

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
*Metropolitan Police Department*



Fiscal Year 2021 Budget Oversight Hearing

Testimony of  
*Peter Newsham*  
Chief of Police

Before the  
Committee on the Judiciary & Public Safety  
Councilmember Charles Allen, Chair  
Council of the District of Columbia

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



*It is the mission of the Metropolitan Police Department to safeguard the District of Columbia and protect its residents and visitors with the highest regard for the sanctity of human life.*

*We will strive at all times to accomplish our mission with a focus on service, integrity, and fairness by upholding our city's motto, Justitia Omnibus -- Justice for All.*

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Good morning, Chairperson Allen, and everyone watching this hearing remotely. Before presenting my planned budget testimony, it is important to address the major events of the past week. First, I would like to take this opportunity to speak about the tragic death of George Floyd. It is difficult and sickening to watch the video of this heinous act. A video does not usually tell the whole story, but in this case the full 8-minute and 46-second video is sufficient to conclude that the police officers acted without any regard for Mr. Floyd's life.

As hard as it is for us to watch, I can only imagine how difficult viewing has been for Mr. Floyd's family and friends, and I wish to convey my sincere condolences. However, condolences are not sufficient. Racism, and especially systemic racism, is a serious problem in America, and law enforcement has historically played a unique and sometimes detrimental role. This must be countered by law enforcement with proactive efforts to change bias and injurious practices.

In the face of the reprehensible police conduct that caused the Mr. Floyd's death, I understand that DC communities are hurting. MPD officers are obligated to meet this pain with the utmost professionalism, respect, and empathy. I have reinforced the message with department leaders and officers. MPD's heightened professionalism, respect, and empathy was on display during the mostly peaceful demonstrations that we have had in the past week in the aftermath of the murder of Mr. Floyd. The Metropolitan Police Department has always stood ready to facilitate peaceful first amendment assemblies, and we will continue to do so.

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Many District residents listening today will remember the Metropolitan Police Department of the 1990s. In 1998, the Washington Post won a Pulitzer Prize for its story detailing how MPD led the nation in police shootings. Following those stories, the Department of Justice did a two year study of the agency and determined that MPD had a pattern and practice of using excessive force. MPD had personnel issues, poor training and poor investigations when it came to the use of force. This was a dark day for MPD, but also prompted the beginning of a new era. MPD has been on a path of reform ever since. Nineteen years ago this week, MPD entered into a Memorandum of Agreement (MOA) with the U.S. Department of Justice (DOJ) on use of force reform.

By implementing the reforms outlined in the MOA and successfully concluding the MOA process in 2008, we transformed MPD from a police department with a troubling record on use of force to a national model. In 2015, the DC Auditor contracted with the former Independent Monitor for the MOA, to evaluate whether the MOA reforms were still being followed at MPD.

The findings of the review confirmed that MPD continues to be a national leader in use of force practices and “remains committed to limiting and managing use of force – and to fair, unbiased and constitutional policing.” Many of these policies were voted into law this morning through today’s emergency legislation.

In the 19 years since entering into the MOA, MPD has remained very open to reform. For example, thanks to the leadership of, and legislation enacted by, the Council in 2004, MPD revised its practices for First Amendment assemblies, and became a national leader in supporting peaceful demonstrations. This reform posture has carried through to this year, when we worked with Attorney General Karl Racine to develop a progressive policy on interacting with juveniles to minimize negative contacts, including handcuffing and arrests, between police and young people in the city.

In particular, MPD has worked to confront the issue of racism in policing head on and proactively through strong hiring practices, forward-thinking policy, innovative training, accountability, and transparency. We begin with a mission statement that was updated in 2016 to explicitly recognize the sanctity of all human life. This value statement is carried through our operations in a number of ways. MPD has worked to address concerns about bias and other issues in policing by implementing comprehensive screening for new recruits to ensure that our new hires reflect our values. Our forward-thinking policies prohibit the use of chokeholds and establish an officer’s duty to intervene if they observe fellow officers using excessive force, and to report anyone engaging in misconduct. MPD is also one of a few departments nationwide to actively train on the duties to intervene and report.

The Department’s training is comprehensive, innovative, and state-of-art. All recruits receive six to seven months of training before initial deployment, and then extensive additional field training before being certified as an officer. Veteran members receive a minimum of 40 hours of professional development training each year, which includes 16 hours in de-escalation training and use of force in a state-of-the art scenario-based training at our Tactical Training Center.

