

Councilmember Phil Mendelson
Chairperson
Committee of the Whole
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Thank you, Chairman Mendelson, for the opportunity to present testimony to be added to the record on Bill 23-886, the “Washington Metropolitan Area Transit Authority Police Accountability Amendment Act of 2020”. This testimony is being submitted on behalf of Advisory Neighborhood Commission ANC 4B (the Commission).

With approximately 500 officers, the Metro Transit Police Department (MTPD) is the largest police department directly funded by the District of Columbia, but it is not subject to oversight internally or externally. Under the leadership of Chief Ronald A. Pavlik, Jr., (the Chief) MTPD has functioned in an opaque manner with significant deficiencies in structure and operations including, but not limited to inadequate oversight and accountability, ill-defined and non-independent complaint practices that fail to provide confidence to complainants and concerned citizens and failure to participate in external accountability mechanisms such as the District Office of Police Complaints or the Metro Office of the Inspector General.

In addition, the MTPD Chief has fostered a toxic culture among his officers which has led to a pattern and practice of excessive force and mishandling of interactions with juveniles, excessive interactions and arrests focused on people of color, officers charged with violating the civil rights of passengers and convicted of providing material support for terrorist groups, engaging in competitions led by command staff to arrest and cite citizens of the District of Columbia and the use of special escorts and trains for white nationalists and racists to enable their activity within the District of Columbia. Lastly, the Chief has allowed officers accused of excessive force to remain on duty and in contact with the public, work directly with white nationalists and racists to coordinate their travel to the District of Columbia and minimize and dismiss concerns about officers engaged in competition to arrest and cite the riding public.

At this time the Commission feels it is imperative to the integrity of MTPD and to regain the confidence of the community that the District of Columbia’s delegates to the WMATA Board of Directors act swiftly to ensure the Chiefs removal with the possibility of a jurisdictional veto for the annual Metro budget if WMATA fails to act. An interim Chief should be appointed with input from the WMATA Board of Directors, DC Council and our local and federal partners following a nation-wide search. The interim Chief must have extensive experience in best practices regarding community engagement, de-escalation, ethical policing, interaction with people of color and juveniles, those with disabilities, physical and mental, and comprehensive data collection and analysis.

On January 28, 2020, the Metropolitan Police Department (MPD) issued new general

orders regarding their interaction with juveniles. In part these new guidelines prohibit the handcuffing of juveniles ages 12 and under unless they are a danger to self or others, provide officers with discretion on whether to handcuff juveniles aged 13-17 based on the severity of the alleged offense and circumstances of the interaction, limits the arrest of juveniles on scene whenever possible and encourages officers to apply for a custody order (arrest warrant) where there is no immediate jeopardy to public safety, expands eligibility for juvenile diversion in lieu of arrests by removing criteria that disqualified certain Metro and school-related incidents, consolidates guidance on juvenile policy and procedure into a concise general order and provides for an Office of Attorney General (OAG) Emergency Hotline available to MPD officers 24/7 to consult with an OAG juvenile section supervisor about arrests, custody orders and warrants. The Commission encourages MTPD to adopt similar policies and practices to those articulated by MPD with regard to interacting with juveniles to ensure these exchanges begin to foster trust and respect among juveniles and MTPD.

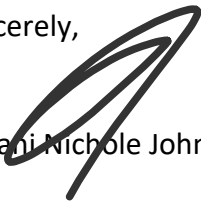
The Commission is aware that WMATA has created the MTPD Investigation Review Panel whose mandate is to review and submit recommendations to the Chief on changes to MTPD's policy and training methodology. While appreciative of this multijurisdictional effort, this panel does not meet the immediate needs of the community to provide immediate review of MTPD interactions to determine if a person's rights and/or MTPD policies and procedures were violated.

That role appears to be assigned to the MTPD Complaints Board, pursuant to the above-mentioned act. This Board's function is similar to the District Office of Police Complaints, in that it will review and investigate citizen complaints and make findings of fact if misconduct occurred and referrals for possible criminal prosecution or other sanctions.

While both the Panel and Board have separate mandates, the Commission is concerned as to how they will liaise with one another as they are apt to overlap in their specified roles. What initial, quarterly or yearly training will be provided to the members of each to ensure they remain up to date on any revised policies and procedures, training regime and best practices. How and in what mechanism will the actions of the Panel and Board be timely relayed to the WMATA Board of Directors, DC Council and the community? While both are in the beginning stages of their implementation these are questions which must be answered and codified legislatively to ensure compliance.

The Commission thanks the Committee of the Whole for holding this hearing and welcomes any questions you may have.

Sincerely,



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