

MORE THAN A PLAZA

DC JUSTICE LAB

DISARM SPECIAL POLICE

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Funmi Anifowoshe Manning • Jessica Mugler • Patrice Sulton



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During this national reckoning with racism in the United States, it is time for D.C. to re-examine its history of over-policing poor, Black communities and arming the guards it employs to patrol public housing. Elected officials in the District must go beyond words and performative gestures¹ by taking real, substantive action to protect residents. Disarming special police officers is a necessary component of that change.

In D.C., special police officers (“SPOs”)² are empowered to carry a gun,³ temporarily detain citizens,⁴ and bar people from their families,⁵ with far less training and preparation than we expect from other armed officers.⁶ This explainer will discuss how arming SPOs makes the District less safe and why the D.C. Council should disarm SPOs.

1. *The D.C. Council Should Disarm SPOs Because They Do Not Receive Adequate Training to Safely Carry Firearms and it is Unnecessary to Arm Them.*

In D.C., more than 7,500 SPOs act as private security guards patrolling specific properties, such as public housing complexes and government buildings.⁷ The Mayor⁸ contracts out this sector of public safety to private security companies that employ and assign SPOs. These security companies have an incentive to keep overhead low and do not provide sufficient training.⁹

SPOs receive too little instruction to safely carry firearms.

While Metropolitan Police Department (“MPD”) officers receive 28 weeks of training¹⁰ from qualified and experienced D.C. instructors before receiving a gun,¹¹ SPOs receive only one week of training from instructors outside the District—some with dubious credentials¹²—before being trusted with a firearm.¹³

Organization	Basic Training
Metropolitan Police Department	28 weeks
U.S. Capitol Police	25 weeks
U.S. Marshals Service	21.5 weeks
U.S. Park Police	18 weeks
Special Police Officers	1 week

The U.S. Capitol Police requires a week of orientation, 12 weeks of intensive training at the Federal Law Enforcement Training Center, and 13 weeks of specialized training at the United States Capitol Police Training Academy.¹⁴ The U.S. Marshals Service requires 21.5 hours of training at the Federal Law Enforcement Training Center.¹⁵ And, for the U.S. Park Police, new hires undergo a week of orientation, 18 weeks of training at the Federal Law Enforcement Training Center, and a field training program in D.C.¹⁶ In contrast, security companies employing SPOs require as little as 40 hours of training before arming officers.¹⁷

Disarming SPOs will make the District safer. In the wake of many high-profile, tragic, police killings of unarmed people—particularly, Black people—the entire country is recognizing how dangerous it is to arm even a well-trained officer. [Councilmember David Grosso](#) has repeatedly called for the disarming of all police in D.C.¹⁸ SPOs, too, are a danger to the public. In 2015, SPOs killed a 74-year-old patient at Medstar Washington Hospital Center by using extreme force.¹⁹ And, in 2014, special police officers killed 27-year-old Alonzo Smith while patrolling an apartment complex in Southeast D.C.²⁰ **When Smith died in SPO custody, he was in handcuffs.**²¹

2. *The D.C. Council Should Increase Training Requirements for SPOs and Require Specific Training Components.*

SPOs need more training and better training. In 2015, an SPO and a lieutenant employed by Code 3 Security (now renamed Code Black after numerous lawsuits) were deposed about a shooting and testified that their training focused on handling weapons and included no racial or cultural sensitivity training, no mental health training, and a negligible 45 minutes of training on use of force.

11 Q How long are these trainings? Is this
12 an hour, is this a day?
13 A It could be 15 minutes. It could be
14 15 minutes every day for --

12 Q Okay. What about, like, racial or
13 cultural sensitivity training? Do you offer
14 anything like that?
15 A No.
16 Q And you said nothing on mental health,
17 right?
18 A That's right.

12 Q How long is the use of force continuum
13 training?
14 A The use of force is a little bit
15 longer. Like I said, we try to have them
16 together in a classroom setting when we start
17 going over use of force. But another thing too
18 is that --
19 Q How long is it? Sorry, got --
20 A Probably about 45 minutes to an hour.

