

**ENROLLED ORIGINAL**

A RESOLUTION

25-455

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

March 5, 2024

To declare the existence of an emergency with respect to the need to provide for public safety enhancements in the District, and for other purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Secure DC Omnibus Emergency Declaration Resolution of 2024”.

Sec. 2. (a) The District is currently experiencing a significant increase in violent crime. In 2023, there were 274 homicides, a 35% increase from 2022. Last year saw the highest number of homicides in over 2 decades and similarly marked the first time in 2 decades that the District saw 3 consecutive years with a homicide count over 200. There were also 749 people shot and 3,135 guns recovered.

(b) The District is also experiencing a marked increase in a number of other violent and highly distressing property crimes. In 2023, robberies increased by 67% compared with 2022; motor vehicle thefts went up 82%; and carjackings almost doubled, from 484 in 2022 to 958 in 2023. Overall, in 2023, the District saw a 39% increase in violent crime and a 24% increase in property crime.

(c) The District’s youth are facing a similar crisis. In 2023, 16 children under the age of 18 were killed in the District and 109 children were shot.

(d) These deeply concerning statistics, both in overall crime and crimes experienced by the District’s youth, fail to fully capture the human toll these crimes have on victims and their families, as well as the broader impact on the District’s neighborhoods and local communities. This impact includes not only the real, lasting trauma experienced by the victims of crime and their families, but also the fear felt by residents desperate to see an end to the crime and violence plaguing their communities. Further, the disproportionate effect violent crime has on the District’s Black residents has a broad, negative impact on these residents’ employment and educational opportunities, access to businesses and public amenities, and the mental health of residents living in impacted communities. Residents across the District have called on the Council to take decisive action to address crime, both violent crime and the prevalence of other

## ENROLLED ORIGINAL

crime, such as drug transactions being committed out in the open, seemingly without any fear of enforcement or other consequences.

(e) Other shortcomings have compounded these growing crises. These issues pertain primarily to a lack of coordination or information-sharing between agencies and a lack of publicly available metrics and data to assess existing programs. Without evidence-based approaches and proper channels of information, crime in the District cannot be adequately or swiftly addressed. Similarly, gaps in the law and unclear provisions of law all further weaken the deterrent effects of our criminal code.

(f) In response to these crises and repeated calls from District residents across the city for action to address these challenges, Councilmember Pinto, as Chairwoman of the Committee on the Judiciary and Public Safety, introduced the Secure DC Omnibus Amendment Act of 2024 (“Secure DC”). Secure DC includes provisions from a number of bills that Councilmember Pinto introduced and considered in 2023 aimed at addressing crime. The Committee conducted a robust public engagement process, including hundreds of public witnesses at hearings held on each of the considered bills, dozens of conversations and public-safety walks in all 8 wards with agencies, advocacy groups, and neighbors, and feedback and input from thousands of residents over the course of several months. Secure DC also went through an iterative and collaborative legislative process with Council colleagues to develop the legislation. On Tuesday, February 6, 2024, the Council unanimously voted at first reading to pass the permanent version of Secure DC. The second and final vote was held on Tuesday, March 5, 2024.

(g) The Council’s passage of the permanent version of Secure DC will help to address the crisis once the bill takes effect, but the process still requires Mayoral and congressional review, meaning that the permanent version may not go into effect for several months.

(h) Thus, the emergency legislation aims to accelerate adoption of several provisions within Secure DC. The measures proposed here are tailored to address gaps or areas requiring clarity in the law, provide the Metropolitan Police Department (“MPD”) and prosecutors in the District with the tools and authority necessary to deter, investigate, and prosecute crime, ensure that individuals who are being charged with crimes of violence and present a danger to the public can be held prior to trial, and provide critical support and protections for victims (or potential victims) of crime. The specific changes the bill proposes are discussed below.

(i) The bill would mandate the posting of data and/or annual reports from several agencies. The bill requires the Office of Unified Communications (“OUC”) to collect and post 911 call and staffing data and to expand options for the 311 system. The bill requires the Office of Victim Services and Justice Grants to publish the outcomes of the Victim Services Division. The bill requires MPD to report its case closure rates. The bill also requires the Mayor to submit to the Council and post online a firearm tracing data and accountability report. The bill further requires the Criminal Justice Coordinating Council (“CJCC”) to collect and post data about the adult and juvenile justice systems, data about bench warrants, and felony crime data. These

## ENROLLED ORIGINAL

changes will increase public transparency around the effectiveness of these programs and allow the Council to more readily assess the performance of various agencies to evaluate progress in addressing crime trends.

(j) The bill would allow law enforcement to obtain certain records in the custody of the Department of Youth Rehabilitation Services (“DYRS”) for the purpose of investigating crimes, require DYRS to provide certain information to the Office of the Attorney General (“OAG”) regarding committed youth, and allow OAG to share certain information with victims and witnesses. The bill would also clarify what information agencies can share with each other regarding delinquent children. The bill would direct MPD to facilitate a law enforcement shooting review no less than twice a month and direct the Office of the Deputy for Public Safety and Justice to conduct shooting reviews for the purpose of preventing future services and assessing necessary services. The bill would further add representatives to various public safety boards or commissions, including adding a representative from OUC to the Domestic Violence Fatality Review Board, 3 voting members and one non-voting member to the Sentencing Commission, and the Chairperson of the Sentencing Commission as a member of the CJCC. These changes are meant to improve information sharing and coordination across the public safety ecosystem to ensure that necessary information is received by the relevant agencies and various perspectives are considered when addressing crime.

