



## D.C. HAS A POLICE ABUSE PROBLEM



M.B. Cottingham has lived in Southeast D.C. his entire life. For the last decade, he has worked as an ice-cream vendor, selling frozen treats out of a truck. He has three children.

Late on a September afternoon in 2017, Mr. Cottingham gave Officer Sean Lojacono permission to frisk him. Instead of a limited pat-down for weapons, **Officer Lojacono aggressively probed Mr. Cottingham's sensitive body parts.** Mr. Cottingham physically flinched and verbally protested, making clear that this highly intrusive search was not the frisk to which he had consented. Officer Lojacono responded by handcuffing Mr. Cottingham and violating his body two more times.

**Mr. Cottingham partnered with us to sue over this abuse.** The police department eventually paid Mr. Cottingham a substantial sum to settle his case. They also fired Lojacono, but he recently got his job back with back pay because our system values the interests of officers over the safety and well-being of those they harm. Mr. Cottingham should never have experienced this abuse. It should not have taken a lawsuit to get some semblance of accountability. And Mr. Cottingham is not alone.

Police abuse in the District causes significant harm, costs millions of dollars, and undermines the whole justice system.

D.C. HAS SPENT OVER

**\$91**  
MILLION

to settle cases involving police misconduct.

D.C. TAXPAYERS FOOTED

**\$14.3**  
MILLION

to re-hire police officers who have been found guilty of serious offenses.

It's clearly time for District leaders to invest in police accountability solutions.

[READ FULL STORY](#)

D.C. has [spent \\$91 million](#) over the past decade to settle cases involving police misconduct, including ones by repeat-offending officers. A recent D.C. Auditor report revealed that D.C. taxpayers have footed a \$14.3 million bill to re-hire police officers who have been found guilty of serious offenses, including drunk driving and sexual abuse. The Auditor classified three of these rehired officers as a “Threat to Safety.” Six of the officers who are back on the force have had misconduct reports filed against them since being rehired.

In addition to putting people at risk of serious harm and costing the District tens of millions of dollars, police misconduct erodes community trust in law enforcement and damages public safety efforts. When **police officers are allowed to abuse their power without facing consequences**, the public can understandably grow reluctant to interact with the criminal justice system at all. Last year, D.C. Council Chairman Phil Mendelson emphasized that one of the biggest issues with fighting crime in D.C. is the police department’s low closure rates. The Chairman also noted that one of the barriers to closing cases has been community members not coming forward to speak with the police.

A lack of accountability has also contributed to a hostile work environment for officers who are trying to follow laws and policies. Since 2020, more than 20 former police officers have filed lawsuits that allege a [toxic work culture](#) at the Metropolitan Police Department. In 2020, a [sergeant sued](#) over retaliation for reporting improper arrest tactics. One year later, 10 Black [women officers sued](#) over racial discrimination, sexual harassment, bullying, and retaliation for expressing concerns.



**SIX OF THE OFFICERS WHO ARE BACK ON THE FORCE HAVE HAD MISCONDUCT REPORTS FILED AGAINST THEM**

Without accountability, it’s no wonder that the department has struggled to hire and retain officers.

Because the police department has shown time and again that they are unable or unwilling to hold themselves accountable, the D.C. Council and the mayor have to act. Strict limitations and real accountability can start to fix the police abuse problem, but our leaders need to find the will to invest in these solutions.

The D.C. Council recently passed a comprehensive police accountability bill that takes popular and effective steps to address abuse. For example, the law established a public police misconduct database, a solution that an overwhelming [90% of Americans polled](#) in 2020 by the Pew Research Center support. But the D.C. Council and the mayor have yet to fully fund this database and to

make sure it includes the total number of allegations against officers. This database is just one example of a great solution that is sitting on the shelf instead of being implemented right away.



**Each one of us has a role to play in fixing the police abuse problem in D.C. — from contacting legislators, to asserting our rights, keeping each other safe, and supporting ongoing work. Together, we can move the District closer to ensuring public safety for all.**

# STANDING UP TO ABUSE OF POWER IN THE SECURE DC ACT



**We deserve to be safe from crime and from abuse of power. But District leaders recently passed the Secure DC Omnibus Emergency Amendment Act of 2024, which includes provisions that put our safety and our rights at risk.** Although we managed to amend this law in important ways before it was passed, the law falls short of keeping us safe from abuse of power.



