

ANC6a Public Safety Committee Meeting  
NOTES  
Sherwood Recreation Center  
Wednesday, April 18, 2007 at 7 pm

*Please review notes from past meetings for details about ongoing committee research (e.g., loitering, papering).*

Committee Members: Stephanie Nixon (Chair/Commissioner 6A08), Joe Bellino, Laura Brown, Annie Earley, Daniel Wolff (Quorum Achieved)

Committee Members Absent: Mark Laisch (notified ahead of time and submitted suggestions)

DC Agencies: Assistant Chief Peter Newsham (ROC-North), Inspector Kevin Keegan (MPD, 1D), Tracey Lanker (Supervising Assistant US Attorney), Kenneth Behle (AUSA; 1D Community Prosecutor), Carolyn Crank (Community Liaison for the AUSA)

Commissioners: Gladys Mack (6A07), Stephanie Nixon (6A08)

Community Members: 3

Ms. Nixon called the meeting to order at 7:10 pm.

Action items:

1. Submit a letter of support for the MPD/USAO/OAG cooperative effort toward papering reform.
2. Submit a letter suggesting changes to the suggested noise code amendment.
3. Introduce public safety tool for concerns.

Introductions

Community members were present from various areas in Advisory Neighborhood Commission 6A.

Papering in DC: Guest Assistant Chief Peter Newsham

Assistant Chief Peter Newsham is heading an MPD committee that is striving to reduce the time in the papering process. He has been working with US Attorney Jeffrey Taylor as well as the AUSAs and the Office of the Attorney General on an interagency approach to papering reform. The ANC6A Public Safety Committee has been looking into the process of papering for over one year. We were pleased to see significant progress.

Below is a paraphrasing of Assistant Chief Newsham's presentation on the papering reform process.

The District of Columbia has a unique process for papering. After an officer makes an arrest the officer actually does the *papering*. That is the officer, brings the case to court for USAO or OAG review of the case to determine whether the case has prosecutorial merit.

These are the basics and please know they can vary depending on the case:

1. The officer completes the paperwork – the number varies with the situation.
2. The prisoner goes to central cell block and receives a lock-up number.
3. The officer picks up the paperwork from the Court Liaison and then proceeds to the AUSA or OAG. (Some of the paperwork is transmitted electronically but not to both Court Liaison and USAO.)
4. The officer typically creates the jacket – which includes making copies of all paperwork.
5. The officer waits in line at the appropriate office for the first available screener.

6. The screener/attorney evaluates the case and determines what charges, if any, will be brought, and if there are any pending issues related to the defendant and their release.

Papering is associated with significant cost for the Metropolitan Police Department (MPD). The most affected shifts include evening shift (usu. 2:30 p – 11 p) or power shift (usu. 7:30 p – 4:30 a). Some say that the papering process is a dis-incentive for making arrests. (e.g., See the letter that Mr. Adam Clappitt is presenting the Citizens Advisory Councils across the District.) Many of the officers complain about the process but still complete it; however, papering does negatively impact officer morale. MPD Chief Cathy Lanier has adjusted the reporting time for officers on the evening and power shifts to allow potentially more convenient reporting times. The officer now chooses between 8 am, 10 am, or noon.

It used to be that papering was the first court appearance and was counted as compensatory time which could be used as future leave. This has changed since 2005, and now the papering time is potentially overtime.

In 2001 (3D) and 2003 (6D and 7D) conducted a trial of night shifts of attorneys for the papering process. There are many criticisms about these pilots and for more information go to [www.courtexcellence.org](http://www.courtexcellence.org) and see the report entitled *Roadmap to a Better Criminal Justice System*. This report made 27 recommendations for MPD. Only a few of these recommendations are listed below:

