

Statement of Introduction  
School Police Incident Oversight and Accountability Amendment Act of 2021  
Councilmember Christina Henderson  
May 20, 2021

Today, along with Councilmembers Janeese Lewis George, Robert C. White Jr., Kenyan R. McDuffie, and Brooke Pinto, I am introducing the School Police Incident Oversight and Accountability Amendment Act of 2021. This legislation will improve transparency with respect to law enforcement activity occurring on school grounds.

Students of color and with disabilities are disproportionately affected by school discipline compared to their White counterparts. Nationally, a 2020 ACLU report found that students of color are more likely to go to a school with a law enforcement officer, more likely to be referred to law enforcement, and more likely to be arrested at school.

In the District of Columbia, we have some high-level data illuminating these disparities. According to the 2017 Civil Rights Data Collection Report by the U.S. Department of Education, Black students in the District of Columbia make up 71% of students but account for nearly 91% of school-based arrests. Latinx students make up the other 9%. The survey also found that 27% of students receiving referrals to law enforcement were students with disabilities. Furthermore, the Black Swan Academy found that 60% of girls arrested in DC are under the age of 15, with Black girls in DC 30 times more likely to be arrested than White youth of any gender identity.

In response to data requests during 2020 and 2021 performance oversight hearings, the Metropolitan Police Department (MPD) released some limited data with respect to student arrests on school grounds. For school year 2018-2019, there were 178 such arrests. For the 2019-2020 school year, as of March 13, 2020 (the last day of in-person instruction), there had been 98 arrests in schools. MPD offered some aggregated data points sorted by race, school location and age for 2019-2020. However, this type of data is not made publicly available on a consistent basis, nor does it include complete and disaggregated demographic data that would permit a fuller evaluation of equity in MPD's school-based activity.

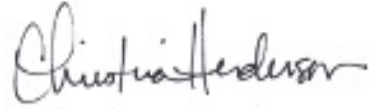
In order to increase transparency and oversight in this area, data on school policing must be collected and made publicly accessible in a manner that allows for analysis by race, gender, age, and disability status. This is consistent with recommendations made by the Police Reform Commission.

This bill will help improve accountability for youth arrests by requiring local education agencies to maintain data on school-based disciplinary actions involving law enforcement. The Metropolitan Police Department would be required to report school-involved incidents bi-annually, publicly and disaggregated by race, gender, age, and disability.

I look forward to working with my Council colleagues and other stakeholders to advance and pass this legislation which will help restore public trust and create an environment that enforces accountability and transparency between students, schools and the Metropolitan Police Department.

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2 Councilmember Kenyan R. McDuffie



Councilmember Christina Henderson

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6 Councilmember Janeese Lewis George



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9 Councilmember Brooke Pinto

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11 Councilmember Robert C. White, Jr.

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19 A BILL

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23 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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28 To amend the Attendance Accountability Act of 2013 to require local education agencies to  
29 maintain additional data with respect to school-based disciplinary actions involving law  
30 enforcement, to amend the Revised Statutes of the District of Columbia to require the  
31 Metropolitan Police Department to maintain records for school-involved arrests by race,  
32 gender, age, and disability, and to require MPD to biannually publicly report certain data  
33 from school-involved incidents.

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35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
36 act may be cited as the “School Police Incident Oversight and Accountability Amendment Act of  
37 2021”.

38 Sec. 2. The Attendance Accountability Amendment Act of 2013 effective September 19,  
39 2013 (D.C. Law 20-17; D.C. Official Code § 38-236.01 *et Seq.*) is amended as follows:

40 (a) Section 201 (D.C. Official Code § 38-236.01) is amended by inserting a new  
41 paragraph (10A) as follows:

42 “(10A) “Law enforcement” means:

43 “(A) An officer or member of the Metropolitan Police Department of the  
44 District of Columbia or of any other police force operating in the District of Columbia;

45 “(B) An investigative officer or agent of the United States;

46 “(C) An on-duty, civilian employee of the Metropolitan Police  
47 Department;

48 “(D) An on-duty, licensed special police officer;

49 “(E) An on-duty, licensed campus police officer;

50 “(F) An on-duty employee of the Department of Corrections or  
51 Department of Youth Rehabilitation Services; or

52 “(G) An on-duty employee of the Court Services and Offender  
53 Supervision Agency, Pretrial Services Agency, or Family Court Social Services Division.”.

54 (b) Section 209(a)(2) (D.C. Official Code § 38-236.09) is amended as follows:

55 (1) Subparagraph (G) is amended by striking the phrase “; and” and inserting a  
56 semicolon in its place.

57 (2) New subparagraphs (G1), (G2), and (G3) are added to read as follows:

58 “(G1) The reason for involving law enforcement;

59 “(G2) The type and count of weapons, contraband or controlled substances  
60 recovered;

61 “(G3) Law enforcement involvement in any school action or activity;  
62 and”.

63 (3) Subparagraph (H) is amended to read as follows:

64 “(H) A description of the conduct that led to or reasoning behind each suspension,  
65 involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary withdrawal or  
66 transfer, referral to law enforcement, involvement of law enforcement for any reason, school-  
67 based arrest, recovery of weapons, recovery of contraband, recovery of controlled dangerous  
68 substance, and, for students with disabilities, change in placement; and”.

69 Sec 3. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official  
70 Code § 5-113.01) is amended as follows:

71 (a) A new subsection (a)(4E) is added to read as follows:

72 “(4E) Disaggregated by school, records of school-based events involving a member or  
73 members of the Metropolitan Police Department who stop, detain, or arrest individuals on school  
74 grounds including:

75 “(A) The number of school-based events for which an officer was involved,  
76 sorted by school;

77 “(B) The number of school-related arrests;

78 “(C) The type and count of weapons, contraband, or controlled substances  
79 recovered from any school-based event, whether or not an arrest occurred;

80 “(D) The reason for involving the law enforcement officer called by the school  
81 staff; and

82 “(E) Demographic data of any person involved in a disciplinary incident, stop or  
83 arrest on school grounds, including:

84 “(i) Race;

85 “(ii) Gender;

86 “(iii) Age; and

87 “(iv) Disability status.”

88 (b) A new subsection (c) is inserted as follows:

89 “(c) The Metropolitan Police Department shall publicly release aggregated data collected  
90 in accordance with subsection (a)(4E) of this section and make the data available biannually on  
91 its website.”.

92 Sec. 4. Fiscal impact statement.

93 The Council adopts the fiscal impact statement in the committee report as the fiscal  
94 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
95 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

96 Sec. 5. Effective date.

97 This act shall take effect following approval by the Mayor (or in the event of veto by the  
98 Mayor, action by Council to override the veto), a 30-day period of Congressional review as  
99 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
100 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
101 Columbia Register.