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Testimony Before the District of Columbia Council
Committee on Judiciary and Public Safety
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Performance Oversight Hearing:
Metropolitan Police Department

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Good Morning, Chairperson Pinto, members of the Committee and staff. My name is Danielle Robinette. I am a policy analyst at Children's Law Center and former public-school teacher. I am testifying today on behalf of Children's Law Center which believes every child should grow up with a strong foundation of family, health and education and live in a world free from poverty, trauma, racism and other forms of oppression. Our more than 100 staff – together with DC children and families, community partners and pro bono attorneys – use the law to solve children's urgent problems today and improve the systems that will affect their lives tomorrow. Since our founding in 1996, we have reached more than 50,000 children and families directly and multiplied our impact by advocating for city-wide solutions that benefit hundreds of thousands more.

I appreciate this opportunity to testify regarding the performance of the Metropolitan Police Department (MPD) over the past year. Children's Law Center believes that schools should be welcoming places where students feel safe. The presence of MPD officers in our schools does not advance that goal and hinders efforts to create positive school climates. Many of our young clients have had harmful, and even traumatizing, experiences with School Resource Officers (SROs). Our attorneys consistently report problematic interactions between school police and the students we work with. For example:

- A nine-year-old student experiencing a mental health emergency was handcuffed and accompanied by uniformed officers to the Emergency Department

- An 11-year-old student was handcuffed at a DCPS school for running through the halls and was transported – still handcuffed – by an SRO to Children’s National Hospital for a psychiatric evaluation.

SROs are too often called when students are experiencing behavioral challenges at school. Such emotional dysregulation should be met with support – not arrest. For these reasons, Children’s Law Center is a member of the Police-Free Schools and has advocated for the dissolution of the School Safety Division (SSD) within MPD and a parallel investment in supportive services for students.

The Fiscal Year 2022 Budget Support Act of 2021 provides for the gradual phase out of SROs and the dissolution of the SSD by July 1, 2025.¹ The reasoning behind this gradual phase out was to allow for schools to transition gradually from the use of SROs to the implementation of supportive services.² The FY22 BSA required the SSD’s sworn and civilian staff is not to exceed 60 personnel by July 1, 2022 ³ – a reduction of 31 employees from their FY20 sworn staffing levels.⁴ Current staffing levels are not readily available. Following a meeting with school leaders on January 11, 2023, City Administrator Kevin Donahue noted that there were 60 SROs rotating through schools in accordance with the statutory timeline.⁵ Less than a week later, MPD reported that the Division is down to 41, well ahead of the required reduction in force.⁶ Throughout the first year of the phase out, MPD has not publicly shared changes made to assignment of SROs across the District and it is unclear if schools were consulted on the redistribution plan. If school leaders are not meaningfully involved in the planning for and

implementation of the phase out, it is, in turn, difficult for the education sector to effectively target investments in alternative student supports. We strongly encourage the Committee to press MPD for clear answers regarding concrete changes made to the operations of the SSD.

- How many former SROs were assigned to other divisions within MPD?
- How were cluster beats redrawn for assignment of the remaining SROs?
- What factors went into this redistribution plan?
- To what degree were school leaders included in or made aware of any planning for the phase out of SROs?

While the Budget Support Act identifies annual deadlines for MPD, the Committee must use its oversight role to ensure that the phase out is being planned and implemented with transparency. MPD has not published their Biannual Report on Juvenile Arrests in the District since December 2021⁷ and has not published their annual school safety report since School Year 2019-2020.⁸ Without this data, parents, advocates, and the media can only speculate as to any impact that the phase out has had on schools and student safety. Furthermore, we strongly recommend that the Committee's oversight of the phase out ensure that there be ongoing racial impact analysis of the changes to the distribution of SROs across the District. Data regularly reflect that Black students are disproportionately the subject of school-based arrests. OSSE's 2022 DC School Report Card reports that 95% of school-based arrests are of Black students.⁹ We cannot allow the phase-out to excuse the targeted over-policing of Black students under the guise of staffing shortages.

