
Government of the District of Columbia



Metropolitan Police Department

Testimony of
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***Public Oversight Hearing on
the Performance of the
Metropolitan Police Department***

Committee on Public Safety & the Judiciary
Tommy Wells, Chair
Council of the District of Columbia

February 28, 2014

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

Good morning, Chairman Wells, members and staff of the Committee, and guests. I appreciate this opportunity to update you on the Metropolitan Police Department's many accomplishments over the past year. The full text of my statement will be available on the Department's website at www.mpd.c.dc.gov.

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In looking back on 2013, I am, as always, grateful for opportunity to lead a police department whose members routinely demonstrate their professionalism, dedication, and courage. The tremendous efforts of the sworn and civilian members of the Metropolitan Police Department (MPD) have a profound impact on the community we serve. We have made tremendous strides in making the District a safe, vibrant city, which is one of the reasons why we're seeing more than 1,000 new residents moving into the city each month. Other cities are envious to be in the District's position: a boom in neighborhood development, commercial districts, and nightlife areas.

This growth means more areas of shopping, restaurants, offices, and residences – all of which have placed an even greater demand on police services, with calls for service up 4 percent this past year, even as we continue to decrease crime, minor arrests, and response time to calls for service. To continue driving down crime and arrests, in light of the city's substantial growth is a challenge, but one that we are up to. This past year, the District saw a 5 percent drop in robbery and a 9 percent drop in burglary. Vehicle theft was also down 8 percent.

We ended 2013 with 104 homicides. While that is an increase from the 88 homicides in 2012 – which was the lowest number in 50 years – 12 of those homicides came as a result of the tragic shooting at the Navy Yard. Perhaps the most notable number is 22 percent – that is the decrease in robbery-related homicides. Our focus on reducing robberies is having a significant public safety impact citywide. And in the Sixth and Seventh Districts, historically where the highest number of homicides has occurred, we had a 4 percent reduction in homicides last year, and a 36 percent reduction in the past three years. Juveniles are also less likely to be involved in homicide, over the past four years the number of juvenile homicide offenders has fallen 25 percent, and juvenile victims decreased 63 percent.

On the flip side, even without the Navy Yard shooting, we did have an increase of four homicides last year. The biggest factor was an increase in nightclub-related homicides, with six murders linked to nightclubs last year, compared to one in 2012. As you know, Chairman Wells, I had anticipated the need for increased attention to the growing entertainment areas. In 2012, my staff worked to analyze development patterns and their impact on crime and calls for service and anticipate growing needs. As a result, this past year I launched a Nightlife Unit with almost 90 officers to provide high visibility patrols on foot, bicycle, and Segways in nightlife areas. Only one of these homicides occurred after the launch of the unit in a focus area, and four of them

have been closed with arrest. For any nightclub or liquor-licensed establishments where acts of violence break out, we work immediately with our counterparts at the Alcohol Beverage Regulation Administration to investigate and, when warranted, suspend the liquor license. Quite simply, we want to support our successful restaurant and nightlife industry, but we must hold business owners accountable for providing a safe environment, and we won't tolerate bad actors.

Our homicide closure rate, 80 percent, continues to be well above the national averages. According to the most recent data from the Federal Bureau of Investigation, comparably sized cities had a 51 percent clearance rate in 2012. We continue to make excellent progress on cold cases, including closing a 30-year old murder last November. All of this sends an important message: If you choose to take the life of another person here in the District, we will find you and you will be held accountable.

We could not continue to close these cases without the tremendous support from the community we serve. Information coming into our text tip line has increased 10-fold since it was launched five years ago. Our neighborhood email groups remain popular while our social media presence has grown. Our YouTube page received more than 515,000 views last year, and our Twitter account has expanded to 36,000 followers. Indeed, we have received a lot of positive attention for our clear visual information to help drivers navigate around accidents and other hazards.

In addition to sharing information, our community members generously donate their time to support the Department and the city. Between the Police Reserve Corps, Citizen Volunteer Corps, and Collegiate Internship Program, community members donated more than 65,000 hours of service, a 15 percent increase from 2012. This equates to more than \$2 Million dollars in labor hours.

