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5 A PROPOSED RESOLUTION
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9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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13 To declare the existence of an emergency with respect to the need to amend the Neighborhood
14 Engagement Achieves Results Amendment Act of 2016 to enhance the Private Security
15 Camera System Incentive Program by removing the program rebate cap; to amend the
16 Anti-Sexual Abuse Act of 1994 to clarify the definition of “significant relationship” in
17 sexual abuse cases; to amend the Criminal Justice Coordinating Council for the District
18 of Columbia Establishment Act of 2011 to require that all participating entities in the
19 CJCC report aggregate programmatic data on process and outcomes of programs; to
20 amend An Act To control the possession, sale, transfer and use of pistols and other
21 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
22 evidence, to prohibit firearms possession for people convicted of stalking, and to
23 establish an offense of endangerment with a firearm; to amend Title 16 of the District of
24 Columbia Official Code to establish a rebuttable presumption that pre-hearing detention
25 is necessary where there is a substantial probability that the youth committed a dangerous
26 crime or a crime of violence; to amend Title 23 of the District of Columbia Official Code
27 to establish a rebuttable presumption in favor of detaining a person pretrial where there is
28 probable cause that the person committed a violent crime, to require courts to make
29 written findings in cases where the rebuttable presumption is overcome, to provide courts
30 with discretion to make a misdemeanor arrest warrant extraditable, to clarify that GPS
31 records from the Pretrial Services Agency are admissible in court, to direct the Court to
32 expedite cases involving a child victim, and to add strangulation to the definition of a
33 crime of violence.
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35 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 resolution may be cited as the “Prioritizing Public Safety Emergency Declaration Resolution of
37 2023”.

38 Sec. 2. (a) The District is currently experiencing a significant spike in violent crime.
39 Through July 5 of this year, there have been 127 homicides, a 19 percent increase from 2022 at
40 the same time. If this pace continues, for the first time in in two decades, the District will see

41 three consecutive years where our homicide count exceeds 200. There have also been more than
42 500 people shot in more than 400 separate incidents.

43 (b) The District is also experiencing a marked increase in a number of other violent and
44 highly salient crimes. Robberies have increased by nearly 50 percent compared with 2022; motor
45 vehicle thefts are up 116 percent; and the District is on pace to double the number of carjackings
46 compared with 2022, which already saw a historic number of carjackings. Overall, in 2023, we
47 have seen a 30 percent increase in violent crime and a 29 percent increase in property crime.

48 (c) Furthermore, our youth are in crisis. As of the end of June, 12 children under the age
49 of 18 have been killed in the District in 2023; 66 kids have been shot. This puts us on track to
50 easily exceed the 16 kids who were killed and 105 kids who were shot in 2022. All of this is
51 happening just as we enter the summer months, which typically come with elevated levels of
52 crime.

53 (d) Importantly, crime—and especially violent crime—is not experienced equally by
54 residents across the District, and is disproportionately felt by residents of color. For example, of
55 the 127 homicides in the District to date, 81—over 60 percent—occurred in police districts in
56 Wards 7 and 8. And 106 of the 127 homicide victims were Black men.

57 (e) These deeply concerning statistics fail to fully capture the human toll these crimes
58 have on victims and their families, as well as the broader impact on our neighborhoods and local
59 communities. This includes not only the real, lasting trauma experienced by the victims of, and
60 families of victims of, crime, but also the fear felt by residents desperate to see an end to the
61 crime and violence plaguing their communities. What is more, the disproportionate effect violent
62 crime has on the District's Black residents has a broad, negative effect on these residents'
63 earning power, employment opportunities, access to businesses and public amenities, and the

64 mental health of residents living in impacted communities. Residents across the District have
65 called on the Council to take decisive action to address this spate of crime, and violent crime in
66 particular.

67 (f) In response to these concerns, on May 15, 2023, Mayor Bowser introduced the Safer
68 Stronger Amendment Act of 2023. The legislation proposes more than a dozen amendments to
69 the District’s criminal code aimed at enhancing public safety and addressing gaps in the law that
70 hamper the effectiveness of the District’s criminal justice system. The Committee on the
71 Judiciary and Public Safety held a hearing on that legislation on June 27, 2023, where the
72 Council heard from over 160 public witnesses.

73 (g) Separately, on June 21, 2023, Councilmember Brooke Pinto, Chairwoman of the
74 Committee on the Judiciary and Public Safety, introduced legislation aimed at promoting public
75 safety and accountability within our criminal justice system. That bill, the Accountability and
76 Victim Protection Amendment Act of 2023, was developed in collaboration with the United
77 States Attorney’s Office (“USAO”) for the District of Columbia, and specifically tailored to
78 close gaps in the law that prevent District prosecutors from holding offenders accountable.

79 (h) The Committee on the Judiciary and Public Safety intends to advance permanent
80 public safety legislation in the fall, but the timing of the Council’s recess and the timeline for
81 Mayoral and Congressional review means that any legislation passed by the Council this year
82 could not be effective until early spring 2024 at the earliest. This bill is appropriately tailored to
83 address policy issues that cannot wait and need to be implemented now to see improvements in the
84 crisis our residents are experiencing.

