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A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to provide for public safety enhancements in the District, and for other purposes.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Secure DC Omnibus Emergency Declaration Resolution of 2024”.

Sec. 2. (a) The District is currently experiencing a significant increase in violent crime. In 2023, there were 274 homicides, a 35% increase from 2022. Last year saw the highest number of homicides in over two decades and similarly marked the first time in two decades that the District saw three consecutive years with a homicide count over 200. There were also 749 people shot and 3,135 guns recovered.

(b) The District is also experiencing a marked increase in a number of other violent and highly distressing property crimes. In 2023, robberies increased by 67% compared with 2022; motor vehicle thefts went up 82%; and carjackings almost doubled, from 484 in 2022 to 958 in 2023. Overall, in 2023, the District saw a 39% increase in violent crime and a 24% increase in property crime.

(c) The District’s youth are facing a similar crisis. In 2023, 16 children under the age of 18 were killed in the District and 109 children were shot.

31 (d) These deeply concerning statistics, both in overall crime and crimes experienced by
32 the District’s youth, fail to fully capture the human toll these crimes have on victims and their
33 families, as well as the broader impact on the District’s neighborhoods and local communities.
34 This impact includes not only the real, lasting trauma experienced by the victims of crime and
35 their families, but also the fear felt by residents desperate to see an end to the crime and violence
36 plaguing their communities. Further, the disproportionate effect violent crime has on the
37 District’s Black residents has a broad, negative impact on these residents’ employment and
38 educational opportunities, access to businesses and public amenities, and the mental health of
39 residents living in impacted communities. Residents across the District have called on the
40 Council to take decisive action to address crime, both violent crime and the prevalence of other
41 crime, such as drug transactions being committed out in the open, seemingly without any fear of
42 enforcement or other consequences.

43 (e) Other shortcomings have compounded these growing crises. These issues pertain
44 primarily to a lack of coordination or information-sharing between agencies and a lack of
45 publicly available metrics and data to assess existing programs. Without evidence-based
46 approaches and proper channels of information, crime in the District cannot be adequately or
47 swiftly addressed. Similarly, gaps in the law and unclear provisions of law all further weaken the
48 deterrent effects of our criminal code.

49 (f) In response to these crises and repeated calls from District residents across the city for
50 action to address these challenges, Councilmember Pinto, as Chairwoman of the Committee on
51 the Judiciary and Public Safety, introduced the Secure DC Omnibus Amendment Act of 2024
52 (“Secure DC”). Secure DC includes provisions from a number of bills Councilmember Pinto
53 introduced and considered in 2023 aimed at addressing crime. The Committee conducted a

54 robust public engagement process, including hundreds of public witnesses at hearings held on
55 each of the considered bills, dozens of conversations and public safety walks in all eight wards
56 with agencies, advocacy groups, and neighbors, and feedback and input from thousands of
57 residents over the course of several months. Secure DC also went through an iterative and
58 collaborative legislative process with Council colleagues to develop the legislation. On Tuesday,
59 February 6th, the Council unanimously voted at first reading to pass the permanent version of
60 Secure DC. The second and final vote will be held on Tuesday, March 5th.

61 (g) The Council’s passage of the permanent version of Secure DC will help to address the
62 crisis once the bill takes effect, but the process still requires Mayoral and congressional review,
63 meaning that the permanent version may not go into effect for several months.

64 (h) Thus, this emergency legislation aims to accelerate adoption of several provisions
65 within Secure DC. The measures proposed here are tailored to address gaps or areas requiring
66 clarity in the law, provide the Metropolitan Police Department (“MPD”) and prosecutors in the
67 District with the tools and authority necessary to deter, investigate, and prosecute crime, ensure
68 that individuals who are being charged with crimes of violence and present a danger to the public
69 can be held prior to trial, and provide critical support and protections for victims (or potential
70 victims) or crime. The specific changes the bill proposes are discussed below.

