. Gang and retaliatory violence has not been a significant factor in the uptick in homicides this year. We have had two spates of violence that were related to gangs: one in the Fifth District, which was resolved in June, and one in the Seventh District, which we believe is still an underlying issue behind some disputes.

And even as a police officer with 25 years of experience, some homicides are difficult to understand. There is no explanation for why so many arguments are resolved by shootings or stabbings. There is no rational explanation for why a disagreement over someone bumping an individual on a bus ends with a third individual being killed. There is no rational explanation for stabbing a friend at a picnic. There is no rhyme or reason for someone shooting a child and his mother because he threw a rock. As the Chief of Police, I wish I could provide answers to the questions from family members, the community, and you. But overall, even with decades of rigorous scientific study and research, both nationally and internationally, there is too little understanding of why people commit crimes. I try to gather and share as much information as I can, and I will continue to do so. But we cannot always detect what is in someone's mind when they commit a homicide.

Strategies to Address the Uptick in Homicides

It is critical that we interrupt this uptick in homicides, and Mayor Bowser is directing significant resources to assist with this. First and foremost, the Mayor and I, and our entire teams, are working to support and communicate with our communities. MPD's strategies support my fundamental policing philosophy: the best way to protect the members of the community is to work together with them. In order to combat crime, police must strengthen trust

with the community, cultivate relationships to encourage information from community members to the police, increase the flow of information from the public, and increase the flow of information within the department.

While other cities may espouse “zero tolerance” policing, I believe it did little to curb the violence in the District. In fact, zero tolerance or hot spot policing approaches had almost the opposite effect. The tactics drove a wedge between the police and the members of the communities. The residents, who were often the victims of violent crimes, felt betrayed by their own police department. Not only did the police label their neighborhoods as essentially “bad,” but officers would charge in and arrest neighbors for minor offenses, while the truly violent predators continued to victimize the community. The community perceived this as officers being too afraid to go after the real criminals or simply not caring about the community. These attitudes only served to further distance the community from the police, thus making it nearly impossible for police to obtain critical information when crimes did occur. But we have made dramatic progress in transforming our relationship with communities in the District. I hear this every day from members of the community, and I see results from the abundance of tips that they share with us.

A critical tool for addressing the uptick in homicides is getting more officers on the street. Police presence cannot prevent all homicides, but it can deter some of them and create a safer environment for our residents. The Mayor has authorized the use of overtime to sustain increased police staffing in our hardest hit areas. Since June, MPD has had 108 overtime slots for footbeats on evening and midnight shifts in the Fifth, Sixth, and Seventh Districts. Since August, we have split 74 overtime slots between evening and midnight shifts for a citywide Crime Suppression Team. Critical units have also been authorized to staff extended 12-hour shifts: up to 145 members in the Narcotics and Special Investigation Division, and up to 90 additional members in the district Crime Suppression Teams. This is targeting resources where and when they are needed most, while maintaining regular staffing everywhere else. We also increased police presence with an All Hands on Deck, which resulted in a 39 percent reduction in violent crime that weekend.

This summer, we held our annual Summer Crime Initiative (SCI) in four Police Service Areas hit hard by violence and with indicators of family instability and economic challenges: 507, 602, 604, and 702. During the SCI program that ran from mid-April to mid-September, MPD focused significant operational resources in these areas while involving youth in programs such as Youth Creating Change, which engaged 30 at-risk youth from these communities. This summer, there was a 10 percent reduction in violent crimes in these areas and a 15 percent reduction in property crime. Nevertheless, these areas still accounted for 20 homicides during that time period. This highlights that while all other indicators may be going down – including a 12 percent reduction in assaults with a dangerous weapon and a 14 percent reduction in robberies – more of these incidents are fatal. This is why getting illegal guns off the street continues to be

one of my primary goals, as it has been since I became Chief. Since 2010 alone, we have taken more than 10,000 illegal guns off the street.

There has been a significant shift in violent crimes over the past 10 years in the District. Not only have the types of crimes changed, the manner in which they are carried out has transformed as well. While most of our specialized units and tactics were focused on the violent crime associated with hundreds of open air drug markets through the late 1990s; the violent crime today is driven by a very different criminal enterprise. This new enterprise is savvy at using evolving technology, social media, and the internet to facilitate sprees of violent commercial and street robberies, and carrying out violent assaults against their rivals.

The illegal drug trade has evolved as well with major shifts in the criminal drug industry. Two of these changes include more widely available synthetic drugs and street drug markets becoming more high tech. As a result of these changes, we put together a team of officers, detectives and officials, to develop a strategy that would address the changing culture of our violent criminals and the evolving modern drug trade. After more than eight months of research, brainstorming, and collaboration, we launched a more modern crime fighting strategy which will have a significant impact on violent crime in the District.

The two new units include a shift from seven individual vice units to a citywide drug unit under our Narcotics and Special Investigations Division. This centralization allows us to disrupt the drug trade at multiple levels using a team that has advanced training and experience, supported by research, analysis and cutting edge technology. One example of their early success was the dramatic seizure of more than 250 pounds of synthetic cannabinoids, which I will discuss in a moment.

