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## REPORT OF THE HATE CRIMES ASSESSMENT TASK FORCE

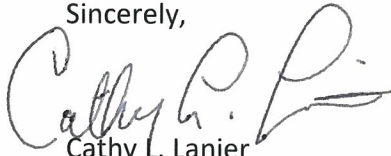
In December 2011, I asked the Anti-Defamation League (ADL), a national leader on the issue of hate crimes, to assist the Metropolitan Police Department (MPD) by conducting an impartial review of MPD's programs supporting the lesbian, gay, bisexual, and transgender (LGBT) community, comparing them with programs in other departments in the nation, and identifying any areas that might be strengthened. The ADL assembled a small group of national civil rights organizations, advocacy groups and recognized academic authorities with involvement and experience on the issues of community engagement and hate crimes to donate their time to this effort.

I would like to first thank the members of the Hate Crimes Assessment Task Force (HCATF) and their host organizations for so generously donating their talents and time to this effort. The Hate Crimes Assessment Task Force was comprised of the Anti-Defamation League, the Human Rights Campaign, the National Center for Transgender Equality, the Leadership Conference for Civil and Human Rights, and two of the nation's leading academic experts on the causes and impact of hate violence, Professor Jack McDevitt of Northeastern University and Professor Jim Nolan of West Virginia University. I am grateful for their tremendous commitment to helping our community in the District of Columbia grapple with all too common issues of hate crimes and civil rights, with a focus on how these affect the LGBT community.

I am pleased to share the Report of the HCATF with the community. As I think the LGBT community will agree, the HCATF listened to and documented their concerns with the Department and its relationship with the LGBT community. Admittedly, some of this is difficult for me to read as it clearly details where the Department has fallen short in our goal to foster strong relationships with our great and diverse communities that enable us to jointly combat the scourge of crimes motivated by hate or bias. Nonetheless, I strongly support the recommendations of the Task Force, and the Department will be working to implement them. No one should fear being the victim of crime because of hatred and bias, whether because of race, religion, sexual orientation, gender identity, or other circumstances. Perhaps more importantly, everyone should feel comfortable working with the police and reporting crime and victimization to us.

I have and will continue to hold all members of the Department to a high standard of conduct for treating with respect and providing exemplary service to all individuals and communities in our vibrant city. My response to the recommendations in the Report lays out how the Department will continue to strive to meet this goal.

Sincerely,



Cathy L. Lanier  
Chief of Police

# RESPONSE TO RECOMMENDATIONS

The Hate Crimes Assessment Task Force (HCATF) recommended specific actions and changes in the following seven areas. For details on the recommendations, please see the “Findings and Recommendations” section of the Report, beginning on page 20. Below, the titles of the recommendations are captured with MPD’s response below.

## THE GAY AND LESBIAN LIAISON UNIT (GLLU)

### RECOMMENDATIONS

1. Review GLLU Structure – Agree
2. Review Personnel and Resources/Consider Increase in Personnel and Resources – Agree
3. Appoint Strong GLLU Leader – Agree
4. Expand Outreach – Agree in part
5. Improve Selection Criteria – Agree in part
6. Increase Awareness of GLLU within MPD – Agree

### RESPONSE

At several points in its Report, the HCATF raises concerns that the expansion of the Special Liaison Divisions – specifically GLLU – through the Affiliate Officer program has fallen short of its goals. We agree, and are reviewing the roles and coordination between the core Liaison Divisions and the affiliates. This has in some respect already begun. Sergeant Matthew Mahl, who had been detailed to GLLU for over a year, is a good fit for the GLLU and its next stage of development. Moreover, he has been assigned to oversee GLLU exclusively since November 2013.

The Report notes at several points concern among the advocates and community that the Department outreach is less robust than it once was. We agree that neither the GLLU nor the affiliates have the visibility in the community that is our goal, and we must improve that. However, it is clear based on both the Report and our meetings with the HCATF, the community has some expectations that the Department is not able to meet. While we value a strong relationship with the LGBT community, we are also responsible for being sound stewards of public resources. Members of the GLLU had attended events in the past that we have determined are inappropriate for police officers on-duty, including bar crawls, book clubs, and certain events in Leather Week. That said, we believe there are plenty of opportunities for MPD – GLLU as well as its affiliates – to strengthen outreach with the community. We will work with the community to identify these opportunities, and will document our parameters in policy so that there are common expectations of our officers.

Lastly, we agree that even within MPD the impact and visibility of GLLU and the affiliates can be stronger. We will ensure that vacancy announcements for GLLU will match the skills and commitment that we all want to see from its members. And we will work to improve internal visibility so that GLLU can serve as the internal Departmental resource that is clearly needed. That said, we do not agree with the recommendation in the Report that incentives for members to serve in the Special Liaison Divisions are either necessary or appropriate. We want members who have the innate drive and commitment to serve the community in this manner. Too often incentives just attract those who would not otherwise be committed to the mission. Moreover, any such incentives would need to be negotiated as part of the union contract.

## THE AFFILIATE SPECIAL LIAISON DIVISION OFFICERS (AFFILIATE OFFICERS)

### RECOMMENDATIONS

1. Revise Selection Process – Agree
2. Clarify and Communicate Roles/Responsibilities – Agree
3. Assess Training Effectiveness – Agree
4. Evaluate Routinely – Agree

### RESPONSE

The functions and success of the GLLU and the affiliates – as well as the recommendations and responses – are clearly interconnected. While we still believe the affiliate program is well conceived, its hasty implementation in 2009, in an attempt to address the deteriorating relationship with the community, has hindered its development. For example, the initial training for the affiliates was poorly executed because it was delegated to the MPD Training Academy, whose staff members were not subject matter experts. This has had an impact on training for all MPD members, not just the affiliates.

For the present, MPD will not be expanding the affiliate program, and will not be selecting new candidates. However it is clear that the performance and commitment of current members must be reviewed and evaluated. Members who should not be in the program will be removed from it. We agree that the roles and responsibilities must be clarified. We will review relevant policy and GLLU programmatic support, and ensure that supporting the program is a facet of the performance evaluations for all involved personnel– from the members up through their commanders.

The Departmental training across the board on hate crimes and the LGBT community must be standardized and professionalized. Our subject matter experts in GLLU will be tasked to work with the community and the Academy to develop new comprehensive training – from the new recruits, to affiliates and veteran members. Moreover, the training format must be revised to

ensure that it does not drain the resources of the community members and groups that wish to support us.

## **HATE CRIME DATA COLLECTION**

### **RECOMMENDATIONS**

1. Improve Training – Agree
2. Continue Real Time Access to Data – Agree

### **RESPONSE**

As noted elsewhere, we agree that we need to revise and update training across the board. Some of our practices – such as quarterly refresher roll call trainings and handy reminder materials that officers are required to review and carry – are best practices that demonstrate our commitment to ensuring an empathetic response to and accurate reporting of hate crimes. However, it is equally clear that we can do a better job to ensure that: (1) officers readily recognize the indicators of a potential hate crime; and (2) all individuals feel comfortable reporting these crimes. We recognize the importance of data sharing with the community, and will continue to review our reporting to ensure it provides necessary information to the community.

## **INTERACTIONS WITH THE TRANSGENDER COMMUNITY**

### **RECOMMENDATIONS**

1. Urgent Need to Build Trust – Agree
2. Improve and Expand Training about Transgender Issues – Agree
3. Identify Training Officers – Agree
4. Review Past Cases – Agree

### **RESPONSE**

Having strong relationships with all of the diverse communities in the District is a top priority, and relationship building with the transgender community clearly needs the most attention. We agree that if core GLLU members are on-duty, they should respond to incidents involving transgender individuals, with a priority on crimes of violence. We will ensure that transgender cultural competency is part of the revised training program. Internally, we are proud that our own transgender community is growing, with two transgender members of the force. At the suggestion of a leader in the transgender community, we are also working with the District's Project Empowerment to hire a member of the transgender community to work in GLLU.

But unfortunately, the Report reinforces that some members of the transgender community have had – and apparently continue to have – very negative interactions with individual police officers. This is unacceptable. In order to identify and root out this behavior, we must implore the community to report complaints on individual officers to one of a number of options. Given their lack of trust in MPD, we can understand that they may not want to contact MPD’s Internal Affairs Division. Therefore we will ask the Office of Police Complaints (OPC), an independent civilian oversight board that hears and considers complaints of police misconduct, to partner with advocates in the transgender community in a campaign to ensure that individuals know there is another option. The OPC review carries a significant weight in the law. In the past seven years, MPD disciplined officers in 97 percent of the cases for which OPC sustained misconduct.

We agree that the tragic and high profile nature of the homicides of transgender individuals shapes the foundation of our relationship with the transgender community. That is why in 2012, we initiated a review such as the Report recommends. Moreover, we asked the US Attorney’s Office to conduct its own review, however they have not been able to identify any leads we may have missed. From 2000 through 2013, there have been 11 transgender individuals murdered in the District, including two in a double homicide. Eight of these homicides occurred from 2000-2008, and four were closed with arrests. Since 2009, there have been three homicides, one of which was closed with an arrest. All of the open cases since 2009 are still open and actively being investigated.

Lastly, there is one additional open homicide from 2011 – which is still under active investigation – referenced in the Report. According to the investigation, the decedent had begun to dress as a woman shortly before the homicide, but did not self-identify as a transgender woman. The Department’s decision to circulate a flyer with a recent picture in which it was not clear whether the decedent was dressed as either a man or a woman has been questioned by the community. However, we stand by this decision. As an initial matter, our first obligation is to the family that has suffered a tragic loss of their loved one, and the family in this case, the family provided the photo and they specifically requested that we not use a photo in which the decedent was dressed as a woman. In this case in particular – in which the photo was recent, it was not evident whether the victim was dressed as a man or a woman, and the decedent did not regularly dress as a woman and had not been doing so for long – we felt comfortable that the wishes of the family could be accommodated without hindering the case. In all cases, it is a top priority for the agency to not inflict further pain on the family. That said, the community can also support the investigations by circulating photos that they may have showing the victim at different times and in different clothing. Going forward, MPD will ensure that photos are recent, that if an individual’s identity documents have been updated then the photo will reflect the gender in the identity documents, and that a photo will reflect an image of the victim which will advance the case.

## HATE CRIMES AND LGBT CULTURAL COMPETENCY TRAINING

### RECOMMENDATIONS

1. Develop Standardized Training – Agree
2. Develop Evaluation Mechanism – Agree
3. Review Affiliate Officer Training – Agree
4. Identify Effective Trainers within MPD – Agree
5. Mandatory Training for Recruits and Specialized Personnel – Agree
6. Mandatory Training for Leaders and Senior Personnel – Agree
7. Improve Use and Support of Civilian Trainers – Agree in part
8. Expand Use of Roll Call Training – Agree
9. Revise/Decrease Reliance on Online Training Module – Agree

### RESPONSE

As noted previously, we agree that we must standardize and professionalize training on hate crimes and LGBT cultural competency. Our subject matter experts in the GLLU will work with the specialists in adult education at the Academy to develop comprehensive training that incorporates community input as well as an appropriate and respectful role for community support in ongoing efforts. However, as has been discussed with the community, we cannot commit to paying any outside trainers without considering paying all of the many groups that support our training efforts – from other communities in the District to those working with service animals, and the Humane Society. Instead, we will need to look at other ways to engage the community while not overburdening it. Our goal will be to share the comprehensive training plan with the community in the early fall so that it can be implemented as part of the 2015 training curricula. Of course, we will not wait for 2015 to implement improvement that can be done by degrees.

## THE CRITICAL INCIDENT TEAM (CIT)

### RECOMMENDATIONS

1. Restructure the CIT – Agree
2. Create Mutually Agreed-Upon Mission and Objectives – Agree
3. Limits on Information Sharing – Agree
4. Criteria for Membership – Agree
5. Define Roles and Responsibilities – Agree

### RESPONSE

The community and MPD have been in agreement that the CIT model, while well intentioned, has in fact been counterproductive. The Mayor's Office on Gay, Lesbian, Bisexual and Transgender Affairs has already assumed responsibility for revitalizing this effort and leading the new model with the full support of the Department.