1. Improve quality and timeliness of police reports. Until recently, the quality of reports was questioned. Part of the problem might have included the hiring of officers with only a high school education. However, now, some amount of education beyond high school is required. If the quality of reports can be increased enough, then the hope is that just the report can be sent to USAO/OAG and not have to have a face-to-face on this issue.
2. Develop live-scan technology in all of the police districts: This has been completed, identify all arrested in the districts
3. Amount of time from arrest to presentation of case (6-8 hrs for MPD): Created a lot of time
4. Improve information technology: Electronic delivery of forms between MPD and USAO/OAG. At this time, the officers complete a number of forms for a possession/drug arrest (about 10). These are hand carried from court liaison to USAO/OAG, and then the USAO/OAG makes the decision and then the police officer makes copies of the forms. Since June 2006 Police Officer Reporting Tool (PORT) can transmit reports electronically. It is not transmitting electronically to both court liaison and USAO/OAG.
5. Expand DC/MPD use of citation release: Many jurisdictions have *street citation release*. In DC, officers physically take the person in for each arrest. Basically to do this, an officer would confirm that the person is not wanted and is who they say they are. Then they can just ticket, but in DC the officer has to paper. A number of arrests would be minor traffic offenses and disorderly arrests (Attorney General cases). This would decrease the volume of people coming through the stations.
6. Institutional inefficiencies in the system as a whole: Cases are scheduled for trial and officers are served with Court Appearance Notification System Notice (CANS) but in most cases the officer really is not needed because only 5% of cases need officer testimony. When the officer is in court, he/she is not on the street and in the case of midnight (10:30 pm – 7 am), evening (2:30 pm – 11 pm), and power (7:30 pm – 4 am – generally) shifts, the officer could be working a day off or possibly an extra shift.

The ultimate goal is to eliminate papering. This will cost a lot of money in the short term, but MPD is making strides.

- 3,500 Tough Books are on order for the officers.
- They are working with the USAO to have cooperative computer systems that would facilitate electronic transmission of reports.

- The Attorney General has selected a number of cases that are so similar (e.g., POCA) where the face-to-face will not be as helpful.
- USAO and Attorney general have now agreed that the officers shouldn't have to create jackets – doesn't make sense to have officers creating jackets on their salary. Having to create these jackets is actually a morale issue.
- Street citation release allow this for other cases
- Expand papering reform to all cases

In long term the only thing that officer in field should have to prepare is the narrative for the 163 – a report – and prepare in scout car. This would be sent on and then *civilian personnel* will process the prisoner allowing the officer to remain in the field. This would be a better utilization of what we have.

MPD, USAO, and OAG would like a centralized booking facility, similar to what is in other jurisdictions – an all-in-one center for processing. At this facility there should be a doctor to monitor prisoners who complain about injuries – from minor cuts and scrapes on up. At this time, officers lose time on hospital details. Each time a prisoner complains about a cut (even minor), he/she must be taken to the hospital and monitored by two police officers from the District. Having a doctor on staff would save time from transport back and forth and might cost money in the short term, but would save a lot in the long term.

Rather than rush this through Council, it would be helpful to give MPD, OAG, and the USAO to work on the process cooperatively – something that is occurring at this time. There is no need to rush this because MPD has Council's support for papering reform. Although there is ample Council support for papering reform, MPD, USAO, and OAG would prefer to make the procedural changes that are necessary to fully reform and turn to Council for help on an as needed basis.

Mr. Bellino asked why the District does not use a system similar to that in Prince George's County where a commissioner determines bond or no bond and officers only deal with court issues. In addition, Mr. Bellino mentioned that PG County electronically transmits the cases. Ms. Lanker from the AUSA noted that other jurisdictions do not have the same volume as DC. (This would be compared with the District Attorneys for other jurisdictions.) Ms. Lanker pointed out that in the District after papering, you might not see the case again and that the attorneys are looking for legally sufficient charging decisions. The Prosecutor has to be careful and request all holds appropriate to "hold" a prisoner until trial. The Prosecutor uses the intake process to do most of this and often might ask for blood order and/or clothing order. Ms. Lanker also noted that they use the screening to gather information from the officers. However, the USAO is working with MPD to determine a category of cases that such detail may be unnecessary.

In response to the question about midnight papering Assistant Chief Newsham noted that you have to pay judges and the attorneys placed on the midnight shift. It was further noted that we can reduce the number of officers we send into the papering process. Mr. Bellino asked about the cost of 1 prosecutor vs. the cost of 300 officers. Ms. Lanker and Assistant Chief Newsham pointed out that electronic papering will alleviate the time.

