December 12, 2014

Chief of Police Cathy L. Lanier
Metropolitan Police Headquarters
Henry J. Daly Building
300 Indiana Avenue, NW
Washington, DC 20001

RE: Hate Crimes Assessment Taskforce Recommendations

Chief Lanier:

I am writing to request a status update on your progress toward implementing the recommendations issued by the Hate Crimes Assessment Taskforce in February. The challenges faced by the LGBT community and others affected by hate motivated violence require us to be vigilant in protecting the public safety of all of our residents and especially our city’s most marginalized.

The District of Columbia’s approach to police interactions with those in the LGBT community has been cited as a model and for this achievement, you should be proud. Still, there is more work to be done. At the time of the release of the Taskforce’s report, you indicated that you were in agreement with the vast majority of the recommendations offered and I am asking that you take a moment to provide the following information:

1. An update on the Department’s plans to overhaul its LGBT training program, including evidence of a formalized, comprehensive training curriculum and community feedback;

2. An update on the outcome of a meeting held earlier this year with advocates, service providers and MPD regarding changing the approach to prostitution enforcement; and

3. An update and explanation for the redeployment of GLLU officers to patrol Chinatown.

Successful policing requires a commitment to improving the relationship between officers and those in the communities they serve. Implementing these recommencations is a critical part of ensuring the safety and well-being of our residents.
I look forward to receiving your responses by COB on Friday, December 19, 2014. If you have any questions or concerns please contact me. You can also contact my Legislative Assistant, Darby Hickey at (202) 724-8105, or at dhickey@dccouncil.us.

Sincerely,

[Signature]

David Grosso
At Large Councilmember
Council of the District of Columbia
December 19, 2014

The Honorable David Grosso
Councilmember, Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Councilmember Grosso:

I certainly agree that the LGBT community members face unacceptable challenges to their public safety. No one should fear being the victim of crime because of hatred and bias due to race, religion, sexual orientation, gender identity, or any other circumstances. More importantly, everyone should feel comfortable working with the police and reporting crime and victimization to us.

The responses to your requests for updates on specific issues are below.

1) The Department’s plans to overhaul its LGBT training program, including evidence of a formalized, comprehensive training curriculum and community feedback

As part of the Department’s 2015 Professional Development Training (PDT), MPD will be conducting a block of training on issues important to the LGBT community. As background, all members are required to participate in mandatory 40-hours training each year. This includes 16 hours of requalification on firearms and use of force issues, leaving 24 hours for all other issues. This particular training will include a PowerPoint module that members will take online before their PDT week, and then four hours of class time. This will allow class time to focus on discussion, questions, videos, and scenario-based training.

The major topics of the course include:

- LGBT Cultural Competency
- Handing Interactions with Transgender Individuals
- Domestic Violence in LGBT Relationships\footnote{Although domestic violence in the LGBT community was not raised in the report of the Hate Crimes Assessment Task Force, the issue was added to the curriculum at the request of the community.}
- Bias-Motivated Crimes

The materials for the training include:

- The online PowerPoint presentation. This includes information on the diverse LGBT community, as well as detailed reviews of the responsibilities of members under District law and MPD policy. We have distributed this to and requested feedback from a dozen leaders of community advocacy organizations (Casa Ruby, DC Trans Coalition, GLAA, GLOV, HIPS, Rainbow Response Coalition, and SMYAL).
- Videos of community members discussing their experiences with police, both positive and negative, and the impact the interactions had on them. The clips for inclusion in training were selected together with Casa Ruby, DCTC, and GLOV.

- Scenarios designed to present officers with situations they will likely encounter on patrol, and provide a forum for discussing how they would respond to the incident and individuals on the scene. This has also been distributed to the above groups.

2) The outcome of a meeting held earlier this year with advocates, service providers, and MPD regarding changing the approach to prostitution enforcement

In August, Peter Newsham, Assistant Chief of the Investigative Services Bureau, met with advocates and service providers to discuss issues related to prostitution enforcement. While we understand that there are very complex individual and socio-economic factors related to sex work, the Department’s options related to this are very limited.

Under District law, engaging in prostitution is a crime. It also all too often creates a level of disorder that is of considerable and understandable concern to members of communities in which there is street prostitution. Moreover, while some sex work may be voluntary, it is also often a result of exploitation and victimization. When police encounter someone engaging in prostitution, they usually cannot determine on the spot whether the sex worker is a victim of human trafficking or even the individual’s age. Therefore, police arrest sex workers both in response to community concerns and to enable more investigation into other criminal enterprises.

How the case is handled from that point forward by police, prosecutors, and service providers depends on the outcome of subsequent questioning and investigation. By making minors immune from prosecution but not arrest in the Sex Trafficking of Children Prevention Amendment Act of 2014, passed just two weeks ago, the Council acknowledged that currently the only avenue the District government has for engaging victims engaged in sex work was to allow police to make the arrest. Whether the next steps are referral for services, prosecution, or deferred sentencing is a function of the prosecutors and the court, not MPD.