As we have testified for the past two years, the removal of SROs must be paired with an investment in programming and supports that will improve school climates and create safe schools without the need for police.¹⁰ However, Mayor Bowser has made clear her disapproval of the SRO phase out.¹¹ The Mayor seeks to unravel the careful and deliberate work of the Judiciary Committee, the Police Reform Commission (PRC), and dedicated community advocates. The Judiciary Committee examined and debated the use of SROs and found that:

“[w]hile there may be legitimate safety concerns in District schools that police – specifically, school resource officers – are expected to help address, there are other resources the District can provide to schools to ensure they are safe learning environments. These alternative resources – which can include social workers, counselors, safe passage teams, and violence interrupters – can address student behavior without resorting to detaining or arresting them.”¹²

The Committee’s conclusion was informed by the PRC’s recommendation that the District “[d]ismantle the school policing infrastructure and replace it with a holistic public health approach to school safety and crisis intervention that is relational, racially just, restorative, trauma responsive, and trauma-informed.” Specifically, the PRC called on Council to “eliminate the MPD School Safety Division and create a community-led process to reallocate those resources (the roughly \$14 million in the existing budget) and designate additional funding to invest directly in services and resources that better protect youth and promote a safe and healthy learning environment.”¹³ The Council was responsive to the PRC through the inclusion of a slow phase out of SROs in the FY22

Budget Support Act. The following year, Council reaffirmed its commitment to justice reform by rejecting the Mayor's efforts to repeal the SRO phase out. To reverse course now would ignore the careful and deliberate work of the PRC and the Council before any evaluation of the impact.

The members of the Police Free Schools coalition have spent years listening to DC students regarding what will make them feel safe at school. When designing their ideal school, DC students sought among other things, fresh and good food, menstrual supplies in bathrooms, and expanded school counseling options¹⁴ – investments you, Chairperson Pinto, have supported.¹⁵ Moreover, at no point were Police or School Resource Officers among the visions that these students had for their schools. In fact, young people have repeatedly voiced concerns about police in schools. They note that SROs are “scary”¹⁶ and make them “feel like criminals.”¹⁷ The presence of police in schools is destabilizing for students. For example, Samaria Short, a 17-year-old student at Eastern High school shared that:

“A lot of the kids who go to my school, me included, have dealt with harassment from police officers just from walking on the streets. So having them being allowed in a place where they're supposed to feel safe and comfortable to learn is very triggering [...] You don't know what you're going to expect. One day they might be nice, but then the next day they might flip out on you. You never know.”¹⁸

If we want to create safe schools in DC, we cannot only remove harms, but also bolster supports. Education sector and community stakeholders cannot appropriately target supports and services without support from the Council. A failure to invest in and engage

with the full spectrum of education stakeholders – including school leaders, parents, out-of-school time programs, and safe passage providers – will undermine the project of creating safe schools. This is yet another concern raised by young people advocating for better schools:

“I believe that a lot of the schools don’t have enough mental health resources that will reach everybody. So they’ll have one school counselor for hundreds of students in different grades [...] And not a lot of people know how to connect to them, how to talk to them, like how to reach out for that support.”¹⁹

Moreover, it makes sense that school leaders have expressed concerns about the removal of SROs. Many have spent their careers watching resources be removed or withheld from students. Their mistrust that SROs will be replaced by alternative supports is understandable and has been supported by recent events and more distant history. For example, MPD is offering a \$20,000 hiring bonus to new recruits²⁰ while DC schools are “projected to have higher teacher turnover than the vast majority of states and some of the worst pay in the country given the cost of living.”²¹ Importantly, this does not mean that SROs are the answer to school safety. It means that the promise of alternatives is hollow without definitive action by the Council. Last year, we warned the Committee that a failure to plan for the needs of student will lead to preventable safety concerns.²² We ask the Committee now to preserve the phase out of harmful school policing *and* invest in the supports that students want and need.