AUSA Kenneth Behle mentioned that this process varies with each jurisdiction. Most areas have magistrates who make probable cause hearings. However, having judges and prosecutors available 24 hours/day probably will not help. However, Ms. Lanker pointed out that the AUSAs are usually available via phone 24/7, and that they are open every day that the Courts are open which is every day except Sundays. In fact, Ms. Lanker mentioned that police officers often call with questions in the middle of the night. Mr. Behle pointed out that at some point the prosecutor should communicate directly with the guy making the arrest.

Ms. Laura Brown pointed out that first major step is filing the case electronically and that we should move forward from there. Both the USAO representatives and MPD representatives agreed that there are two separate computer systems, but that the two agencies are getting their Information Technology people

together. Mr. Wolff asked whether this was a problem interfacing the District and Federal systems and if it would help to have a “local” district attorney. It seems that papering is not necessarily driven by that and the cooperation will help.

Ms. Lanker mentioned that for preparation interviews in the USAO special assistant USAOs are often used. In addition, the USAO has 4-5 screeners on a given day and then about 2-3 or 5-6 attorneys.

Along these lines, the committee was presented with the letter by a Mr. Adam Clampitt. This letter has been taken around the Citizen Advisory Councils for various districts. They are hoping to have these sent forward to US Attorney Jeffrey Taylor. Mr. Clampitt asked if ANC6A would support the letter. **After listening to the presentation by Assistant Chief Newsham, Ms. Nixon made a motion that the committee not support the letter as it was contrary to the cooperative plan described by Assistant Chief Newsham and that the committee submit a letter to US Attorney Jeffrey Taylor and Council supporting the cooperative MPD/USAO/OAG effort, particularly given progress. The vote, including Commissioner Mack was 4 in favor, 0 against, and 1 abstaining.**

Assistant Chief Newsham agreed to present updates to the committee and the committee appreciated his consideration.

The following letter was submitted to us by Mr. Adam Clampitt. The letter was *not* approved by the ANC6A Public Safety Committee.

Dear US Attorney Taylor,

At the \_\_\_\_\_ meeting of the \_\_\_\_\_, we discussed problems with arrests made during the evening and weekend hours. Officers have been frustrated by the unavailability of Attorneys and Magistrates during evenings and weekends, which requires that they report back to work during their off hours, or even their off days.

We would like to request that attorneys be made available at all hours (24/7) to receive arrest paperwork from MPD Officers. Officers working the weekend, evening and midnight shifts may be deterred from making arrests when they know they will have to report the next day for papering. For some who do not live near their station, this may require them to sleep in their cars in order to be available during the Magistrate's hours. For others, it requires them to report on their days off. During the crime initiative, when officers were working six day shifts, this meant coming in on their seventh day, their only day off. If you asked most people on the street if they knew that attorneys and magistrates were not available to process arrests twenty-four hours a day, most would not be aware of this situation, but would consider it an indication of a lack of commitment to public safety.

We understand that there is a problem with computerization of arrest material at MPD, and there are no links between your two systems, thereby contributing to the officers' frustration, but even with those two systems up and running, officers still would have to report during the limited hours available to them to present their arrests.

It would be a burden on the attorneys to have to give up their weekends and evening hours to process arrests, but, just like the officers, there are some who would welcome working the evening and weekend shifts. We do not expect all attorneys to work these hours on a rotation basis, and understand that could be disruptive to their lives. It is the community's view, however, that it is not too much to ask that at least one attorney stationed somewhere in the city be available 24/7 who officers can contact during these non-weekday hours.

We welcome your comments on this request. Please respond to me at \_\_\_\_\_, and I will share your response with the CAC membership. Thank you for taking the time to address this matter.

Sincerely,

Sentencing and Maintenance of Repeat Offenders

This issue has been mentioned to Public Safety Committee members on multiple occasions. In the District about 2,500 individuals are released from jail each year and of these about 2,000 are returned to jail within the following 3 years. This is about an 80% recidivism rate. One example is the 30 time repeat offender, David Vines.