## HATE CRIME POLICIES

### RECOMMENDATIONS

1. Assess Policies – Agree
2. Determine if Additional Community Outreach is Needed – Agree

### RESPONSE

Although our policy has long been considered to represent best practices, we agree that an evaluation to determine whether there is a gap between the policy and practice should be integral to the efforts already outlined in this response.

## INFORMATION ON COMMUNITY CONCERNS

The Report makes clear that certain issues are persistently divisive. Although they have been addressed in numerous forums and community discussions, we wanted to take this opportunity to address them to the broad audience that we anticipate will review this Report.

### GLLU LEADERSHIP

As we well know, the Report notes at length that to many in the LGBT community, the departure of the first and longtime leader of the GLLU, Sergeant Brett Parson is still felt. We understand this as he is an exceptional member of this Department, and were it possible, we would clone Sgt. Parson. But it is important to understand that after years of working well beyond the limits of any reasonable expectations, Sgt. Parson asked to be reassigned from GLLU to regular patrol. As the community knows, his commitment to LGBT issues has not waned, and he is still consulted by many members of the Department on issues related to the LGBT community.

Moreover, as has been stated before, MPD attempted more than once to fill the position of a full time sergeant for GLLU, but to no avail. Fortunately, Sgt. Matthew Mahl, who brings commitment and many strengths to this role, assumed full leadership of the GLLU in late 2013.



We hope that the community gives him the support necessary to help GLLU once again succeed in its mission.

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## **FURR CASE AND OTHER DISCIPLINARY MATTERS**

As is illustrated in the Report, one incident can exacerbate mistrust and perception of a Department that is antagonistic toward the transgender community. The Report states:

The egregious case of Officer Kenneth Furr, who fired his weapon into a car containing three transgender women of color in August 2011, was repeatedly cited by LGBT leaders and advocates. Officer Furr's conduct, together with MPD's alleged failure to summarily discipline him, the lack of detailed information provided by MPD about the disciplinary proceedings, and, ultimately, the light sentence he received are often cited as evidence of both the pervasive homophobia and transphobia within MPD and MPD's lack of seriousness about addressing the problem. [page 15]

From Department's point of view, MPD took the strongest action it could by immediately arresting Furr on the scene. Later, once Furr had been convicted and the criminal matter was resolved, his employment was terminated.

As an initial matter, not all police departments would immediately arrest their own member. Moreover, there is no stronger action that we can take because even the Chief of Police has no authority to "summarily discipline" a police officer. We understand the frustration felt by many over the lack of information relating to a high profile case affecting the LGBT community. At the same time, it is important to recognize that disciplinary actions are restricted by law, regulations, and contract. By contract, police officers have rights to due process in disciplinary review. District law clearly stipulates that this disciplinary process is on hold while criminal matters are pending before the US Attorney's Office of the District of Columbia.<sup>1</sup> The District Personnel Manual also strictly prohibits an agency from releasing information about disciplinary matters.<sup>2</sup> Thus, even though we may wish to share information, we cannot.

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<sup>1</sup> D.C. Official Code § 5-1031. Commencement of corrective or adverse action.

(b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department, the Office of the United States Attorney for the District of Columbia, or the Office of Corporation Counsel, or an investigation by the Office of Police Complaints, the 90-day period for commencing a corrective or adverse action under subsection (a) of this section shall be tolled until the conclusion of the investigation.

<sup>2</sup> Chapter 31 of the District Personnel Manual (DPM) governs. The DPM (3113.1) provides that the following information regarding employees is available to the public:

(a) Name; (b) Present and past position titles; (c) Present and past grades; (d) Present and past salaries; (e) Present and past duty stations (which includes room numbers, shop designations, or other identifying information regarding buildings or places of employment).

Lastly, while we acknowledge our own missteps in some areas, it is unproductive to attempt to hold a police department responsible for the prosecution, conviction, and sentencing of an individual. We will share the concerns on these issues with the appropriate agencies, and urge the community to do so as well.

## CONCLUSION

The Report states clearly that the Department's policies relating to hate crimes, as well as to the treatment of transgender people, are among the best in the nation. The Report also documents that the Department has devoted significant resources to preventing and responding to hate crimes and to outreach to the LGBT community. We recognize, however, that good policies and a broad range of resources is not enough. We are committed to strengthening our implementation of these policies and maximizing the impact of our resources on the safety and security of the LGBT community, as well as all of those who live, work and visit the District of Columbia.

I requested this assessment to improve the Department's response to hate crimes and to strengthen MPD's relationship with the LGBT community. It is our hope that our response to the HCATF Report and commitment to implement its recommendations will establish the basis for a new level of partnership with the LGBT community based on our shared vision and values.

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Disciplinary action is not among the categories of information that is available for the public. Moreover, the DPM (3113.2) prohibits the release of the above if the information:

- (a) Is selected in such a way as to constitute a clearly unwarranted invasion of personal privacy because the nature of the request calls for a response that would reveal more about the employees on whom information is sought than the five enumerated items; or
- (b) Would otherwise be protected from mandatory disclosure under an exemption of the D.C. Freedom of Information Act.

Finally, the DPM clearly provides that investigative reports cannot be released to anyone other than the target of the investigation:

3112.11 Copies of reports of investigation conducted by the Office of Personnel or an Independent Personnel Authority shall be furnished upon request to the subject of investigation or to his or her representative designated in writing, with the exception of any material that is exempted from disclosure under this section.

# **HATE CRIMES ASSESSMENT REPORT**

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**Prepared for Cathy L. Lanier, Chief of Police, Metropolitan Police Department**

**February 2014**

# HATE CRIMES ASSESSMENT TASK FORCE

## I. EXECUTIVE SUMMARY

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### A. Introduction

The Hate Crimes Assessment (HCA) Task Force was formed in April 2012 to: (1) assess how the District of Columbia's Metropolitan Police Department (MPD) has responded to and handled hate crimes, especially those targeting the lesbian, gay, bisexual, and transgender (LGBT) community; (2) provide recommendations to improve MPD's effectiveness in responding to hate crimes; and, (3) identify issues which have negatively affected the relationship between the MPD and the District of Columbia's LGBT community.

The HCA Task Force operated from April 2012 to September 2013 and was comprised of representatives from national non-profit organizations with recognized expertise in preventing and responding to hate violence and leading academic experts in this field. To carry out the assessment, the HCA Task Force conducted extensive interviews with LGBT leaders and advocates, LGBT community members, and MPD personnel of all ranks throughout the department (with an emphasis on those assigned to hate crimes, LGBT outreach, and related duties).

### B. Key Findings

- **MPD and the LGBT Community—Shared Commitments:** The vast majority of MPD leaders and personnel and LGBT leaders and advocates shares a deep commitment to: (1) ensuring the safety and security of the LGBT community and to all of those who live, work, or visit the District of Columbia; (2) strengthening MPD's response to hate crimes; and, (3) building a strong partnership between MPD and the LGBT community.
- **MPD's Policies:** MPD policies on the identification and handling of bias or hate crimes are strong and reflect many best practices of law enforcement agencies nationally.
- **Personnel and Resources:** MPD has committed significant personnel and other resources to responding to hate crimes and to outreach to the LGBT community. A number of important initiatives, such as the Affiliate Officer Program and Critical Incident Team, have been established, but have not been effective in increasing MPD's capabilities in responding to

hate crimes nor in strengthening the relationship between the Department and the LGBT community.

- **Number of Reported LGBT Hate Crimes:** The number of reported LGBT hate crimes in the District of Columbia is higher than reported hate crimes based on race, religion, ethnicity, and disability, and this issue is a matter of widespread concern within the LGBT community. It remains unclear whether the reported increase reflects an actual higher level of hate violence directed against the LGBT community, better reporting by LGBT victims, or the lack of reporting by victims in other categories.
- **The Impact of the “Restructuring”:**
  - The “restructuring” of MPD’s Gay and Lesbian Liaison Unit (GLLU) is universally perceived within the LGBT community as the starting point for the deterioration of its relationship with MPD. The “restructuring” refers to a series of changes, initiated by MPD in 2009, designed to increase its capability in responding to hate crimes and engaging in outreach, that included changes to the role and staffing of the GLLU and the creation of the Affiliate Special Liaison Division Officer program. All of the LGBT leaders and activists we interviewed, as well as many of the personnel from MPD, refer to these changes to the GLLU as the “restructuring” and for that reason we use this term throughout the report. (For more on this issue, see page 10.)
  - The changes in the role of the central or core GLLU, together with the newly created Affiliate Special Liaison Division Officers stationed in all seven districts, was intended to increase MPD’s ability to respond to LGBT hate crimes and to engage in outreach throughout the city. It has not accomplished this objective.
  - There are currently more personnel and resources designated to respond to hate crimes and to engage in outreach to the LGBT community than there were prior to the restructuring of the GLLU. This is a significant commitment on the part of MPD to the safety and security of the LGBT community. It does not appear, however, that these additional resources have enhanced MPD’s performance in responding to hate crimes.
  - MPD’s outreach to the LGBT community, which is a critical component of preventing and responding to hate crimes, is significantly less visible and effective than it was prior to the restructuring.
  - The restructuring of the GLLU reduced the size and limited the role of the central or core GLLU, weakened its effectiveness in responding to hate crimes and engaging in outreach, and made it less accessible and visible to the LGBT community. The GLLU’s reduced visibility and presence in the LGBT community has significantly impacted the level of trust the LGBT community has in MPD.

- Notwithstanding the reduction in size, visibility, and outreach efforts, the core GLLU remains MPD's most effective, experienced, and trusted resource for dealing with victims of hate crimes—especially for members of the transgender community.
- **MPD and the Transgender Community:** The reported treatment of transgender people by MPD officers is a matter of serious concern. With the exception of GLLU officers, most transgender people do not trust the police and believe that MPD officers too-frequently see them as criminals because they are transgender. The relationship between MPD and the LGBT community has been profoundly impacted by the interactions between MPD officers and transgender people.
- **Training on Hate Crimes and LGBT Cultural Competency:**
  - MPD has incorporated volunteer civilian trainers into the training of its personnel on LGBT hate crimes and LGBT cultural competency in significant and meaningful ways. However, this initiative must be strengthened by increased oversight of the program, greater support, resources, and feedback for volunteer civilian trainers; and the use of collaborative training teams composed of sworn officers and civilian trainers.
  - MPD does not have a standardized, comprehensive training curriculum on hate crimes or LGBT cultural competency for recruits, veteran officers, or specialized personnel. Having a standardized, comprehensive classroom curriculum is an essential component of a police department's efforts to prevent and respond to hate crimes and a nationally recognized best practice.
  - MPD's senior leaders and key personnel responsible for MPD's response to hate crimes have received little or no meaningful training on hate crimes. MPD relies heavily on an online hate crimes training module, which is inadequate, superficial, and, on occasion, inaccurate.
  - There is an acute need for comprehensive classroom training on transgender cultural competency.

## II. BACKGROUND

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### A. Rationale for the Hate Crimes Assessment Task Force

In December 2011, Cathy L. Lanier, Chief of Police of the District of Columbia's Metropolitan Police Department (MPD), asked the Anti-Defamation League (ADL) to conduct a review of how MPD was addressing hate crimes. Chief Lanier sought an independent and outside evaluation to address concerns expressed by lesbian, gay, bisexual, and transgender (LGBT) leaders and advocates in the District of Columbia about MPD's handling of hate crimes. In addition, Chief Lanier wanted to identify best practices, policies, and procedures which would strengthen and improve the MPD's relations with the LGBT community as well as its responses to hate crimes. Finally, Chief Lanier wanted to identify the reasons why the relationship between MPD and the LGBT community appeared to deteriorate in recent years.