One program of which the District can be very proud is the training launched in 2018 in partnership with the University of the District of Columbia and the National Museum of African American History and Culture (NMAAHC). This training helps MPD members focus on historical reasons for the challenging relationship between police and African American communities, and motivates our officers to work to mend that relationship. The initial training featured a guided tour of the NMAAHC, a lecture on black history and culture, and a discussion on race and policing. Because of the overwhelmingly positive reception from MPD officers to the initial curriculum, we are continuing this discussion in 2020 with the professors returning for more guided discussion on black history and culture and its current relationship to policing. Phase Two focuses on procedural justice and how the earlier lessons are relevant to improving police-community relations today, particularly in terms of how we can appropriately

engage individuals of all backgrounds who may have a negative perception of the police. Using documentary footage and current popular images, video, and music as a framing device, as well as voices from the community, professors are continuing the discussion regarding an understanding of the history of law enforcement and relationships with black, immigrant, LGBTQ+, and other underserved communities.

In addition to strong training, MPD emphasizes accountability and transparency to support an open and trusting relationship with the community. More than 3,200 body-worn cameras are deployed to full-duty officers and sergeants in public contact positions, and they are required to be activated on every scene. Officer conduct and uses of force are subject to external review by the independent Office of Police Complaints or the U.S. Attorney's Office, each of which has direct access to all body-worn camera videos.

There is, however, a critical gap in accountability when my decision to terminate an employee for egregious misconduct is all too frequently overturned in arbitration for either technical matters, or simply because the arbitrator believes they can substitute their judgment for the Chief of Police. MPD has long argued that in order to hold officers accountable for misconduct, the Council needed to reform arbitration to support decisions to terminate or discipline officers. I shared with the Committee this morning eight egregious examples of officers that had been terminated, but MPD was forced to reinstate pursuant to arbitration decisions made in just the past four years. This includes:

- An officer that sexually assaulted a woman, but the arbitrator decided that she was too intoxicated to believe.
- An officer that shot someone on his property, twice, but the arbitrator thought that retraining and counseling was sufficient.
- An officer that solicited prostitution from an undercover officer, claimed he did not while simultaneously making a plea with prosecutors in order to go to John School. The arbitrator decided to believe his denial instead.

To help address these issues, I have submitted the *Law Enforcement Disciplinary Authority Act of 2020*. Rather than treating all officers as if they are undeserving of trust, this would ensure that the Chief of Police, and indeed the whole city, can hold officers guilty of serious misconduct accountable for their actions.

Lastly, transparency is critical to community trust. That is why MPD makes all policies and a growing number of data sets – from police stops and arrests to crimes and hate crimes – available directly to the public on our website. We also encourage members of the community to learn more about our operations from an officer perspective.

Every day, individuals go on ride-alongs with our officers. Many groups, from Councilmembers to the media, have viewed or participated in real life scenarios in our Tactical Training Center. Everyone who participates in MPD's Community Engagement Academy – more than 250 community members to date – has an opportunity to see this and other operations up close. During the 28-hour program, residents participate in discussions and presentations on recruiting, juvenile issues and investigations, specialized police units, use of force, policing scenarios, and patrol services.

MPD's values are the foundation of our operations. MPD officers of all ranks are committed to promoting fair, constitutional, and unbiased policing, and each public interaction must meet MPD's high standards. MPD members are committed to working with our communities to be a law enforcement agency that serves and protects all.

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Turning to my planned testimony, I would like to take a moment to remember two members of the Metropolitan Police Department (MPD) who passed away in the line of duty in April, Sergeant Mark Eckenrode and Sergeant Donna Allen, and one active duty member, Keith Williams, who died from apparent COVID-19 complications. Their passing brought grief to their families and to the MPD family.

Together they served the residents of the District of Columbia for more than 80 years. The Department's sadness in not being able to come together to memorialize these colleagues is mirrored in the homes and communities of the 460 District residents that have passed due to the coronavirus as of Friday, as well as others during this public health emergency. We share in the grief of our communities and are working to support them through these challenging times.

MPD officers have been in the front lines of this crisis, along with others in the government and private sector providing direct services to the public. I am proud of MPD officers who have stepped up to find new ways to serve our community in the changing times. For instance, when the public health emergency was first declared, three additional Cantonese or Mandarin speaking officers were detailed to the Special Liaison Branch (SLB) for outreach to ensure our Chinese community felt safe reporting any concerns. SLB officers also worked with the Mayor's Office to distribute COVID-19 information to business owners with limited English proficiency. Spanish-speaking SLB officers have been supporting pop-up COVID testing sites in Columbia Heights and helping to broadcast important health messages on Spanish language media.

Officers throughout the Department have helped to assemble food supplies and deliver them to members of the community in need. To help community members stay connected, they have organized birthday parades, coordinated socially distant outdoor fitness activities, and recorded officers reading stories for young children. During these uncertain times, it is reassuring to be reminded of the strong spirit of support and resilience in our communities. When our community

members need it most, MPD's dedicated and talented team is a vital part of the strong network supporting our city. No matter what challenges our communities face, MPD is here to help.