Holding hearings and sentencing hearings are not the same. In addition, both are subject to what is appropriate under the law. Pre-trial release is when a defendant is released pending trial. Probation is lieu of jail – you are given the opportunity to avoid jail as long as you behave. Parole is provided when a prisoner actually has served time in jail and released based upon their behavior in jail and continued good behavior out of jail.

Assistant Chief Newsham pointed out that there is a problem with prisoner housing in DC. That is, the Department of Corrections is legally bound to only have a certain number of prisoners in his jail at any given moment.

The committee agreed to continue examining these issues and formulate a motion in the future. In the interim, we will work with police and community members to submit community impact statements to judges on offenders and try to track sentencing.

#### Noise Control Protection Amendment Act of 2007:

The committee reviewed the *Noise Control Protection Amendment Act of 2007* at the request of the Commission. We reviewed comments from PSA 102 Coordinator David Klavviter along with other residents near 8<sup>th</sup> St NE and H St NE and we have incorporated some of their suggestions into the following commentary. Although this is a good first step, it is insufficient in the current form and requires further revision:

1. Legislative language concerns with corrections:
  - a. The ideal legislative fix would strike the exemption language added in 2004.
  - b. By measuring, it implies that a type of decibel meter will be used. The current code uses dB(A), or A-weighted sound level. However, the terminology must be consistent throughout the code and should be consistently noted as dB(A) which is weighted to account for differences in perception by the ear. (See <http://www.phys.unsw.edu.au/jw/dB.html> for more information.)
  - c. Based on information from DCRA and MPD, DCRA has the only noise control meters in the DC Government and use of these (i.e., measurement) requires training. However, per conversation with Mr. Mandoza Lowery (DCRA) at the February 2007 Crime Summit, people can be trained to perceive loudness ranges. Accordingly, the measurement requirement may be unnecessary when the perceived loudness is disturbing neighbors/under specific conditions.
  - d. Under the equal opportunity housing act residents are entitled to “quiet enjoyment” of their property; although this Act appears to pertain to tenants, it also seems that it should apply to homeowners. Although freedom of speech is a constitutional right, it would seem that freedom of speech could still be granted by limiting loudness to a tolerable level that does not inhibit a resident’s quiet enjoyment of his/her home.
2. Distance concerns:
  - a. The “50 foot” provision for measuring sound at 70 dB is not enough protection particularly those in the radius of the source. EPA says that normal speech is 60-65 dB. e.g., An H St NE café would have conversation drowned with noise.
  - b. Distance does not account for the dampening that would occur by walls. That is, 50 feet with walls present should not be counted the same as 50 feet in open air.
  - c. If 50 feet requires entering a building, how will this be accounted for if the building is closed.

- d. Most noises other than non-commercial speech, D.C. municipal code specifies maximum daytime sound levels measured at the source or property line, which is 60 dB for residential areas (55 dB night) and 65 dB for commercial areas (60 dB night).
3. Safety concerns:
    - a. U.S. EPA and World Health Organizations say hearing loss can happen after exposure of 85 dB of sound for 45 minutes (<http://www.nonoise.org/hearing/exposure/standardschart.htm>)
    - b. EPA identifies levels of 55 dB outdoors and 45 dB indoors as preventing activity interference and annoyance. These levels of noise will permit spoken conversation and other activities such as sleeping, working, and recreation, and are part of daily life. (<http://www.nonoise.org/hearing/exposure/standardschart.htm>)
    - c. Studies in California and other locations have shown that noise negatively affects health and leads to hearing loss, stress, high blood pressure, sleep loss, distraction, and productivity.

**Motion.** Submit a letter noting inadequacy of the amendment to the noise code and suggesting that the Amendment be further revised. Three committee members were in favor, Commissioner Mack voted against the motion, and two committee members abstained secondary to novelty.

Office of the Attorney General Court Reports, Corporation Counsel, (Bellino, 5 mins) – Tabled until next month

Drug nuisance properties letter:

The committee reviewed the drafted form letter for drug/crime/hazardous nuisance properties (see end example) and approved it for modification with properties that arise. MPD and the AUSAs were present for the discussion of the letter. The committee agreed that corroboration for concerns would be necessary so as not to engage in neighborhood vendettas that might be occurring. Therefore, two sources would be needed including complaints from community members, government entities, picture support, along with multiple reports. (See the form letter at the end.)