The second big change is the creation of the new Criminal Interdiction Unit (CIU). The CIU is comprised of highly trained and professional members of the Department that are committed to targeting crime patterns as they emerge. Behind the newly rolled out black and tan uniforms exists a true cross section of the Department with members who have experience in virtually all areas of criminal investigations. In addition to the experience they already bring to the table, these members spent several weeks in advanced training further preparing them for their new assignment. These new units will be at the forefront on how law enforcement identifies and abates crime patterns, removes dangerous offenders, drugs, and illegal weapons from our neighborhoods, and drives down crime in our city. Already, they have played a key role in getting guns off the street, seizing 38 guns while making 68 arrests.

Synthetic Cannabinoids

One of the factors which we believe is contributing to some of the violence is synthetic cannabinoids. Synthetic Cannabinoids are just one of a number of synthetic drugs whose use is growing in the United States, but they also appear to be the one having the greatest impact in the District so far. Synthetic cannabinoids are man-made chemicals that are applied (often sprayed)

onto plant material and marketed as a “legal” high. Users claim that synthetic cannabinoids mimic THC, the primary psychoactive active ingredient in marijuana. However, they bear little resemblance to marijuana in that, even from the beginning, they were much more potent. Moreover, to avoid detection and perhaps to continue to keep users hooked, the manufacturers continue to change the formula, developing narcotic cocktails that are unpredictable and seemingly increasingly dangerous.

Despite these dangers, we are seeing more and more drug users taking these drugs. The Department of Fire and Emergency Medical Services has seen transports for suspected overdoses of synthetic cannabinoids skyrocket, from about 100 in April, to more than 430 in June, and more than 600 in August. One factor driving the rapid rise in the use of these drugs is the unintended consequence of the courts, supervision agencies, and employers testing people for drugs. Addicts under supervision have reported turning to it because they know urines samples are not universally tested for it. That is why one of the things we are asking our federal partners who conduct the drug testing of arrestees and convicted persons under supervision to expand its testing for synthetic drugs. Individuals under supervision may be less likely to choose this unpredictable and dangerous drug if they know they will be tested and locked up.

Because of this, the federal Pretrial Services Agency (PSA) will be launching universal testing for synthetic cannabinoids as soon as they can, possibly as early as October. The agency had previously been testing samples only when they had a strong suspicion that the subject was taking synthetic cannabinoids. In July, they conducted their first wide scale, non-targeted testing of 136 individuals arrested for violent crimes. The results showed that 20 percent were positive for synthetics, including 44 percent of those arrested for Assault on a Police Officer and 36 percent of those arrested for robbery. This was the highest positive rate except for marijuana, which shows it has overcome cocaine as the drug of choice in the District. Pretrial’s launch of universal testing will remove the incentive for drug users to choose synthetic cannabinoids over more familiar and predictable drugs.

To be clear, the District’s strategy is not to try to lock up users; we are trying to deter them from taking the synthetic drug in the first place because of the great danger it poses for the user and the community. From the beginning, the District has been focused on distribution and public education. This year alone, MPD has conducted 63 business checks, made 83 arrests for distribution, and seized 288 pounds of this drug. This included 255 pounds recovered in the largest seizure so far in the District.

There have been, of course, several challenges to the enforcement, not just in the District, but nationally and internationally. Both the methods and the resources to positively identify Synthetic Cannabinoids have lagged behind the spread of the drug. The criminal and regulatory tools to address illegal narcotics have historically been predicated on an ability to positively identify a drug. Even after the drugs were scheduled in legislation in January 2013, MPD could seize the drug and sometimes arrest an individual, but prosecutions were lacking because of the time lag in the federal testing of the product.

Because of this hurdle, MPD worked with the District Department of Consumer and Regulatory Affairs (DCRA) to develop a regulatory framework that was not based solely on arrests and the positive identification of the drug. In April 2014, the District became one of the first jurisdictions to develop a ban on commercial sale of these products based on packaging and marketing. However DCRA and the Office of the Attorney General had numerous challenges in holding these businesses accountable. This led to the next iteration of the strategy: Mayor Bowser's proposed legislation to give the Chief of Police the authority to temporarily close any business selling synthetic narcotics.

The legislation acts as a strong deterrent to any licensed business that might consider selling synthetic drugs. The threat of immediate closure and the imposition of an initial fine of \$10,000 ensure that the penalties for selling synthetic drugs cannot simply be absorbed as a cost of doing business. Since the legislation was enacted in July, DCRA has conducted 37 inspections at businesses referred by MPD. Only one of those businesses was found to be in possession of synthetic drugs by the time of inspection. Indeed, we have found that the public discussion and media coverage of the legislation drove many operations out of the store fronts.

When MPD seals the facility, DCRA provides the person on the premises with the notice that explains how to appeal the 96-hour closure and the deadline to submit a remediation plan. DCRA and MPD will review the remediation plan that details how they will prevent any future sales of the product. DCRA will also issue a Notice of Violation, which may be followed by an administrative appeal process through the Office of Administrative Hearings.

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In closing, I want to reassure our community members that MPD, District agencies, and our partners in the criminal justice system are working together to interrupt this violence in the District. As always, I am available to the Council and the community to address any questions that you may have.