



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

December 20, 2012

Sara Darehshori  
Human Rights Watch  
350 Fifth Avenue, 34<sup>th</sup> Floor  
New York, NY 10118

Dear Ms. Darehshori:

The Metropolitan Police Department (MPD) continues to be perplexed by Human Rights Watch's reluctance to share its full report with MPD before it is released. MPD has repeatedly asked for an advanced copy of the report so that MPD can respond and correct any inaccuracies. HRW's response to requests for an advanced copy of the report has been "HRW does not do that" and HRW would like to "release to the media first". MPD has given HRW unprecedented and complete access to our reports and case files in a cooperative effort to be transparent and improve our approach to investigating sexual abuse. HRW has been secretive and opaque when asked for information in return.

Even more troubling is that HRW sent a letter in May of 2012 announcing the release of a report in "mid-June" of the same year. MPD undertook a thorough review of the limited information that was provided in an advanced letter (much like this one), and was able to determine that much of the information was garnered from interviewing only fifteen victims, and much of the information in the letter was anecdotal, unsubstantiated and in some cases completely inaccurate. HRW took an additional six months, with full and unprecedented access to MPD files, and has retooled the original report. Inexplicably, HRW sends a five page letter to MPD announcing the release of the retooled report without providing MPD with an advanced copy of the full report. Based on a review of HRW's previous work product and HRW's self-admitted need for a six month correction period, MPD is very concerned about the accuracy and quality of any report that HRW publishes. Nonetheless, MPD will respond to the limited information that was provided in the five page letter you sent on December 6, 2012.

On Page 2, HRW highlights that some cases were classified as miscellaneous reports or Office Information. HRW states further that "this classification means the case is effectively closed and not investigated." This statement is untrue and shows a complete misunderstanding of the classification of reports at the time. In the past these classifications were used for cases where the preliminary investigation did not reveal enough information to substantiate the elements of a crime in the District of Columbia. A few examples of such cases would include cases where the victim cannot remember details of the offense, other evidence (video) or witness statements indicate the offense did not occur, or the offense occurred in another jurisdiction. HRW also failed to mention that because of suggestions from HRW, MPD changed this reporting procedure, and that public reports are taken on all cases and they are classified as either a sexual allegation or a sexual abuse case.

HRW continues to draw conclusions regarding the number of victims that present for a SANE examination and the number of PD 251s that were taken by MPD officers. As repeatedly explained to HRW, this is a fundamentally flawed analysis regarding reporting. The determination as to whether or not there was an appropriate police response can be drawn from the number of individual WACIS reports compared to the number of victims that present for a SANE examination. During the time frame that HRW examined, there were approximately 1,500 WACIS reports. Again, the analysis by HRW indicates a complete misunderstanding of the process that existed at the time, and HRW again fails to mention that the process has been changed based on their suggestions.

In the letter, HRW attempts to draw negative conclusions about MPD by providing examples of cases that HRW was allowed to review. Using excerpts from these cases, HRW draws negative conclusions that do not include all of the relevant facts. It is not clear if this is done intentionally or is done because of a misunderstanding of the laws in the District of Columbia and the presentment process.

For example, HRW used one 2009 case that was classified as a “Misdemeanor Sexual Abuse” as an example of MPD’s failure to properly classify reports. In the letter, HRW states: “As part of its review of WACIIS, Human Rights watch reviewed a number of cases that seemed misclassified on the face of their PD 251’s.” HRW failed to mention that the initial classification is not binding nor does the classification of a report as a misdemeanor change the amount of investigative resources and effort that are dedicated to a sexual abuse case. HRW also fails to mention that DC Code (22-3006) – “Misdemeanor Sexual Abuse” does include non-consensual sexual acts i.e. penetration of the vulva by a penis. All cases, misdemeanors and felonies have the same resources dedicated to them, and the classification of the offense only becomes relevant at the charging stage.

HRW also fails to mention that the 2009 case that was used as an example was thoroughly investigated, and was presented to the United States Attorney’s Office (USAO) for prosecution. The USAO has the authority to upgrade or downgrade a charge depending on the facts of the case. In this case there was no effort to upgrade the charges.

HRW indicates that there was no indication that the 2009 case “and several others reviewed” were ever reclassified. MPD cannot respond to the “several other cases” because HRW has again failed to provide those specifics so that MPD can appropriately respond.

If HRW is highlighting cases and selectively using the facts, it appears that HRW is continuing to take anecdotal information out of context to suggest larger problems.

On page 3, paragraph 2 you indicate that MPD provided a total of 571 incident reports. You further state that based upon a Department of Justice study, the number of reports for sexual assaults for the period you analyzed would be expected to be 739. Thus, you conclude that MPD is failing to complete reports in a large percentage of cases.

