



Building on Victory

A 2020 election guide to LGBTQ issues in Washington, D.C.

This document is subject to revision.

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PUBLIC HEALTH

1. Implement the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016

The implementation process for the LGBTQ Cultural Competency Continuing Education Amendment Act of 2015 should be updated.¹ The District should also pilot studies to determine how best to measure the effectiveness of cultural competency trainings.

2. Mental Health

The District needs LGBT-focused programs for suicide prevention. The same goes for post-traumatic stress disorder (PTSD), which is more prevalent in LGB young adults.^{2,3} D.C. should also address access and cost barriers to mental health, and support programs that address the disproportionate burden of mental issues among black and brown people, and in the bisexual community.⁴

JUDICIARY AND PUBLIC SAFETY

1. Oppose Faith Based Exemptions to Anti-Discrimination Laws

GLAA agrees with James Esseks, Director of the ACLU Lesbian Gay Bisexual Transgender & HIV Project, responding to the Supreme Court's June 2018 *Masterpiece Cakeshop* decision, that "Congress should pass the Equality Act, which would update our civil rights laws to provide all people with full protection from discrimination." We reject the false pose of victimhood by Christian supremacists to cover their bullying and attacks on others including LGBTQ people and religious minorities. There is no well-organized and well-funded effort to legalize denial of service to Christians by businesses, for example. What the supremacists really object to is LGBTQ people and others defending themselves against religious supremacists' bigotry. Objecting to those who rationalize their homophobia and transphobia as religious liberty is no more an attack on Christians than objecting to racist policing is an attack on all police. LGBTQ people embrace a diversity of religious beliefs and traditions. GLAA has consistently defended the free speech rights of our religious opponents, from marriage equality opponents advertising on Metrobuses to the anti-gay owner of the Museum of the Bible to a Chick-fil-A outlet opening in the District. But for a business open to the public to deny service on religious grounds risks undermining the social contract whereby members of a diverse society respect one another's differences. Respect that works only in one

¹ LGBTQ Cultural Competency Continuing Education Amendment Act of 2015, Act A21-0316, <http://tinyurl.com/jfkekxl>

² "Higher risk of PTSD for gay, lesbian, bisexual, 'mostly heterosexual' youth," *Harvard Gazette*, June 19, 2012, <http://tinyurl.com/jmaycmn>

³ "How Our Intolerant Society Contributes to LGBT Mental Disorders," *Advocate*, March 18, 2016, <http://bit.ly/2trAXOf>

⁴ "Health Disparities Among Bisexual People," HRC, 2017, <http://bit.ly/2FnDvTi>

direction is subjugation. A dispassionate review of efforts by Christian supremacists to defend faith-based discrimination reveals a back-door attempt to deny protection to LGBTQ people and our families.

2. Support Panic Defense Prohibition Act

GLAA supports Bill 23-435, the Tony Hunter and Bella Evangelista Panic Defense Prohibition Act of 2019, which bars criminal defenses based on the grounds of a victim's sexual orientation or gender identity, or other characteristics. The District, like many jurisdictions across the country, has seen a dramatic rise in hate crimes since the 2016 election. Part of the increase may be due to better reporting as MPD has stated, but that cannot account for all of it. Equally troubling is the lack of prosecution for hate crimes by the United States Attorney's Office. We believe this lack of consequences sends a message that if a person hurts members of the LGBTQ community in the District, they will be allowed to get away with it. The USAO has stated that they cannot successfully prosecute hate crimes in the District due to vague jury instructions that leave the impression that a person cannot be found guilty of a hate crime unless their prejudice is the sole motive for the underlying offense. While we do recommend that the Council clarify the statute, we are not confident that this will resolve the lack of action by the USAO, given the support for dominionism and theocratic-based law by the Attorney General of the United States⁵ and his demonstrated willingness to abuse the power of his office for political ends⁶. Local control of ALL criminal prosecutions would help return confidence in the criminal justice system. Moreover, while the District has progressive laws and policies, panic defenses have been used in our courts, most notably in the murders of Tony Hunter and Bella Evangelista. Our existence does not constitute incitement and should not be grounds for a legal defense. The fact that this defense has been used in the District makes clear the need for Bill 23-435⁷.