This barebones training is unacceptable for any security guard, especially those we arm. Recognizing the lack of sufficient training for SPOs, [Councilmember Kenyan McDuffie](#) introduced The Special Police Officer Enhanced Security Amendment Act of 2015.²² The bill reportedly failed to garner support because it expanded the jurisdictional boundaries of campus police officers to off-campus areas, which universities and students opposed.²³ Elsewhere, however, municipalities have enacted legislation demanding training accountability for SPOs. For example, New Jersey requires 80 hours of training for unarmed SPOs and **460 hours** for armed SPOs.²⁴ Boston mandates 100 hours of basic instruction and 60 hours of firearms training.²⁵ And, Maryland recently passed legislation requiring at least 80 hours of training for SPOs that includes “criminal law, constitutional procedural requirements relating to search, seizure, and arrests and the appropriate use of force.”²⁶

In addition to increasing the number of training hours SPOs must undergo, the D.C. Council should adopt Councilmember McDuffie’s recommendation to require training on de-escalation procedures, biased-based policing, and mental health. In addition, the law should require training on human relations, community policing, ethics, cultural competency, and racial equity. (Specific recommendations for legislative amendments are in the Appendix.)

3. *The D.C. Council Should Ensure Accountability for SPOs and Restrain Them to Property Boundaries.*

The lack of oversight and public accountability of SPOs provide an added layer of dangerousness to arming them. In D.C., SPOs operate with little oversight and are often immune from scrutiny because MPD fails to keep records of the complaints filed against them.²⁷ SPOs have exceeded their barring authority, leading to a settlement with the ACLU-DC.²⁸ They have also frequently exceeded their jurisdictional authority,²⁹ according to an Inspector General alert.³⁰

Last year, NBC 4 investigated a special police officer assigned to an apartment complex in Southeast D.C.³¹ Three different residents tried to file complaints against the SPO, John Simon. Though Simon assaulted or pepper-sprayed the residents, he filed charges against the resident in each case.³² One resident, Amin Wilson, provided video footage of Simon pepper-spraying him, dragging him from his car, and hitting him with a baton.³³ While Wilson was face down on the ground, Simon punched him in the side, forcing him to black out and wake up in an ambulance.³⁴ Still, Simon charged Wilson with assault and unlawful entry on the property—rather than Simon receiving any punishment himself.³⁵ **When the residents went to get a copy of the complaints they filed, there was no record of them.**³⁶ In contrast to tracking every time an MPD officer uses force and reporting such incidents to the public yearly,³⁷ MPD is not required to even keep records of any complaints against SPOs.³⁸ Without proper accountability and oversight, SPOs will continue to harass and assault D.C. residents without repercussions, forfeiting the public’s trust and confidence.³⁹

9	Q	Is he required to report when he puts
10		his hands on somebody?
11	A	Not necessarily. When, that's an open
12		ended question, when he put his hands on someone.
13	Q	In the course of his duties, if he
14		puts his hands on someone on the property, does
15		he have to report that?
16	A	Not necessarily, depending upon what
17		your definition of putting your hands on someone.

In response to this lack of oversight and accountability, [Councilmember Charles Allen](#) introduced the Special Police Officer Oversight Amendment Act of 2019 last year.⁴⁰ This bill is under Council review⁴¹ and we recommend the Council passes it immediately.

The Council should also limit SPOs to the property they are deputized to protect and disallow fresh pursuit beyond those boundaries.