Our records indicate that MPD sent HRW 1080 PD 251, Incident Reports. In addition, we met several times and advised you that there were instances in which a PD 251 report was not completed but that an internal WACIIS report was completed. During the time frame in which you analyzed cases, we completed approximately 1,500 WACIIS reports. Our numbers far exceed the expected level of 739 cases.

HRW indicates “many of these cases can be found in the files we reviewed in August”. HRW has again failed to provide those specifics so that MPD can appropriately respond.

In the portion of the letter where HRW comments on prosecutions and closure rates, HRW again exhibits misunderstanding, ignorance or purposeful misreporting. HRW should be well aware that sexual abuse cases are some of the most difficult to prove for investigators and in court. Nationally, more than two thirds of the suspects in sexual abuse cases are known to the victim. Frequently, there are no uninvolved witnesses in these cases, and consent is extremely difficult to prove or disprove.

The UCR has very specific guidelines for the closing of cases, and MPD abides by those guidelines. HRW’s suggestion that MPD is over reporting its closure rates for sexual abuse is absolutely false, and is an example of how HRW is trying to use misinformation and unsupported and uncorroborated information to draw conclusions. To dismiss the fact that non-adult sex abuse cases have an impact on closure rates again shows HRW’s misunderstanding of the issue. The large majority of non-adult cases are familial, do close and do have an impact on closure rates.

In the closing paragraphs, HRW takes what can only be described as a cheap shot at MPD by suggesting that they have reviewed reports that document mistreatment of sexual abuse victims. Aside from being nonsensical that a detective would report his/her own mistreatment of a victim, HRW fails to provide any concrete examples. In its final analysis, HRW recommends external oversight as one of its recommendations. HRW does not mention that MPD unilaterally requested that the Department of Justice come in and examine the practices of the Sexual Assault Unit, or that the Department of Justice, Office of Justice Programs Diagnostic Center is currently reviewing MPD’s policies and practices.

As mentioned in previous writings to Human Rights Watch, part of the Metropolitan Police Department’s approach to addressing cases of sexual abuse includes an effort to constantly improve. This improvement is achieved through an ongoing evaluation of current processes, identification of best practices, and modification of our approach when necessary. Your letter highlights some of the changes that have occurred at MPD’s Sexual Abuse Unit, but we believe it is also important for HRW to mention in your report:

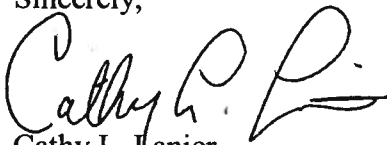
1. In 2012, MPD developed online Sexual Abuse training which was mandated for all sworn members of the force.
2. MPD issued a directive to first responders to notify a Sexual Abuse Detective whenever they respond to a scene where there are sexual overtones.
3. MPD changed the process of collecting data in sexual assault cases.

4. The Mayor's Office of Victim Services has contracted with paid advocates (Network for Victim Recovery of DC - NVRDC) to provide resources to the victims of sexual abuse (formerly this was handled by volunteers).
5. NVRDC provided training to all of the members of MPD's Sexual Assault Unit on the impact of trauma and proper approach to victims of sexual assault.
6. MPD undertook a concerted outreach effort to provide victims with resources including the launch of the UASK application, and meetings with the owners of ABC establishments throughout the city to advise them of the prevalence of sexual assaults that are related to their establishments.
7. That The Department of Justice Office of Justice Programs Diagnostic Center is currently working with MPD to do a gap analysis to identify possible future changes that can improve our processes.

MPD has taken very seriously the fact that some sexual assaults are never reported to police. According to The Rape Abuse and Incest National Network 54% of Sexual Assaults in the country go unreported. HRW did not take the time to find out about the impact of the outreach efforts described above. In 2012, MPD saw a significant increase in the number of sexual assaults that were reported where the suspect was known to the victim. Denise Snyder from the DC Rape Crisis Center noted when commenting on the increase in reporting in a December 19, 2012, interview with the Washington Examiner that "there is cause for celebration . . . any increase in reported sex crimes could be seen as a growing comfort level among victims, men and women alike, to report rape and abuse." MPD attributes much of the increased reporting to the improvements described above.

In closing, MPD believes that objective outside observers will agree that HRW in its desire to draw public attention to themselves has used unsupported and erroneous information to attack MPD's handling of sexual abuse investigations. HRW's refusal to work cooperatively with MPD, and HRW's insistence of attempting to make a public spectacle are indicative of HRW's self-serving goals. In spite of MPD's full cooperation and unprecedented access that was given to HRW, HRW has continued to ignore relevant information in an attempt to paint a skewed picture of the state of affairs in the District of Columbia. It is unfortunate that HRW does not use that same self-serving energy to really make things better for the victims of sexual abuse.

Sincerely,



Cathy L. Lanier  
Chief of Police