

# Gay and Lesbian Activists Alliance

Fighting for equal rights since 1971  
P.O. Box 75265, Washington, DC 20013

## Testimony for oversight hearing on MPD Stop and Contact Policies and Procedures

Delivered before the Committee on Judiciary and Public Safety  
October 27, 2014

Good afternoon, Chairman Wells. I am Rick Rosendall, President of the Gay and Lesbian Activists Alliance. We have fought for LGBT equality in the District since 1971.

When thousands held a vigil for Michael Brown in Meridian Hill/Malcolm X Park on August 14, a few MPD officers were on hand to ensure order. There was none of the overreaction and belligerence we saw in Ferguson, Missouri. We have come a long way since the 1991 riot by D.C. police against revelers at the High Heel Race on 17th Street Northwest. That race is now an annual tradition, to be held tomorrow evening.<sup>1</sup>

It must be noted that even in Ferguson, bad policing is not the only cause of public distrust. Last week, for example, reporters for the *St. Louis Post-Dispatch* misrepresented Brown's official autopsy report.<sup>2</sup> Enduring solutions require good will and better information.

With that in mind, we appreciate the work of our friends at ACLU of the Nation's Capital, which reported in 2013 on the dramatic racial disparity in marijuana arrests in the District:

Officers from fifteen different police forces ... made marijuana arrests in 2010, however MPD officers made 4,996 of the 5,393 total arrests, or almost 93%.... PSA 602, located in Anacostia, had a 2010 marijuana arrest rate of 2,488 per 100,000. By contrast, PSA 204, located in Woodley Park, had a marijuana arrest rate of just 33 per 100,000.<sup>3</sup>

Given the roughly equal rates of self-reported marijuana use by white and black citizens, the disparity in enforcement must be confronted by this committee. In the meantime, the people are changing the law. GLAA endorses Initiative 71, the "Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014."<sup>4,5</sup> This will not end all problems associated with the disastrously counterproductive war on drugs, but it is a start.

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<sup>1</sup> "Scenes from the pre-Halloween High Heel Race on 17th St," *LiveLeak*, October 29, 2013, [http://www.liveleak.com/view?i=65c\\_1383158715](http://www.liveleak.com/view?i=65c_1383158715)

<sup>2</sup> "What does Michael Brown's official autopsy report actually reveal?" Joshua Barajas, *PBS NewsHour*, October 23, 2014, <http://www.pbs.org/newshour/rundown/michael-browns-official-autopsy-report-actually-reveal/>

<sup>3</sup> "Billions of Dollars Wasted on Racially Biased Arrests - Behind The DC Numbers," ACLU of the Nation's Capital, June 4, 2013, <http://aclu-nca.org/billions-of-dollars-wasted-on-racially-biased-arrests-behind-dc-numbers>

<sup>4</sup> "Decriminalizing and Legalizing Marijuana," *Building on Victory*, Gay and Lesbian Activists Alliance, January 4, 2014, [http://www.glaa.org/archive/2014/buildingonvictory.htm#\\_Toc410](http://www.glaa.org/archive/2014/buildingonvictory.htm#_Toc410)

<sup>5</sup> GLAA ratings ad for general election, released October 10, 2014, <http://glaa.org/archive/2014/ratingsadgeneralmw.png>

Another legislative remedy to a police-related problem goes back sixteen years to the so-called "Chardonnay Lady Bill." It was drafted by Frank Kameny, introduced by then-Councilmember Carol Schwartz, and supported by MPD. It became Law # L12-0206, the "Opened Alcoholic Beverage Containers Amendment Act of 1998." Craig Howell wrote for GLAA on the bill:

When Dr. Kameny's research revealed that the absurdity of arresting people for drinking on their own front porches could be readily remedied by a simple change in the law itself, GLAA was quick to jump on the bandwagon. This is a problem that cannot be fixed just by telling the police to use more common sense. The police are acting — however foolishly — fully within the existing law in making these arrests. Hence, the proper remedy is legislative, not administrative.<sup>6</sup>

Ongoing problems point to further legislative remedies. Accountability requires more documentation of police practices. As in the past, we stand in solidarity with the ACLU and the NAACP, with whom we launched the NAACP-DC Police Task Force in 1997.

The ACLU has identified several areas of interest based on town-hall forums and Know Your Rights trainings. They include MPD vice unit jump-out cars; coerced consent searches; overuse of Emergency Response Teams and military tactics; excessive force; stop and frisk; pretextual stops; and racial profiling. We will leave the details to the ACLU; but in summary: Many of these police practices leave no trail of documentation, which prevents accountability and evaluation of their effectiveness. Citizens suddenly stopped are often unaware of their rights, such as the right not to consent to a search. The law defining assault on an officer may need revising to prevent its being misused to charge citizens as a pretext for police use of force. Reasonable suspicion must have a factual basis, and not be driven primarily by the neighborhood in which a person is walking. MPD does not enhance public safety with overly confrontational tactics that erode public trust. And we cannot tolerate officers refusing to identify themselves.

We commend the petition by Patrice Amandla Sulton of the D.C. branch of NAACP to District officials to "Lead the Nation in Adopting Best Police Practices," which calls for more crisis training; dash and body cameras; changing the "Assault on a Police Officer" law; facilitating civilian review; prosecuting police assaults; requiring D.C. residency for officers; incentivizing higher education for officers; ending profiling; and requiring periodic psychological evaluations.<sup>7</sup> We support MPD's recently announced deployment of new body-worn cameras, as long as they are consistently used and not disabled or obstructed at an officer's whim.

In looking at citizen complaints of police practices, we keep coming back to disparities by geography, race, and class. This is unacceptable. As I wrote in 2012, "It is easier to make excuses for stopping and frisking if you are never targeted by police based on your skin color."<sup>8</sup>

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<sup>6</sup> GLAA Statement on "Chardonnay Lady Bill," June 1, 1998,

<http://www.glaa.org/archive/1998/drnk0601.shtml>

<sup>7</sup> "Petition: Lead the Nation in Adopting Best Police Practices," Patrice Sulton, DC Police Project,

<https://www.change.org/p/vincent-gray-lead-the-nation-in-adopting-best-police-practices>

<sup>8</sup> "Racial Privilege and Common Struggle," Richard J. Rosendall, *The Huffington Post*, July 24, 2012,

[http://www.huffingtonpost.com/richard-j-rosendall/racial-privilege-lgbt-activism\\_b\\_1692269.html](http://www.huffingtonpost.com/richard-j-rosendall/racial-privilege-lgbt-activism_b_1692269.html)

Not only police but citizens in all eight wards must face the inequities around us with open eyes. When the law is not enforced in a fair and equitable manner, we undermine respect for the law. The standard carved above the entrance to the Supreme Court, "Equal Justice Under Law," is more a mockery than a reality for all too many. Dr. King issued the challenge the day before he was struck down: "All we say to America is be true to what you said on paper." If his words continue to sting, perhaps it is because love of country is all too often an excuse for self-congratulation instead of a call to self-correction.

Thank you.

*Added during oral testimony:*

Mr. Chairman, I did not mean to overlook the anti-transgender profiling that we have discussed so many times before. I was expecting other witnesses to focus on that longstanding problem. So add that to the list. We must continue working in broad-based coalitions to obtain justice.