D.C. has the most police per capita of any large city.⁴² We have no need for armed guards patrolling the same communities that police already oversaturate. These officers lack the training and accountability to safely patrol properties and should be disarmed to protect the community. To solve this problem, DC Justice Lab calls on the D.C. Council to:

- **Disarm special police officers;**
- **Increase the quantity and quality of training required;**
- **Pass the Special Police Officer Oversight Amendment Act; and**
- **Disallow pursuit beyond property boundaries.**

References

- ¹ See Kiley Schultz, *Black Lives Matter DC: 'Mayor Bowser Must Be Held Accountable for the Lip Service'*, WUSA 9 (June 7, 2020, 2:16 PM), <https://www.wusa9.com/article/news/national/black-lives-matter-dc-reform-mayor-bowser/65-aa7a2bfa-3c66-4905-a18d-e249d658d1b4>.
- ² See 6-A DCMR § 1101.6 (“The duties of the special police officers...shall consist largely of periodically checking doors, windows, etc., in the nature of a ‘watchman.’”).
- ³ See, e.g., D.C. CODE § 7-2502.01.
- ⁴ D.C. CODE § 23-582(a).
- ⁵ SPOs have barring authority under 14 DCMR § 9600.1, *et seq.*
- ⁶ Compare 6A DCMR § 1100.7(g) (requiring 40 hours training for new SPOs), with *Metropolitan Police Academy*, DC.GOV, <https://mpdc.dc.gov/page/metropolitan-police-academy> (last visited July 14, 2020) (requiring 28 weeks training for new MPD officers). See also D.C. CODE § 5-129.02; *Security Personnel Resource Guide FAQs*, DC.GOV, <https://mpdc.dc.gov/page/security-personnel-resource-guide-faqs> (last visited July 14, 2020).
- ⁷ Natalie Delgadillo, *MPD Doesn't Keep Records of Complaints Against the City's 7,500 Special Police Officers*, DCIST (June 4, 2020, 4:05 PM), <https://dcist.com/story/19/06/04/mpd-doesnt-keep-records-of-complaints-against-the-citys-7500-special-police-officers/>.
- ⁸ D.C. CODE § 5-129.02(a).
- ⁹ KEVIN STROM ET AL., *THE PRIVATE SECURITY INDUSTRY: A REVIEW OF THE DEFINITIONS, AVAILABLE DATA SOURCES, AND PATHS MOVING FORWARD 6-8* (2010) (finding that “[m]any private security personnel are temporary or part-time employees who are often underpaid and untrained for their work”).
- ¹⁰ New MPD officers also complete an 18-month probationary period. See *Metropolitan Police Academy*, *supra* note 6.
- ¹¹ *Id.*
- ¹² For example, in 2018, a Code 3 Tactical trainer was reportedly involved in a triple homicide. See Kevin Lewis, Anna-Lysa Gayle & Jonathan Gonzalez, *Montgomery County Triple Murder Suspect Held Wife for Days, Often Trained Law Enforcement*, ABC 7 (May 8, 2018), <https://wjla.com/news/local/montgomery-co-triple-murder-suspect-held-wife-hostage-for-days-was-known-to-police>.
- ¹³ 6A DCMR § 1100.7(g).
- ¹⁴ *Police Officer Academy Training*, U.S. CAPITOL POLICE, <https://www.uscp.gov/police-officer-academy-training> (last visited July 17, 2020).
- ¹⁵ *Basic Training Academy*, U.S. MARSHALS SERV., <https://www.usmarshals.gov/careers/trainingacademy.html> (last visited July 19, 2020).
- ¹⁶ *Become a United States Park Police Officer*, NAT'L PARK SERV., <https://www.nps.gov/subjects/uspp/become-a-uspp-officer.htm> (last updated July 1, 2020).
- ¹⁷ See *Security & Special Police Training*, VA. METROPOLITAN TRAINING ACAD., <http://www.vmtacademy.com/private-security-training/> (last visited July 17, 2020).
- ¹⁸ *D.C. Councilmember Calls for Disarming Police*, WUSA 9 (Oct. 10, 2014), <https://www.wusa9.com/article/news/local/dc/dc-councilmember-calls-for-disarming-police/65-285050003>; *D.C. Councilmember David Grosso Suggests Disarming City Police, Says Officers 'Shouldn't Have Guns'*, WJLA (Oct. 9, 2014), <https://wjla.com/news/local/d-c-councilmember-david-grosso-says-officers-shouldn-t-have-guns--107937>.
- ¹⁹ Christina Sturdivant, *Death of 74-Year-Old Patient at Washington Medstar Is Ruled a Homicide*, DCIST (June 4, 2016, 12:30 PM), <https://dcist.com/story/16/01/04/death-of-74-year-old-patient-at-med/>.
- ²⁰ *Body Camera Video of Alonzo Smith Death Released*, WUSA 9 (Dec. 15, 2015, 11:24 PM), <https://www.wusa9.com/article/news/local/dc/body-camera-video-of-alonzo-smith-death-released/32252126>.
- ²¹ *Id.*
- ²² See D.C. Council, B21-0529, 21st Council (D.C. 2015), <https://lms.dccouncil.us/downloads/LIMS/35033/Introduction/B21-0529-Introduction.pdf>.
- ²³ See Casey Wexler, *Neighborhood Leaders Oppose Expanding Jurisdiction of Campus Police Officers*, EAGLE (Feb. 12, 2016), <https://www.theeagleonline.com/blog/district-wire/2016/02/neighborhood-leaders-oppose-expanding-jurisdiction-of-campus-police-officers>.