Supporting our police officers so that they can support our city is all the more important as the District and the country face uncertain times in the midst of the COVID-19 public health emergency. We do not know when the public health threat will be neutralized.

It is likely that until there is a vaccine or successful treatment, we will have to continue to work together to find a new normal. The District will work responsibly to return people to work, school, and other activities in a safe manner. And MPD is an integral part of this community response and of its continued safety.

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In May, Mayor Bowser presented her Fiscal Year 2021 (FY21) Budget and Financial Plan, the District's 25<sup>th</sup> consecutive balanced budget, that focuses on health, opportunity, prosperity, and equity. The Mayor's FY21 budget for MPD provides funding of almost \$533 million. As always, most of MPD's local budget, 91 percent, is for personal services (PS).

The remaining 9 percent of the budget, approximately \$44.6 million, covers a variety of Nonpersonal Services (NPS) costs, including specialized law enforcement purchases, such as uniforms, firearms, ammunition, and contracts for the Police and Fire Clinic, fleet maintenance, and information technology. Of the local budget, about \$651,000, or about one-tenth of one percent, is not tied up in salaries, benefits, and major contracts and vital programmatic spending. This covers a wide variety of small but necessary operating expenditures, such as language access interpretation and translation services, stenographers, and subscriptions to legal databases.

Although MPD's \$533 million budget appears in the budget book as an increase of \$18 million from the FY20 approved budget, it is important to note that the FY20 approved budget does not include the \$25 million moved from the Workforce Investment Fund into the MPD budget for funding contract related raises in FY20. In fact, an apples-to-apples comparison of the revised FY20 budget of \$540 million to the proposed FY21 \$533 million reflects a \$7 million reduction to the MPD budget. This reduction in funding, largely attributed to the unexpected and unprecedented health emergency, will impact MPD's ability to hire police officers and will result in a reduction in the size of the force.

The Mayor's priority for MPD and police service to the city is to build upon our success last year, when we finished with approximately 2,200 fewer violent crimes in 2019 than in 2015. Although violent crime<sup>1</sup> remained relatively unchanged overall, there were significant decreases in the Sixth District (-7%) and Seventh District (-11%), indicating growing improvements in

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<sup>1</sup> DC Code Index Violent Crime includes homicide, sexual abuse, assault with a dangerous weapon, and robbery.

areas long challenged by entrenched crime, as well as an 18 percent decrease in the Fourth District.

Of course, changes in crime trends are of little comfort to crime victims or to families who have lost someone to violence. We continue to have too much gun violence in the District. To combat violent crime so that our families and communities do not have to face its devastating consequences, we must invest in police staffing to create a safer city that continues to thrive and support all members of our community.

Unfortunately, in the midst of this threat to public health, we still must contend with individuals committing violent crimes in our communities. Violence over the Memorial Day weekend took the lives of four individuals in the District, including Shelia Lucas, a 71-year-old great grandmother and retired assistant nurse, who was trying to intervene in an altercation. And MPD is still investigating a tragic and possibly accidental shooting that has left a 4-year-old in grave condition, fighting for her life. Combatting this gun violence and getting illegal guns off District streets remains our top priority.

Mayor Bowser and her team have worked to revise and balance the District's FY21 budget in light of unprecedented challenges due to the ongoing public health emergency. The proposed budget invests significant resources to develop and support healthy individuals, families, and neighborhoods. This includes funding for education, food and housing security, treatment for mental health, trauma, and substance use disorder issues, reentry services, as well as more direct violence prevention efforts. The Mayor has provided what she deems is absolutely necessary for public safety in the District at this time, while cutting to fund other initiatives.

All of this is important. All of these investments are for functions that are not carried out by police. Needless to say, police officers are essential to functions that other government agencies or community groups cannot do. After examining and balancing the pressing needs of the city, the Administration has determined that while police staffing remains a top priority, the drive to increase staffing must be temporarily paused in FY21 in order to address critical emerging needs.

At a time when many sectors in the city will require assistance and investment, I support this balancing of priorities as the best overall way to ensure safety in the city. The long-term goal, however, remains ensuring a strong hiring pipeline for police officers in the District to increase and then stabilize staffing. In support of this goal, Mayor Bowser's budget invests \$1.7 million<sup>2</sup> in FY21 to expand the Police Cadet Corps from 100 to 150 available cadet positions.

The Mayor has made long-term investments in the Cadet Corps because it is an innovative program designed to prepare candidates to become sworn MPD recruits, and helps to ensure that

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<sup>2</sup> \$1.35 million will support salaries for the 50 cadets and two program coordinators, and \$0.3 million will fund tuition, uniforms, and supplies.

a steady stream of DC residents have a viable pathway to the middle class through employment as DC Police Officers. Since 2016, when Mayor Bowser first began expanding the Cadet Corps as a pathway to the middle class for our high school graduates, 200 cadets have been hired, including 55 cadets who transitioned to permanent positions at MPD. To date, cadets have among the strongest retention of all employees, and many former cadets have been promoted to include current Executive and Command-level leadership.

