

GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT



Fiscal Year 2019
Performance Oversight Hearing

Testimony of
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Chief of Police

Before the
Committee on the Judiciary & Public Safety
Council of the District of Columbia
The Honorable Charles Allen, Chairperson

John A. Wilson Building
Room 123
1350 Pennsylvania Avenue, NW
Washington, DC 20004
March 5, 2020

Good morning, Chairman Allen, members and staff of the Committee, and guests. My name is Peter Newsham, and I am the Chief of Police for the Metropolitan Police Department (MPD). I am pleased to brief you today on public safety in the District of Columbia and the Department's work in support of a safe and thriving city.

I would like to begin by thanking the employees of MPD, sworn and civilian, who demonstrate everyday their tremendous dedication and commitment to residents, businesses, and visitors in the District of Columbia. Since our last performance hearing, we have had officers from our first, fourth, sixth, and seventh districts as well as members of our reserve corps who were shot at while on duty serving our community. We have also had more than 700 officers injured in the line of duty, including Officer Arabia Thomas who was seriously injured just a few weeks ago when her patrol car was deliberately struck by a stolen vehicle. Our thoughts are with Officer Thomas, who is currently in a local rehabilitation hospital recovering from her serious injuries. These officers' daily heroism illustrates the unique commitment that all of our members have to placing their lives on the line so as to ensure that others can be safe, and I believe they are all deserving of our thanks.

MPD officers also had the honor and pleasure of safeguarding DC as the city watched with anticipation 17 baseball playoff games, and then celebrated its first World Series Championship in 86 years. The Washington Nationals Championship Parade was a 2019 highlight to remember.

While we celebrate positive milestones in the city, the Department remains focused on my top three priorities: strengthening community trust, combatting violence and gun crime, and making MPD a great place to work. I will highlight for you some of our work in each of these areas.

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A strong relationship between the community and police is absolutely essential to a safe and vibrant city. From the relaunch of Officer Friendly in 2018, other programs that support and strengthen youth and families, Community Engagement Academies, ride-alongs, Beat the Streets, Coffee with a Cop, Shop with a Cop, and so many other community activities, District residents engage with MPD in positive ways, every day.

However, we know that community trust and relationship building is not just about engaging with those who are willing to work with us. To help our officers better understand the concerns of our communities, in 2018 we launched, and continued in 2019, an innovative training program in partnership with the University of the District of Columbia and the National Museum of African American History and Culture (NMAAHC). This training helps every member of the department focus on historical reasons for the challenging relationship between police and African American communities, and motivates our officers to do everything possible to mend that relationship. This program features a guided tour of the NMAAHC, a lecture on black history and culture, and a discussion on race and policing. The program traces the history of the policing profession, particularly with respect to African Americans in the United States and in the District of Columbia. By teaching members this history, we hope to equip them with a better



understanding of the community's perspective, enabling them to engage more effectively and build trust with the communities we serve.

The feedback from this training has been overwhelmingly positive; in fact, many officers indicated that they wanted to learn more and continue the discussion. Therefore our 2020 Professional Development Training launched Phase Two, which serves as an opportunity to continue the training and dialogue, diving deeper into the study of black history and culture and its current relationship to policing in African American communities. Phase Two focuses on procedural justice and how the lessons from Phase One 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.

Another important project to better understand and address community concerns about policing is the research and analysis of stop data. It is important to understand that MPD has never had a stop and frisk program like the one that was done in New York City. NYPD's CompStat practice resulted in hundreds of thousands of stops of mostly young black and Latino males; the courts later determined there wasn't any reasonable suspicion that a crime had been committed for many of those stops. This policy was ineffective and, more importantly, a violation of basic constitutional rights and people's dignity. The stops we conduct in DC are not random; we have policies and trainings that adhere to constitutional principles. We have had input into our policy from advocates, and prosecutors who help design and deliver our trainings. Police stops by MPD are generally conducted when an officer:

- Observes a traffic violation;
- Sees a crime in progress;
- Receives a call for service and conducts a stop based on credible information from a victim or witness; or
- Serves a search or arrest warrant at the direction of the court.

In July 2019, MPD and the Department of Motor Vehicles launched new data systems and related policy and training to enhance data collection around police stops. Transparency around this information is critically important to public trust. MPD is committed to ensuring that each police stop meets its high standards for fair and constitutional policing and demonstrates respect for the individual stopped. MPD released the first data set and summary report in September, and published the second data set and report online yesterday.¹ Overall, the data illustrates how

¹ The first data set and report covered police stops from July 22 to August 18, 2019. The second release covers July 22 to December 31, 2019. MPD will continue to post the data online twice a year and publish an annual summary report.



police stops address two of our top public safety challenges in the District: making sure our roads are safe for all users and combatting violent crime.