- ²⁴ See N.J. REV. STAT. § 40A:14-146.11 (2019); *Special Officer Class I & II*, CAPE MAY CTY. N.J., <https://capemaycountynj.gov/1186/SPECIAL-OFFICER-CLASS-I-II> (last visited July 17, 2020).
- ²⁵ *Boston Special Officer Program*, 1ST ARMOR PROTECTION SERVS., <https://1st-armor.com/boston-special-officer-program/#:~:text=All%20Boston%20Special%20Officers%20are, hours%20of%20ARMED%20SPO%20TRAINING> (last visited July 17, 2020).
- ²⁶ MARYLAND STATE POLICE, REQUIRED TRAINING—SPECIAL POLICE COMMISSIONS (2020), available at <https://mdsp.maryland.gov/Organization/Documents/LD-PSSU-20-001%20Required%20Training%20SP.pdf>.
- ²⁷ Delgadillo, *supra* note 7.
- ²⁸ ACLU-DC Announces Settlement With D.C. Housing Authority Over Barring Notices, ACLU (Dec. 14, 2017), <https://www.aclu.org/press-releases/aclu-dc-announces-settlement-dc-housing-authority-over-barring-notices>; see also Justine Coleman, *Man sues GW, UPD alleging he was wrongly barred from campus*, GW HATCHET (Aug 31, 2017) (regarding a complaint of campus police officers also exceeding their barring authority) <https://www.gwhatchet.com/2017/08/31/man-sues-gw-upd-alleging-he-was-wrongly-barred-from-campus/>.
- ²⁹ 6A DCMR § § 1100.2 and 1103.1; D.C. CODE § 23-582; see also *Timus v. United States*, 406 A.2d 1269, 1272 (D.C. 1979) (holding that an SPO's license to carry a gun extends only to the SPO's jurisdiction and only while on duty).
- ³⁰ See District of Columbia Office of the Inspector General Management Alert Report: *Patrol Operations Special Police Officers May pose a Risk to the District When Providing Law Enforcement Services Outside Their Jurisdiction* (May 14, 2014), <https://lirms.dccouncil.us/downloads/LIMS/32462/Introduction/IG20-0109-Introduction.pdf>.
- ³¹ Jodie Fleischer et al., *D.C. Residents Say MPD Ignored Complaints Against Special Police Officer*, NBC WASH. (April 3, 2019, 4:52 PM), <https://www.nbcwashington.com/news/local/dc-residents-say-mpd-ignored-complaints-against-special-police-officer/138304/>.
- ³² *Id.*
- ³³ *Id.*
- ³⁴ *Id.*
- ³⁵ *Id.*
- ³⁶ *Id.*; see also Jodie Fleischer et al., *New Legislation Would Increase Scrutiny of Special Police After I-Team Exposes MPD Failure to Investigate, Keep Records*, NBC WASH. (June 4, 2019, 7:56 PM), <https://www.nbcwashington.com/news/local/new-legislation-would-increase-scrutiny-of-special-police-after-i-team-exposes-mpd-failure-to-investigate-keep-records/148841/>.
- ³⁷ See, e.g., D.C. OFFICE OF POLICE COMPLAINTS, REPORT ON USE OF FORCE BY THE WASHINGTON, D.C. METROPOLITAN POLICE DEPARTMENT 2018 (2018), https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf.
- ³⁸ Fleischer et al., *supra* note 36.
- ³⁹ For another example of SPOs avoiding punishment, see Christina Sturdivant, *Special Police Officers Won't Be Charged in D.C. Teacher's Death*, DCIST (Oct. 13, 2016, 5:12 PM), <https://dcist.com/story/16/10/13/alonzo-smith/>.
- ⁴⁰ See Erik Salmi, *Allen Introduces Bill Moving Complaints and Investigations of Special Police Officers to Office of Police Complaints*, OFF. COUNCILMEMBER CHARLES ALLEN (June 4, 2019), <http://www.charlesallenward6.com/allen-introduces-bill-moving-complaints-and-investigations-of-special-police-officers-to-office-of-police-complaints>.
- ⁴¹ See *District of Columbia B320: Special Police Officer Oversight Amendment Act of 2019*, available at <https://lirms.dccouncil.us/Legislation/B23-0320>.
- ⁴² Eliana Block, *Verify: Does D.C. Have More Police Per Capita Than Any Other U.S. City?*, WUSA 9 (July 15, 2020, 6:35 PM), <https://www.wusa9.com/article/news/verify/verify-does-dc-have-more-police-per-capita-than-any-other-us-city/65-9fae328a-5da3-4e0f-8e54-009f48b97b57>.

