



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015  
[www.anc3e.org](http://www.anc3e.org)

### **RESOLUTION OF QUALIFIED SUPPORT FOR SPECIAL POLICE OFFICER ENHANCED SECURITY AMENDMENT ACT OF 2015**

#### **WHEREAS:**

#### Background

1. American University (AU) has existed in our neighborhood for more than 100 years, a relationship that has for the most part benefited town and gown alike.
2. Many AU students live within the boundaries of ANC 3E, and the vast majority are good neighbors who should, and hopefully do, feel welcomed by non-student residents.
3. A tiny minority of students have caused serious neighborhood problems, however. We noted the following in a 2011 letter to the DC Zoning Commission in connection with re-approval of AU's campus plan:

ANC 3E has received complaints by constituents concerning ongoing, severe problems associated with at least three houses rented by AU students. The first house necessitated repeated visits by Metropolitan Police Department (MPD) officers, without avail. On each occasion when police visited, the students simply refused to answer the door. The ANC invited representatives from AU to attend meetings to try to resolve the situation. We learned from AU that its student conduct code did not reach harmful conduct off-campus at all, except in cases where a criminal conviction was involved. . .

At ANC 3E's insistence, AU eventually amended its student conduct code to cover off campus conduct. In the meantime, however, residents endured many months of bedlam associated with the house at issue. Attached to this letter are screenshots from the Facebook page maintained by the group that rented the house. . . The screenshots speak for themselves as to the impact this group caused.

Since the change in the code of conduct, the University appears to have acted promptly to address incipient behavior at a few houses; however, other houses rented by University students in our ANC boundaries have remained problems despite complaints made by the ANC and homeowners to AU. . . . This house has also necessitated MPD responses, including a personal visit from the lieutenant in charge of the applicable patrol service area.

MPD has a light presence in our neighborhood, yet we face significant serious crime. Our neighborhood can ill afford diversion of police resources to pursue chronic student problem houses.<sup>1</sup>

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<sup>1</sup> Letter from ANC 3E to Anthony J. Hood, 6/21/11, <http://anc3e.org/wp-content/uploads/ANC-3E-Supplemental-Resolution-re-AU-Campus-Plan.pdf>

4. Complaints about problem houses have diminished since we sent this letter, but they still occur.

5. This month, in a Maryland house within walking distance of our boundaries, police broke up a party sponsored by an AU fraternity involving mass underage drinking, a robbery and stabbing, a student hospitalized for alcohol poisoning, and assault on a police officer. Restoring order required thirty police officers from 5 of Montgomery County's 6 police districts. Per the police,

[A]lcohol dripped through the floor boards, while the indoor air temperature was estimated at around 100 degrees. There was an "overwhelming odor of alcoholic beverage," police wrote in a 16-page report. At one point an officer used a portable breath test (PBT) to monitor the ambient air within the home; it registered at .09, which is above the legal driving limit in Maryland.<sup>2</sup>

6. Fortunately, problems with houses in our jurisdictions have been less dramatic. Unfortunately, in several cases, residents and guests of such houses have managed to quiet their parties when they notice MPD officers approaching, frustrating the officers' abilities to take noise measurements that might allow them to write citations. Likewise, as noted, residents of the houses often simply do not answer the door when MPD appears.

7. Thus, residents of problem houses, though clearly in violation of university policies, have often been able to thwart enforcement by MPD of DC law.

#### The Bill

8. Council Member McDuffie, with numerous co-sponsors, has introduced a bill known as the "Special Police Officer Enhanced Security Amendment Act of 2015"<sup>3</sup> ("Enhanced Security Act").

9. The Enhanced Security Act would, among other things, require increased training for "special police officers," including university special police officer; permit university police officers to enforce the law on university owned and controlled buildings (beyond those on central campus) and the immediately adjacent areas; and, permit university officers to enforce university rules against students off campus pursuant to a specific plan approved by MPD.

10. We support all three of these changes in principle. We do not take a position here whether the amount of extra training for special police officers specified is sufficient. Rather, our focus is on the possible extension of university officers' duties to enforcement of university policies off campus.

11. The bill would permit such extended enforcement pursuant to a "public safety plan" approved by MPD's Chief of Police. The bill sets forth a series of factors that such a plan should contain, including the training university officers, geographical area to be covered, and "[a]ny administrative offenses covered by the Code of Student Conduct as covered by the plan."<sup>4</sup>

12. Such a plan could permit AU and other university police officers to address many off-campus conduct problems pursuant to the university's code of conduct more effectively than MPD can address the problems pursuant to public law and, crucially, without diverting scarce MPD resources from fighting more serious crime.

13. In many instances, university officers may be able to intervene well before a situation merits criminal enforcement by MPD. Such early intervention benefits not only non-student residents

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<sup>2</sup> "[American University Frat House Busted For Underage Drinking Party](#)," WJLA, 3/2/16 [last accessed 3/8/16].

<sup>3</sup> <http://lms.dccouncil.us/Download/35033/B21-0529-Introduction.pdf>

<sup>4</sup> *Id.* at 4.

troubled by bad conduct, but the small minority of students whose behavior – if not checked – may lead to situations such as the aforementioned party in which a student was hospitalized and the very air contained a level of alcohol above the legal breath level.

14. The bill delegates broad authority to MPD to approve public safety plans for university officers, however, and does so without opportunities for public input. We believe the Council should provide additional direction to MPD with regard to public safety plans. In particular, MPD should not extend the authority of university officers to enforce DC law against persons unaffiliated with a university except in cases where the community to be policed clearly desires such an extension.

15. Students typically consent to student conduct codes, and enforcement by university personnel, as a condition of matriculation. In this regard, the Enhanced Security Act would, in pertinent part, merely extend the geographical scope of such enforcement. Persons unaffiliated with a university typically do not consent individually to be subject to enforcement by university personnel.

**NOW THEREFORE BE IT RESOLVED:**

1. ANC 3E supports the Enhanced Safety Act in principle, and, in particular, the provision that would empower MPD to permit university police to enforce university policies against university students in off-campus areas near the university.

2. ANC 3E respectfully urges the Council to amend the Act to limit the MPD's ability to permit university police officers to enforce the law against those unaffiliated with the university to situations in which the community at issue clearly desires that such power be accorded to the university.

3. ANC 3E likewise respectfully urges that MPD and a university applicant hold a public meeting in the community at issue before MPD approves any public safety plan, and likewise afford the affected ANC the opportunity to opine on a proposed plan, with such advice accorded great weight pursuant to DC law.

The resolution passed by a vote of 5-0-0 at a properly noticed meeting held on March 10, 2016, at which a quorum was present, with Commissioners Bender, Hall, McHugh, Quinn, and Wallace in attendance.

ANC 3E

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by Jonathan Bender  
Chairperson