ADL proposed that the assessment would best be conducted by a small task force composed of (1) representatives from national organizations with recognized expertise on hate crimes and (2) leading academic experts. (*See list of members, next page.*) Because of the ongoing concerns of the LGBT community, the HCA Task Force decided that the review would focus on MPD's handling of hate crimes targeting the LGBT community in the District of Columbia. This report covers the HCA Task Force's findings and recommendations relating to MPD's readiness to address hate violence directed against the LGBT community and its effectiveness in doing so.

### B. Task Force Goals

- To assess how MPD responds to hate crimes in general and to those targeting the LGBT community in particular.
- To identify issues that have negatively affected the relationship between MPD and members of the District of Columbia LGBT community.
- To determine whether MPD's policies, procedures, and practices conform to national best practices and are being implemented as intended.
- To make concrete and practical recommendations that would strengthen and improve MPD's response to hate crimes, in general, and those targeting the LGBT community, in particular.

## C. Task Force Members

### **Anti-Defamation League (ADL)**

ADL is recognized as one of the nation's leading organizations in the fight against hate crimes. Together, with then U.S. Attorney Eric H. Holder, Jr., ADL founded the District of Columbia Bias Crimes Task Force in 1996, a coalition of law enforcement and advocacy agencies, which was the model for the U.S. Department of Justice's Hate Crime Working Groups in many of the 94 United States Attorney's Offices. Forty-five states and the District of Columbia have enacted hate crime laws based on (or similar to) ADL's model statute. ADL chaired the task force of more than 200 organizations which worked to enact the federal hate crimes statute—the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act (HCPA).

David C. Friedman, *Regional Director, Washington, D.C., Director, National Law Enforcement Initiatives*

Sophie Dornstreich, *Associate Regional Director, Washington, D.C.*

Michael Lieberman, *Washington Counsel, Washington, D.C.*

### **Human Rights Campaign (HRC)**

HRC is the largest civil rights organization working to achieve equality for lesbian, gay, bisexual, and transgender Americans with over 1.5 million members and supporters nationwide. HRC has been a national leader in pressing for improved federal and state response to hate violence; and, they helped lead the coalition effort to enact the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act.

Sarah Warbelow, *State Legislative Director*

### **The Leadership Conference on Civil and Human Rights**

Founded in 1950, the Leadership Conference on Civil and Human Rights is a coalition of more than 200 national civil rights, religious, education, and labor organizations working to promote and protect the civil and human rights of all persons in the United States. The Leadership Conference has published several trailblazing reports about hate violence in America and played a lead role in the campaign to pass the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act.

Lisa Bornstein, *Senior Counsel and Senior Policy Analyst*

### **National Center for Transgender Equality (NCTE)**

NCTE is a social justice organization devoted to ending discrimination and violence against transgender people through education and advocacy on issues of importance to transgender people. NCTE had a lead role in the passage of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act.

Mara Keisling, *Executive Director*

Vincent Paolo Villano, *Director of Communications*



**Jack McDevitt**, *Associate Dean and Director of the Institute on Race and Justice of the College of Social Sciences and Humanities, Northeastern University, Boston, Massachusetts*

Jack McDevitt has been conducting hate crime research for almost 30 years. He worked with the Federal Bureau of Investigation (FBI) and the ADL to implement the 1990 Hate Crime Statistics Act and he is the co-author of two books on hate crime. He has also testified before Congress about the impact of hate crime on victims.

**Jim Nolan**, *Associate Professor of Sociology and Criminology, West Virginia University, Morgantown, West Virginia*

Jim Nolan's research has focused on police participation in hate crime reporting programs. He has published several articles on this topic. He has also co-authored a book on the topic of hate violence. Between 1995 and 2000, Dr. Nolan was chief of the Federal Bureau of Investigation's Crime Analysis, Research, and Development Unit in the Criminal Justice Information Services Division. In this role, he was responsible for the national hate crime data collection program.

## D. Methodology

The HCA Task Force operated from April 2012 to September 2013. HCA Task Force members were chosen for: (1) their national prominence and expertise in legal, legislative, and policy response to hate violence; (2) their commitment to civil rights and LGBT equality; and, (3) their knowledge and understanding of law enforcement and police response to hate crimes locally and nationally. The members of the HCA Task Force believe that the fight against hate crimes can only succeed through trust, understanding, and a true partnership between law enforcement and the people and communities they serve.

The HCA Task Force conducted its review of MPD's responses to LGBT hate crimes and its relationship with the LGBT community in the following ways:

- The HCA Task Force conducted a large number of interviews with leaders and advocates in the LGBT community and with leaders, staff members, and volunteers of nonprofit social service agencies which directly or indirectly serve the LGBT community. The LGBT advocates and leaders included many who have been engaged in discussions with MPD on these issues over a number of years and some who have harshly criticized the MPD's response to hate crimes and relations with the LGBT community.
- The HCA Task Force interviewed personnel throughout MPD, including the Chief of Police and four Assistant Chiefs, and personnel from every unit within MPD involved in MPD's handling of LGBT hate crimes and outreach to the LGBT community.

- The HCA Task Force held four community meetings with members of the LGBT community to enable those who may not be organizational leaders or advocates to provide input into the assessment, particularly around the issue of the relationship between the MPD and the community. The meetings were organized in partnership with District of Columbia community LGBT advocacy and social service groups. Dozens of individuals, including a significant number of transgender people, transgender people of color, sex workers, and undocumented transgender people participated.
- The HCA Task Force reviewed MPD's policies, procedures, organizational structure, and training programs relating to hate crimes and LGBT issues and compared them to national best practices.
- The HCA Task Force reviewed MPD's statistics on LGBT hate crimes and analyzed them in comparison to other leading police departments and jurisdictions.

## E. This Report

Part III of this report, *LGBT Community Issues of Concern*, synthesizes the perspectives, experiences, and opinions that were shared with the HCA Task Force in the interviews and community meetings. Throughout the report, we indicate how strongly or widely held the viewpoints reported were among those we interviewed, ranging from “the vast majority” to “many of those interviewed” to “a few.” In order to protect the confidentiality of those who agreed to speak to us, the HCA Task Force did not record any of the interviews or community meetings, nor are the names of any of the LGBT leaders, advocates, community members, or MPD personnel included in the body of the report.

Part IV of this report presents the HCA Task Force's formal conclusions, findings, and recommendations based on feedback and data obtained from both the LGBT community and MPD.

Part V, *The Appendix*, provides supplementary information related to the content of sections III and IV.

HCA Task Force members undertook this project as volunteers, without any compensation, out of their commitment to improving the partnership between law enforcement and the community, particularly regarding the response to, and prevention of, hate crimes.

## F. Law Enforcement and the LGBT Community

At the outset, it is imperative that we state clearly and unequivocally two fundamental conclusions reached by the HCA Task Force:

(1) The overwhelming majority of MPD personnel of all ranks are dedicated professionals who devote their lives to protecting the people of the District of Columbia.

(2) The leaders and advocates who work as professional staff or volunteer for the organizations directly or indirectly providing services to the District of Columbia's lesbian, gay, bisexual, and transgender (LGBT) community are overwhelmingly dedicated to improving the safety and security of LGBT people in the city; increasing understanding of the LGBT community; and ending prejudice, hostility, and discrimination.

The HCA Task Force was asked to identify areas in which MPD could improve its response to hate crimes against the LGBT community. Our report, therefore, focuses primarily on those areas which need improvement.

This review of MPD's practices, policies, and relations with the local LGBT community is not intended to thwart, replace, or supplant ongoing efforts to address these same issues by local advocates and organizations. To the contrary, we hope and expect that our report will complement the efforts of local LGBT organizations working with MPD leadership to address these issues and strengthen the partnership between the LGBT community and MPD. Our mutual desired result is an increase in the safety and security of the LGBT community and better relations with the police, who serve and protect that community.

### III. LGBT Community Issues of Concern

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#### A. Relations Between the LGBT Community and MPD

##### 1. Perspectives from Leaders and Advocates

The lesbian, gay, bisexual, and transgender (LGBT) advocates the Hate Crimes Assessment (HCA) Task Force interviewed are involved in a variety of organizations serving the LGBT community and interact with the Metropolitan Police Department (MPD) on a range of issues and in varying contexts. For a number of those we interviewed, working with MPD is central to the work they do with the LGBT community; for others, however, interactions with MPD play a more tangential role. While a general consensus indicates that there are tensions, disagreements, and issues affecting the relations between the LGBT community and MPD today, a number of those interviewed told us that these conflicts do not involve their organizations; and, even when they do, they do not significantly affect their ability to work with MPD.

All of the LGBT leaders and advocates we interviewed believe that relations between MPD and the LGBT community began to deteriorate in the wake of the restructuring of the Gay and Lesbian Liaison Unit (GLLU). There is a wide range of opinion, however, on where the relationship stands today, and whether it continues to deteriorate or is improving.

##### 2. Perspectives from Community Members

The four community meetings held gave us an opportunity to hear the perspectives of people who are not organizational leaders or advocates. Participants shared feedback about the relationship between the LGBT community and MPD, their own experiences, and anecdotes from friends and acquaintances. Based on what we heard at these meetings, for many people in the LGBT community, their relationship with MPD is defined largely through personal repeated interactions with MPD officers. Some of those who spoke at the meetings were involved in the criminal justice system as either victims or suspects, and they shared experiences with MPD based on these interactions.

The picture that emerged of the interactions between police officers and transgender people from the community meetings is consistent and troubling. Whether they were victims of crimes, bystanders, witnesses or suspects, virtually every transgender person who shared their experiences with us reported being subjected to treatment by police officers that ranged from acts of ignorance and insensitivity to outright hostility, overt expressions of bigotry and harassment, and physical attacks.

Many of the individuals we spoke with knew about the GLLU, and reported that they often requested a GLLU officer when they had an interaction with MPD. The GLLU restructuring, which was frequently cited in our interviews with LGBT leaders and advocates, was rarely mentioned by participants in the community meetings.

## B. Summary of Information Gathered by the Task Force

Following are six issues of concern identified by LGBT leaders, advocates, and community members during interviews and meetings with the HCA Task Force.

### 1. The Restructuring of the Gay and Lesbian Liaison Unit (GLLU)

The “restructuring” of the Gay and Lesbian Liaison Unit (GLLU) was universally cited by LGBT leaders and advocates who were interviewed as the starting point for what many described as the strained or deteriorating relations between the LGBT community and MPD. They repeatedly cited three vital elements that were lost through the restructuring:

- A strong leader who is committed to outreach and combating hate crimes and to representing MPD in the community;
- A robust and visible outreach program involving MPD’s participation in many LGBT community activities and events, led by officers who are committed to outreach, and who are skilled, knowledgeable, and comfortable interacting with the LGBT community; and,
- A clear point of contact for the LGBT community on hate crimes and other related issues, who is easy to access and quick to respond.

As a result, the vast majority of those interviewed believe that there is less communication between MPD and the LGBT community today than prior to the restructuring and that MPD is less visible and accessible to the community. GLLU officers no longer attend many community events (reportedly because of overtime issues) and when they do, they seem less comfortable than in the past interacting with the community.

Prior to the restructuring, the GLLU had been a centralized unit, led by Sergeant Brett Parson, with a small number of specialized personnel, serving primarily the LGBT community in and around the Dupont Circle area. These outreach efforts were singled out by the LGBT leaders who were interviewed as the cornerstone of the GLLU’s success in earning the community’s trust at that time. Sergeant Parson was cited by virtually everyone as being enormously popular, dedicated, accessible, and visible within the LGBT community, attending a broad range of community events and activities, and encouraging the officers in his unit to do the same. Because Sergeant Parson maintained a continual and highly visible presence, members of the LGBT community had easy access to the GLLU, and they felt comfortable with and trusted MPD. The GLLU, in turn, gained knowledge of and familiarity with the community.