Before D.C. Council passed the Secure DC Act on March 6, we advocated for and won several amendments that provide critical relief. In the final bill, the anti-mask provision safeguards people who are exercising their first amendment rights. Policymakers will have to consider data when making decisions on pretrial detention. Warrantless searches will not be allowed. And the public will have access to the names and badge numbers of police officers who are accused of engaging in misconduct in adverse action hearings. These are important changes that will protect our safety.

To win these changes, almost 300 ACLU-D.C. members and staff connected with community partners, contacted and met with Councilmembers, spoke with the media, educated our communities, and packed D.C. Council meetings. These hard-fought gains were in no small part thanks to every one of you who wrote an

email, signed a letter, made a phone call, talked to your neighbors, or showed up to the Wilson Building. Together, we made a real difference and put critical safeguards in place to protect our rights.

But even with this progress, we continue to have deep concerns about several provisions in this bill. Failed and ineffective “**drug-free**” zones do little to prevent crime; instead, they open the door for police officers to harass people and violate our rights. These zones are likely to be racially discriminatory and to disproportionately harm Black people, as our 2020 and 2021 reports on stop-and-frisk data showed. Moreover, we believe that these zones are unconstitutional. The Constitution requires that, before arresting someone, a police officer has probable cause to suspect that someone is intending to commit or is committing an illegal act. Ordering a person who has committed no crime to disperse,

and then arresting them if they do not, makes loitering a crime, which is unconstitutional.

The Secure DC Act includes other harmful measures as well. The changes to **body-worn camera provisions** roll back hard-fought police accountability and spread distrust of police. And **collecting DNA** before a person has been found guilty violates our privacy and our presumption of innocence. These provisions will not make D.C. safer and will put our rights at risk.

History has taught us that crisis is the precise moment when we must strengthen our rights and liberties, not turn our backs on these fundamental principles. Since Mayor Bowser signed the bill into law on March 11, we have been carefully watching every step of how the Secure DC Act is implemented, and we are educating our communities about our rights.

Check out the **Know Your Rights** section of this newsletter and on [our website](#) to learn more about your rights in the **new drug-free zones** and what to do if you suspect your rights have been violated.



# DRUG-FREE ZONES

## KNOW YOUR RIGHTS

HERE ARE YOUR RIGHTS AND WHAT TO DO IN DRUG-FREE ZONES.



A new D.C. law, the Secure DC Act, allows the Chief of Police to designate up to 1,000 square feet as a “drug-free zone” for up to five days at a time.

ACLU-D.C. believes that the new drug-free zones are ineffective, racially discriminatory, and unconstitutional, but for now they are the law.

### IF POLICE APPROACH YOU:

Police **can** ask you questions.

You **don't have to** speak to police or answer their questions.

You should ask, **“Am I free to leave?”** If the officer says yes, you can walk away.

### IF POLICE FRISK YOU:

In a **frisk**, when the police **pat or sweep** the outside of someone's clothes to check if they have weapons.

**Police can** lawfully “frisk” you if you consent, or even without your consent if they have “reasonable suspicion” (that is, a specific, fact-based reason for believing that you have a weapon).

**Police can't** reach into your pockets and clothes or squeeze your body or pocket contents while frisking, unless they feel something like a weapon, or something else that is obviously illegal, based solely on their touch. Without your consent or “probable cause” that you have committed a crime, police can't go beyond a frisk to search your bags, pockets, or underclothes.

You should repeat, **“I don't consent to this search.”** But to stay safe and avoid escalating the situation, you should physically cooperate with the officers.

### IF POLICE STOP YOU:

**What is a “stop”?** When police act in a way that would make a reasonable person feel not free to leave (for example, by ordering you to stop or physically halting you), that is considered a “stop” under the Fourth Amendment.

If police ask to search your body or belongings, you **do not have to consent**. You should say, **“I don't consent to this search.”**

Metropolitan Police Department officers cannot force you to show ID. However, federal immigration officers can force you to show immigration documents and disclose your immigration status.

### IF YOUR RIGHTS ARE VIOLATED:

**Write down** the officer's name and badge number and what happened.

You **can** complain to the D.C. Office of Police Complaints at (866) 588- 0569 or in person at their office, located at 1400 I Street, NW, Suite 700. The complaint is due within 90 days of the incident.