3. Update the Riot Statute

The USAO attempted to prosecute 192 individuals with felony rioting in the District of Columbia as a result of actions taken by a handful of protesters and officers of the Metropolitan Police Departments⁸. The Office of Police Complaints addressed issues of police conduct in regards to these prosecutions⁹. While the charges resulted in no convictions and many of them were dismissed, 192 families carried the financial and emotional impact of a felony charge for a year.

⁵ <https://www.au.org/blogs/wall-of-separation/william-barr-wants-to-bring-gods-law-to-america>

⁶ <https://www.alternet.org/2020/01/watchdog-group-files-formal-doj-complaint-against-bill-barr-for-his-abuse-of-power-for-trump/>

⁷ <http://glaa.org/2019/09/17/glaa-supports-panic-defense-prohibition-act/>

⁸ <https://wtop.com/inauguration/2018/07/234-arrests-0-jury-convictions-d-c-police-chief-calls-for-new-law-after-inauguration-riots/>

⁹ <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Inauguration%20Protest%20Monitoring%20Report%20FINAL.pdf>

Statutes that are too vague make it difficult to discern the legislative intent behind them, and can result in police and courts wielding unlimited discretionary powers in enforcing those laws. Such a statute is section 22-1322 of the District's penal code which aims to define the elements constituting a riot. GLAA finds this language to be overly broad and allows for an abuse of prosecutorial discretion in prosecuting arrested individuals who engage in exercising their first amendment rights¹⁰.

We, therefore, believe that the city council and mayor must take immediate action to revise the DC Riot Statute and accompanying penalties.

HUMAN RIGHTS

1. Serving the Transgender Community

Given that the District of Columbia has the largest percentage of transgender individuals in the nation, government agencies must be a model of inclusion for the transgender community. To that end, the District's good faith in consistently enforcing DC Human Rights Act protections for transgender people should be demonstrated by concrete actions.

The Government of the District of Columbia can take four immediate steps to demonstrate good faith:

1. Agencies that provide direct services such as DOH, DHS, RSA, and DOES should do regular onsite outreach at organizations that serve the transgender community to inform the community of what support is available to them and to facilitate intake into appropriate programs and services for eligible transgender individuals.
2. Agencies that provide direct services to District residents should form an internal task force to identify and mitigate any barriers to serving the transgender community.
3. Agencies that provide direct services to residents and work through vendors to provide services should train employees and vendor partners to better serve the transgender community, include training to identify bias and available remedies.
4. Conduct a comparative study of transgender employees of the government of the District of Columbia to gauge the current level of inclusiveness as a first step to crafting personnel and recruiting policies that would create a truly inclusive workplace with transgender community representation at every level of public service.
5. Implement initiatives to support the employment of transgender individuals.

¹⁰ <http://glaa.org/2017/08/23/glaa-calls-on-the-district-of-columbia-to-revise-its-riot-statute/>

A demonstration of good faith that includes concrete actions will build trust in the transgender community and lead to higher rates of transgender participation in District programs and services, to move us toward an inclusive workforce that better mirrors the demographics of the District.

2. Combating Transgender Discrimination

A gap exists between our model human rights law and reality for trans people. In November 2015, the DC Trans Coalition issued its DC Trans Needs Assessment Report.¹¹ It found:

- Workplace harassment is commonplace across all groups.
- Education is little protection against unemployment for trans people.
- Employment discrimination has forced many trans people into the grey economy.
- Trans people seeking vital services are not safe.
- 60% had considered suicide at some point in their lives, 34% had attempted suicide, and 10% had done so in the past 12 months due to the persistent structural violence faced by trans people in DC.

We urge District officials to follow the data and heed the report's recommendations.

