

A RESOLUTION

23-603

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 1, 2020

To declare the sense of the Council in support of enhanced Metro Transit Police Department oversight by the Washington Metropolitan Area Transit Authority, including through the creation of an independent civilian complaint review body.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council in Support of Enhanced Metro Transit Police Department Oversight Resolution of 2020”.

Sec. 2. The Council finds that:

(1) The Metro Transit Police Department (“MTPD”) of the Washington Metropolitan Area Transit Authority (“WMATA”) was created by Congress in 1976 with responsibility for a variety of law enforcement and public safety functions in transit facilities throughout the Washington metropolitan area (“Metro system”).

(2) MTPD, with more than 500 police officers, is the only tri-jurisdictional police department in the United States and is overseen by the WMATA Board of Directors.

(3) MTPD officers’ authority extends to all transit facilities owned, controlled, or operated by WMATA, and MTPD is responsible for policing and assisting millions of residents and visitors in the region annually.

(4) MTPD has the exclusive authority to police conduct on the Metro system, and may, when necessary, use force.

(5) Law enforcement officers should act as guardians, building legitimacy through interactions with the community that display respect, fairness, cultural humility, and transparency.

(6) The hallmarks of a strong law enforcement agency include robust standard operating procedures and both internal and independent oversight mechanisms that ensure officers always represent the agency and profession well.

(7) MTPD officers and other WMATA personnel regularly interact with young people, particularly in the District, where many students rely on the Metro system for safe passage to and from school.

(8) Law enforcement agencies across the country, including in the District, are reevaluating their policies, procedures, and practices regarding interactions with young people to ensure that they are developmentally appropriate, maintain strict limits on the use of force, are centered around de-escalation and reducing young people's contact with the juvenile justice system, and are developed in consultation with subject matter experts.

(9) Although the Council does not have direct oversight of WMATA or MTPD, Council committees have held public oversight hearings to discuss the MTPD's policing of residents of color, including young people.

(10) In a public oversight hearing with MTPD in November 2019, members of the public and representatives of organizations such as the Washington Lawyers' Committee for Civil Rights and Urban Affairs, the National Action Network, and the Black Swan Academy called for more transparency of MTPD data, including stop, search, arrest, and use of force reports.

(11) In several incidents discussed at the hearing, MTPD officers have used force against riders, with at least one incident leading to a public outcry when officers used force against and arrested a teenage African-American boy and tasered to the point of severe injury a bystander who attempted to de-escalate that incident.

(12) It was also revealed that some MTPD officers had created and were participating in a "game" in which officers were rewarded for making arrests and issuing citations, with greater points for more severe actions, like arresting riders.

(13) While verbal confirmation that the "game" was discontinued was provided to the Council, MTPD's officer evaluations may still incentivize more aggressive enforcement actions.

(14) The Committee on Facilities and Procurement has heard from current and retired MTPD police officers about a concerning culture within the department, including racist and sexist attitudes and employee disciplinary and promotion practices.

(15) Although WMATA Board members may investigate individual incidents, the larger process for investigating complaints regarding MTPD officers' conduct is not transparent, public facing, systematized, or independent.

(16) In response to concerns raised by the Council and the public, the WMATA Board of Directors approved the creation of an MTPD Investigations Review Panel on June 23, 2020.

(17) The MTPD Investigations Review Panel can only review MTPD cases quarterly, after cases are closed, and can only provide recommendations to the Chief of MTPD for future cases, and the Chief of MTPD is not required to implement those recommendations.

(18) The Investigations Review Panel cannot take real-time complaints from the public or engage with officers about their experiences in the MTPD.

(19) A more robust Civilian Complaint Board for the MTPD, as proposed in the Washington Metropolitan Area Transit Authority Police Accountability Amendment Act of

2020, passed on 2nd reading on December 1, 2020 (Enrolled version of Bill 23-886), is necessary to address these deficiencies.

(20) MTPD officers are fully accredited police officers in all 3 Compact signatory jurisdictions and yet are currently subject to minimal oversight in comparison to other officers working in those jurisdictions.

(21) It is time that our residents experience at least the same level of police accountability and transparency inside the Metro system as they do on our streets.

Sec. 3. It is the sense of the Council that:

(1) MTPD officers strive daily to maintain a safe Metro system for all riders, often in challenging and unpredictable situations;

(2) Law enforcement agencies are stronger and safer when they acknowledge and seek to improve relationships between police and communities of color and that this process requires an understanding of the historical use of policing to inflict violence and support systems of power;

(3) All law enforcement agencies must continually and intentionally reevaluate their policing practices regarding the use of force and interactions with young people and riders of color;

(4) Contact with the juvenile or criminal justice system, either through the use of force, the issuance of a citation, or an arrest, profoundly affects riders, their families, and their communities, harms police community relations, makes officers less safe, and is not a “game” to be trivialized;

(5) Every arrest must be constitutionally sound and used as a last resort to protect the arrestee or others from immediate harm, and the use of any quota system or “game” to make arrests runs counter to these foundational principles;

(6) The use of games and quotas as performance measures to incentivize arrests, especially after a number of controversial uses of force by MTPD, has resulted in distrust in MTPD within the community it serves;

(7) WMATA should regularly publish data, broken down by jurisdiction, regarding uses of force, stops, and arrests; and

(8) All WMATA Compact signatory jurisdictions should amend the WMATA Compact to create an independent, external, civilian complaint review body composed of representatives from the 3 jurisdictions with authority to assess complaints from the public and from officers in real time.

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to each member of the WMATA Board of Directors and the Chief of the MTPD.

Sec. 5. This resolution shall take effect immediately.