The restructuring was intended to expand MPD’s service to the LGBT community in all seven districts of the city and to significantly increase the number of personnel

capable of engaging in outreach and responding to hate crimes. This was to be accomplished by the creation of Affiliate Special Liaison Division Officers (referred to in the report as “affiliate officers”), volunteer officers trained to respond to hate crimes and engage in outreach efforts in their home districts along with their regular duties. The core GLLU would continue to operate alongside three other liaison units within the newly created Special Liaison Division: the Asian and Pacific Islanders unit; the Deaf and Hard-of-Hearing unit; and, the Latino Liaison Unit.

The GLLU, which had received very positive media coverage and had been recognized by Harvard University’s Kennedy School of Government, was viewed with pride by many in the LGBT community. The restructuring was seen as a step backward; a perceived demotion of the unit and, by extension, a downgrading of the LGBT community’s long-sought and increasingly successful relationship with MPD.

A number of the advocates interviewed indicated that they were strongly opposed to the restructuring from the outset. An equal number indicated that they were willing to support the initiative because they recognized that, “in theory,” decentralizing the GLLU made sense, but they still had doubts about MPD’s ability to successfully implement the restructuring. Several advocates told us that many in the community felt betrayed by the restructuring, because they believed that Chief Lanier had promised not to change or disband the GLLU.

Sergeant Parson’s request to be transferred from the GLLU in September 2009 raised questions about MPD’s commitment to the LGBT community since Parson was both the face of the GLLU and the most prominent openly gay officer in MPD. Many today believe that Sergeant Parson was unfairly treated by MPD leadership and had either been forced to leave or chose to leave because the unit he had built and led was being dismantled and downgraded.

According to a large number of the LGBT leaders and advocates interviewed, the most serious consequence of the restructuring was the leadership vacuum created by Sergeant Parson’s reassignment. They contend that for the GLLU to be effective, it must be led by a strong and committed commander, authorized to engage the LGBT community in a myriad of ways. Based on our interviews with the community representatives, the head of the GLLU was not only a highly visible presence in the community, but played a central role in communicating with LGBT advocates and organizations on an on-going basis, including investigating and responding to hate crimes and community concerns, building trust, and, especially, training within the MPD on LGBT issues – thereby demonstrating MPD’s commitment to the LGBT community and its safety. While Sergeant Parson is openly gay, it should be noted that the fact that the head of the GLLU was gay was considered less significant than that he was responsive, knowledgeable, accessible, sensitive, communicative, and comfortable with the LGBT community.

Prior to the restructuring, Sergeant Parson and the GLLU played a central role in MPD's response to hate crimes, particularly those targeting the LGBT community in particular. Sergeant Parson served as the Department's unofficial point of contact for hate crimes investigations, and was the principle trainer on hate crimes within MPD. As a result, the restructuring of the GLLU, combined with Sergeant Parson's request to transfer from the GLLU raised concerns about MPD's commitment to protecting the LGBT community from hate crimes.

Many of the LGBT leaders and advocates we interviewed acknowledge that there is a tendency to idealize Sergeant Parson, the GLLU, and the LGBT community's relationship with MPD before the restructuring. At the same time, it is clear from our interviews that the restructuring resulted in a number of very real, if unintended, consequences which affect MPD's capabilities today and continue to affect LGBT leaders and advocates' relationship with and perceptions of MPD.

## **2. Increase in the Number of Reported Hate Crimes**

Many of the leaders and advocates we interviewed see the high number of reported hate crimes targeting LGBT people in the District of Columbia as an indication that hate crimes against the LGBT community are a serious problem, meriting special attention by MPD. Furthermore, they expressed concern that LGBT hate crimes are a greater proportion of all hate crimes in the District of Columbia than in any other city, a trend that has existed for several years.

To many, the high number of reported incidents, the steady increase in the number of reported incidents over the past five years, (see table, next page), and the disproportionately high number of crimes targeting people because of their perceived sexual orientation all point to a significant problem. This is an issue of sharp disagreement between the LGBT leaders and advocates and MPD officials.

According to the MPD personnel we interviewed with assignments related to hate crimes, the disproportionately-high hate crimes data reflects a high degree of willingness to report on the part of the District of Columbia LGBT community, perhaps more than LGBT community members in the other cities we examined and more than other communities in the region. Several of the advocates, whose community involvement focuses on hate crimes, charge that MPD's leaders want to artificially keep the number of reported LGBT hate crimes low in order to avoid both scrutiny and pressure from the D.C. Council.

## 2008-2011 FBI Hate Crime Statistics\*

CITY	YEAR	TOTAL	SEXUAL ORIENTATION	RACE	RELIGION	ETHNICITY	DISABILITY
Washington DC	2011	83	43 (51.8%)	30 (36.1%)	2 (2.4%)	8 (9.6%)	0 (0.0%)
	2010	57	35 (61.4%)	14 (24.6)	4 (7.0%)	4 (7.0)	0 (0.0%)
	2009	34	30 (88.2%)	2 (5.9%)	0 (0.0%)	2 (5.9%)	0 (0.0%)
	2008	36	29 (80.6%)	5 (13.9%)	0 (0.0%)	2 (5.6%)	0 (0.0%)
New York City	2011	240	66 (27.5%)	33 (13.8%)	134 (55.8%)	7 (2.9%)	0 (0.0%)
	2010	348	75 (21.6%)	51 (14.7%)	173 (49.7%)	49 (14.1%)	0 (0.0%)
	2009	271	61 (22.5%)	45 (16.6%)	139 (51.3%)	26 (9.6%)	0 (0.0%)
	2008	258	44 (17.1%)	63 (24.4%)	137 (53.1%)	13 (5.0%)	1 (.04%)
Los Angeles	2011	170	41 (24.1%)	68 (40.0%)	33 (19.4%)	28 (16.5%)	0 (0.0%)
	2010	138	37 (26.8%)	39 (28.3%)	2(20.3%)	33 (23.9%)	1 (.72%)
	2009	190	36 (18.9%)	74 (38.9%)	57 (30.0%)	23 (12.1%)	0 (0.0%)
	2008	280	43 (15.4%)	112 (40.0%)	83 (29.6%)	42 (15.0%)	0 (0.0%)
Chicago	2011	10	4 (40.0%)	3 (30.0%)	2 (20.0%)	1 (10.0%)	0 (0.0%)
	2010	17	4 (23.5%)	6 (35.3%)	7 (41.2%)	0 (0.0%)	0 (0.0%)
	2009	27	8 (29.6%)	9 (33.3%)	6 (32.2%)	4 (14.8%)	0 (0.0%)
	2008	31	7 (22.6%)	13 (41.9%)	7 (22.5%)	4 (12.9%)	0 (0.0%)
San Francisco	2011	46	21 (45.7%)	11 (23.9%)	10 (21.7%)	4 (8.7%)	0 (0.0%)
	2010	63	24 (38.1%)	28 (44.4%)	7 (11.1%)	4 (6.3%)	0 (0.0%)
	2009	23	6 (26.1%)	4 (17.4%)	10 (43.5%)	3 (13.3%)	0 (0.0%)
	2008	68	28 (41.2%)	16 (23.5%)	15 (22.1%)	8 (11.8%)	1 (1.5%)

\*The FBI will begin collecting data on gender and gender identity hate crimes in 2014

They contend that MPD pressures officers to *not* classify crimes as hate crimes. Several advocates maintain that MPD's Hate Crimes Review Panel was created to enable MPD to keep the number of reported hate crimes low. The panel, which has the ultimate responsibility for determining if a crime will be classified as a hate crime, is composed of the Hate Crimes Coordinator, the Commander of Criminal Investigation Division, the Commander of the Special Liaison Division, and an Assistant U.S. Attorney.

There is a widespread belief among LGBT leaders and advocates that responding officers routinely fail to take reports from victims of alleged hate crimes or neglect to indicate that crimes should be investigated for bias-motivation by failing to "check the



box” on PD Form 251. According to those advocates we interviewed, the failure on the part of responding officers to take reports or check the box is largely the result of either poor training or not wanting to write up reports. Ultimately, many of the leaders and advocates believe that the conduct of responding officers is the result of MPD being insufficiently serious about resolving hate crimes.

A number of high profile cases involving LGBT victims, particularly the deaths of Tony Hunter and Deoni Jones, have significantly affected perceptions regarding MPD’s seriousness about responding to LGBT hate crimes. These high-profile cases involving LGBT victims have had an important and long-standing resonance for LGBT leaders and the community. The death of Tony Hunter was frequently cited as an example of MPD’s mishandling of hate crime cases and its reluctance to classify crimes against LGBT people as hate crimes. The August 5, 2011, incident in which six lesbians were assaulted and no report was taken by the responding officers was also frequently cited as evidence of MPD’s lack of seriousness in responding to hate crimes.

The central question here, like in many other cities with large numbers of reported hate crimes, is whether the large number of LGBT hate crimes actually means disproportionately-high criminal violence against LGBT victims or is the result of better, more complete reporting by a knowledgeable and organized LGBT community that encourages hate crime reporting and very much wants law enforcement officials to respond effectively to bias-motivated violence directed against the community. Within MPD, many believe that the data does not indicate a hate crime crisis, but, instead, reflects this more complete reporting. MPD believes that the fact that the LGBT community is willing to report hate crimes demonstrates faith that MPD will treat these crimes seriously and will investigate and bring the perpetrators to justice.

Many of the LGBT community leaders and advocates have a different interpretation of the hate crimes data. They see the LGBT community’s willingness to report hate crimes as a good thing, but not necessarily a positive reflection on how MPD is handling the issue.

### **3. Information Sharing and Transparency**

LGBT leaders and advocates repeatedly expressed frustration over MPD not sharing sufficient information regarding individual hate crime cases and ongoing investigations and disciplinary proceedings against officers charged with misconduct in connection with incidents involving the LGBT community. Many of the advocates we interviewed do not appear to accept, or to some degree understand, MPD’s explanations regarding the legal restrictions governing what can be shared with the public relating to ongoing internal investigations, cold cases, and disciplinary matters. A number of advocates contend that information sharing was better before the GLLU restructuring.

Some LGBT leaders and advocates, however, expressed the view that a few community advocates have “unrealistic expectations” regarding what information can be shared with the public, and feel entitled to information even when it could hinder an ongoing investigation. MPD personnel strongly agreed with this, and contend that some advocates do not always understand internal police practices and procedures nor appreciate the legal restrictions on what information can be shared relating to open cases and ongoing investigations.

#### **4. Officer Professionalism, Bias, Misconduct, and Discipline**

Many of the LGBT leaders and advocates interviewed expressed the belief that homophobia and transphobia are widespread within MPD, with several describing it as rampant. They contend that these biases affect the conduct of officers and cited a number of anecdotal reports concerning officers who allegedly used homophobic and bigoted language against community members and other officers, including several episodes involving insensitive or offensive comments made by officers during training sessions on these issues.

The egregious case of Officer Kenneth Furr, who fired his weapon into a car containing three transgender women of color in August 2011, was repeatedly cited by LGBT leaders and advocates. Officer Furr’s conduct, together with MPD’s alleged failure to summarily discipline him, the lack of detailed information provided by MPD about the disciplinary proceedings, and, ultimately, the light sentence he received are often cited as evidence of both the pervasive homophobia and transphobia within MPD and MPD’s lack of seriousness about addressing the problem.

Reported bias within MPD was also anecdotally described in the context of arrests. Interviewees claimed that MPD has a lack of understanding that results in a dismissive attitude towards LGBT Intimate Partner Violence (IPV) cases. One interviewee asserted that the dual arrest rate is 10 times higher in LGBT IPV cases than in heterosexual IPV cases; another interviewee claimed the reason for the dual arrests is that often officers are not taking the time to identify the primary aggressor in LGBT IPV cases. They do not recognize (or choose not to recognize) that the individuals involved are in a relationship and, instead, view the conflict as a “cat fight” and arrest both individuals. This type of insensitivity and mishandling is alleged to add to the perception that MPD officers are biased against members of the LGBT community.