While MPD is obligated to enforce this crime, I am very concerned with allegations that a few police officers respond to sex workers in a manner wholly inconsistent with our high standards of conduct for treating all individuals and communities in our vibrant city with respect. Assistant Chief Newsham reiterated what you have heard me say several times this year: in order to address bad behavior – including discipline and termination, first and foremost, we need to hear from members of the community. If a member of the public receives unsatisfactory service or feels harassed by a police officer, he or she should dial 911 right away – either while the officer is still on the scene or as soon as the officer leaves, if that is more comfortable – so that a supervisor or watch commander can immediately: (1) determine whether it was an MPD officer(s) and which one(s); (2) initiate an investigation of the incident; and (3) address the underlying reason for the interaction, such as taking a police report. Just as with any crime, we can address these incidents and any inappropriate behavior better if we can respond immediately.

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2 We also need legislative changes that I discussed at length in the January 24, 2014, hearing on police conduct. For your reference, I have attached my testimony from the hearing.
In addition, Chief Newsham invited the advocates to share with him information that they have already gathered about officers they have heard or seen consistently present a problem. In addition, he urged them to contact him if they witness or hear of specific incidents. They have not yet followed up on this offer.

3) *Explanation for the redeployment of GLLU officers to patrol Chinatown.*

To protect the public and deter the routine uptick in crime in commercial areas during the holiday season, I deploy extra resources in these areas each year. As you know, between rising retirements and the unprecedented increase in protests throughout the city since the Grand Jury decisions in Ferguson and New York, our resources are stretched this month. Therefore, I decided, as any police chief should, to deploy officers to meet the greatest public safety needs. Only three, or half, of the GLLU members were detailed, and they are still responding to calls for service for GLLU members during their shifts. Other members of Special Liaison Units were detailed as well.

I hope you find this information useful. If you have any further questions, please do not hesitate to contact me.

Sincerely,

Cathy L. Lanier
Chief of Police

cc: Vincent C. Gray, Mayor
    Muriel Bowser, Mayor-Elect
    Phil Mendelson, Chair, Council of the District of Columbia
January 27, 2015

Chief of Police Cathy L. Lanier  
Metropolitan Police Headquarters  
Henry J. Daly Building  
300 Indiana Avenue, NW  
Washington, DC 20001

Dear Chief Lanier:

Thank you for your December 19, 2014 letter—I appreciate the quick response to my inquiries. I would also like to praise you and your officers for the way you have handled the recent protests organized in response to the Grand Jury decisions in Missouri and New York. The restraint shown by your officers in respecting the protestors' freedom of speech is to be commended.

I appreciate the updates in your letter on MPD LGBT training plans and GLLU deployment. It is very encouraging to learn that you have partnered with community groups on the training materials including the use of video testimonies. I am, however, concerned that the approach you have taken to develop the training has not been entirely comprehensive as the Hate Crimes Assessment Task Force Report recommended. Going forward, I hope that MPD will work with community groups to map out a comprehensive curriculum. As noted in the Report, such an effort should identify necessary topic areas, target audiences, and best practices to convey the content, followed by joint community-MPD development of modules for use in a variety of training settings—in-service, with senior leadership, roll calls, and so forth. Please provide an updated timeline for implementing the new trainings and let me know who will be conducting the trainings.

I was also pleased to see in your letter a new approach to commercial sex. I completely agree that there are complex factors related to sex work and that MPD has limited options for addressing these issues. I also share your concern with violence, abuse and other forms of mistreatment that occur in the commercial sex sector. However, I must take strong exception to your statement that arresting victims of violence or abuse is the best way to help them. Such a stance contravenes international human rights norms and our modern understanding of how to support victims of violence.

While it is true that exploitation and human trafficking does occur in the sex trade, it is important that we not conflate the two issues—there is much commercial sex that occurs without any trafficking, and there is much human trafficking that occurs in other forms of
labor. Minors involved in sex trade represent a special situation, which is why we passed the
Sex Trafficking of Children Prevention Amendment Act of 2014. I am deeply concerned by your
statement interpreting the language of this act in your letter. You wrote, “The Council
acknowledged that currently the only avenue the District government has for engaging victims
engaged in sex work was to allow police to make the arrest.” As a primary co-introducer of the
legislation it is important to me that you understand that the intent of the law is precisely the
opposite—to recognize that minors involved in sex trade are victims and should not be subject
to arrest or prosecution.

In D.C. we do not arrest victims of child abuse, domestic violence, sexual assault, or other
forms of violence. Individuals who experience such abuse, who happen to be involved in
commercial sex, should not be an exception to this approach. My understanding of the
meeting between MPD and advocates on the topic of prostitution enforcement led me to
believe that the agency was working to improve its response to and interactions with sex
workers who are assaulted, raped or otherwise abused. I strongly encourage you to continue
to seek innovative solutions to proactively rebuild trust with such marginalized members of our
community.

I look forward to receiving your response. If you have any questions or concerns please contact
me. You can also contact my Legislative Assistant, Darby Hickey at (202) 724-8105, or at
dhickey@dccouncil.us.

Sincerely,

David Grosso
At Large Councilmember
Council of the District of Columbia