

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



**Brian Schwalb
Attorney General**

August 14, 2025

OPINION OF THE ATTORNEY GENERAL

Re: Legal Effect of U.S. Attorney General Order 6370-2025, “Restoring Safety and Security to the District of Columbia”

Pamela A. Smith
Chief of Police
Metropolitan Police Department
Executive Office of the Chief of Police
441 4th Street, NW | Washington, DC 20001

Dear Chief Smith:

I have reviewed Order No. 6370-2025 (Bondi Order), “Restoring Safety and Security to the District of Columbia,” issued late this evening by United States Attorney General Pamela Bondi. The Bondi Order purports to vest all powers and duties of the Chief of Police in Drug Enforcement Administrator Terrence C. Cole as “Emergency Police Commissioner” of the Metropolitan Police Department (MPD). It also purports to rescind MPD Executive Order EO-25-005, as well as suspend provisions of General Orders GO-PER-201.26 and GO-PCA-702.01. It further directs MPD to enforce District laws and regulations pertaining to unlawful occupancy of public spaces and to rescind any MPD directives that conflict with any provision of the Bondi Order.

It is my opinion that the Bondi Order is unlawful, and that you are not legally obligated to follow it.

Section 740 of the Home Rule Act provides the President with the authority to direct the Mayor to provide services of the Metropolitan Police Department in order to address special circumstances of an emergency nature and for federal purposes. It does not authorize the President, or his delegee, to remove or replace the Chief of Police; to alter the chain of command within MPD; to demand services directly from you, MPD, or anyone other than the Mayor; to rescind or suspend MPD orders or directives; or to set the general enforcement priorities of MPD or otherwise determine how the District pursues purely local law enforcement. The Bondi Order is, therefore, *ultra vires*.

In addition, the Home Rule Act vests the executive power of the District in the Mayor. *See* D.C. Code § 1-204.22. Pursuant to this power, the Mayor appoints the heads of various District agencies, including MPD. *See* D.C. Code § 5-105.01(a-1)(1). The Mayor also has the authority under the Home Rule Act, “through the heads of administrative . . . agencies,” including MPD, to “supervise and direct the activities of such . . . agencies.” D.C. Code § 1-204.22(4). Under District law, it is the “duty of the police force to

respect and obey the Chief of Police as the head and chief of the police force, subject to the rules, regulations, and general orders of the Council of the District of Columbia and the Mayor of the District of Columbia.” D.C. Code § 5-127.03. Having been duly appointed by the Mayor and confirmed by the Council, you are the lawfully appointed Chief of Police of the District of Columbia. Therefore, members of MPD must continue to follow your orders and not the orders of any official not appointed by the Mayor.

Regardless of the Bondi Order, no official other than you may exercise all the powers and duties of the Chief of Police or issue any executive orders, general orders, or other written directives that apply to members of MPD.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian L. Schwalb".

Brian L. Schwalb
Attorney General for the District of Columbia