3. Increasing Transgender Employment and Retention

The D.C. Office of Human Rights conducted a six-month study in 2015 that revealed anti-transgender job bias in 48 percent of District employers.¹²

The DC Trans Needs Assessment Report states:

A lack of access to education, to the formal economy and the impacts of structural racism, sexism and transphobia all work to produce immense economic inequality and poverty for trans communities in Washington, DC. Issues of harassment in the workplace and schools, as well as a lack of access to higher education, impact one's ability to access formal employment that also, importantly, pays a living wage. Hiring discrimination and workplace harassment are additional barriers for trans persons seeking employment.¹³

In 2016, The National LGBTQ Task Force and the DC Office of Human Rights produced a resource to help eliminate workplace discrimination against transgender and gender non-conforming people. The guidelines highlighted the following best practices:¹⁴

¹¹ "Access Denied: Washington, DC Trans Needs Assessment Report," November 13, 2015, <http://tinyurl.com/h8fvljm>

¹² "Qualified and Transgender: A report on results of resume testing for employment discrimination based on gender identity." D.C. Office of Human Rights, November 2015, <http://tinyurl.com/zfe7rzz>

¹³ "Access Denied," *op. cit.*, p. 38.

¹⁴ "Valuing Transgender Applicants & Employees: A Best Practices Guide for Employers," LGBT Task Force, D.C. Office of Human Rights, 2016, <http://bit.ly/2G8BebQ>

- Maintain confidentiality.
- Use proper names and pronouns.
- Ensure access to restrooms and other facilities.
- Implement gender-neutral dress codes.
- Address challenges with other employees and coworkers.

4. Support Sex Work Decriminalization¹⁵

GLAA joins our fellow members of the Sex Worker Advocates Coalition (SWAC) in supporting Bill 23-0318, the Community Safety and Health Amendment Act of 2019, which would decriminalize consensual sex work for people 18 or older and create a task force to monitor the implementation and effects of the act¹⁶. GLAA came out in forceful opposition to the criminalization of sex work in the District in 2018. Over the years, we have continued to learn from HIPS and other organizations advocating for sex work decriminalization including the United Nations Programme on HIV/AIDS (UNAIDS), UN Women, World Health Organization, and Global Alliance Against Trafficking in Women. Data shows that the enforcement of sex work laws disproportionately impacts communities of color, gay and transgender people, people with disabilities, immigrants, and people with criminal convictions. A growing body of research indicates that the criminalization of sex work leads to sex workers facing extreme stigma, systematic exclusion, violence and discrimination. These challenges create an environment in which individuals trading sex have difficulty accessing health services and information, experience various human rights abuses, and decline to seek protection from the police even when in grave danger. Research and the experiences of people trading sex show that collateral crimes arise from criminalizing sex work rather than sex work itself, and that the best way to address public health and safety issues around sex work is to eliminate the related criminal penalties. Bill 23-0318 does not “legalize prostitution,” nor does it affect existing laws pertaining to trafficking or crimes related to sex work. We agree that those who want to leave the sex trade should receive help. The District should put its resources into drop-in centers, transitional housing, job training and placement, counseling, addiction recovery programs, mental health services, and STD testing and treatment. It is time to lead. It is time to act.

5. Support Equity in Funding to Address the Needs of the LGBTQ Community

GLAA joins with the LGBTQ service providers of Washington, DC is demanding that the DC government provide equity in funding to meet the needs of the LGBTQ

¹⁵ <https://journalofethics.ama-assn.org/article/decreasing-human-trafficking-through-sex-work-decriminalization/2017-01>

¹⁶ <http://glaa.org/2019/10/17/gl原因-testifies-in-support-of-sex-work-decriminalization/>

community, including fully funding the Office of Human Rights and establishing a new competitive community development grant program in the Office of LGBTQ Affairs.¹⁷ The District of Columbia is a model in terms of LGBTQ affirming policies, regulations, and laws. We applaud the DC government for this. However, this makes the failure to use the resources of the government to equitably meet the needs of the LGBTQ community sting all the more. Our community is not a box to check, a talking point, or a photo op. We are real people with real needs that are not consistently met by existing DC government services, programs, and grant funding.

