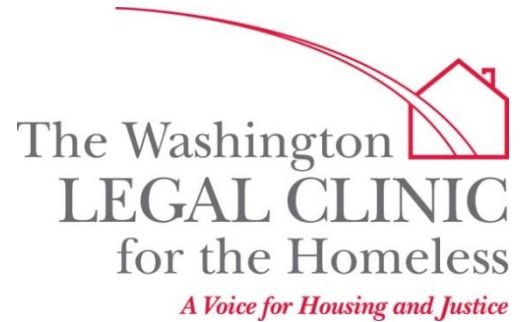


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D.C. Council Committee on Health- DMHHS Budget Oversight Hearing- April 29, 2024

Testimony of Joshua Drumming, Law Graduate, and Brittany K. Ruffin, Director of Policy and Advocacy, The Washington Legal Clinic for the Homeless

Since 1987, the Legal Clinic has worked towards a just and inclusive community for all residents of the District of Columbia-where housing is a human right and where every individual and family have equal access to the resources that they need to thrive.

DMHHS has continued to weaponize immediate dispositions to clear encampments. While normal encampment engagements have a mandatory fourteen-day notice period, immediate dispositions allow DMHHS to clear encampments without notice as long as they pose immediate risks to health and safety. Specifically, immediate dispositions do not require notice at the encampment site or DMHHS website. As of December, DMHHS's Encampment Response Team (ERT) has conducted eighty-two engagements, half of which were unnecessary immediate dispositions.

It is important to reduce genuine health and safety risks, but DMHHS abuses the "health and safety risk" language and wields it against encampments that are neither unduly obstructive, nor health hazardous. Immediate dispositions are often used to remove one person from a site, precluding encampment residents from adequately preparing for a clearing. Encampment residents often receive little to no outreach before clearings and posted signage may not be visible. Once clearings begin, all or nearly all belongings are thrown away, despite DMHHS's obligation to store non-trash items. The seizure and destruction of belongings during immediate dispositions without notice (or adequate notice), the requisite risk factor, due process, or post-deprivation proceedings, are likely unconstitutional and will potentially lead to unnecessary litigation.

We ask that Council evaluate the current immediate disposition protocol and create legislative policies that standardize definitions and requirements for encampment evictions of all types, establishing due process for encampment residents and minimizing opportunity for random and/or politicized encampment evictions. Council should evaluate how FD12s are used at encampments.

I was present at a recent encampment clearing of a young pregnant woman. As she tried to gather her belongings, she was confronted by a group of MPD officers who decided she was not leaving quickly enough. Before she could exit her tent, they began tearing it apart. They removed and handcuffed her. She requested to use the restroom, was prevented from doing so, and had to relieve herself while handcuffed in front of strangers. As if the circumstances were not humiliating and traumatizing enough, the DBH workers present, without any justification, requested she be involuntarily hospitalized for mental illness observation via an FD-12.

Thankfully, after a brief detention and intervention, attempts to hospitalize her ceased and she was released from custody. By then, of course, DMHHS had already destroyed or discarded everything she owned. This is the systemic cycle of harm and trauma that DMHHS perpetuates. While DBH and MPD were responsible for unjustifiably detaining the woman with threats of involuntary hospitalization, those threats were used to further DMHHS's goals. This Committee recently introduced legislation to update the involuntary hospitalization process. Any updates should prioritize clear standards, increased training for making determinations, and evaluation and investigation of how and when involuntary commitments are applied.

The Legal Clinic would like D.C. to suspend all encampment clearings. Instead, D.C. can conduct trash only cleanings, provide additional trash cans at encampments, and maintain portable bathrooms and hand washing stations. Additionally, ending full encampment clearings saves D.C. money. If the decision is made to impose cuts to critical human services in the FY25 budget due to a tight budget, there is certainly no justification for the maintenance of DMHHS funding in the FY25 budget that will only be used to unnecessarily clear encampments and cause further trauma. Budgets are moral documents. We urge Council to invest in care over cruelty.