MPD has partnered with The Lab @ DC to develop a research plan and identify independent researchers to further analyze MPD stop data. Specifically, The Lab is working with MPD on a multi-method approach that not only examines critical questions related to possible bias in stops but also examines the overall quality of these interactions. The Lab will work with a selected independent research team to ensure the work is conducted in an open, transparent, and scientifically rigorous manner. More details about this innovative research are provided in the report.

Police stops are important to public safety, but this is just a portion of our daily interactions with the public. MPD interacts with thousands of people every day and it is essential to note that use of force in these interactions is exceedingly rare. I know that in the age of social media and viral videos there may be the misperception that police uses of force are pervasive. That is simply not true, and it is important that we as leaders make that clear to the public.

To put this in perspective, in 2019, MPD received more than 650,000 calls for service, and made about 85,000 traffic stops and 30,000 arrests. In more than 97 percent of arrests, officers did not use any force at all to take the person into custody. For a majority of use of force incidents in 2019, the incident involved the lowest types of force: “control holds” (7%) or a “tactical takedown” (55%). A small percentage of the use of force incidents in 2019 involved the most serious types of use of force – use of an Electronic Control Device (1%), also called a Taser, or discharging a firearm (less than 1%).

As part of MPD’s public safety responsibilities, police officers will sometimes be required to take persons into custody, and sometimes officers may be required to use force when an individual is resistant to arrest. I recognize that any use of force can have an indelible effect on an individual and can undermine community trust. That is why, upon being named the Interim Chief of Police, one of my first steps was to brief the community in all seven patrol districts, as well as the Mayor’s Interfaith Council and the Council of the District of Columbia on the different responsibilities of MPD and the United States Attorney’s Office (USAO) when conducting use of force investigations. We are one of the few jurisdictions in the country that has an outside, independent prosecutor review every instance when an officer discharges their weapon. In addition, in 2017, MPD implemented new use of force principles, policies, and training to emphasize necessity and proportionality in response, and an explicit commitment to the sanctity of human life at all times. This policy is one of the best in the country and aligns with police best practices.

Our efforts to increase favorable outcomes, even when we have to make an arrest, is illustrated by the implementation of a new policy in January on MPD’s interactions with juveniles. Recognizing that juveniles are different than adults both physically and psychologically, and that interactions with police can have a significant impact on youth, MPD worked collaboratively with the Office of the Attorney General to improve our policies governing interactions with



juveniles. The new policy will reduce incidents where officers take a juvenile into custody for an arrest, expand diversion opportunities for youth, and limit handcuffing – particularly of children 12 years of age and younger. This policy was developed by looking at various practices across the country, and to the credit of our membership, the policy was embraced by the DC Police Union.

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With regards to crime, overall, the number of DC Code Index violent crimes² in 2019 was almost the same as 2018. Although we want to drive crime down every year, the larger perspective is important; there were almost 2,200 fewer serious violent crimes in 2019 than there were in 2015, a 34 percent decrease in the past four years. One effort that contributed to this reduction was the Summer Crime Initiative (SCI) and its expansion to a Fall Crime Initiative (FCI). These Crime Initiatives bring focused law enforcement resources and other non-police resources to areas experiencing persistent violent crime. There was a 22 percent reduction in serious violent crime in the SCI areas, and 13 percent reduction in the FCI areas, when compared to the same time periods in 2018.³

Despite these successful reductions, brazen gun violence is tragically still too frequent. Every violent crime impacts not only a person, but a family and the community where it occurs. That is why we continue to focus our resources on repeat violent offenders and getting illegal guns off our streets. In 2019, 2,299 illegal guns were seized in the District, an alarming 19 percent increase over the prior year. In addition, the number of large-capacity ammunition feeding devices (with a capacity of more than 10 bullets) seized increased by 33 percent: from 761 in 2018 to 1,015 in 2019. As we have seen far too often – most recently with the senseless death of 13-year old Malachi Luke in Shaw – this illegal firepower in the District has deadly consequences.

That is why I continue to urge our partners, including the Council, to recognize the seriousness of possessing and trafficking in illegal guns. There is a tendency to treat these as less significant than committing a crime of violence with a gun. However, research indicates they are not.