In the wake of the retirement bubble prompted by mass hiring in the late 1980s and early 1990s, the Cadet Corps Program has become a key strategy for building and maintaining a strong pipeline of officers. To qualify as an entry-level police officer, each applicant must be 21 years of age and possess either 60 college credits or equivalent military or prior law enforcement experience. The Cadet Corps offers part-time employment to DC high school graduates and helps ensure they can attend the University of the District of Columbia Community College and gain their required college credits, while they prepare to become entry-level police officers.

Cadets are 17-24 year-old uniformed civilian employees. Cadets spend three days per week working to support the day-to-day operations of MPD while becoming more familiar with the daily operations of the Department and completing professional development opportunities. Cadets attend class two days per week to obtain up to 60 college credits to meet the college education requirement to join the Department as an entry-level police officer.

Cadets are hired on a rolling basis. The speed at which Cadets complete the program and become entry-level police officers varies from one semester to just over two years, depending on the number of prior academic credits a new Cadet has already earned when he or she joins the program. With the expanded pipeline of 150 Cadets in the program at a time, MPD anticipates that it will “turn over” 50 or more Cadets to become police officer recruits each year beginning in FY 2022.

Another program that helps to stabilize staffing is the senior law enforcement officer program. Four years ago, the Council enacted legislation authorizing hiring Senior Sergeants and Detectives to help ensure the Department could maintain the expertise and leadership of those members while protecting public safety. The program allows the District to benefit from the 25 or more years of training and employment it has already invested in these employees. Without this program, other jurisdictions or the private sector would be hiring these sought-after sergeants and detectives. However, under current law, we will no longer be able to hire Senior Sergeants and Detectives after October 1, 2020. I appreciate your support, Councilmember Allen, in being willing to revisit this issue each year to determine if it needs to be amended and retained.

To be frank, the public health crisis makes staffing projections especially challenging this year. We anticipate that retirements and resignations may dip slightly, but that is based on an assumption that it may be harder for individuals to find other work. This forecast may not come



to pass. Therefore, we urge the Council to act on the Mayor's proposal for a three-year extension of the program so we can retain the option to hire senior sergeants and detectives, if necessary.

In addition to the expansion to the Cadet hiring, Mayor Bowser's FY21 budget continues to invest in current MPD members.

- It supports a \$280,000 investment in police ballistic shields. In FY21, MPD's existing shields will reach the expiration of the 5-year manufacturer's warranty and insurance of the protective armor's ability to defeat rated ballistic threats. Our officers face considerable danger from illegal guns on DC streets, and their safety must be a top priority.
- The budget continues the investment in a student loan forgiveness program. Since first proposed by Mayor Bowser in FY16, more than 300 officers have taken advantage of the program, in exchange for a commitment to stay with the Department for three or four more years. The Mayor's FY21 budget invests \$600,000 in this program, which provides up to \$10,000 in student loan forgiveness to eligible MPD officers.
- The FY21 budget also sustains funding for eligible new recruits to receive a housing allowance of \$1,000 per month for six months so they can live in the District and deepen their knowledge and experience with the communities they serve. Since FY18, 103 recruits have received this incentive to live in the District. The Mayor's FY21 budget includes \$200,000 in funding for this program.

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I would like to close by drawing a direct line between police budgets and excessive. A history that we are all too familiar with here in Washington, DC. I have worked for the Metropolitan Police Department since 1989. I was on this department when we were a national embarrassment because of our record of using excessive force. I believe the largest contributing factor to this was the lack of adequate funding to provide our officers with the funding for accountability tools (BWCs), the resources for hiring and retention of unbiased service minded people, and the resources for training (cultural competency, implicit bias and de-escalation training) we needed.

It took several years and a lot of hard work to turn this agency around. And now this city has a police department which is a national model, and one that we can all be very proud of. I caution anyone against slashing MPD's funding based off of the frustration and anger that we are all feeling when we saw George Floyd murdered.

MPD has a reputation for being one of the most progressive and forward-thinking police departments in the country. The Department combines comprehensive hiring practices, policy, and training to prevent what happened to Mr. Floyd from happening here. I hope that in the coming days and the future, MPD and our communities will continue to work together to ensure the District is a city where everyone feels safe, valued, and respected. The Mayor's investments

in MPD will contribute to a strong Department and safer city. The Council and this Committee are critical partners in this effort, and I appreciate our partnership to achieve our shared goals.

Thank you for the opportunity to testify today. I welcome your questions at this time.