

# Written Testimony from the National Police Association in Support of the ACT Now Amendment

The [National Police Association](#) supports Mayor Muriel Bowser's proposed Addressing Crime Trends (ACT) Now Amendment Act of 2023 (B25-555). The proposals in this tempered bill provide law enforcement with the tools necessary to combat crime more effectively. It helps establish a less restrictive policing landscape and contains language that better protects officers from undue reprisal. These elements are essential to fighting crime, as well as to retaining and attracting the best qualified men and women to the Metropolitan Police Department (MPD).

## Why the ACT Now Amendment is Needed

Washington, D.C., like many other American cities, is experiencing a public safety crisis. [Crime](#) has spiked in almost every category since 2022, including homicide, robbery, and auto theft. These numbers are impeding residents' quality of life, impacting businesses, and placing visitors in harm's way.

At a time when crime has increased, the MPD is [unable to meet its staffing requirements](#). Fewer officers result in longer response times for service (including for high-priority calls), leaves officers with less time for community engagement, and leads to officer burnout.

The proposals in Mayor Bowser's bill address some of these concerns by emphasizing proactive policing and allowing officers to perform their duties in good faith. When officers feel supported by their city government, they are more inclined to engage in proactive policing, and less likely to hesitate during potentially life-threatening situations. This is a prudent policy that benefits police officers and the communities they serve.

## Commentary on Specific Proposals of the ACT Now Amendment

While we broadly support the ACT Now Amendment, we'd like to offer commentary on four specific proposals.

### **Creates new criminal penalties for organizing retail theft operations**

It's in the City's best interest to allow MPD to curb retail theft being perpetrated by large-scale, organized retail theft rings. These crimes result in higher prices and force some retailers -including small businesses- to shutter their doors, which impacts D.C.'s economy. When it displaces employees and residents who depend on these businesses, it also becomes a quality-of-life issue. Additionally, organized theft is linked to other crimes, including assaults, illegal gun trafficking, vandalism, and drug activity.

Reducing the qualifying value of stolen goods from at least \$1,000 dollars to \$250 dollars when considering penalties for Theft I offenses, is modest. More notably, this proposal would create a new crime that more adequately penalizes the masterminds of retail theft sprees. Targeting the primary agitators of an operation is an effective strategy used by law enforcement to combat theft and other crimes.

### **Renews restrictions on masks**

The proposal on mask wearing is situational. It doesn't target people who wear masks for health reasons or inclement weather. It does, however, prohibit the wearing of masks on public property if the intent is to commit a crime, intimidate, or threaten others. It's based on an officer's reasonable suspicion. It's reasonable, for example, for an officer to be suspicious of someone wearing a woolen mask on a summer's day while loitering in a known drug zone.

This proposal could also be useful when police are overseeing demonstrations, given that attendees may be more apt to engage in criminal activity because of their perceived protection of anonymity.

### **Lessens the restrictions on police restraining techniques**

While officers would still be prohibited from using techniques that cause asphyxiation, this proposal would remove some of the rigid language in the current law. Given that each police encounter varies and is unpredictable, allowing officers a reasonable amount of latitude in accordance with the U.S. Constitution and their training, is essential. This is especially critical when confronting a subject that poses a threat to officers and the citizenry.

### **Renews privacy rights for police officers**

Under the 2022 law, MPD officers have fewer privacy rights than is afforded to convicted offenders. While transparency and accountability in policing are essential to establishing the public's trust, it needs to be balanced with an officer's privacy. Automatically releasing an officer's private information, especially after a high-profile officer-involved incident, subjects officers and their families to harassment and harm. When police officers fear the public's wrath for reasonably performing their work, they're less inclined to engage proactively.

This proposal acknowledges an officer's right to privacy while sustaining the public's right to transparency. Measures like redacting officers' faces from body-worn-camera releases and prohibiting the release of personally identifiable information, are reasonable. Officers involved in use-of-force incidents would still be named publicly and held accountable for malfeasance in accordance with their right to due process.

While the ACT Now Amendment isn't a panacea for Washington D.C.'s public safety crisis, it provides solid measures that equip police officers with the tools they need to better protect the public. Supporting police officers and allowing them to fulfill their obligations without the interference of overly rigid policies can also positively impact recruitment and retention efforts. For these reasons, the National Police Association supports The Act Now Amendment.

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