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NEAR Act Reforms Advance Procedural Justice but Data Initiatives Stall

New audit finds data not used for evidence-based policing policies; Department of Forensic Sciences crime scene division beset with personnel problems that threaten evidence in criminal cases

(WASHINGTON) September 14, 2023 While procedural justice sections of the Neighborhood Engagement Achieves Results (NEAR) Act—D.C.’s 2016 law intended to prevent violent crime—have largely been implemented, measures to expand data collection to boost transparency, promote accountability, and improve police practices have faced obstacles, according to a new report by the Office of the D.C. Auditor (ODCA) released today.

Measuring the law’s ambitious goals against what has actually been achieved, ODCA found that mandates to use outside expertise to advise the government on homicide elimination and community policing floundered. The report concludes that the Department of Forensic Sciences (DFS) Crime Scene Sciences Division (CSSD) used its NEAR Act personnel authority to rehire retired MPD officers on a transitional basis but has not met the longer-term goal of fully staffing CSSD with civilian forensic scientists. And active-duty MPD officers have continued to help operate CSSD, contrary to a longstanding goal of civilianizing the division so officers can return to other police duties.

“It is disappointing that the Council’s comprehensive approach to violence reduction has succeeded only in part, with many of the police-oriented reforms either incomplete or not yet undertaken,” D.C. Auditor Kathy Patterson said. “At the same time there are successes, particularly when there had been consensus on an approach such as clarifying the definition of assault on a police officer.”

ODCA’s new Deputy Auditor for Public Safety Chris Magnus said he was struck by the lack of success with two reforms designed to bring community viewpoints into policy and practice. “It’s a hallmark of a well-run department to be engaged in the community at all levels and in all ways, including the mandate to seek resident views and policy expertise on subjects as important as homicide elimination and community policing.” He also noted the law’s focus on evidence and data. “The ODCA recommendations underscore the importance of both evidence and data.”

The NEAR Act formalized a public health approach to violence prevention in the District and emphasized community collaboration, procedural justice, and use of data as keys to fair and effective policing. The report shows that some measures to improve police practices have not yet yielded the results intended.

One example: the Metropolitan Police Department has reported data on police stops as required by the Act since 2019, but the data have not been used to develop and implement evidence-based policies to reduce the harms from stops. In addition, the Deputy Mayor for Public Safety and Justice has published required annual reports on felony crime data only through 2019. Meanwhile, a community policing working group and a task force on ending homicide did not produce results due to lack of effective support from senior officials.

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Not surprisingly, some of the NEAR Act police reforms that were implemented effectively reflected areas of consensus between the Council and the executive branch, such as new rules that narrowed the offense of assault on a police officer and the traffic violation of driving with an obstructed view. The report concludes that such provisions provide a template for reforms that enhance public safety and fairness by focusing enforcement on activities that create direct harm or risk of harm.

NEAR Act police reform sections that built on existing capacity also met their objectives. After 15 years of investigating and resolving police complaints, the Office of Police Complaints (OPC) was prepared to assume sole responsibility to handle designated types of cases, manage a larger workload, and use its new authority to order officers to undergo policy training.

The Metropolitan Police Department implemented new training requirements for officers that were intended to improve police interactions with community members and expanded on prior efforts to train officers about behavioral health issues, cultural competency, and de-escalation of conflicts.

The report's 14 recommendations on topics such as police stop data and police complaints, include that MPD should:

- Commission independent analysis of whether there is racial or ethnic bias in police stops using the preferred research methods identified by The Lab @ DC.
- Publish the police stop data required by the NEAR Act at regular six-month intervals.
- Cease allowing an officer to undergo additional training as the sole response to a finding of misconduct by an OPC hearing examiner.
- Appoint a Community Policing Working Group of 10 to 15 members to examine national best practices in community policing on an ongoing basis to fulfill the initial intent of the law.

This report, which reviews the implementation and impacts of the NEAR Act's police reform sections, is the second ODCA report on the NEAR Act. [The first report](#) covered the NEAR Act sections central to the public health approach to preventing and reducing crime, including use of violence interrupters.

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