LGBT leaders and advocates repeatedly expressed concerns about MPD’s perceived handling of allegations of officer misconduct in cases involving members of the LGBT community, such as that of Officer Furr. They expressed frustration over the lack of “swift, strict, and public” discipline for officers involved in anti-LGBT conduct and the failure to notify the public and community of what action, if any, has been taken. Several expressed the belief that cases get “lost” in internal investigations.

**a. Treatment of Transgender People: Cause for Particular Concern**

The mistreatment of transgender individuals -- and particularly transgender women of color -- by police officers is among the most frequently cited and egregious examples of bias and misconduct. According to the LGBT leaders and advocates interviewed, and strongly echoed by community members at the community meetings, examples include: the use of the wrong pronoun in speaking with a transgender person – sometimes intentionally; referring to a person as being a different gender from the gender listed on the individual’s government-issued identification; refusing to pat down a transgender person; profiling members of the transgender community as sex workers; and placing transgender people who have been arrested in holding cells with members of a gender different from their own. Additional examples of dehumanizing and disrespectful treatment too-frequently cited by community members include pulling off wigs, broadcasting over a megaphone while referring to a transgender person by the wrong pronoun, and removing breast pads or “falsies.”

As previously mentioned, at community meetings, HCA Task Force members repeatedly heard from transgender people who said that their relationship with MPD had been defined largely through interactions with individual police officers. The restructuring of the GLLU, the increase in reported hate crimes, or the operations of the Critical Incident Team were never mentioned in any of the four community meetings. What mattered to those in attendance was how they were treated by the individual officers they encountered.

Virtually every transgender person who spoke to us at the four community meetings reported that they had been harassed or mistreated because of their gender identity or expression – ranging from acts of ignorance and insensitivity to outright hostility and overt expressions of bigotry and harassment. At one of the community meetings, a transgender person told of being threatened with arrest for “lying about their name” on their identification documents. A transgender person who was being chased by an assailant wielding a weapon sought safety with a pair of patrol officers only to be asked, “Why are you out here?” One of the officers “tore” off her wig, which the woman described as “humiliating,” and then emptied the contents of her purse on the sidewalk. Although the various reports were anecdotal, they were strikingly consistent, especially when viewed together with the accounts shared by LGBT leaders and advocates.

Many of the advocates cited the case of Lashay McLean, a transgender woman, as an example of police bias and insensitivity. After McLean’s murder in July 2011, advocates note that the flyer distributed by MPD included a mug shot of the victim in a male gender presentation and that the press release identified her by her male birth name. [According to those interviewed from the MPD, in cases like this, the

MPD is required to honor the wishes of the next of kin and not the community. If true, this policy could exacerbate the unsolved case problem since the requests for witnesses may not reflect the current gender identity of the victim.]

LGBT leaders and advocates also frequently mentioned Chief Lanier's comments during a WTOP radio interview in January 2012, in which she cautioned transgender people to exercise care about where they went in the city. Chief Lanier said, "We'd like to see all those folks who are in that high-risk environment find ways to increase their safety, and help us out." Many referred to this as "blaming the victim."

Transgender people, transgender people of color, and sex workers who are transgender, are recognized by the LGBT community as among its most vulnerable members and a group that is growing rapidly in the District of Columbia. How they are perceived to be treated by MPD plays a significant and central role in shaping the LGBT community's relationship with MPD, its perceptions about police, and its trust in law enforcement. Based on our interviews with LGBT leaders and advocates, along with feedback obtained at the four community meetings, it is clear that the interaction between MPD officers and transgender people plays a significant role in the relationship between the MPD and the LGBT community. Every LGBT leader and advocate we interviewed mentioned this issue.

**b. Unsolved Transgender Homicides**

The issue of unsolved homicides of transgender people, or transgender cold cases, was raised in nearly every interview and community meeting conducted with LGBT leaders, advocates, and community members. These cases are widely regarded as evidence of anti-LGBT bias within MPD. According to many of the leaders and advocates interviewed, the number of transgender cold cases is disproportionately high in comparison to non-transgender cold cases and the failure of homicide detectives to close these cases, they believe, is the result of a lack of commitment or concern because of the victims' transgender status. Some of those who were interviewed reported hearing from community members who feel MPD "detectives don't care about solving transgender homicides, as they are all sex workers and deserve it." Others asserted that police do little more than hand out fliers in transgender homicide cases.

MPD personnel strongly dispute allegations that homicide detectives do not care about solving the murders of transgender people and closing cold cases. They assert that detectives "desperately" want to close cases, regardless of who is involved, and that detectives who do not close cases are moved out of homicide.

## 5. Issues Related to Training MPD Personnel

In response to requests by LGBT leaders and advocates for involvement and input in the training of MPD personnel on hate crimes and understanding the LGBT community (“cultural competency”), MPD gave the community a significant role in training recruits and affiliate officers in the Special Liaison Division. Several of the community advocates we interviewed were directly involved in these trainings. Though pleased with the training and access opportunities, many expressed resentment for the demands MPD placed upon them as volunteer trainers, the lack of consideration for the time and effort required to prepare and lead training sessions, and the lack of support and guidance they received from the personnel in the GLLU (which is responsible for organizing the affiliate officer training) and at the Academy.

The resistance and sometimes overt hostility expressed by affiliate officers to the information being presented, particularly relating to understanding the LGBT community, and above all, transgender people, was profoundly disturbing and discouraging, according to some we interviewed. Moreover, many of those who led trainings reported that, on occasion, they had been left alone in sessions without a supervisor or authority figure. This contributed to their impression that MPD was “not serious” or insufficiently supportive about training on hate crimes and LGBT cultural competency. That perception was compounded by the lack of guidance and feedback provided for those in charge of the trainings for MPD, many of whom were neither experts on hate crimes nor experienced law enforcement trainers.

According to the LGBT advocates we interviewed who had served as trainers, MPD gave them very little guidance on what needed to be covered in the training sessions or how best to facilitate training for either recruits or affiliate officers. In fact, virtually all of the trainers interviewed told us they had to conduct research and develop all of the content for the sessions they led, and that no one from MPD requested to see the content in advance. The MPD personnel organizing the trainings provided little feedback following training sessions and the evaluation filled out by participants was rudimentary and superficial.

The volunteer civilian trainers reported that they were, too often, notified of trainings at the last minute and that trainings were scheduled at times and locations without sufficient consideration for the trainers, many of whom have full time jobs and work as advocates in a part-time or volunteer capacity. Many of the LGBT leaders and advocates, including those who had not been involved in the training, expressed frustration over the fact that the trainers are not compensated by MPD. Several trainers stated that they believed that if the LGBT community had not agreed to conduct these training sessions on hate crimes and LGBT cultural competency, MPD would not be providing them for its officers.

## **6. The Critical Incident Team**

The Critical Incident Team (CIT) is universally described as ineffective and unproductive according to both the LGBT advocates and the MPD personnel we interviewed. Neither the police nor the community representatives have a shared understanding of the CIT's purpose and objectives or of who is responsible for carrying out what is agreed upon.

According to several interviewed MPD personnel who were involved in the decision, the CIT was created in response to community demands and was intended to improve communications between MPD and the LGBT community. Some advocates reported that they were not consulted on the decision to initiate the CIT. The advocates contend that MPD is not serious about the CIT and that MPD personnel often arrive late and come unprepared, display a lack of urgency, and do not follow-up on matters agreed upon at the meetings. Many also noted that the type of information shared at the CIT meetings could just as easily be communicated over e-mail. Several advocates cited the CIT open houses as an example of MPD's lack of commitment. After the responsibility for organizing the open houses was switched from the community to MPD, it scheduled an open house that no one from the community attended, which led to mutual recriminations. LGBT leaders and advocates cited this as evidence of MPD's lack of competence and commitment to outreach, while MPD personnel expressed the view that LGBT advocates were not committed to working in partnership with them and wanted these efforts to fail.

MPD personnel feel they are constantly under attack and that the LGBT leaders and advocates attending the meetings are not genuinely interested in partnership. MPD personnel cited the open houses as an example of being set up to fail and a lack of genuine partnership.

The CIT meetings are described by many of those interviewed as adversarial and antagonistic, and it is perceived by many who attend that the meetings serve to fuel mutual distrust and hostility.

## IV. FINDINGS AND RECOMMENDATIONS

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### A. Overview of the Task Force's Findings and Recommendations

The Hate Crimes Assessment (HCA) Task Force was asked by Chief Lanier to identify areas in which the Metropolitan Police Department (MPD) could improve its response to hate crimes against the lesbian, gay, bisexual, and transgender (LGBT) community.

The HCA Task Force conducted its review through interviews and meetings with members of the District of Columbia LGBT community and through separate interviews and meetings with MPD personnel. The HCA Task Force reviewed MPD policies, procedures, structures, special orders, training materials, and curricula relating to hate crimes and outreach to the LGBT community; and, they compared MPD's policies and procedures to those in other metropolitan police departments in order to recognize best practices in responding to hate crimes.

After conducting the review, the HCA Task Force recommended actions and changes in seven areas including:

1. MPD's Gay and Lesbian Liaison Unit (GLLU)
2. MPD's Affiliate Special Liaison Division Officers
3. MPD's Collection of Hate Crime Data
4. Interactions with the Transgender Community
5. MPD's Hate Crime Training
6. The Critical Incident Team
7. MPD's Hate Crime Policies

### B. Specific HCA TASK FORCE Findings and Recommendations

The HCA Task Force recommends specific actions and changes in the following seven areas.

<b>1. The Gay and Lesbian Liaison Unit (GLLU)</b>
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#### A. FINDINGS

The restructuring of the GLLU was intended to increase MPD's capabilities in responding to hate crimes and engaging in outreach to the LGBT community. The number of personnel and the amount of resources MPD commits to responding to LGBT hate crimes is much larger today than it was prior to the restructuring. This includes the Special Liaison Division, which contains the GLLU, the Asian Liaison Unit,

the Latino Liaison Unit, the Deaf and Hard-of-Hearing Unit; the Hate Crimes Unit (as listed in SLD Special Order); the Hate Crimes Coordinator; Affiliate Special Liaison Division Officers; the Hate Crimes Panel; and the personnel in professional development training at the Police Academy; and, volunteer civilian trainers involved in hate crimes and LGBT cultural competency training. Together, this represents a real and significant commitment to protecting the LGBT community, and the people who live, work, or visit the District of Columbia, from hate crimes.

Notwithstanding the increased number of personnel and resources devoted to LGBT hate crimes and outreach, the restructuring of the GLLU does not appear to have significantly improved MPD's overall effectiveness in responding to LGBT hate crimes, and it has hurt MPD's ability to engage in outreach to the LGBT community. The restructure has not increased MPD's capabilities as intended for these reasons:

1. **Loss of GLLU Leader:** The GLLU had been led by a strong, effective, visible, and committed leader. The restructuring of the GLLU created a leadership vacuum which has negatively affected the relationship and communications with the LGBT community. It was felt that MPD did not recognize the central role played by the head of the GLLU in MPD's response to LGBT hate crimes and in community outreach. By not immediately replacing Sergeant Brett Parson with an equally committed and empowered GLLU leader, MPD lost an important and visible point of contact for the LGBT community on hate crimes. Sergeant Parson served as MPD's unofficial hate crimes coordinator and the primary trainer on hate crimes and LGBT cultural competency for recruits and veteran officers. The restructuring of the GLLU failed to take into account how these critical functions would continue after Sergeant Parson left the unit and the GLLU was decentralized. GLLU does not have a full time supervisor. The sergeant heading the unit is also responsible for supervising the Latino Liaison Unit.
2. **Outreach Restrictions:** When compared with its previous level of visibility and outreach, the GLLU restructuring, combined with the restrictions placed on the LGBT events, meetings, and activities that officers can attend, has hurt MPD's outreach efforts with the LGBT community—creating the perception among LGBT leaders and advocates that MPD is no longer as committed to the community as it was prior to the restructuring.
3. **Reduced Interaction:** GLLU is less accessible, and its personnel interact with members of the LGBT community less frequently, than prior to the restructuring. GLLU personnel do not appear to have the same level of comfort or familiarity with the LGBT community as they did prior to the restructuring. By reducing the role of the core GLLU, MPD has weakened the effectiveness of the cadre of officers most capable and experienced in responding to hate crimes and engaging in outreach.