With thorough oversight from the Committee and collaboration with school communities, we can ensure that schools have the tools they need for a safe environment including behavioral health supports, robust safe passage, and comprehensive restorative justice programming. We urge the Committee to ensure that MPD and school communities are actively engaged in the transition away from police in schools and toward welcoming, positive school climates.

Thank you for this opportunity to testify and I welcome any questions.

¹ See DC Code § 5-132.02(e)

² See *Committee Mark-Up: Report and Recommendations FY22 Budget*, Before the Comm. on the Judiciary & Pub. Safety, D.C. Council, (June 30, 2021) (statement of Councilmember Charles Allen, Chair, Comm. on the Judiciary & Pub. Safety) (responding to concerns about withdrawing SROs, “while there certainly were calls to, say, immediately eliminate the division, because we wanted to make sure those pieces are in place, that’s why you see the step-down approach that’s spread out over several years which allows us to work with MPD and work with other partners for that transition.”)

³ See DC Code § 5-132.02(e)(1)

⁴ See Robert Contee, Metropolitan Police Department, “Responses to Fiscal Year 2020 Performance Oversight Questions,” at 154 (April 26, 2021), available at: <https://dccouncil.us/wp-content/uploads/2021/04/IPS-Performance-Oversight-Responses-2021-MPD.pdf> (noting in response to question 39 that the SSD’s sworn staffing was composed of one commander, two lieutenants, nine sergeants, and 79 SROs – totaling 91 sworn personnel, but does not note whether there are any civilian personnel).

⁵ See Martin Austermuhle (@maustermuhle), TWITTER, (Jan. 11, 2023, 11:39 AM) <https://twitter.com/maustermuhle/status/1613214013009104899>

⁶ See Martin Austermuhle (@maustermuhle), TWITTER, (Jan. 17, 2023, 11:14 AM) <https://twitter.com/maustermuhle/status/1615382077591146506>

⁷ Metropolitan Police Department, *Biannual Reports on Juvenile Arrests*, available at: <https://mpdc.dc.gov/node/208852> (last accessed Feb. 21, 2023, at 11:45 AM).

⁸ Metropolitan Police Department, *School Safety & Security Reports*, available at: <https://mpdc.dc.gov/publication/school-safety-security-reports> (last accessed Feb. 21, 2023, at 11:45 AM).

⁹ Office of the State Superintendent of Education, “2022 School Report Card Discipline – Metric Scores, available at: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2122%20DC%20School%20Report%20Card%20Discipline%20-%20Metric%20Scores.xlsx (noting that 18 out of 19 students arrested at school that year were Black/African-American).

¹⁰ See *Metropolitan Police Department*, Performance Oversight Hearing Before the Comm. on the Judiciary & Pub. Safety, D.C. Council, (Mar. 11, 2021) (testimony of Danielle Robinette, Policy Attorney, Children’s Law Center), available at: https://childrenslawcenter.org/wp-content/uploads/2021/07/CLC_MPD-Oversight-Testimony_FINAL.pdf; see also, *Metropolitan Police Department*, Performance Oversight Hearing Before the Comm. on the Judiciary & Pub. Safety, D.C. Council, (Feb. 17, 2022) (testimony of Danielle Robinette, Policy Attorney, Children’s Law Center), available at: https://childrenslawcenter.org/wp-content/uploads/2022/02/CLC-Testimony_MPD-Oversight-FY21_Final.pdf

¹¹ See e.g., *School Leaders Public Safety Meeting – Media Availability* (Jan. 11, 2023) (statement of Muriel Bowser at 4:24 – 4:33) (calling for the District to prioritize a conversation about returning police to schools), available at: <https://www.youtube.com/watch?v=5wVFE0W-HTc>; *Mayor Bowser Holds ANC Public Safety Meeting*, (Jan. 21, 2023) (statement of Muriel Bowser at 34:18 – 35:07) (identifying the SRO phase out as a Council-directed change to the public safety ecosystem), available at: <https://www.youtube.com/watch?v=gZYRIkPwJAc>