85 (i) Thus, this emergency legislation aims to accelerate adoption of several provisions with
86 the public safety bills proposed by the Mayor and Councilmember Pinto. The measures proposed

87 here are tailored to address gaps or areas requiring clarity in the law, provide the Metropolitan
88 Police Department (“MPD”) and USAO with the tools and authority necessary to deter,
89 investigate, and prosecute crime, and provide critical support and protections for victims (or
90 potential victims) or crime. The legislation also includes provisions providing more direction to
91 judges weighing whether a person presents a danger to the public such that the person should be
92 held prior to trial. Specifically, the emergency legislation includes language that would:

93 (1) Establish a rebuttable presumption favoring pretrial detention where a court
94 finds probable cause that a person committed a violent crime and require courts to issue written
95 findings in cases where they find that the presumption is overcome. The bill also makes a change
96 to require courts to find “probable cause” rather than “a substantial probability” that a defendant
97 committed murder or assault with intent to kill while armed in order to apply a rebuttable
98 presumption in favor of pretrial detention. These changes will provide courts with more direction
99 and flexibility to hold individuals who may be contributing to repeated instances of retaliatory
100 gun violence.

101 (2) Establish a rebuttable presumption that detention is necessary for youth in
102 cases where the court finds a substantial probability that the youth committed a crime of
103 violence—such as carjacking—or a dangerous crime, whether or not it was committed while
104 armed. This limited expansion will ensure that youth can be held when they pose a danger to
105 their peers or the community.

106 (3) Create a felony offense of endangerment with a firearm. This offense, a
107 version of which was included in the Revised Criminal Code Act, would help to ensure that
108 offenders who recklessly fire a weapon in public are appropriately held accountable.

109 (4) Increase the reimbursement rate for the District’s Private Security Camera
110 System Incentive Program, which increases MPD’s work to solve crimes by providing MPD
111 with access to footage from subsidized cameras. This language will ensure the rebates provided
112 under the program can be sized appropriately to meet costs for these systems.

113 (5) Extend liability for certain sexual offenses against children to contractors of
114 organizations. Currently, both employees and volunteers are liable, but not contractors; there is
115 no reason to exclude contractors from liability. This language addresses a long outstanding gap
116 in the law.

117 (6) Require that the Criminal Justice Coordinating Council produce, on a
118 quarterly basis, aggregate programmatic data on process and outcome of District programs,
119 including diversion, and outcomes of alternative dispositions and sentencing agreements.

120 (7) Make misdemeanor arrest warrants extraditable outside the District where a
121 court finds good cause. This is particularly important given the District’s small size and
122 proximity to Maryland and Virginia.

123 (8) Clarify that GPS records in the possession of the Pretrial Services Agency
124 (“PSA”) can be admissible to prove a defendant’s guilt in a criminal case or other judicial
125 proceeding. Current law is unclear on this issue, and while the USAO consistently maintains that
126 the law allows these records to be admitted as evidence of guilt, some defendants have attempted
127 to construe the statutes to the contrary. This measure resolves that question, making clear that
128 GPS records from PSA, where legally in the possession of a prosecutor, are admissible—subject
129 to general evidentiary rules—in that defendant’s criminal trial.

130 (9) Prohibit individuals who have been convicted of stalking from possessing a
131 firearm. According to Everytown for Gun Safety, in nearly 9 out of 10 cases of attempted

132 murders of women, there had been at least one stalking incident in the year prior to the attempted
133 murder. This provision will help keep dangerous firearms out of the hands of these potential
134 offenders.

135 (10) Direct courts to expedite cases involving a child victim. Currently, the law
136 only expedites cases where a child is called to give testimony; this would expand that to cases
137 where a child is a victim, even where the child doesn't testify. It would also allow courts to
138 expedite sentencing hearings. These changes would help to minimize the length of time child
139 victims are exposed to the criminal justice process.

140 (11) Create a standalone felony offense of strangulation. Strangulation is a key
141 predictor of future domestic violence turning deadly; establishing a standalone felony offense of
142 strangulation will make it easier for the District to hold individuals who engage in this conduct
143 accountable. This change would also bring the District in line with the 49 other states that allow
144 strangulation to be prosecuted as a felony.

145 (j) This legislation is of course not a panacea to violent crime in the District; it does
146 represent common-sense, meaningful steps toward addressing this recent spate in crime while the
147 Council considers the aforementioned permanent measures in full, continuing to work toward a
148 District that is safe for everyone.

149 Sec. 3. The Council of the District of Columbia determines that the circumstances
150 enumerated in section 2 constitute emergency circumstances making it necessary that the
151 Prioritizing Public Safety Emergency Amendment Act of 2023 be adopted after a single reading.

152 Sec. 4. This resolution shall take effect immediately.