Teen summit: LIVE and activities to reduce crime:

The event is on May 5, 2007. The community room at 1D Main Station (415 4<sup>th</sup> St SW) will be open to teens and youth all summer. In addition, youth can call 1-800-IMBORED to find out about activities in the vicinity.

The meeting adjourned at 8:45 pm.

Respectfully submitted by Stephanie Nixon.

DRAFT PAPERING LETTER  
[INSERT DATE HERE]

Jeffrey A. Taylor  
United States Attorney for the District of Columbia  
United States Attorney's Office  
555 4th St., N.W.  
Washington, D.C. 20530

Dear Mr. Taylor and Councilmembers:

At its regularly scheduled meeting on May 10, 2007 with a quorum present, our Commission voted **[INSERT VOTE INFORMATION]** to support the joint efforts of the Metropolitan Police Department (MPD), the U.S. Attorney's Office (USAO), and the District of Columbia Office of the Attorney General (OAG) with regards to "papering" reform.

The Area Neighborhood Commission 6A ("ANC6A"), and its Public Safety Committee take the "papering" issue very seriously – we consider it to be one of the most important issues affecting safety throughout the city. The excessive time, including rampant overtime, that police officers have historically had to spend filling out arrest paperwork is unacceptable – it takes officers off the streets or requires them to report on their days off, which in turn decreases the time officers spend patrolling and being visible in the community, lowers officer morale, and increases the taxpayer expense. Without a doubt, public safety is the big loser.

However, at the April 18, 2007 ANC6A Public Safety Committee meeting a presentation by Assistant Chief Peter Newsham and commentary by AUSA Tracey Lanker as well as AUSA Kenneth Behle indicated that positive changes have been in process and that these changes should permanently alleviate the papering burden. Both MPD and AUSA's assured the ANC6A Public Safety Committee that both offices, as well as the OAG, are acting in concert to address the papering problem. In particular, these officials indicated that systemic changes have begun that will, among other things, make it possible for MPD officers to transmit their arrest paperwork to the USAO and OAG intake attorneys electronically, a process which will significantly cut down on the number of matters requiring the officer to appear in person at the intake office (as we understand it, for most crimes not involving moral turpitude or other aggravating factors, a phone call to discuss the matter would suffice). These are positive developments and we fully support their implementation and understand that such implementation must be done with care.

We are aware of a draft letter circulating that calls for USAO and OAG intake attorneys to be made available 24 hours a day, seven days a week, to help alleviate the problem of a papering backlog that develops with evening and weekend arrests. We are also aware that those respective offices do not believe such a system would be feasible or, ultimately, helpful. While we share the concerns expressed by those who advocate "24/7" attorney availability, we are satisfied at the current time that USAO, OAG, and MPD are taking the positive, corrective actions discussed above, and we therefore find no need to endorse the 24/7 proposal. We do intend, however, to continue to follow this issue closely; in fact, Assistant Chief Newsham volunteered to return and update the ANC6A Public Safety Committee on progress in eliminating papering. In the meantime, we respectfully commend these offices for working together on an amenable plan and request your continued support.

Thank you for your attention to this very important issue.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

CC: Tommy Wells, Councilmember Ward 6  
Cathy Lanier, Chief MPD  
Jeffrey Taylor, U.S. Attorney's Office  
Lisa Marie Singer, Director Office of the Attorney General

DRAFT NOISE LETTER  
[INSERT DATE HERE]

The Honorable Councilmember Tommy Wells  
United States Attorney for the District of Columbia  
United States Attorney's Office  
555 4th St., N.W.  
Washington, D.C. 20530

Dear Councilmember Wells

At its regularly scheduled meeting on May 10, 2007 with a quorum present, our Commission voted **[INSERT VOTE INFORMATION]** to recommend amendments to the *Noise Control Protection Amendment Act of 2007*.

After review of the *Noise Control Protection Amendment Act of 2007*, we noticed several issues that need to be amended in order to protect the residents and visitors of our Advisory Neighborhood Commission, and we believe that these amendments will maintain a person's right to free speech. We respectfully request that you and the other councilmembers consider and respond to the following suggestions.

