

Testimony by Jordan Crunkleton and Emily Friedman  
DC Justice Lab

My name is Jordan Crunkleton and my name is Emily Friedman. Through our work as researchers with DC Justice Lab and as law students in the District, we are familiar with DC's police practices and are here to urge the council to pass the Comprehensive Policing and Justice Reform Amendment Act of 2020.

On May 25, George Floyd was killed in Minneapolis during the course of an arrest. When video footage of this incident was released, the nation watched for 8 minutes and 46 seconds as the arresting officer knelt on Mr. Floyd's neck. The brutality of his death sparked national outrage and forced us to realize the ever-present effects of institutionalized discrimination on policing. This caused cities around the country to look to their own police departments and re-evaluate its practices.

While it is easy to separate the incident in Minneapolis from policing in the District, to say that what happened there was caused by a few bad apples and could never happen in our city, the controversy surrounding Deon Kay's death and reports of MPD officers divising ways to violate body-worn camera orders while interacting with the community, demonstrate that we can, and should, do better.

The reforms before you today promise to do just that. The proposed ban on MPD's use of neck restraints and restrictions on the use of deadly force to situations where it is immediately necessary, reasonable, and used only as a last resort will help ensure that not one more of our community members will die unnecessarily.

Similarly, we believe that this bill, if passed, will further the goals of responsible and intelligence-based policing, and will help deter MPD's use of jump outs, a particularly callous, and aggressive tactic officers use to stop-and-frisk District residents.

As, under the current regime, specialized paramilitary units known as "jump-out squads" are targeting and infiltrating predominantly Black and poverty stricken neighborhoods in plain clothes and unmarked cars, then surrounding, stopping, and searching individuals without cause, we believe that the increase in oversight, as promised by these reforms, will help put a stop to such practices in our city.

Although MPD leadership denies that jump outs are still happening, and the police chief of DC has banned this tactic, testimony from whistleblowers within MPD about the prevalence of this practice confirms what residents have long known to be true: jump outs are still alive and well in the District. As recently as September 23rd, 2020, the national police foundation's report on

MPD's Narcotics and Special Investigations Division, a unit known for conducting jump outs, has confirmed the discriminatory and often unfounded nature of its stop-and-frisk tactics.

This report revealed that 94% of DC residents stopped by NSID, were Black, despite the fact that Black residents comprise only 46% of DC's population. This report not only suggests that racial bias is impacting officer practices, but it suggests that NSID's practices are ineffective, as of the 1,776 people stopped during the six month data collection period, 1,167 of these stops produced no contraband.

Further, of the complaints filed against NSID, 76.9% have been filed by Black residents. A majority of the complaints are in regard to the NSID's unnecessary use of force and harassment. The national police foundation's report reflects the unfortunate reality of policing in the District: NSID is targeting Black residents, harassing them, and using more force than required. Of the incidents of force reported, 100% of cases involved an African Americans. This behavior not only is an example of ineffective policing and extreme racial profiling, it is also unconstitutional.

Jumpouts are a violation of the 4<sup>th</sup> amendment. MPD cannot ascertain a legal basis for a stop while trailing Black youth in unmarked cars. This council needs to assure all residents of DC that the police follow the law passed by this very legislative body. As jumpouts have already been banned by MPD's own chief of police, we ask that this council take steps to ensure that all DC residents have their constitutional rights protected and that the Police are following orders.

Today, in the District, two separate constitutional standards exist. In certain neighborhoods, citizens are respected by the MPD and are afforded their constitutional rights. In others, residents are not afforded the same constitutional protections. These neighborhoods have been declared high-crime red zones and, under current law, a person's presence in one of these areas serves as a basis for a stop. To the MPD, living in an impoverished neighborhood makes one inherently suspect, and police use the trauma they have caused the community as a basis to stop and search residents, stopping predominantly Black males and females for appearing nervous, for sweating, for looking down.

This practice is quite frankly unacceptable, and today we ask the council not for remorse but for change. Passing the bill before you today is a good start. However, We also ask that jump-outs squads be disbanded. That police work in uniform and marked police vehicles, and that evidence seized via a jumpout be suppressed. We ask that common pretexts for a stop, such as being in a high crime neighborhood or appearing nervous be struck from DC's reasonable articulable suspicion definition. We also ask that officers have probable cause, not merely reasonable articulable suspicion when conducting a waist-band search.

Thank You