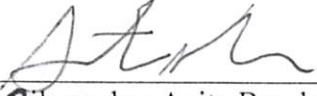




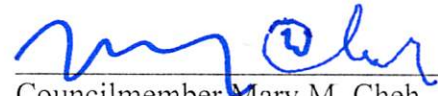
Councilmember Robert C. White, Jr.



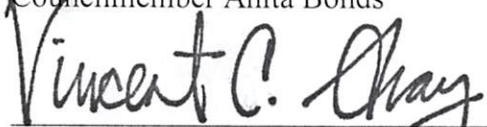
Councilmember Charles Allen



Councilmember Anita Bonds



Councilmember Mary M. Cheh



Councilmember Vincent C. Gray



Councilmember David Grosso



Councilmember Brianne K. Nadeau



Councilmember Elissa Silverman

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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.

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

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

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

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

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

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

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

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

64 (10) In several recent incidents, MTPD officers have used force against riders, with
65 at least one incident leading to public outcry when officers used force against and arrested a
66 teenage African American boy.

67 (11) It was also revealed that some MTPD officers had created and were
68 participating in a “game” in which officers were rewarded for making arrests and issuing citations.

69 (12) Although two Council Committee Chairs sent MTPD a formal request for
70 more information about the “game”, no written response has been provided to date.

71 (13) Several WMATA Board members have expressed concerns about the “game”,
72 but MTPD’s responses to the public’s concerns have been dismissive, opaque, and
73 decontextualized from the harmful effects even an isolated incident could have on current and
74 prospective riders.

75 (14) Although WMATA Board members may investigate circumstances
76 surrounding the “game” further, the larger process for investigating complaints regarding MTPD
77 officers’ conduct is not transparent, public facing, systematized, or independent.

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

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

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

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

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

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

94 (6) The use of this “game” to incentivize arrests, especially after a number of
95 controversial uses of force by MTPD, has resulted in distrust in MTPD within the community it
96 serves;

97 (7) WMATA’s Board of Directors must investigate recent incidents, but more
98 broadly, must wholly reevaluate the agency’s oversight structure for MTPD;

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

101 (9) WMATA should create an independent, external, civilian complaint review
102 body composed of representatives from the three jurisdictions who have no affiliation with any
103 law enforcement agency; in the interim, complaints about officers’ conduct in the District should
104 be reviewed by the District’s Office of Police Complaints.

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

107 Sec. 5. This resolution shall take effect immediately upon the first date of publication in
108 the District of Columbia Register.