There are several concerns that exist with the original Noise Act including the requirement that noise must be measured with a Decibel Meter (i.e., Sound Pressure Level Meter). As the District of Columbia uses a cut-point for noise, it is possible to train those who will enforce the law to naturally perceive the differences and the cut-point that is louder than permitted under the code. As the only Decibel meters are owned by DCRA and there are only a few of these, it will inhibit enforcement on weekends when employees of DCRA are available for enforcement. Beyond that, it is necessary to make these meters available to the Metropolitan Police Department (MPD) as their officers are provided with enforcement power in the original noise code.

Although freedom of speech is a constitutional right, it would seem that freedom of speech could still be granted by limiting loudness to a tolerable level that does not inhibit residents' quiet enjoyment of their homes. For example, the 50 foot provision for measuring sound at 70 dB(A) is not enough protection, particularly for those who live in the radius of the source. The Environmental Protection Agency says that normal speech is 60-65dB(A). Based on this, conversation at any outdoor café that located at 8<sup>th</sup> St NE and H St NE would be inaudible. For those who live within 50 feet of noise, the Act must account for the natural sound dampening that occurs when sound passes through walls. This should not be measured in the same manner as sound passing through 50 feet of open air.

It is hoped that the code can be amended to account research by the EPA and World Health Organization which indicates that hearing loss can happen after exposure to 85 dB(A) for 45 minutes. In fact, the EPA identifies 55 dB(A) outdoors and 45 dB(A) indoors as levels that will permit spoken conversation and activities of daily living.

We appreciate your consideration of these suggested modifications.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

CC: Councilmember Mary Cheh  
At-large Councilmember Kwame Brown  
Cathy Lanier, Chief MPD  
Lisa Marie Singer, Director Office of the Attorney General  
Mandoza Lowery, DCRA

*Example of letter re: community and police or other government agency concerns about public safety on, at, or around the property.*

[INSERT DATE HERE]

Dear [NAME OF PROPERTY OWNER],

We would like to work with you and residents of your property at [INSERT ADDRESS[ES] HERE] to increase the safety of the neighborhood.

Concerns have been expressed about public safety at and around [INSERT ADDRESS(ES) HERE] by community members as well as police [AND OTHER GOVERNMENT AGENCY IF APPROPRIATE HERE]. [IF APPROPRIATE IDENTIFY CONCERNS HERE – E.G., PROPERTY IS DILAPIDATED, NOISE, ETC.].

There are several ways you can work with the community to enhance public safety including, working with the Metropolitan Police Department (Patrol Service Area [INSERT NUMBER HERE]), your Advisory Neighborhood Commissioner for Single Member District [INSERT HERE] ([INSERT NAME HERE]), and establishing a point of contact with your immediate neighbors.

To facilitate communication, we have included contact information for your Patrol Service Area [INSERT] and Advisory Neighborhood Commissioner, along with meeting dates below:

[SELECT 1] Patrol Service Area 102, Lieutenant Barbara Hawkins ([Barbaram.Hawkins@dc.gov](mailto:Barbaram.Hawkins@dc.gov)), Volunteer Community Coordinator David Klavviter (email Patrol Service Area 103, A/Lieutenant Mark Saunders ([Mark.Saunders@dc.gov](mailto:Mark.Saunders@dc.gov)) 698-0068, Volunteer Co-Community Coordinator Brenda Artis ([bfartis14@yahoo.com](mailto:bfartis14@yahoo.com)) and Stephanie Nixon ([smnixon6a@prodigy.net](mailto:smnixon6a@prodigy.net)) Advisory Neighborhood Commissioner [INSERT NAME HERE AND CONTACT] Ward 6 Neighborhood Services Coordinator Hiram Brewton ([Hiram.Brewton@dc.gov](mailto:Hiram.Brewton@dc.gov))

We look forward to working with you.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

enc: ANC6A flier, PSA boundaries handout

CC: Hiram Brewton, NSC Ward 6  
1<sup>st</sup> District Commander Diane Groomes  
[INSERT LT NAME HERE]  
[IF OTHER AGENCY RELATED, INSERT HERE – Carolyn Crank, DCRA, DPW]