In turn, the community knows that MPD members are more than just law enforcement officers; they support the community and its members in countless ways. This past summer, MPD held more than 130 events and activities throughout the city that reached more than 11,000 participants, mostly youth and families. Over 100 School Resource Officers are creating positive interactions with students in the District every single day. One of my favorite stories this year was of a second grader who kept her head and went to get her mother when her stove caught fire. After the emergency was resolved, her mother asked her how she had remained so calm and knew just what to do. The young girl answered: "From the officer that talks to us at school."

We've had notable success in working with at-risk youth. Our Youth Investigations Division works in partnership with the Department of Youth Rehabilitative Services on a program called "Partnership for Success". Two of the program's recent participants were very well known to us as a result of their history of bad decisions. They were on a path that was leading them to disaster. But, I'm very proud to say that they've turned their lives around. One of them has

graduated high school and is enrolled in a community college; the other has made his high school's honor roll four quarters in a row, aced his SATs, and will be attending college.

We are working to foster in our next generation of officers this same value set of giving back to the community and particularly the District's children and young adults. Our Police Cadets have adopted four kindergarten classes and read to them once a week. Through our Police Cadet Program, we are developing a talented pool of officers from the District. Our cadets must meet all the same hiring criteria as our police recruits. They attend UDC while working about 20 hours a week, rotating through a variety of MPD assignments. Cadets can convert to career police status upon completion of their Associate Degree and enter recruit training to become a sworn officer. We currently have 20 cadets, and are recruiting from District high schools to fill about 15 more positions.

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Since this hearing is an opportunity for me to discuss the most significant public safety issues for the year, I'd like to take a few moments to turn from the exceptional but fairly routine work that our officers do every day to speak about a day that was anything but routine – September 16, 2013. At 8:16 a.m., on September 16th, Aaron Alexis entered the headquarters of the Naval Sea Systems Command and began firing indiscriminately from a shotgun he had secretly carried into the building. In just 6 minutes, ten of the 12 victims were dead.

As law enforcement officers from both MPD and federal agencies arrived on scene, MPD took the lead in coordinating the tactical operations from the inner perimeter, forming active shooter teams, and sending them into Building 197 as the shooting continued. Let me emphasize that the first MPD officers that entered the building were not heavily-armed SWAT team members, but our basic patrol officers, who you see on the streets of the First District every day.

Comprised of five floors, the building housed nearly 3,000 employees and consisted of more than 600,000 square feet of office space, containing thousands of cubicles and offices arranged in a dense, complex layout. The large atriums and sheer size of the building posed a significant tactical challenge for officers searching for the shooter. Despite these challenges they were able to track down and stop Alexis' murderous rampage in 69 minutes. Although we train on how to respond to a mass shooting event, we hope that we never have to put that training to use. Yet when our officers were called to action that day, they ran into an incredibly dangerous situation without any hesitation. We saw the tragic death of 12 people that day. And we had one MPD officer who suffered serious injuries to his legs and another who was shot in the chest, but saved from serious injury or death by his protective vest. Were it not for the courage and bravery of the many officers that responded, the number of victims would certainly have been higher.

Our officers' response reflects the regular active shooter training they have received and which we constantly seek to fine-tune to reflect the most current tactics. After the Navy Yard incident,

the Department performed an extensive after-action analysis that reviewed the law enforcement response and actions at the Navy Yard. The report concluded that the 117 law enforcement personnel from eight different agencies that entered Building 197 successfully worked in a tactically-coordinated method. The agencies in the District as well as others throughout the country will be using the lessons learned to improve our response in the future. MPD is fortunate that we will be able to use our Tactical Village to help train on these “lessons learned.” The Village just opened in October on the Police Academy grounds, to support advanced training on a variety of different urban scenarios, including active shooter. Hundreds of our officers have already trained there since it opened.

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I know there has been much discussion about a recent arbitration decision regarding pay for our officers. Although I believe the arbitrator’s affirmation of the District’s position speaks for itself, I think it’s worth putting on the record a few key facts. First, the amount of the raises for members is in line with those received by the rest of the District government workforce.

