

Gay and Lesbian Activists Alliance of Washington, D.C.

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Testimony on Bill 20-63, "Police Monitoring Enhancement Amendment Act of 2013"

Delivered before the Committee on Judiciary and Public Safety
July 2, 2014

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

We support Bill 20-63 *with a requested change*. The Police Monitoring Enhancement Amendment Act of 2013 would, as the summary says, "give the Office of Police Complaints access to information and supporting documentation of the covered law enforcement agencies to improve the monitoring and evaluation activities of the Police Complaints Board."

This proposed reform has been kicking around the Council for several years. We thank Chairman Mendelson and Councilmembers Cheh and Bowser for re-introducing it. However, when they introduced similar legislation in 2009, the *City Paper* reported that the bill specified that the board "shall have unfettered access to all information and supporting documentation of the covered law enforcement agencies...."

By contrast, the current bill refers to "reasonable access." The difference between "unfettered access" and "reasonable access" is the difference between real access and mere rhetoric about access. "Reasonable access" is a vague and slippery term that can mean anything and nothing. If our intent with the present bill is to enhance police accountability by granting OPC statutory access to information, that access should be clearly stated and not conveyed by ambiguous wording that effectively turns it from a requirement into a suggestion. **We urge that you restore the bill's teeth by changing "reasonable" back to "unfettered."**

The creation of OPC and the Police Complaints Board resulted from advocacy in the late 1990s by GLAA in concert with allies that included the local chapters of NAACP and ACLU. We take pride and proprietary interest in the work of OPC and PCB. They should be able to review the full range of citizen complaints in formulating their policy recommendations. For example, in a September 2009 report, PCB noted the difficulty in assessing the Metropolitan Police Department's handling of police complaints due to a lack of transparency by MPD. That report states, "OPC also lacks the ability to gauge how many complaints referred to MPD involved hate crimes because MPD does not publicly report the disposition of such complaints." PCB recommended that "MPD and OPC should collaborate to establish a system to monitor complaints filed with both agencies that allege inadequate police response to a report of hate crime." We agree with that recommendation; unfortunately, MPD did not adopt it.

I include for the record the relevant section of the "Community Response to the Hate Crimes Assessment Task Force," dated March 13, 2014, to which GLAA was a signatory along with Casa Ruby, The DC Center for the LGBT Community, DC Trans Coalition, Gays and Lesbians Opposing Violence, HIPS, and Rainbow Response Coalition. That section is titled, "Strengthen the authority of the Office of Police Complaints." Here is its text in full (emphasis added):

The Office of Police Complaints (OPC) currently has authority to address individual complaints against MPD officers, analyze trends based upon those complaints, and make policy recommendations to MPD when complaint trends point to a particular problem. **We support OPC's proposals to amend its authorizing statutes** to allow the agency to analyze and report upon complaints filed directly with MPD's internal affairs bureau, as well as to create a "rapid response" protocol for handling routine, customer service oriented complaints.

However, OPC's authority should also include the ability to investigate performance and response trends within MPD without first receiving a significant body of individual complaints. Many members of LGBTQ communities have a legitimate fear of reprisal when filing complaints against police officers. Thus, the number of complaints filed by members of our communities -- especially those alleging bias or harassment -- are negligible at best. Yet, clearly, real issues within MPD need to be addressed.

Additionally, the Council should consider authorizing a standing committee of the Police Complaints Review Board to address biased policing. The last study of biased policing within MPD is now nearly ten years old, and was focused narrowly on potential bias against African Americans and Latinos in a limited number of traffic and pedestrian stops. The question of biased policing is serious enough that long-term, external attention is required.

LGBT advocates have begun what promises to be a new phase of constructive engagement with MPD. Passing Bill 20-63 with its teeth restored will help us in that effort, in addition to giving an invaluable tool to OPC and PCB.

Thank you.

References:

1. "D.C. Council Introduces Bill To Expand Office Of Police Complaints Oversight," Jason Cherkis, *Washington City Paper*, March 2, 2009, <http://tinyurl.com/alk2pk>
2. "Monitoring Citizen Complaints that Involve Police Response to Reports of Hate Crime," Office of Police Complaints, September 30, 2009, <http://tinyurl.com/oc6al54>
3. "Community Response to the Hate Crimes Assessment Task Force," March 13, 2014, pages 13-14, <http://glaa.org/archive/2014/lgbtresponse2taskforcereport0313.pdf>