4. **Lack of Awareness of GLLU:** As reported by community members, non-GLLU officers are not always aware of the existence of, or are unwilling to call, the GLLU upon request from a victim.
5. **Ineffective Hot Line:** The Hate Crimes Hot Line, which was intended to enable victims and community members to report hate crimes anonymously, is rarely used by victims and appears to primarily serve as a means for leaving messages for GLLU personnel.
6. **GLLU's Continued Impact.** Even with this reduced role and visibility, the GLLU today plays a singularly important role in MPD's response to LGBT hate crimes. The HCA Task Force heard repeatedly from LGBT victims who dealt with officers from the GLLU that they felt that they were treated with respect, compassion, and professionalism, which was often in sharp contrast to how they felt treated by non-GLLU officers. Virtually all of the transgender victims of crime who spoke with us told us that they specifically requested GLLU officers because they believe that those officers treat them fairly and with respect.

## **B. RECOMMENDATIONS**

1. **Review GLLU Structure:** In light of the fact that the personnel and resources devoted to hate crimes and outreach has grown significantly over the past six years, MPD should review the efficiency of this structure; the coordination, roles, and responsibilities of individual personnel and components; and, what gaps may exist in coverage.
2. **Review Personnel and Resources/Consider Increase in Personnel and Resources:** The GLLU plays an important role in responding to LGBT hate crimes and thus MPD should review its current staffing and resources to determine if additional personnel and resources are warranted. MPD should consider giving GLLU its own full-time supervisor.
3. **Appoint Strong GLLU Leader:** The head of the GLLU plays a central role in defining the relationship between MPD and the LGBT community and must be selected with this in mind. In order to rebuild its relationship with the LGBT community and to strengthen the partnership with LGBT leaders and advocates, the GLLU must be headed by a committed, empowered, visible and full-time leader.
4. **Expand Outreach:** GLLU's outreach to the LGBT community should be significantly expanded; and, its personnel should be given greater latitude in determining which LGBT events, activities, and meetings to attend.
5. **Improve Selection Criteria:** The criteria for selecting GLLU personnel should emphasize candidates' commitment to engaging in outreach, preventing and

responding to hate crimes, and interpersonal skills. Incentives should be created to increase interest in serving on the GLLU.

6. **Increase Awareness of GLLU within MPD:** MPD should increase awareness of the GLLU within MPD in order to make better use of its expertise in hate crimes and to assist LGBT hate crime victims.

## 2. The Affiliate Special Liaison Division Officers (Affiliate Officers)

### A. FINDINGS

The affiliate officer program was created to increase the number and geographic distribution of officers trained to respond to hate crimes and to engage in outreach. With more than one hundred affiliate officers trained to date, the program has the potential to be a very important component of MPD's efforts to respond to hate crimes. It has not, however, accomplished its intended objectives for the following reasons:

1. **Ineffective Selection System:** The system for selecting affiliate officers does not appear to ensure that officers with the required abilities or commitment are selected for the program. While there are many skilled and motivated affiliate officers, others reportedly volunteer for the wrong reasons (such as getting out of their regular assignments), or are required to attend affiliate officer training by their supervisors to fill district quotas.
2. **Unclear Roles/Responsibilities:** The roles and responsibilities of affiliate officers are not clearly defined, nor are they understood by their supervisors and district commanders. Affiliate officers are not being consistently used as resources in hate crime cases. While affiliate officers were envisioned as multiplying the number of personnel engaged in outreach, the duties of patrol officers appear to limit affiliate officers' ability to engage in outreach efforts.
3. **Coordination with the Core GLLU:** While we were told that Core GLLU personnel are assigned to work with affiliate officers and meet with them regularly, affiliate officers told us they were not aware of this initiative. Those affiliate officers interviewed reported that they had not had interactions with GLLU personnel since the affiliate officer training.
4. **Lack of Community Awareness and Visibility:** Many LGBT leaders and advocates had heard of the creation of the affiliate program, but few appear to be aware of how it operates or what its officers do. Outside of LGBT leaders and advocates, almost no one in the LGBT community is aware of the program's existence.

## B. RECOMMENDATIONS

1. **Revise Selection Process:** The selection process for affiliate officers needs to be changed to ensure that only officers who are motivated to engage in outreach and respond to hate crimes are selected to become affiliate officers.
2. **Clarify and Communicate Roles/Responsibilities:** The role and responsibilities of affiliate officers in regard to responding to hate crimes and engaging in outreach to the LGBT community needs to be clarified and communicated to district commanders and supervisors, as well as within MPD in general, so that affiliate officers can be used effectively.
3. **Assess Training Effectiveness:** Affiliate officer training should be reviewed to determine if officers are receiving the training they need on hate crimes and outreach in order to fully carry out their role and responsibilities.
4. **Evaluate Routinely:** The affiliate officers program should be routinely reviewed to determine whether it is fulfilling the purpose for which it was originally created—that is, assess how affiliate officers are being used in responding to hate crimes and engaging in outreach.

### 3. Hate Crime Data Collection

#### A. FINDINGS

MPD's system of making its hate crime data publicly available on a real time basis is a best practice. The District of Columbia's total number of LGBT hate crimes for 2011, the most recent full year of national hate crime data, represents 51.8 percent of the city's total reported hate crimes of all types. According to the Federal Bureau of Investigation's (FBI's) annual Hate Crime Statistics Act Report (the single best national report on hate crimes), the District of Columbia has the highest proportion of hate crimes based on sexual orientation in comparison with five other cities that have good records of reporting hate crimes to the FBI—San Francisco, Boston, New York, Los Angeles and Columbus, OH (See Appendix, Table 1, page 36.)

We do know that in cities with excellent hate crime response track records, like Boston, reported hate crimes are, consistently, much higher—double or triple the reported hate crime incidents from other much larger cities that do not have a similar tradition or history of effective response to these crimes.

It makes sense that hate crime reporting will be more complete and comprehensive, and, reported hate crime numbers higher, in cities with: (1) active, involved community leaders; (2) organizations that urge their constituents to report these crimes; and, (3) a

police department that has policies and procedures in place to actively track and respond to these criminal acts. Noting all of these points, the HCA Task Force identified concerns regarding the collection and classification of hate crime data by MPD in the District of Columbia:

1. **Over-classification:** Based on statistical analysis of hate crime data, the large proportion of LGBT hate crimes in the District of Columbia suggests the possibility of an over-classification of these crimes. (See Appendix 1, page 35, for a detailed examination of this issue.) It is impossible to know with certainty whether there are actually disproportionately higher levels of criminal violence in the District of Columbia directed against the LGBT community or whether the proportionally-high numbers reflect that a higher percentage of these crimes are being reported to the police. While it is possible that more hate crimes based on sexual orientation and gender identity are being committed in the District of Columbia than any other category, it is also possible that the LGBT community reports hate crimes at higher rates than other targeted communities.
2. **“Checking the Box”:** There is a widespread belief among LGBT leaders and advocates that MPD officers routinely fail to take reports on LGBT hate crimes; or, officers do not “check the box” to indicate that a crime or incident may be bias-motivated and requires further investigation.

## **B. RECOMMENDATIONS**

1. **Improve Training.** Much more important than the total number of reported hate crimes at the end of the year is the effectiveness of how law enforcement officials respond to each and every one of these crimes. Police must be trained to identify, report, and effectively respond to the special emotional and community impact of every single bias-motivated crime. [See Hate Crimes Training Findings and Recommendations, beginning page 27.] Based on our review of MPD’s training on hate crimes, it is likely that improved training on hate crimes would increase confidence in the accuracy of MPD’s data.
2. **Continue Real Time Access to Data:** The availability of real time access to MPD’s hate crime data is a best practice and should be continued.

## **4. Interactions with the Transgender Community**

### **A. FINDINGS**

MPD’s policies on transgender issues are strong and well-crafted in comparison to the policies of other major metropolitan police departments. However, there appears to be a “disconnect” between these MPD policies and the conduct of many officers in the street for these reasons:

1. **Lack of Awareness of MPD Transgender Policy/Lack of Understanding of Transgender People:** Many officers appear to be either unaware of MPD policies on transgender issues or do not have sufficient understanding of transgender people. Based on anecdotal reports from LGBT leaders and advocates, volunteer civilian trainers, and LGBT participants in the four community meetings, insensitivity to, and mistreatment of, transgender people by MPD officers is a considerable problem.
2. **MPD has Lost the Trust of the Transgender Community:** MPD's treatment of and interaction with the transgender community plays a central role in MPD's relations with the LGBT community; this has had a significant negative impact on MPD's ability to build trust within the LGBT community. MPD officers are generally not trusted by the transgender community unless they serve in the GLLU. Transgender people we spoke with believe that non-GLLU officers view all transgender people as criminals and that those officers will not treat them with respect.
3. **Resistance by Veteran Officers:** According to volunteer civilian trainers leading affiliate officer training sessions on hate crimes and LGBT cultural competency, veteran officers, including those attending affiliate officer training, express the strongest resistance and discomfort during discussions of transgender issues.
4. **Handling of Transgender Cold Cases:** The strong concerns held by LGBT leaders and advocates regarding "transgender cold case homicides" appear to reflect widespread concerns about how transgender people are viewed by police officers. In the context of the Lashay McLean homicide case, which was repeatedly cited by LGBT advocates, the reasons cited by MPD investigators for using the specific photo of the victim may be in line with MPD policy, but the reasoning fails to take into account the ongoing negative interactions between officers and transgender people, and the deep-seated perceptions within the LGBT community that transgender people are experiencing mistreatment by police. According to MPD personnel, homicide detectives are highly motivated to close homicide cases, and are under considerable pressure from colleagues, supervisors, and MPD to do so. Detectives with low closure rates do not continue in the unit. In light of the widespread reports of mistreatment of transgender people, LGBT leaders and advocates are skeptical regarding MPDs commitment to closing transgender homicides. Furthermore, as a result of a climate of prejudice and mistreatment, transgender people in the District of Columbia might be reluctant to provide MPD personnel with evidence to assist in solving homicides because they mistrust and fear the police.

## **B. RECOMMENDATIONS**

1. **Urgent Need to Build Trust:** MPD needs to take immediate steps to build trust in the transgender community. When possible, MPD should use GLLU personnel to assist in responding to incidents and investigations involving transgender people.

MPD needs to expand its outreach efforts to the transgender community and use GLLU personnel to play a lead role in this.

2. **Improve and Expand Training about Transgender Issues:** Training for officers on “transgender cultural competency” needs to be significantly revamped and expanded. MPD has not required officers to participate in transgender cultural competency since 2008 when it mandated the online training “Handling Interactions with Transgender Individuals,” in conjunction with the Department’s new policy.
3. **Identify Training Officers:** MPD needs to identify officers with the ability and commitment to lead transgender competency training and to team them with capable volunteer civilian trainers.
4. **Review Past Cases:** MPD should review all unsolved hate crimes committed over the past five years to determine if reopening the investigation is warranted.

## 5. Hate Crimes and LGBT Cultural Competency Training

### A. FINDINGS

The HCA Task Force conducted an extensive assessment of the MPD’s training on hate crimes and LGBT cultural competency. Because of its comprehensiveness, the findings are broken down into three areas: (1) *Training on Hate Crimes and the LGBT Cultural Competency*; (2) *The Use of Volunteer Civilian Trainers for LGBT Hate Crimes and LGBT Cultural Competency Training*; and (3) *LGBT Hate Crimes and LGBT Cultural Competency Training*.