(k) The bill would make several changes to laws governing law enforcement officers to ensure that officers have the tools to do their jobs effectively while also maintaining transparency and accountability. The bill would allow officers to review footage from a body-worn camera before writing an initial report except when an incident involves an officer-involved death or serious use of force. It would also clarify that controlling or restricting a person’s movement is not prohibited but any controlling or restricting of a person’s airway, blood flow, or breathing is prohibited. The bill would clarify that civilian members of the Use of Force Review Board may have a prior affiliation with law enforcement and would require MPD to publish Use of Force Review Board reports on its website. Additionally, the bill would expand the ability of law enforcement officers to engage in vehicle pursuits where a fleeing suspect poses an imminent threat to safety and clarify that the categorization of certain police vehicular pursuit tactics as serious or deadly uses of force shall not be read to permit the tactics if they are prohibited by department policies. The bill would repeal the requirement that MPD post the names and badge numbers of officers before an adverse action hearing, and repeal the requirement that officers inform contact subjects that they are being recorded by a body-worn camera and provide language access services. The bill would also require the Office of Police Complaints to keep records it obtains from MPD confidential.

(l) The bill would allow victims to be eligible for benefits within a year of filing or resolution of their motion. The bill would also add clarifications to District law on extreme risk protection orders to make it easier to obtain such orders, require a public awareness initiative

## ENROLLED ORIGINAL

regarding the petition process for extreme risk protection orders, and clarify and streamline requirements for obtaining an extreme risk protection order. The bill would further allow victims and eyewitnesses and their immediate family members to attend plea hearings in youth delinquency matters. The bill would create additional protections for 12-year-old victims of sexual abuse, clarify the definition of a “significant relationship” in sexual abuse cases involving minor victims, and make conforming amendments to ensure the rights of adult and child crime victims. The bill would also prohibit firearms possession for people convicted of stalking. These changes are meant to provide additional protections for victims, ensure victims can participate in the criminal justice process if they desire, and make services and avenues of protection more known to and readily available to victims.

(m) The bill would establish penalty enhancements for crimes of violence committed against various groups, including senior citizens, people on certain Department of Parks and Recreation properties, vulnerable adults, transportation providers, transit employees, and transit passengers. These changes are meant to make common sense extensions to certain groups of individuals and protect other vulnerable, at-risk, or frequently targeted groups from violent crime.

(n) The bill would establish new firearm offenses for discarding firearms and ammunition, possessing a gun with a tampered serial number, possessing a stolen firearm, possessing stolen ammunition, and endangering public safety with a firearm. The bill would also amend the penalties for certain firearms possessory offenses and require certain firearms-related sentences to run consecutively. These changes are meant to address the increase in shootings and firearm-related homicides by targeting offenders to ensure they are held accountable at sentencing and deter future firearm offenses.

(o) The bill would create a new standalone offense of strangulation. The bill would also establish the offense of directing organized retail theft and redefine theft in the first degree. The bill would further expand the definition of carjacking and expand the offense of assault on a law enforcement officer to include assaults on emergency medical technicians and related officials. These changes are meant to address the stark increases in both violent crimes and thefts in the District.

(p) The bill would create progressive sentencing for misdemeanor sexual abuse and misdemeanor sexual abuse of a child or minor and make clarifying changes to the offenses of unlawful disclosure and unlawful publication of non-consensual pornography. The bill would also amend the definitions of dangerous crimes and crimes of violence to include certain additional sexual abuse offenses. These changes are meant to protect victims of sex crimes and hold offenders accountable, as well as deter offenders who enter the District with the intent to repeatedly commit misdemeanor sexual abuse.

(q) The bill would clarify the intent requirement of illegal possession of large capacity ammunition feeding devices. The bill would further clarify that GPS records from the Pretrial

**ENROLLED ORIGINAL**

Services Agency may be admissible in court to prove guilt. The bill would also define both significant bodily injury and serious bodily injury. The bill would give courts discretion to make a misdemeanor arrest warrant extraditable outside the District and continue to allow the Court Services and Offender Supervision Agency to impose intermediate sanctions for violations of the conditions of release without an order from the Superior Court or the Parole Commission. These changes are meant to clarify the law and provide the courts and supervision agencies with the necessary tools to ensure that offenders are held accountable.

(r) The bill would re-establish the prohibition for wearing a mask under certain conditions. The bill would also require public transit passengers stopped for certain violations, including fare evasion, to provide officials with their true name and address for the purpose of issuing a notice of infraction; failure to comply would be punishable by a fine up to a \$100. The bill would further authorize MPD to declare a drug free zone and prohibit the congregation of 2 or more persons on public property, for the purpose of participating in the use, purchase, or sale of illegal drugs, within the perimeter of the drug enforcement zone, and to establish procedures for notice and reporting related to drug free zones. These changes will provide law enforcement with additional tools to address increases in thefts, crime on the Metro system, and violent crime in the District.

(s) The bill would delay the effective date of the prohibition on retail establishments refusing cash payment. This change will allow businesses in the District to avoid robberies or burglaries that may result from requiring businesses and employees to maintain cash on hand.

(t) The emergency legislation represents common-sense, meaningful steps toward addressing the recent spate in crime until the permanent version of Secure DC takes effect. The emergency legislation is appropriately tailored to address policy issues that cannot wait and enact provisions that need to be implemented now to see improvements in the crisis our residents are experiencing.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Secure DC Omnibus Emergency Amendment Act of 2024 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.