YOUTH

1. Health Education and Mental Health Services

GLAA strongly supports DCPS Health Standards that include sexual orientation and gender identity as part of "the knowledge and skills that students need to maintain and improve their health and wellness, prevent disease, and reduce health-jeopardizing behaviors." The scientific consensus is what should be taught. It is essential to monitor and enforce compliance to ensure that teachers and principals do not disregard DCPS policy in favor of their own biases.

There is a dire need for greater availability of free and low-barrier mental health services for young people in the District. These services should be made more visible and promoted in a way that reduces stigma and encourages youth to seek treatment. District leaders should work with the Department of Behavioral Health to improve and expand the School Health and School Mental Health Programs in a transparent manner that does not disrupt current provider-patient relationships or deprive schools of sufficient service capacities.¹⁸

DC should also properly fund the LGBTQ Health Data Collection Amendment Act of 2018, which requires various agencies to collect LGBTQ health data.

SENIORS

1. Accessible and Supportive Housing

D.C. continues to suffer a dearth of specialized housing services for LGBTQ adults. District leaders should fund the Housing Production Trust Fund, Permanent Supportive Housing, and Local Rent Supplement Program at adequate levels. The managers and staff of District housing agencies and healthcare facilities should be required to undergo training on the needs of LGBTQ individuals as well as those of persons living with HIV.

¹⁷ <http://smyal.org/fy21request>

¹⁸ "Parents and Teachers Worried About Looming Changes to Mental Health Services in D.C. Public Schools," DCist.com, <https://tinyurl.com/ycdcdn59>

Affordable housing is necessary for any senior, but by itself will not reduce social isolation. Many LGBTQ seniors reside in multi-dwelling, affordable housing units, but often live alone and may face social isolation. Appropriate D.C. agencies should organize periodic, intentional, and structured opportunities for seniors near where multiple LGBTQ seniors live in affordable-housing buildings or complexes.

Data on LGBTQ seniors and their unique needs should be maintained across the District government.

2. Training and Funding for Inclusive and Affirming Senior Services

Social isolation is a major concern among LGBTQ seniors. As the LGBTQ community has traditionally been youth-oriented, the social effects of ageism--including social isolation, depression, and diminished health--are particularly acute for LGBTQ seniors. Transgender older adults and ethnic and racial minority LGBTQ seniors often live below the poverty level and have heightened health disparity risks.

Implementation of culturally competent policies and training in senior services is necessary to foster an environment that provides confidence and security for the District's LGBTQ seniors. Funding targeting LGBTQ senior services would foster greater responsiveness among District senior services providers.

As advocated by the U.S. Administration on Aging (AOA), Congregate Meal Programs would help seniors age in place and decrease social isolation due to sexual orientation and gender identity. The DC Office on Aging should implement community dining programs for LGBTQ seniors, planned and administered by LGBTQ culturally competent staff and offering innovative programming of particular interest to LGBTQ seniors.

HOME RULE

1. Oppose Trump's Trans Erasure

GLAA opposes the Trump administration's definition of sex and gender under Title IX as an arbitrary standard created in a vacuum devoid of morality and science. It is an effort to erase transgender individuals. Under the policy, a person's gender would be assigned by their external genitalia at birth as indicated on their "original" birth certificate. This is reductive and would nullify the legal identities of transgender individuals. By referring to the "original" birth certificate, anyone with a revised birth certificate would find it a legally meaningless document. Any trans individual with a passport that reflect their actual gender would find it suddenly invalid and potentially revoked. A REAL ID that reflects a trans person's actual gender would also be

invalidated by the change. This leaves trans people unprotected from discrimination, without a legal identity, and potentially stateless. It is reminiscent of October 5, 1938 when the passports of Jewish people living in Germany were invalidated. It is part of a reckless drive towards authoritarianism that must be resisted. Given that the District of Columbia has the largest percentage of transgender individuals in the nation, government agencies must be a model of inclusion for the transgender community. To that end, the District's good faith in consistently enforcing DC Human Rights.