#### **Training on Hate Crimes and LGBT Cultural Competency**

The deficiencies and inconsistency of the hate crime training raises concerns about the ability of those trained to interact effectively with members of the LGBT community and understand the District of Columbia’s hate crime laws and MPD’s policies and procedures. Major issues identified include:

1. **Strong Commitment to Training New Recruits:** MPD requires its recruits to participate in 20 hours of training on hate crimes, LGBT cultural competency and related issues, and should be strongly commended for this. MPD should also be commended for enabling volunteer civilian trainers from the LGBT community to play a significant role in training recruits and Special Liaison unit personnel.
2. **Lack of Standardized, Comprehensive Hate Crimes Training:** MPD does not have a standard, rigorous and comprehensive classroom training curriculum on hate crimes or LGBT cultural competency for recruits, affiliate officers, veteran officers, supervisors and senior executives. The lack of comprehensive hate crimes training

for these groups, along with specialized personnel, compromises the MPA's efforts to respond effectively to hate crimes and undermines MPD's efforts to treat hate crimes as an agency priority. The lack of such training has affected relationships with the LGBT community and raises concerns about MPD's commitment to preventing and responding to hate crimes.

3. **Concerns about MPD's Online Training Module:** The primary means of providing hate crimes training to veteran officers and supervisors is through MPD's online training module. The use of this training module as the principle training on hate crimes for the majority of MPD personnel raises concerns about the level of understanding of hate crimes within MPD and the ability of most personnel to recognize and investigate hate crimes or to oversee the determination of which crimes should be classified as hate crimes. The online hate crime training module contains serious factual errors and misinformation. Additionally, some MPD personnel noted that because of how the online training module is set-up, it is easy to complete the trainings by simply copying someone else's responses.
4. **Lack of Officer Trainers:** MPD has not developed a core group of skilled and committed officers to serve as its lead trainers on hate crimes. Although Special Liaison Division personnel, including those in the GLLU, and new affiliate officers, receive additional classroom training on hate crimes, in the absence of a standardized curriculum and a core group of officers serving as lead trainers, the quality of this training is inconsistent. The level of instruction and the specific content of each session are heavily dependent on the trainer and the source of the trainer's material
5. **Lack of Evaluation:** Neither the Police Academy nor the GLLU review or evaluate the hate crime training led by volunteer civilian trainers to ensure that the information being presented will provide officers with the tools they will need to respond to hate crimes; nor is a sufficient effort made to ensure the consistency of the content between different trainers.

### **The Use of Volunteer Civilian Trainers for LGBT Hate Crimes and LGBT Cultural Competency Training**

In response to community requests, MPD has given LGBT leaders and advocates a significant and meaningful role in training its personnel by allowing them to develop and lead training sessions on hate crimes and LGBT cultural competency for recruits and Special Liaison Division officers. Enabling the LGBT community to be directly involved in educating police officers is an important demonstration of MPD's commitment to the LGBT community, a fact that is recognized and appreciated by many of the volunteer civilian trainers. That being said, needs were identified in the Task Force's assessment of MPD's use of volunteer civilian trainers:

1. **Lack of Skilled MPD Trainers:** The heavy reliance on volunteer civilian trainers appears to have prevented the development of a cadre of MPD trainers on hate crimes and LGBT cultural competency who could provide quality control and consistency and serve as co-facilitators with civilian trainers when needed.
2. **Lack of a Comprehensive Curriculum:** The absence of a comprehensive hate crimes training curriculum to provide a framework in which to incorporate the volunteer civilian trainers and ensure quality control of the content is problematic.
3. **Oversight of Volunteer Civilian Trainers:** Neither the Police Academy nor the GLLU have provided sufficient guidance or assistance for the volunteer civilian trainers on what material to cover in the training sessions or how to present the material to law enforcement professionals. MPD lacks a carefully planned system for oversight, evaluation, and support of these volunteers. Each volunteer possesses a different degree of expertise on hate crimes and training. Yet, the volunteer civilian trainers are responsible for fully developing the content of the training sessions they lead. This includes deciding what information to include and how to present this material to classes composed of either recruits or affiliate officers. MPD does not review the training material prepared by the volunteer civilian trainers prior to it being presented in training and MPD provides little or no feedback to trainers afterwards about the material covered in the training session and how it was presented. Many of the MPD personnel involved in the training on LGBT hate crimes and cultural competency appear to be unaware of these problems.
4. **Logistical Issues:** Volunteer civilian trainers express serious concern about logistics and organization of the trainings they lead for MPD. The civilian trainers devote considerable time and effort to preparing their materials and participating in the trainings, and are expected to arrange their own transportation to the training venue. Some must use personal leave days from work in order to participate. MPD has made little effort to accommodate the volunteer civilian trainers in the scheduling or location of trainings, and often provide them with very little advance notice before training dates. The volunteer civilian trainers do not receive any compensation or reimbursement from MPD.
5. **Undermining the Effectiveness of Volunteer Civilian Trainers:** MPD puts volunteer civilian trainers in front of its officers without taking basic steps to ensure the success and effectiveness of their sessions. Volunteer civilian trainers are, on occasion, left alone in the training sessions without an MPD supervisor or authority figure. MPD officers are not teamed with volunteer civilian trainers as co-facilitators. Putting volunteer civilian trainers in front of officers without the visible support of a supervisor or co-facilitator appears to have created adversarial situations between trainers and officers, contributing to confusion among officers about MPD's support for the material presented; this has also undermined MPD's



intention of increasing understanding among its officers of both its policies and its position against anti-LGBT biases.

6. **Officer Resistance:** The volunteer civilian trainers report that one-quarter to one-third of a veteran officer class of 40 participants are hostile or dismissive, ask argumentative questions, and are overtly resistant; they report that recruits display less resistance and hostility than SLD affiliate officers. The most intense “pushback” takes place in discussions about transgender issues.

### **Hate Crimes Training for Senior Personnel**

1. **Leaders and Senior Personnel Receive Minimal Training:** Few MPD senior leaders have participated in a comprehensive hate crimes training. This includes MPD’s Assistant Chiefs, the MPD representatives on the Hate Crimes Review Panel (e.g., the Commander, Special Liaison Division, Commander, Criminal Investigations Division, and the Hate Crimes Coordinator), the leadership of the Police Academy, and many of the supervisors and personnel in the GLLU. The lack of comprehensive hate crime training among senior personnel undermines MPD’s credibility with the LGBT community, diminishes the apparent importance of hate crime training within MPD, and, compromises MPD’s ability to respond effectively to hate crimes and to assess and improve its performance.
2. **Overreliance on Online Training Module:** Those senior personnel and commanders who have received hate crime training used the thirty-minute course delivered through MPD’s online training system, which is not an adequate substitute for comprehensive classroom training on hate crimes. The resistance reported by civilian trainers of officers in sessions on LGBT cultural competency, and particularly on issues relating to the transgender community, raises questions about the effectiveness of using an online module to train officers about transgender cultural competency.

## **B. RECOMMENDATIONS**

1. **Develop Standardized Training:** MPD needs to develop standardized, comprehensive training on hate crimes that is a mandatory requirement for all MPD recruits and affiliate officers. The HCA Task Force also recommends that the MPD develop standardized training on LGBT cultural competency, with a particular focus on the transgender community.
2. **Develop Evaluation Mechanism:** MPD needs to create a mechanism to ensure quality control of its training on hate crimes and LGBT cultural competency, which would include on-going evaluations and assessments of the content and effectiveness of the trainings conducted by volunteer civilian trainers.

3. **Review Affiliate Officer Training:** MPD should conduct a review of the effectiveness of current affiliate officer training. This review should assess the effectiveness of the current training curricula and determine the appropriate level of participation of departmental personnel
4. **Identify Effective Trainers within MPD:** MPD needs to expand its training on transgender cultural competency and identify personnel who have the ability and commitment to provide this training to MPD personnel. MPD should identify officers who are capable and committed to training MPD personnel on hate crimes and LGBT cultural competency.
5. **Mandatory Training for Recruits and Specialized Personnel:** LGBT cultural competency training (with particular focus on the transgender community), should be a mandatory requirement for all MPD recruits and affiliate officers. All personnel commanding or serving in liaison units or units addressing hate crimes should complete comprehensive classroom training in hate crimes and specific cultural competencies, including transgender cultural competency.
6. **Mandatory Training for Leaders and Senior Personnel:** MPD's senior leaders should be required to participate in comprehensive classroom training on hate crimes and LGBT cultural competency.
7. **Improve Use and Support of Civilian Trainers:** When civilian trainers are leading training sessions on hate crimes or cultural competency, the HCA Task Force recommends that an MPD supervisor be present or the volunteer civilian trainer should be paired with an MPD trainer. In addition, MPD needs to: (1) provide volunteer civilian trainers with more advance notice of upcoming training to accommodate their need to adjust their schedules and to enable trainers to adequately prepare; (2) consider providing reimbursement for volunteer civilian trainers; and, (3) provide consistent, practical feedback and formal evaluations and develop a system to incorporate civilian trainer feedback into the assessment of the training program.
8. **Expand Use of Roll Call Training:** MPD should expand the use of roll call training to provide officers with information about hate crimes, LGBT cultural competency, outreach tactics, and the role and responsibilities of the GLLU and affiliate officers.
9. **Revise/Decrease Reliance on Online Training Module:** The online training module should be carefully and thoroughly revised, expanded, and vetted to ensure its accuracy and to increase its effectiveness. The online training module should not be used as the primary or sole training on the subject for personnel at any level.

## 6. The Critical Incident Team (CIT)

### A. FINDINGS

The overarching purpose of the Critical Incident Team (CIT) was to bring together MPD and LGBT leaders and advocates around the issue of hate crimes in order to work together to improve the safety and security of the LGBT community. The CIT is not seen by the HCA Task Force as a successful mechanism for these reasons:

1. **Lack of Clear Objectives:** The CIT does not have a clearly defined mission or objectives.
2. **Lack of Shared Understanding and Expectations:** MPD personnel and LGBT participants have widely differing understanding of and expectations about what the CIT should be doing, but both believe that the CIT is ineffective and unproductive in its current form. LGBT participants believe that the CIT should be a body that convenes in the wake of a serious hate crime or major incident and provides them with information about on-going cases and investigations. MPD personnel believe the CIT should serve as means of briefing LGBT leaders who would then disseminate information to the LGBT community and as a means of developing joint community outreach projects.
3. **Adversarial and Divisive:** The CIT meetings are universally described as overly adversarial, fueling mutual hostility and mistrust between MPD personnel and LGBT leaders and advocates. LGBT participants complain that MPD personnel do not take the CIT seriously, do not prepare formal agendas for meetings, and frequently arrive late or unprepared. They also contend that the information shared at the CIT meetings could just as easily be shared via e-mail. MPD personnel express frustration and discouragement at the hostility directed at them by LGBT leaders and their lack of commitment to working in partnership with MPD. In 2012, LGBT advocates asked MPD to take the initiative in community outreach, but provided little support in promoting events, which has resulted in outreach programs with sparse attendance.

### B. RECOMMENDATIONS

The CIT is ineffective and contributes to adversarial relations between the LGBT community and MPD. The HCA Task Force concluded that there remains a need for a forum in which MPD and LGBT leaders and advocates can meet to share information, engage in efforts to increase community awareness of hate crimes, and develop new initiatives to strengthen outreach. However, if the recommendations, below, do not improve the effectiveness of the CIT, it should be discontinued.

1. **Restructure the CIT:** The CIT needs to be completely restructured. The overarching purpose of the CIT was to bring together MPD and LGBT leaders and advocates around the issue of hate crimes and outreach to the LGBT community

in order to work together to improve the safety and security of the LGBT community.

