


COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF COUNCILMEMBER BROOKE PINTO, WARD 2
MEMORANDUM
1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmember Brooke Pinto 
RE: Request to Agendize Emergency Measures for the July 11, 2023, Legislative Meeting
DATE: July 6, 2023

I request that the following emergency measures be agendized for the July 11, 2023, Legislative Meeting:

- Office of Unified Communications Transparency and Accuracy Emergency Declaration Resolution of 2023
- Office of Unified Communications Transparency and Accuracy Emergency Amendment Act of 2023
- Office of Unified Communications Transparency and Accuracy Temporary Amendment Act of 2023

In recent years, local residents and advocates have called for greater oversight over the District's 911 call center. Lengthy delays in call and dispatch response times, plus a general lack of accountability, have been cited as preeminent concerns facing the dispatch center, part of the District's Office of Unified Communications ("OUC").

In March 2023, the D.C. Auditor reported that the District's 911 call center suffered from a lack of proper supervision and mistakes such as frequent misrouted calls. Stories about errors and other issues with 911 and EMS dispatching have been reported widely to the media, including instances in which at least two District residents have died due to a lack of medical care.

Although every OUC call taker and dispatcher has recently undergone re-training, the agency remains significantly understaffed. Because of hiring challenges and vacancies in the call center, current staff are often overworked, and residents report wait times that both exceed best practices and national averages. It is critical that the District take immediate action to address hiring and retention challenges at OUC to ensure our emergency response apparatus is providing timely, appropriate service to residents in need.

The Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 et seq.) ("Act"), established basic parameters for OUC operations. These emergency measures would amend the Act to establish a new section 3207b, "Call data collection and posting", to allow the District to better identify errors and other improvements.

Specifically, the measures require that OUC regularly publish call data on its website, including descriptions of errors, number of shifts operated under minimum staffing levels,

average and maximum call to answer times, average and maximum answer to dispatch times, number of calls in the queue for over 15 seconds, number of calls dropped following a queue time of over 15 seconds, and the number and type of 911 misuse calls. This language was introduced as part of a permanent bill, the Office of Unified Communications Transparency and Accuracy Amendment Act of 2023, on June 15, 2023. Moving these measures on an emergency basis is necessary, however, to ensure that these reporting requirements go into effect before the end of this summer, as permanent legislation likely will not be effective until early 2024 at the earliest. Having these provisions in effect this year will ensure the Council can best track whether OUC is consistently and adequately responding to emergency dispatch calls, as well as track other critical accountability measures.

- Law Enforcement Vehicular Pursuit Clarification Emergency Declaration Resolution of 2023
- Law Enforcement Vehicular Pursuit Clarification Emergency Amendment Act of 2023
- Law Enforcement Vehicular Pursuit Clarification Temporary Amendment Act of 2023

On April 21, 2023, the Comprehensive Policing and Justice Reform Act of 2022 went into effect. The law includes a provision limiting the circumstances under which law enforcement officers can engage in a vehicle pursuit.

The law allows pursuits only in cases where an officer actually and reasonably believes that a fleeing suspect has committed or attempted a crime of violence or poses an immediate threat of death or serious bodily injury to another person. It also requires that the officer reasonably believe the pursuit is immediately necessary to protect another person from the threat of serious injury or death; that the pursuit is not likely to cause serious bodily injury or death to any person; and that all other options have been exhausted or do not reasonably lend themselves to the circumstances.

The Metropolitan Police Department (“MPD”) has informed the Council that in drafting a written pursuit directive for its officers to comply with this language, it has come to the conclusion that, in practice, the sole option available to it is to implement a no-pursuit policy. No other jurisdiction in the United States has a no-pursuit policy. Adoption of such a policy would have substantial detrimental impacts to public safety. Two recent incidents illustrate this:

- On June 21, 2023, an individual carjacked a vehicle with a 6-year-old child in the back seat. MPD was unable to use a helicopter to follow the vehicle due to weather conditions. Officers were unable to pursue the vehicle.
- On June 23, 2023, multiple individuals committed a carjacking. They fled in the vehicle and went on to commit five armed robberies over the course of multiple hours in the U Street corridor. Officers were unable to pursue because there was no “immediate” threat and they could not ensure the safety of the fleeing driver. The driver appeared to be aware of MPD’s inability to pursue; he waved at an MPD officer as he drove by.

To avoid these negative impacts to public safety, this emergency legislation makes clarifying changes to the limitation on vehicle pursuits to ensure that MPD can authorize its officers to engage in pursuits when necessary. The legislation would retain strict limits on

pursuits, allowing them only where the fleeing suspect has committed a crime of violence or poses an imminent threat to public safety and where pursuit is necessary and can be conducted in a way that mitigates the risk of injury to innocent people.

Drafts of the emergency measures are attached. If you have any questions, please contact Michael Porcello, Committee Director, at 724-7808 or mporcello@dccouncil.gov.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel
Office of the Budget Director
Mayor's Office of Policy and Legislative Affairs