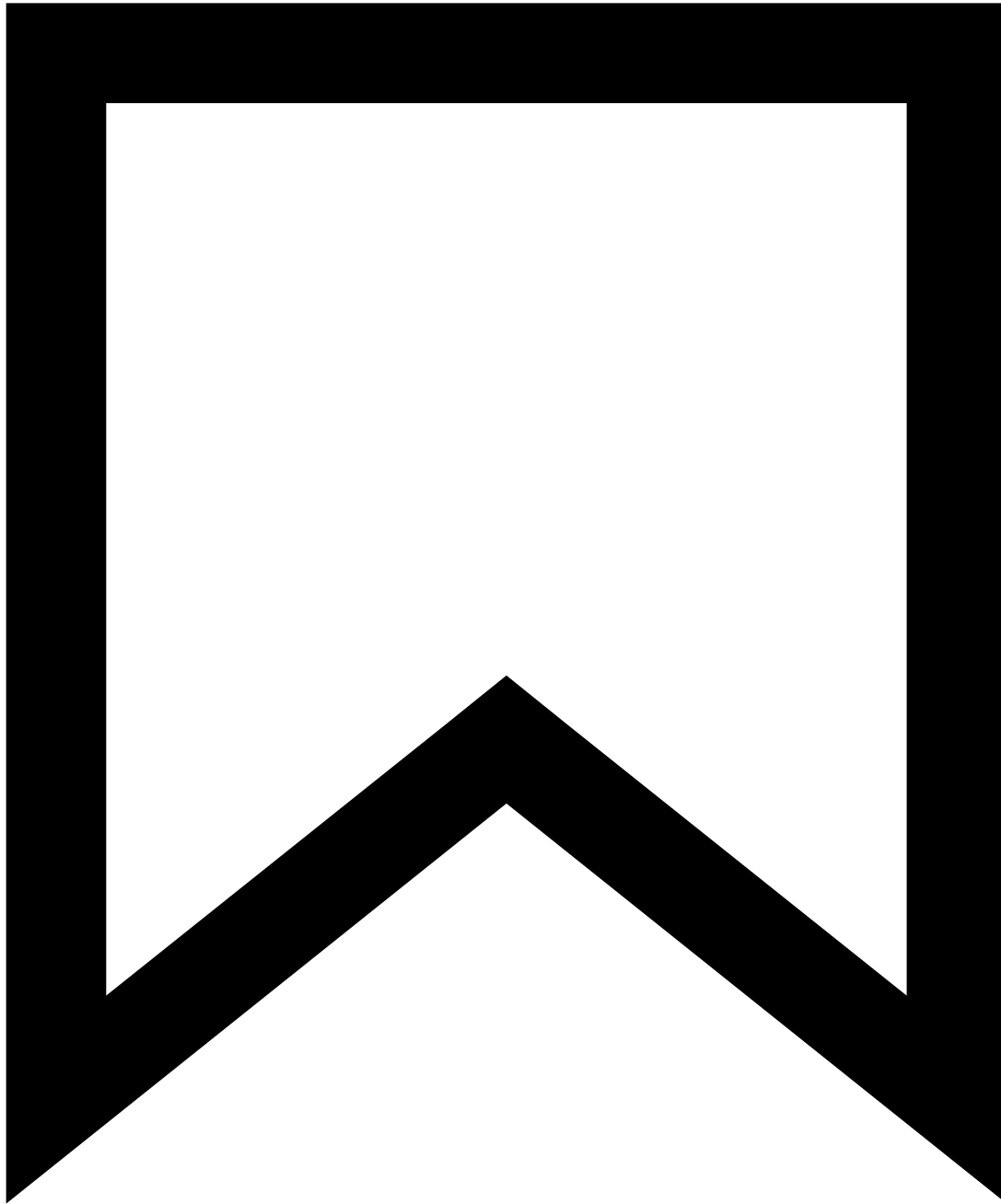


# In D.C. bill, Bowser aims to curb retail theft, drug dealing, police reform

[Meagan Flynn](#)

Acting D.C. police chief Pamela A. Smith, left, stands with D.C. Mayor Muriel E. Bowser in July. (Amanda Andrade-Rhoades for The Washington Post)



Save

The Bowser administration unveiled new crime and policing legislation Monday intended to crack down on “organized retail theft” and open-air drug markets in the District, while undoing or amending a number of policing changes passed in the aftermath of George Floyd’s murder in 2020.

The bill, the Addressing Crime Trends Now Act, would establish new felony crimes for engaging in or “directing” organized retail theft — intended to

target [shelf-sweeping theft](#) of specific items to sell them on the street — and would revive a “war on drugs”-era policy allowing the police chief to declare temporary “drug-free zones.” The legislation also would reinstate a law that was sunset at the beginning of the pandemic in 2020 that made it illegal to wear a mask for the purpose of committing criminal acts, intimidating people or causing fear.