2. **Create Mutually Agreed-Upon Mission and Objectives:** To accomplish this, MPD and LGBT leaders and advocates should work together to develop a mission statement for the CIT, which sets out mutually agreed-upon objectives and outlines the roles and responsibilities of MPD and the participating LGBT organizations and advocates.
3. **Limits on Information Sharing:** The information that can be shared with the public about criminal investigations is governed by law. MPD should outline what information it is able to share; these restrictions must be understood and recognized by all who participate in the CIT.
4. **Criteria for Membership:** The criteria for who serves on the CIT, and how those individuals are selected or appointed, needs to be clearly defined
5. **Define Roles and Responsibilities:** The roles and specific responsibilities of the MPD personnel and LGBT representatives serving on the CIT need to be clearly defined and articulated.

## 7. Hate Crime Policies

### A. FINDINGS

The policies of MPD around the identification and handling of bias or hate crimes are strong and reflect many best practices of law enforcement organizations nationally. Some of the strongest aspects of MPD hate crime policies involve:

- the inclusiveness of the definition of potential victims;
- the opportunity for victims to be able to submit written evidence subsequent to the incident;
- the maintenance of a hate crime hot line;
- the ongoing community outreach called for by the policy;
- the two-tier response strategy; and,
- the provision of hate crime statistics on MPD’s Web site.

In all policies, there can develop over time a gap between what is called for in the original policy and what actually occurs in practice. The HCA Task Force heard from a

number of LGBT community members who had experienced responses from MPD patrol officers that differ dramatically from departmental policy.

## **B. RECOMMENDATIONS**

1. **Assess Policies:** MPD should review the extent to which MPD's Hate Crime Policy is achieving its intended goals. Two of the current best practices, the opportunity for victims to submit a written explanation about the reason they believe the crime was bias motivated and the hate crime hotline are only effective if they are utilized on a regular basis. MPD should review how often community members utilize their right to provide written information on bias-motivation in crimes and how often bias crimes are reported through the hate crime hotline. Regarding MPD's Bias-related/Hate Crime Policy SO-11-22, MPD might initiate a review of areas such as hate crime training and communication about hate crime incidents both internally and externally.
2. **Determine if Additional Community Outreach is Needed:** If the utilization of these opportunities is less than optimal, MPD should determine if more community outreach would increase utilization.

## APPENDIX

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### Appendix 1: The Accuracy of MPD Hate Crime Statistics

During our review we heard from many advocates and individuals who said they doubted the accuracy of Metropolitan Police Department (MPD) hate crimes statistics. There are two considerations here. First, like in other cities, because of the nature of hate crimes, many go unreported and so the number of hate crimes in MPD's statistics is, no doubt, less than the true number of hate crimes that actually occur. Second, MPD's data suggests the possibility of over-classification of LGBT hate crimes

One way to detect over-classification of crimes is to compare an agency's distribution of crime types with what normally occurs. For example, most city police agencies in the United States report more larceny/theft crimes than they do burglaries, and more simple assaults than aggravated. If a city was found to have the reverse—i.e., more burglaries than thefts or more aggravated assaults than simple—this might indicate a problem with the classification of crime in that jurisdiction. Again, it does not, in itself, confirm the error; it only points out that some degree of over- classification may be present.

In Table 1 (next page) we compared the District of Columbia with several other cities all of which have good records of reporting hate crimes to the Federal Bureau of Investigation (FBI). In 2011, the most recent full year of national hate crime data, the District of Columbia reported 83 hate crimes, a rate of 13.43 per 100,000 residents. This rate is higher than the other cities in Table 1, with the exception of Boston, a city whose police department has been an exemplar for hate crime reporting practices over the past 20 years. The volume of hate crime reported does not, by itself, indicate a possible problem. It is the distribution of bias types that signals possible classification error in the District of Columbia statistics. Typically, San Francisco is one of the leading places in the country—at least in cities the size of the District of Columbia or larger—for bias crimes based on sexual orientation. If you compare San Francisco's proportion of sexual orientation bias (45.7%), you see it is much higher than those in New York (27.5%), Los Angeles (24.1%), and Columbus (40.0%). The District of Columbia, however, has the highest proportion of sexual orientation bias in the group (51.8%). Again, this does not confirm classification error in the statistics; it only points to the possibility of over-classification.

### FEDERAL BUREAU OF INVESTIGATION HATE CRIME STATISTICS (2011)

	Race	Religion	Sexual Orientation	Ethnicity	Disability	Number	% SO Bias	Population	HC rate per 100
<b>DC</b>	30	2	43	8	0	83	51.8%	617,996	13.43
<b>San Francisco</b>	11	10	21	4	0	46	45.7%	814,701	5.65
<b>Boston</b>	102	22	63	19	0	206	30.6%	621,359	33.17
<b>New York</b>	33	134	66	7	0	240	27.5%	8,211,875	2.92
<b>Los Angeles</b>	68	33	41	28	0	170	24.1%	3,837,207	4.43
<b>Columbus</b>	16	5	16	3	0	40	40.0%	787,609	5.08

### METROPOLITAN POLICE DEPARTMENT HATE CRIME STATISTICS (2005-PRESENT)

Type of Bias	2005	2006	2007	2008	2009	2010	2011	2012	Jan -May 2012	Jan -May 2013	Percent Change
<b>Ethnicity/ National Origin</b>	1	3	2	2	3	4	7	5	4	2	-50%
<b>Race</b>	6	8	4	5	2	1	28	13	7	5	-29%
<b>Religion</b>	7	5	6	0	0	4	2	6	0	3	n/a
<b>Sexual Orientation</b>	29	36	19	26	30	35	43	46	18	13	-28%
<b>Gender Identity/ Expression</b>	0	0	7	4	5	10	11	9	3	4	33%
<b>Disability</b>	0	1	0	0	0	0	0	1	0	0	No Change
<b>Political Affiliation</b>	1	1	1	2	1	1	0	1	0	0	No Change
<b>Homelessness</b>	0	0	0	0	0	0	1	0	0	0	No Change
<b>Total</b>	44	54	39	39	41	68	92	81	32	27	-16%

It is a best practice for police departments to collect and publish their own hate crime statistics. These figures may be different from the FBI data since local jurisdiction definitions of what constitutes a hate crime differ.

## Appendix 2: Best Practices in Hate Crime Data Collection

Over the past decade there have been a number of published research studies which point to the following categories of “best practices” in the collection of hate crime data by local police.

### **1. Hate Crime Reporting Infrastructure**

The best practice for hate crime reporting by police is one that integrates hate crime reporting with “regular” crime reporting practices within the department. In this model, all officers are instructed to identify crimes that appear to have group bias as a motive (in whole or in part). These criminal incidents are identified and then sent for a second level review by officers/detectives with special training in hate crime reporting. This two-tier reporting model is consistent with the one recommended by the FBI’s Uniform Crime Reporting (UCR) Program.

### **2. Organizational Culture with Respect to Bias Crimes**

In several national studies of hate crime reporting practices, researchers found that where the culture supports bias crime as a legitimate category of crime, officers do a better job reporting hate crimes than in places where officers do not support this category of crime. Whether officers do or do not support hate crime laws is often related to their level of awareness of or sensitivity to minority issues.

### **3. Organizational Leadership with Respect to Bias Crimes**

Over the past decade researchers have recognized the importance of department leadership in determining whether hate crimes are reported effectively. Where the leadership supports hate crime reporting, departments do it well. Where leaders are ambivalent or unsupportive, the results are less promising.

### **4. Level of Ambiguity in Bias Crime Reporting**

Researchers have found that ambiguity in the definition of hate crime is an impediment to good reporting. Where officers are trained to “see” hate crimes, particularly when they are motivated only “in part” by bias, they tend to do it well.

### **5. Integration with Community/Neighborhood Policing Efforts**

The general focus of the police is on reducing crime and making neighborhoods safer. Researchers believe that when the police view hate crime reporting as a chore separate from their job of keeping neighborhoods safe, they are less motivated to do it well. On the other hand, when hate crime reporting is seen as a means for keeping neighborhoods safe, the motivation to get involved in hate crime reporting is increased.



## **6. Quality and Quantity of Training**

Just about all police agencies in the country provide training to officers. However, the quality of the training, including the subject matter, modes of teaching and match between teaching and learning styles, will affect how well the training leads to the desired behaviors and has the anticipated effect. The best training draws from contemporary research on the topic of hate crimes and includes diverse methods for teaching and learning.

## **7. Training and Accuracy Audits of Police Records**

Recently, researchers have developed methods for systematically reviewing police databases to determine the accuracy of the hate crime reports. Using these methods, the police are able to estimate levels of over-counting and under-counting of hate crimes. By doing this, they become better able to identify ways to improve hate crime reporting by overcoming common mistakes and omissions. Once a level of accuracy is obtained, it can then be used as a benchmark to assess the effectiveness of the hate crime training.

MPD policy calls on the Commander of the Special Liaison Division (SLD) to “conduct periodic public awareness meetings about Hate Crimes.” It is unclear how often these meetings are helpful and how effective the meetings are in communicating about hate crimes, in general, and update on pending investigations, in particular.

## Appendix 3: Promising Practices from Other Police Departments

### **Boston Police Department (BPD) -- Civil Rights Unit**

For the past two years, the Boston Police Department (BPD) has employed a new and promising additional approach to bias crime identification. The BPD has a regional Fusion Center within the department, called the Boston Regional Intelligence Center (BRIC). The BRIC has developed a capacity to search the narratives of the BPD incident reports for certain keywords. Initially these words were geared to protecting homeland security. However, in 2011, the BPD expanded the search algorithm to include a number of bias indicators such as racial, religious, ethnic, or homophobic slurs. This new process BPD calls a “fuzzy search” has resulted in a significant increase in the number of incidents reported to the Civil Rights Unit (CRU) for subsequent investigation. Members of the CRU are quite pleased with this new process for case identification and believe it has identified a large number of cases that might have “fallen through the cracks” if an officer failed to check the hate crime indicator in the incident report.

The CRU conducts an initial investigation in all cases referred by an indication in the drop-down box or as a result of a “fuzzy search.” They will interview or attempt to interview the victim in all of these cases. Following the investigation, the investigator from the CRU—in conjunction with the unit commander—will make one of three determinations: (1) the incident was bias motivated; (2) the incident was not bias motivated; or (3) Miscellaneous (the bias-motivation cannot be fully determined). Bias-motivated cases are investigated by the CRU, and cases resulting in arrest are referred to the District Attorney or the Attorney General. Cases determined to be not bias-motivated are returned to the police district where the incident occurred for further investigation. Cases where the bias-motivation cannot be determined are maintained as open cases by the CRU. The CRU also maintains a policy of taking reports and maintains cases even if the victim does not want to proceed to court on a case.

### **Chicago Police Department (CPD) -- Civil Rights Unit**

The Chicago Police Department (CPD) Civil Rights Unit, which investigates hate violence, is made up of four officers, headed by a Sergeant. Placement in the unit is highly coveted; they try to recruit for diversity. One person in the unit is available 24 hours a day: physically from 6 a.m. to 11 p.m. and from on call from 11 p.m. to 6 a.m. If a hate crime occurs between 6 a.m. and 11 p.m., someone from the unit goes to the scene of the crime. After 11 p.m., someone from the unit goes to the scene only if it is a significant incident or they have someone in custody. A member of the unit trains all new cadets.

### **San Francisco Police Department (SFPD) -- Hate Crime Unit**

The San Francisco Police Department (SFPD) Hate Crime Unit (HCU) is responsible for investigating every “prejudice-based-incident that is reported to police or witnessed by

other officers.” Applicants for the HCU must agree to serve two years, but in practice most officers serve many years beyond this basic requirement. Officers in the HCU receive special training on detection, investigation, and prosecution; they also learn about reporting hate crimes to the California State Department of Justice, which in turn submits the data to the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program. The HCU is on-call 24 hours a day, seven days a week. When a police officer investigates a crime and decides it fits the definition of a hate crime, they will call the HCU to take over the case.