Second, when the District’s finances were severely strained between 2009 and 2012, I fought to protect officers’ step increases, longevity, and base retention differentials during a time when many other District government agencies and surrounding law enforcement agencies were having similar benefits frozen or cut. There’s a perception that officers have not seen their pay increase at all over the past few years. That is simply incorrect. As a result of our protection of members’ step increases and base retention differentials, in the five-year time period of 2008-2012, some members’ pay would have risen up to 24 percent.

While I am pleased that we finally have a contract that takes us through Fiscal Year 2017 and guarantees our hard-working members a 4 percent raise retroactive to April 2013 and increases of three percent in Fiscal Years 2015 through 2017, I remain disappointed that this process took six long years to reach a resolution. The union leadership made the unilateral decision to walk away from the bargaining table in 2008. Instead of negotiating, the union leadership gambled its members’ future pay on a winning hand in the courts. They lost their gamble and several years wasted on court filings. No one benefited from the union leadership’s decision: Not the District, not the Department, and definitely not its membership.

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Given the importance of community trust in its police force, I would like to revisit some issues from the hearing before this Committee last month on officer conduct. I know the actions of a small number of MPD members have gotten a significant amount of media attention. But I want to reassure the public that these are isolated incidents and that the Department has a very robust internal affairs division that not only rigorously investigates all allegations of officer misconduct, but also works to identify and investigate functions or areas where misconduct might occur. This

is very different from many police organizations where even today, officers are unlikely to arrest their fellow officers. I am proud of the fact that MPD members have such pride in the Department and commitment to the city that they notify management when they identify misconduct. Yes, even one officer being arrested is too many, but last year was the third year in a row we saw the number of officers arrested decline, to a level 17 percent lower than 2012. What doesn't make the headlines is that it is extremely rare that we have officers arrested for conduct committed either on duty or related to their duties as a police officer at all. In fact, the most common arrest charge was impaired driving while off duty. While this is unfortunately a nationwide trend for law enforcement officers, MPD has been recognized as having some of the nation's best practices when it comes to providing its officers with the information and resources necessary to address the misuse of alcohol.

I want to make one thing absolutely clear: I am incredibly proud of the men and women of this Department. Each time they put on the uniform, they are willing to risk their lives in order to protect our safety. I believe in the officers of this Department and expect each one of them to live up to the Department's high standards of integrity and trust. And for any officer who wears this uniform and engages in misconduct, I will hold them accountable.

However, as I testified before the Council just last month, it is increasingly difficult to hold them accountable given the absurd decisions rendered by arbitrators in cases involving the discipline and termination of MPD officers. Arbitrators have on multiple occasions ignored the facts of a case and inserted their own personal views. These decisions endanger the city, and the system must change.

Let me give you the latest example of an utterly reckless and irresponsible decision by an arbitrator: In 2006, we fired an officer after he was a witness to an assault and fled the scene without taking appropriate police action. An arbitrator once again disagreed with our interpretation of the 90-day rule, and ordered him reinstated with back pay retroactive to 2006.

During the background screening prior to reinstatement, the Department discovered the officer had previously been arrested in the District and several other jurisdictions for simple assault, assault with a dangerous weapon, driving under the influence, impersonating an officer, driving a vehicle with a suspended license, reckless driving, and driving with an expired license. Notwithstanding his extensive arrest history and DWI conviction since his termination, I have no option but to reinstate him, provide him with all back pay retroactive to 2006 pursuant to the arbitrator's award, and then move to take any disciplinary action appropriate while he continues to collect a pay check.

The arbitration system for officer discipline cases needs to be reformed. It's outrageous that District residents have to endure the rehiring and back pay costs associated with officers who were clearly guilty of misconduct or worse.

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In closing, I would like to thank the sworn members and civilian staff of MPD for their hard work and professionalism during the past year. I am also immensely grateful to our many partners who work with us to help keep our neighborhoods safe and the remarkable residents of the District who inspire our work every day. I look forward to another year of working together and continued progress.