Appendix: Proposed Amendments

Amend D.C. Code § 5-1101 et seq. as described in B23-0320.

§ 7–2502.01. Registration requirements.

(a) ...A registration certificate may be issued:

~~(1) To an organization if:~~

~~(A) The organization employs at least 1 commissioned special police officer or employee licensed to carry a firearm whom the organization arms during the employee's duty hours; and~~

~~(B) The registration is issued in the name of the organization and in the name of the president or chief executive officer of the organization...~~

§ 7–2502.02. Registration of certain firearms prohibited.

(a)(4) ...~~the prohibition on registering a pistol shall not apply to:~~

~~(A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours...~~

§ 7–2509.01. Definitions.

For the purposes of this subchapter, the term:...

(3) "Law enforcement officer" means a sworn member of the Metropolitan Police Department or of any other law enforcement agency operating and authorized to make arrests in the District of Columbia, and includes an MPD reserve officer, ~~a special police officer appointed pursuant to § 5-129.02, and a campus and a university special police officer appointed pursuant to the College and University Campus Security Amendment Act of 1995, effective October 18, 1995 (D.C. Law 11-63; 6A-DCMR § 1200et seq.).~~

§ 22–4505. Exceptions to § 22-4504.

(a) The provisions of §§ 22-4504(a) and 22-4504(a-1) shall not apply to:

~~(2) Special police officers and campus police officers who carry a firearm in accordance with D.C. Official Code § 5-129.02, and rules promulgated pursuant to that section;~~

§ 23–582. Arrests without warrant by other persons.

(a) A special policeman shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed within premises to which his jurisdiction extends, ~~and may arrest outside the premises on fresh pursuit for offenses committed on the premises.~~

6-A DCMR § 1100. Appointment. General Provisions.

1100.3(c) ~~In the case of § 1101.2, any requirement for storage or special provisions for transportation of firearms or other dangerous weapons...~~

1100.7(g) Pre-assignment training shall include at least: ~~sixteen (16)~~

~~(1) Forty (40) hours of training on arrest powers, search and seizure laws, the District of Columbia Official Code, self-defense, de-escalation tactics, and the use of force.; and~~

(2) ~~Pre-assignment training shall include an additional twenty-four (24)~~ **Forty (40)** hours of training generally relating to the special police officer's duties and specifically including:

(A) ~~(1)~~ **Terrorism awareness, including building evacuation, unattended packages, and unknown substances;**

(B) ~~(2)~~ **Emergency procedures, including evacuation and first-aid; and**

(C) ~~(3)~~ **Customer service and interaction with tourists;**

(D) **Human relations, community policing, and ethics;**

(E) **Mental health crisis intervention; and**

(F) **Cultural competency and racial equity.**

(h) Special police officers shall satisfactorily complete a 16-hour, on-the-job training course within ninety (90) working days following employment, and an ~~8-hour~~ **16-hour** annual in-service training course.

