

Testimony by Diontre Davis
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<https://dcjusticelab.org/police>

To the Council of the District of Columbia, Judiciary Committee
Thursday, October 15, 2020 at 9:00 am John A. Wilson Building,
Council Chamber 31350 Pennsylvania Avenue, N.W. Washington, D.C.
20004

**On Bill B23-0882, THE “COMPREHENSIVE POLICING AND JUSTICE REFORM
AMENDMENT ACT OF 2020”**

Thank you, Chairman Allen, for allowing me to testify today. My name is Diontre Davis, and I am a volunteer for DC Justice Lab, a Washington, D.C. based non-profit organization of law and policy experts researching, organizing, and advocating for large-scale changes to the District’s criminal legal system. In our report, “End Jump Outs,” we provide evidence that the DC Metropolitan Police Department (MPD) have been illegally conducting jump-outs in primarily Black communities and have been intentionally covering this up for the last 3 years. As we know, this is most callous form of Stop-and-Frisks and it has already been outlawed by the DC Council, yet MPD has secretly operating in jump-out squads.

Community members in pre-dominantly black neighborhoods have stated specialized paramilitary units such as the Gun Recovery Unit (“GRU”) in the Narcotics and Special Investigations Division (“NSID”) conduct jump-out tactics. Wards 7 and 8 are the area that have been the most impacted by the jump-outs. These units drive around in unmarked cars, without their uniforms, and “jump out” on African American citizens, telling them to show their waistbands. If a person doesn’t show their waist, officers will often accost them by rifling through their pockets and touching their body, looking for contraband.

The majority of MPD denies that these jump-outs are happening. However, community members revealed that officers in the GRU brag about using these practices and wear shirts with an insignia glorifying police violence with the slogan “vest up one in the chamber” and an image of a human skull with a bullet hole in the center. In 2017, the DC Police Chief Peter Newsham acknowledged the existence of these shirts and said they were “disturbing and disgraceful.” In the beginning of this year, January 16th to be exact, sergeant Charlotte Djoussou revealed in a DC council hearing on public safety that the MPD are still conducting the jump-outs, targeting minority communities, and violating 4th Amendment rights. She specifically stated, and I quote, “Officers were targeting groups of minority males and violating 4th amendment rights, jumping out.”

There is also video evidence of MPD conducting jump-outs. In the beginning of this year, a DC resident, Ryan Morgan submitted a video of an MPD officer demanding to see his waistband without probable cause. In the video, Morgan states he does not consent to any search, yet he is still harassed and intimidated into showing his waistband to prove he is not carrying a gun. I personally spoke with Mr. Morgan earlier this summer and he verified that the jump-outs have been a phenomenon that has been occurring for over 30 years!

Mr. Chairman, I believe that passing The Comprehensive Policing and Justice Reform Amendment Act of 2020 is necessary to resolve these issues. First, officers will be required to work in full uniform and operate in marked police cars as a means of promoting a transparency in appearance. A large component of the jump outs is that they are conducted in a way that brings terror to those harassed because they have no clue it appears a group of people are trying to harm and/or kidnap them.

However, before passing this bill, we believe there should be a slight revision concerning the statute requiring that an officer's justification for the search is based only on the person's consent. We urge the Council to improve upon the Comprehensive Policing and Justice Reform Amendment Act by eliminating consent searches. The reason for this is because the warning requirement does not adequately ensure consent searches are voluntary. In our report, Eliminate Consent Searches, we explain that the fear coercion is used on Black citizens as a psychological means of manipulating them to relinquish their rights. The fear of them already being stereotyped as criminals and the reputation that the police have with for punishing individuals who are uncooperative or not sufficiently submissive leaves Black citizens consenting to searches out of fear, not choice. Consent searches are not truly consensual. We urge the DC Council to revise this part of the bill to eliminate the primary mechanism police use to harass and racially profile Black Washingtonians. We recommend that consent searches are only allowed if the person who consents had an opportunity to speak to a lawyer. Using the assistance of an attorney helps the individual knowingly, intelligently, and voluntarily waive their rights.

Thank you and the rest of the DC Council for your time and consideration.