- A study of the criminal histories of those arrested for illegal gun possession and those arrested for violent gun offenses by the Boston Police Department finds that “illegal gun possessors are as involved in crime as those who were arrested for gun violence—murder, robbery, and assault.” They conclude that illegal gun possession cases are thus “worth taking

² Homicide, assault with a dangerous weapon, robbery, and sex abuse

³ The SCI was in Carver/Langston/Kingman Park, Greenway, Marshall Heights, Historic Anacostia, Congress Heights, and Washington Highlands, from May 1 to August 31, 2019. The FCIs were in Southwest, Columbia Heights / U Street / Shaw, Saratoga, Greenway, Congress Heights, and Washington Highlands, from October 14 to December 31, 2019.



seriously because a high percentage of those arrested are in practice at risk of using their guns in crime.”⁴

- A June 2019 report by the U.S. Sentencing Commission on recidivism among federal firearms offenders found that “Firearms offenders generally recidivated at a higher rate, recidivated more quickly following release into the community, and continued to recidivate later in life than non-firearms offenders.” They also find that “a greater percentage of firearms offenders were rearrested for serious crimes than non-firearms offenders.”⁵
- And we know here in the District that nearly half of the suspects that are arrested and charged with murder have a prior gun arrest.

These studies support our efforts to hold gun offenders accountable. Starting in February 2019, MPD partnered with the USAO and federal law enforcement partners (including FBI, ATF, and US Marshals) to charge and prosecute cases in U.S. District Court for previously convicted felons illegally possessing guns. In the District Court, these cases are likely to be resolved more quickly, which is beneficial to both the city and the defendant. Swift and certain justice has also been found to be more effective. So far, out of 131 indictments, there have been 58 guilty pleas or verdicts and 37 defendants sentenced.⁶

We appreciate your support in introducing Mayor Bowser’s emergency bill this week to help MPD and the city deal with the growing violence related to untraceable firearms known as Ghost Guns. In recent years, the District has seen a substantial increase in the number of recoveries of the untraceable ghost guns made from “80% kits,” a firearm receiver that can be turned into a gun fairly easily. Three of these guns were recovered in 2017, 25 in 2018, and 116 in 2019. We are on pace to recover more than 180 this year. These ghost guns have been identified as the weapon in at least three homicides so far, and possibly a fourth. A ghost gun AR-15 was also used in an attempt to kill two of our officers in December. The Council’s passage of this emergency legislation can help ensure that these kits are not sold in or shipped to DC. We strongly encourage the Council to quickly enact permanent legislation banning ghost guns in our city.

In addition, we ask the Council to move on legislation that Mayor Bowser submitted in 2017 to focus on illegal gun trafficking. The legislation would create a specific crime prohibiting trafficking, and crimes that are hallmarks of trafficking – possession or transfer of guns with an altered or obliterated serial number or of stolen firearms.⁷ These crimes would have higher penalties than just illegally possessing a firearm. Trafficking in firearms is more serious than just possessing a firearm, and should be treated as such to deter people from selling guns in the District which endanger our residents, visitors, and neighborhoods. We ask that the Council

⁴ Braga, A. A., & Cook, P. J. (2016). The criminal records of gun offenders. *Georgetown Journal of Law & Public Policy*, 14, 1, p. 2.

⁵ U.S. Sentencing Commission (2019). Recidivism Among Federal Firearms Offenders, p.4.

⁶ Seven cases have been dismissed and one resulted in a mistrial.

⁷ B22-588, Possession of Firearms and Ammunition Penalties Amendment Act of 2017.



move expeditiously to ensure our gun laws remain focused on the issues that most affect our community members.

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The most important MPD resource—for combatting violence or serving the community in our various roles—is our employees, both sworn and civilian. The Department struggled with declining staffing beginning in Fiscal Year 2014, due to the long-anticipated retirement bubble. When Mayor Bowser came into the office in 2015, she challenged MPD to develop new ways to both reduce attrition and recruit more people to join MPD. In the past several years, we have leveraged recruiting and retention incentives and innovative recruitment efforts to ensure that we have enough officers to provide police service to a growing population in the District.

Continued investment in our retention and recruitment incentives is critical to our long-term goal of reaching 4,000 sworn members. Over the past two years, the Housing Assistance Program has allowed us to support 78 recruits moving into the District. Once our recruits graduate and have been with the Department for at least three years, incentives like the Police Officer Retention Program (PORP) help us to retain them by providing a tuition loan forgiveness program for officers in the beginning of their career – when they are most likely to resign from the Department. For FY19 and FY20, we will have a total of more than 130 recipients.