71 (i) The bill would mandate the posting of data and/or annual reports from several
72 agencies. The bill requires the Office of Unified Communications (“OUC”) to collect and post
73 911 call and staffing data and to expand options for the 311 system. The bill requires the Office
74 of Victim Services and Justice Grants to publish the outcomes of the Victim Services Division.
75 The bill requires MPD to report its case closure rates. The bill also requires the Mayor to submit
76 to the Council and post online a firearm tracing data and accountability report. The bill further

77 requires the Criminal Justice Coordinating Council (“CJCC”) to collect and post data about the
78 adult and juvenile justice systems, data about bench warrants, and felony crime data. These
79 changes will increase public transparency around the effectiveness of these programs and allow
80 the Council to more readily assess the performance of various agencies to evaluate progress in
81 addressing crime trends.

82 (j) The bill would allow law enforcement to obtain certain records in the custody of the
83 Department of Youth Rehabilitation Services (DYRS) for the purpose of investigating crimes,
84 require DYRS to provide certain information to the Office of the Attorney General (OAG)
85 regarding committed youth, and allow OAG to share certain information with victims and
86 witnesses. The bill would also clarify what information agencies can share with each other
87 regarding delinquent children. The bill would direct MPD to facilitate a law enforcement
88 shooting review no less than twice a month and direct the Office of the Deputy for Public Safety
89 and Justice to conduct shooting reviews for the purpose of preventing future services and
90 assessing necessary services. The bill would further add representatives to various public safety
91 boards or commissions, including adding a representative from OUC to the Domestic Violence
92 Fatality Review Board, three voting members and one non-voting member to the Sentencing
93 Commission, and the Chairperson of the Sentencing Commission as a member of the CJCC.
94 These changes are meant to improve information sharing and coordination across the public
95 safety ecosystem to ensure that necessary information is received by the relevant agencies and
96 various perspectives are considered when addressing crime.

97 (k) The bill would make several changes to laws governing law enforcement officers to
98 ensure that officers have the tools to do their jobs effectively while also maintaining transparency
99 and accountability. The bill would allow officers to review footage from a body-worn camera

100 before writing an initial report except when an incident involves an officer-involved death or
101 serious use of force. It would also clarify that controlling or restricting a person's movement is
102 not prohibited but any controlling or restricting of a person's airway, blood flow, or breathing is
103 prohibited. The bill would clarify that civilian members of the Use of Force Review Board may
104 have a prior affiliation with law enforcement and would require MPD to publish Use of Force
105 Review Board reports on its website. Additionally, the bill would expand the ability of law
106 enforcement officers to engage in vehicle pursuits where a fleeing suspect poses an imminent
107 threat to safety and clarify that the categorization of certain police vehicular pursuit tactics as
108 serious or deadly uses of force shall not be read to permit the tactics if they are prohibited by
109 department policies. The bill would repeal the requirement that MPD post the names and badge
110 numbers of officers before an adverse action hearing, and repeal the requirement that officers
111 inform contact subjects that they are being recorded by a body-worn camera and provide
112 language access services. The bill would also require the Office of Police Complaints to keep
113 records it obtains from MPD confidential.

114 (l) The bill would allow victims to be eligible for benefits within a year of filing or
115 resolution of their motion. The bill would also add clarifications to District law on extreme risk
116 protection orders to make it easier to obtain such orders, require a public awareness initiative
117 regarding the petition process for extreme risk protection orders, and clarify and streamline
118 requirements for obtaining an extreme risk protection order. The bill would further allow victims
119 and eyewitnesses and their immediate family members to attend plea hearings in youth
120 delinquency matters. The bill would create additional protections for 12-year-old victims of
121 sexual abuse, clarify the definition of a "significant relationship" in sexual abuse cases involving
122 minor victims, and make conforming amendments to ensure the rights of adult and child crime

123 victims. The bill would also prohibit firearms possession for people convicted of stalking. These
124 changes are meant to provide additional protections for victims, ensure victims can participate in
125 the criminal justice process if they desire, and make services and avenues of protection more
126 known to and readily available to victims.