You **can file a complaint** with the ACLU -D.C. by emailing [intake@acludc.org](mailto:intake@acludc.org). Include your mailing address so we can process your request faster.

### IF POLICE TELL YOU TO LEAVE:

Uniformed police **can** order a group of two or more people to leave if an officer reasonably believes they are gathering to possess, distribute, or intend to distribute illegal drugs.

Even if the officer is wrong, the **people must leave the zone or they may be arrested**. People ordered to leave cannot gather there again when the zone remains in effect or they can be arrested without a second warning if an officer reasonably believes they are again gathering to possess or distribute illegal drugs, or they intend to distribute illegal drugs.

### IF POLICE ARREST YOU:

You **should not** answer questions, except your name and address.

You **should** ask to speak with a lawyer.

### REMEMBER:

You **shouldn't** lie to an officer, physically resist, run away, or threaten to file a complaint.

It can be **dangerous** for individual people to argue about police misconduct in the street, especially for Black and brown people. Keep yourself safe and complain later.

Visit [www.acludc.org/kyr](http://www.acludc.org/kyr) for this and more “Know Your Rights” resources.



# TAKE OUR SUPPORTER SURVEY

WE WANT TO HEAR FROM YOU!

Your unique experiences and insights are invaluable to the work we do at ACLU-D.C. Share your perspective so we can learn more about you and better serve the D.C. community.



SCAN THE QR CODE OR GO TO

[www.acludc.com/survey2024](http://www.acludc.com/survey2024)

Complete survey by July 5 to win D.C. Statehood swag!

We will randomly select 10 people who complete the survey and send them free swag from our new D.C. Statehood merch store.

## NEED LEGAL ASSISTANCE FOR A CIVIL RIGHTS OR CIVIL LIBERTIES VIOLATION?



If your civil liberties or civil rights were violated, the best way to request help from the ACLU-D.C. is online at [www.acludc.org/help](http://www.acludc.org/help). You may also leave a voicemail at 202-601-4269, although response times are slower for voicemails.

Unfortunately, our office has limited resources, so we cannot take every case we are contacted about, even if a grave injustice has occurred. We take cases that we think will help clarify the law, so that civil liberties are better protected across the board. For examples of cases we do not take, please visit [www.acludc.org/help](http://www.acludc.org/help).

If we cannot help you, we will do our best to suggest a different organization or law firm that might be able to assist. (Note that we cannot guarantee that they will be able to take your case.)

If you have a case not involving civil liberties or civil rights, please see our resource guide for help with other legal problems in the D.C. area: [www.acludc.org/resource-guide](http://www.acludc.org/resource-guide).

Also, visit our website to learn more about your constitutional rights! Check out ACLU-D.C.'s easy-to-use resources: [www.acludc.org/kyr](http://www.acludc.org/kyr).



SCAN TO SEEK  
LEGAL HELP

## SUPPORT THE MOVEMENT FOR D.C. STATEHOOD



The denial of statehood to D.C. is one of the most egregious forms of voter suppression happening in our country today. Without statehood, D.C. residents do not have any voting representation in Congress, even though Congress exerts undue power over us. Congress has repeatedly overturned many important D.C. laws, causing harm to local public health and community safety.

When D.C. becomes a state, it will have a majority of Black and brown residents. Ensuring every D.C. resident has a full and equal voice at the ballot embodies the true spirit of democracy.

SHOW OFF YOUR LOCAL  
PRIDE AND POWER OUR  
FIGHT FOR D.C. STATEHOOD  
WITH TOTES, STICKERS,  
AND MUGS FROM OUR NEW  
D.C. STATEHOOD STORE!



Visit [www.acludc.org/shop](http://www.acludc.org/shop). Don't miss your chance to get 20% off your purchase! Use promo code **StatehoodNow** from now until the end of June.



# ACLU-D.C. BOARD NOMINATIONS 2024

**THE BOARD'S  
NOMINATING  
COMMITTEE HAS  
MADE THEIR  
NOMINATIONS FOR  
THE EIGHT BOARD  
SEATS UP FOR  
ELECTION THIS YEAR.**



Board members serve three-year terms and are responsible for governance, fiscal stability, and attendance at six meetings each year. An ACLU-D.C. member may be nominated by the Nominations Committee or by submitting a nomination and petition.