These investments are not just about hitting the number 4,000. Hiring more officers will enable MPD to deploy more officers on foot, bicycle, scooter, and Segway patrol as a means of fostering community relationships. The deployment of these non-patrol car assignments is determined by a variety of factors, including training requirements, weather conditions, time of day, neighborhood development, geographic terrain, shift manpower, and operational necessities. For instance, a neighborhood with a higher foot traffic from residents or businesses is more likely to benefit from foot patrol. The potential trade-off for these non-patrol car assignments is a possible slower response time. But we will be able to meet Mayor Bowser’s goal of placing additional officers on foot, bike, scooter or Segway, as the size of the force grows toward 4,000 sworn members.

I cannot over emphasize the importance of continued funding for these programs considering the increased competition for a limited pool of applicants in the region, and the historically low unemployment rate.

Another initiative that will help us maintain adequate staffing is our Cadet Corps Program. MPD’s cadet program brings young adults who grew up in DC, and who graduated from a District high school or have earned a GED into MPD as part-time employees. The Cadets work for up to two years learning about police work and MPD, while attending UDC at no cost. Once cadets have earned the 60-credit hours required to be an officer, they matriculate into MPD recruit training. Since FY15, 63 cadets have transitioned to recruits. In the past four years, the program has more than quintupled the number of its cadets, from fewer than 20 to more than 100



cadets. The 2018 effort to raise the top age of eligibility from 20 to 24 has been very successful, with 72 cadets hired under the expanded age range.⁸

Last week, Mayor Bowser announced that she will propose a \$3.4 million investment for Fiscal Year 2021 to expand our Cadet Program. With this funding, MPD would be able to double the number of cadets, hiring approximately 100 additional cadets to the program, increasing opportunities for District residents. Last week, Mayor Bowser correctly described this program as a win-win. Young DC residents are afforded the opportunity to enter a rewarding service profession, and they are able to enter that profession without accumulating school-related debt that many of our young people are struggling with. Investing in cadets supports our ability to attract the best and brightest young people to come, stay, learn, and grow here at MPD.

The Cadet Program also represents an important opportunity to recruit more women to law enforcement. Although the demographics of MPD more closely resemble the racial and ethnic demographics of the city we serve than most major city police departments, the one exception is for gender. Currently, 23 percent of MPD's sworn officers are women. Although this is significantly higher than the national average of 13 percent, I believe we can continue to recruit female candidates from our city to serve our community in law enforcement. Our cadets, of which half are currently young women, will help us to get there. The Cadet Program provides a proven pathway for our residents to a lifetime career in law enforcement.

Regardless of whether officers are on patrol, in investigations, or serving any other function, supporting their physical and mental wellness is a top priority. To help structure continued progress in this critical area, the Department formed a Wellness Working Group in 2019. Outside health partners and MPD staff began meeting last year to share expertise, discuss best practices, and critically examine MPD's wellness resources. Their efforts are supporting officer wellness training in 2020, including sessions on Policing for Resilience: The Neuropsychology of Emotional Wellness in Law Enforcement, and Emotional Intelligence/Active Bystandership.

Law enforcement organizations around the country are focused on the unique pressures facing police officers, and MPD is leveraging these resources to continue to build on our support mechanisms for our members. In 2019, MPD received a \$73,000 grant from the Department of Justice COPS Office to help develop a peer mentoring program. MPD will partner with Blue Courage to create a voluntary pilot program focused on peer support, leadership, resilience, mental health, and wellness. In January 2020, members of various ranks and across the Department participated in a law enforcement suicide prevention focus group in partnership with International Association of Chiefs of Police and the Education Development Center. MPD staff have also attended recent national symposiums on Law Enforcement Suicide Prevention and Officer Wellness. Our officers and their families give so much to the Department and the city – every day and over the course of their career. In turn, it is incumbent upon me, as the Chief of

⁸ As with the number of sworn or civilian employees, the number of cadets will fluctuate regularly, due to new hires, separations, and transition to permanent employees. Cadet-to-recruit data based on year of transition.



Police, and the District government to provide our officers with the support and training to maintain their physical and emotional well-being.

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In closing, I want to thank the men and women of the Metropolitan Police Department for their exemplary dedication and service to the residents of the nation's capital. And I look forward to continuing to work with our communities and this Committee on our shared goal of improving safety in the District. This concludes my testimony, and my staff and I are happy to address your questions at this time.