127 (m) The bill would establish penalty enhancements for crimes of violence committed
128 against various groups, including senior citizens, people on certain Department of Parks and
129 Recreation properties, vulnerable adults, transportation providers, transit employees, and transit
130 passengers. These changes are meant to make common sense extensions to certain groups of
131 individuals and protect other vulnerable, at-risk, or frequently targeted groups from violent
132 crime.

133 (n) The bill would establish new firearm offenses for discarding firearms and
134 ammunition, possessing a gun with a tampered serial number, possessing a stolen firearm,
135 possessing stolen ammunition, and endangering public safety with a firearm. The bill would also
136 amend the penalties for certain firearms possessory offenses and require certain firearms-related
137 sentences to run consecutively. These changes are meant to address the increase in shootings and
138 firearm-related homicides by targeting offenders to ensure they are held accountable at
139 sentencing and deter future firearm offenses.

140 (o) The bill would create a new standalone offense of strangulation. The bill would also
141 establish the offense of directing organized retail theft and redefine theft in the first degree. The
142 bill would further expand the definition of carjacking and expand the offense of assault on a law
143 enforcement officer to include assaults on emergency medical technicians and related officials.
144 These changes are meant to address the stark increases in both violent crimes and thefts in the
145 District.

146 (p) The bill would create progressive sentencing for misdemeanor sexual abuse and
147 misdemeanor sexual abuse of a child or minor and make clarifying changes to the offenses of
148 unlawful disclosure and unlawful publication of non-consensual pornography. The bill would
149 also amend the definitions of dangerous crimes and crimes of violence to include certain
150 additional sexual abuse offenses. These changes are meant to protect victims of sex crimes and
151 hold offenders accountable, as well as deter offenders who enter the District with the intent to
152 repeatedly commit misdemeanor sexual abuse.

153 (q) The bill would clarify the intent requirement of illegal possession of large capacity
154 ammunition feeding devices. The bill would further clarify that GPS records from the Pretrial
155 Services Agency may be admissible in court to prove guilt. The bill would also define both
156 significant bodily injury and serious bodily injury. The bill would give courts discretion to make
157 a misdemeanor arrest warrant extraditable outside the District, and continue to allow the Court
158 Services and Offender Supervision Agency to impose intermediate sanctions for violations of the
159 conditions of release without an order from the Superior Court or the Parole Commission. These
160 changes are meant to clarify the law and provide the courts and relevant supervision agencies
161 with the necessary tools to ensure that offenders are held accountable.

162 (r) The bill would re-establish the prohibition for wearing a mask under certain
163 conditions. The bill would also require public transit passengers stopped for certain violations,
164 including fare evasion, to provide officials with their true name and address for the purpose of
165 issuing a notice of infraction and failure to comply is punishable by a fine up to a \$100. The bill
166 would further authorize the Chief of MPD to declare a drug free zone and prohibit the
167 congregation of 2 or more persons on public property, for the purpose of participating in the use,
168 purchase, or sale of illegal drugs, within the perimeter of the drug enforcement zone, and to

169 establish procedures for notice and reporting related to drug free zones. These changes will
170 provide law enforcement with additional tools to address increases in thefts, crime on the Metro
171 system, and violent crime in the District.

172 (s) The bill would delay the effective date of the prohibition on retail establishments
173 refusing cash payment. This change will allow businesses in the District to avoid robberies or
174 burglaries that may result from requiring businesses and employees from maintain cash on hand.

175 (t) This emergency legislation represents common-sense, meaningful steps toward
176 addressing the recent spate in crime until the permanent version of Secure DC takes effect. The
177 emergency legislation is appropriately tailored to address policy issues that cannot wait and enact
178 provisions that need to be implemented now to see improvements in the crisis our residents are
179 experiencing.

180 Sec. 3. The Council of the District of Columbia determines that the circumstances
181 enumerated in section 2 constitute emergency circumstances making it necessary that the Secure
182 DC Omnibus Emergency Amendment Act of 2024 be adopted after a single reading.

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