If you are a member in good standing, **you can nominate yourself or someone else** (who is also a member in good standing) by submitting the following materials to [nominations@acludc.org](mailto:nominations@acludc.org) by **July 12**:

- A petition signed by 25 ACLU-D.C. members in good standing as of June 7 (candidates may use their own petition form)
- A statement signed by the nominee expressing their willingness to serve if elected
- A statement of 300 words or less
- A headshot



Candidate statements will be posted on our website in late July. If there is a contested election, electronic ballots will open on July 29, and a notice will be mailed and emailed to members. If the election is uncontested, the Board of Directors will vote to approve the slate put forth by the Nominating Committee at their July meeting.



For more information, visit [www.acludc.org/boardelection2024](http://www.acludc.org/boardelection2024) or scan code.

**RSVP TODAY**

## MEMBERSHIP MEETING

Join the **ACLU-D.C. community** for our 2024 Annual Membership Meeting. This public event underscores our commitment to protect and advance civil liberties and civil rights by using the tools of public education, political advocacy, organizing, and litigation.



**MONDAY,  
SEPTEMBER 16**

**6:30pm-8:30pm**

**National Press Club**, 529 14th St NW,  
13th Floor, Washington, DC 20045

This year, we will spotlight our critical efforts to transform the District's crisis response system from one that over-relies on police to one that uses a public health-based approach.

We invite all ACLU-D.C. members, supporters, and the public to join us and learn how you can **contribute to building a more just and free D.C.**



Learn more and RSVP today [www.acludc.org/membershipmeeting2024](http://www.acludc.org/membershipmeeting2024)

# “OUR MOMENT DEMANDS COMPREHENSIVE SOLUTIONS TO PUBLIC SAFETY.”



One thing has become very clear to me from my conversations with community members, nonprofit and business leaders, and elected officials. Across all eight wards, people are trying to find solutions to the public safety problem created by a perfect storm of economic downturn, deep inequality, and political uncertainty.

And as we face a federal election that will have a huge impact locally, it is also clear to me that D.C. must forge a new path forward. Our moment demands comprehensive solutions to public safety, not the failed tactics that fueled mass incarceration. If we want to be safe, we cannot continue to shatter neighborhoods, separate families, and deepen racial injustice.

Our moment reminds me of the crises of the 1980s and 1990s, and the lessons we learned from the “tough-on-crime” reactions of those eras. We can’t bring back ineffective and unconstitutional “drug-free” zones and expect us to be safe. We can’t roll back hard-fought police accountability and expect us to be safe. In short, we can’t take people’s civil rights away and expect us to be safe. History has also shown us that crisis is the precise moment when we must strengthen our rights and liberties, not turn our backs on these fundamental principles.

Our way out of this storm is to build a more just and free D.C. Our bold vision starts with achievable steps, like a police accountability database, knowing our rights, and investing in safe schools. Ultimately, it will take the courage of community members, the innovation of business leaders, and the political will of our elected officials to demand new solutions. I invite you to join us so that together, we can build a comprehensive public safety system that keeps everyone safe for decades to come.

A handwritten signature in black ink that reads "Monica Hopkins". The signature is fluid and cursive.

**Monica Hopkins**  
Executive Director

# ACLU

District  
of Columbia

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# HOW TO SUPPORT ACLU-D.C.

We accept contributions the following ways:



## Through your donor-advised fund (DAF).

Choose “American Civil Liberties Union Foundation of the District of Columbia” and EIN 52-6070446 with your DAF provider.



## With a gift of stock or for wiring instructions.

Please contact [development@acludc.org](mailto:development@acludc.org) for our account and DTC number.



## By phone.

Call our Donor Services at (212) 549-2543.



## With a gift through a bequest or charitable trust.

Visit [www.aclu.org/legacy](http://www.aclu.org/legacy) to see how gifts through your will, retirement plan, life insurance, or trust can provide for your loved ones and ensure our ability to fight for civil liberties in the future.



**Through the mail.** Please note that mail is delayed by at least 4 weeks and receipt may be delayed. Mail may be sent to:

Monica Hopkins  
ACLU of the District of Columbia  
529 14th Street NW, Ste 722  
Washington, D.C. 20045



## Via mobile device.

Access our donation page here via QR code or at [www.acludc.org/give](http://www.acludc.org/give)



**Don't forget!** Gifts to the ACLU-D.C. Foundation may be eligible for matching funds from your workplace. Please inquire with your employer.