~~(i) Special police officers shall also satisfy all additional initial and re-qualification training standards for firearms and other equipment, as applicable.~~

6-A DCMR § 1103. Restrictions.

~~1103.3 Firearms or other dangerous weapons carried by a special police officer on the premises designated on his or her commission shall be left on the premises, when that special police officer is not actually on duty, unless no adequate provisions for storage can be made as certified by the Chief of Police and noted on the commission.~~

~~1103.4 Firearms or other dangerous weapons carried by special police officers whose commissions extend to more than one person's or corporation's property, or more than one premises owned by one person or corporation, may be carried only when that special police officer is on actual duty in the area thereof or while traveling, without deviation, immediately before and immediately after the period of actual duty, between that area and the residence of that special police officer.~~

~~1103.5 Nothing in this chapter contained shall prevent a special police officer appointed under the provisions of D.C. Official Code § 4-114 (1981), from exercising his or her authority as a special police officer outside of the property or area he or she is appointed to protect when in fresh pursuit of a felon or misdemeanor from or immediately adjacent to the property or area to protect which he or she is commissioned.~~

6-A DCMR § 1200. Appointment. General Provisions.

~~1200.3(c) In the case of § 1201.2, any requirement for storage or special provisions for transportation of firearms or other dangerous weapons.~~

1200.6 Upon termination of employment, the campus and university special police officer shall return the commission of authority to the issuing agency. ~~In addition, campus and university special police officers commissioned to carry firearms shall submit annually a certification of annual firearms qualification to the Security Officers Management Branch, Intelligence Division and Metropolitan Police Department...~~

1200.8 No person shall be appointed as a campus or university special police officer...unless that person meets the following requirements:...

(e) Received one (1) week (40 hours) of indoctrination training prior to performing any patrol duties. ~~In addition, armed campus and university special police officers must successfully complete a fifty-six (56) hour basic firearms course. The firearms training course shall include, but not limited to, lethal and non-lethal force, "shoot, don't shoot", and police liability. Armed campus and university special police officers are required to qualify with their firearms on a semi-annual basis; and~~

(f) Completes the Campus Law Enforcement Academy (250 hours) or an equivalent law enforcement academy within two (2) years of receiving a campus and university special police officer commission or has previously completed an equivalent law enforcement academy. Previous law enforcement or security training of two hundred and fifty (250) hours may be substituted to meet the requirements of this subsection.

6-A DCMR § 1103. Restrictions.

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~~1103.4 Firearms or other dangerous weapons carried by special police officers whose commissions extend to more than one person's or corporation's property, or more than one premises owned by one person or corporation, may be carried only when that special police officer is on actual duty in the area thereof or while traveling, without deviation, immediately before and immediately after the period of actual duty, between that area and the residence of that special police officer.~~

~~1103.5 Nothing in this chapter contained shall prevent a special police officer appointed under the provisions of D.C. Official Code § 4-114 (1981), from exercising his or her authority as a special police officer outside of the property or area he or she is appointed to protect when in fresh pursuit of a felon or misdemeanor from or immediately adjacent to the property or area to protect which he or she is commissioned.~~

24 DCMR § 2347.6. Firearms Training Instructor Certification.

~~Any person licensed by the Chief as of the effective date of the Act to provide firearms instruction training to special police officers and who is seeking to be certified under this section shall not be required to pay the fees listed under § 2331.1; provided, that he or she shall pay the fees upon renewal of his or her firearms instructor license in March 2015.~~