¹² Councilmember Charles Allen, DC Council, “Report and Recommendations of the Committee on the Judiciary and Public Safety on the Fiscal Year 2022 Budget for the Agencies under its Purview,” at 104 (June 30, 2021), available at: https://lims.dccouncil.gov/downloads/LIMS/47279/Committee_Report/B24-0275-Committee_Report3.pdf

¹³ D.C. Police Reform Commission, *Decentering Police to Improve Public Safety: A Report of the DC Police Reform Commission*, at 69 (April 1, 2021), <https://dccouncil.gov/wp-content/uploads/2021/04/Police-Reform-Commission-Full-Report.pdf>

¹⁴ See Black Swan Academy (@BlackSwanAcad), TWITTER, (June 30, 2021, 11:25 AM) <https://twitter.com/BlackSwanAcad/status/1410258259840311296>

¹⁵ See Universal Free School Meals Act of 2023, B25-0035, Council Period 25 (2023); see also, Press Release, Councilmember Brooke Pinto, Passage of Bill to Provide Free Period Products in Schools (Jan. 4, 2022), available at: <https://www.brookepintodc.com/newsroom/press-release-passage-of-bill-to-provide-free-period-products-in-schools>, and Councilmember Brooke Pinto (@CMBrookePinto), TWITTER, (Mar 16, 2022, 11:29 AM) <https://twitter.com/CMBrookePinto/status/1504117776578973698>.

¹⁶ Black Swan Academy (@BlackSwanAcad), TWITTER, (Mar 11, 2021, 3:33 PM) <https://twitter.com/BlackSwanAcad/status/1370110546335432715> (quoting Sameya, 16, “Police in school are scary. You’re carrying around a gun in an educational environment with children. Why?!”)

¹⁷ Black Swan Academy (@BlackSwanAcad), TWITTER, (June 30, 2021, 11:23 AM) <https://twitter.com/BlackSwanAcad/status/1410257620754210817> (quoting Jaden, 15, “it is important to remove police from schools so we don’t feel like criminals and so we don’t feel uncomfortable or unsafe.”);

¹⁸ Martin Auster Muhle, *‘They Don’t Know Our Worth’: As Police Officers Dwindle In D.C. Schools, A Fight Is On To Bring Them Back*, DCIST (Feb. 10, 2023), available at: <https://dcist.com/story/23/02/10/dc-debates-police-in-schools/> (quoting Samaria Short, a 17 year old student at Eastern High School),

¹⁹ *Id.*

²⁰ See Press Release, Executive Office of the Mayor, Mayor Bowser Announces \$20,000 Hiring Bonus to Help Recruit MPD Officers (June 17, 2022), available at: [https://mayor.dc.gov/release/mayor-bowser-announces-20000-hiring-bonus-help-recruit-mpd-officers#:~:text=\(Washington%2C%20DC\)%20Today%2C,more%20DC%20residents%20and%20women](https://mayor.dc.gov/release/mayor-bowser-announces-20000-hiring-bonus-help-recruit-mpd-officers#:~:text=(Washington%2C%20DC)%20Today%2C,more%20DC%20residents%20and%20women).

²¹ Sarah Y. Kim, *D.C. Schools Are Losing Educators. Teachers Have Solutions*, DCIST (Sept. 23, 2022), available at: <https://dcist.com/story/22/09/23/dc-schools-losing-teachers/>

²² Metropolitan Police Department, Performance Oversight Hearing Before the Comm. on the Judiciary & Pub. Safety, D.C. Council, (Feb. 17, 2022) (testimony of Danielle Robinette, Policy Attorney, Children’s Law Center), available at: https://childrenslawcenter.org/wp-content/uploads/2022/02/CLC-Testimony_MPD-Oversight-FY21_Final.pdf