And after months of complaints from the police union and [debate in Congress](#), Mayor Muriel E. Bowser (D) is also seeking to roll back a number of provisions of the Comprehensive Policing and Justice Reform Amendment Act, such as amending the definition of neck restraints and slightly loosening restrictions on vehicular pursuits. The changes, Bowser said, are intended to equip officers to better respond to crime and make the department more attractive for prospective officers as it faces historic staffing lows.

“We need to act now, and we need to send the strong message that violence is not acceptable in our city — and this perception that people have, that you can commit a brazen crime and get away with it, has got to stop,” Bowser said. “This legislation will change that.”

Bowser introduced the bill as D.C. experiences some of its [worst spikes](#) in violent crime in the past 20 years, though her bill is largely targeted to nonviolent offenses such as retail theft and drug dealing in public.

When it comes to organized retail crime, city officials said they sought to distinguish between shoplifting or chronic shoplifting and targeted theft of specific items — laundry detergent, for example — that may be sold on the streets or fraudulently returned to stores.

[\*A D.C. grocery store is removing Tide, Colgate and Advil to deter theft\*](#)

Retail crime is far from new in the District, but data on organized incidents is difficult to track, even as many have garnered more attention on social media and neighborhood email groups. A police spokesperson said that the

department does not specifically track retail-related crimes and that the incidents can be categorized as either thefts or burglaries, depending on the details.

Thefts in D.C. that don't involve cars are up 22 percent compared with the same time last year but remain below what the city experienced before the pandemic, in 2018 and 2019. The number of burglaries, according to the latest D.C. police data, is roughly the same as this time last year and below pre-pandemic levels.

D.C.'s previous law allowing the police chief to temporarily create a "drug-free zone" for five days in a 1,000-square-foot space was on the books from 1996 to 2014, when the D.C. Council repealed it along with one that created "prostitution-free zones." The law was repealed amid constitutional concerns primarily with the prostitution-free zone law, though [council members feared](#) the concerns could extend to the drug-free zone law because the two were similar.

Bowser, then a council member, voted for the repeal.

At a news conference, when asked about her support of the repeal in 2014, Bowser did not directly address her action then but explained why she supported bringing back temporary drug-free zones today.

"I supported that bill," she said. "Part of the reason we call this Addressing Crime Trends Now is we want to blunt a trend we see in open-air drug dealing that we have pretty much squelched in this city" in all but a few areas, "and we don't want that problem to proliferate."

Acting police chief Pamela A. Smith and Deputy Mayor for Public Safety and Justice Lindsey Appiah said leaders are confident the law is constitutional.

"Residents have very real complaints about drug transactions they are witnessing in public space," Smith said at the news conference. "This serves

as another tool for our MPD officers to address drug-related crime on our District streets and protect the public from the dangers" associated with dealing.

The legislation also proposes a slew of changes to the Comprehensive Policing and Justice Reform Amendment Act — some of which may draw pushback from the criminal justice advocates who fought for the bill in 2020 following Floyd's murder by a Minneapolis police officer who knelt on his neck.

Bowser said some of the provisions in the policing bill "just don't match" officers' needs in routine police work.

The provisions of the policing bill that Bowser is seeking to change include amending the prohibition on neck restraints to avoid disciplinary charges for what officials described as "incidental touching" of the neck.

While the policing law prohibits neck restraints intended or having the effect of restricting a person's "movement, breathing or blood flow," the amended version would remove the word "movement," as well as the "effect" language. Bowser's top public safety officials said the department was interpreting the law so broadly that too many officers were drawing disciplinary infractions for "incidentally touching" a person's neck or, in an example showed to the press, grabbing the back of a person's neck while trying to protect her from hurting her head. Chokeholds and intentionally restricting a person's breathing or blood flow would still be illegal.

The legislation would also adjust a provision that prohibited police from reviewing body-camera footage to aid in writing any police reports; in Bowser's proposal the prohibition on reviewing footage would only apply in cases of officer-involved shootings or serious use of force. Officials said the law should not play "gotcha" with officers but instead encourage accurate police reports in routine arrests, unless the officer is accused of wrongdoing.

City officials said officers were running into “credibility issues” if they wrote a police report that had conflicting details with body-camera footage, in turn causing prosecutors [to hesitate to file charges](#). And at a time when the U.S. attorney’s office has been under fire for [declining to prosecute two-thirds of cases in 2022](#) — down to 56 percent so far in 2023 — officials said they wanted to make changes that could allow more successful prosecution.

The bill would also eliminate some provisions in the policing law that expanded transparency in cases of officer misconduct, such as requiring the public release of the names of officers in disciplinary cases and restricting public access to disciplinary records in cases that were not sustained.

Smith drew parallels to wanting police officers to have the same privacy protections as other D.C. employees while still holding them accountable for wrongdoing. The police union had long complained that the Comprehensive Policing and Justice Reform Amendment Act infringed on officers’ privacy, while advocates said the public should be informed about officers engaged in misconduct.

*This story is developing and will be updated.*

*Emily Davies contributed to this report.*

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