Government of the District of Columbia

Metropolitan Police Department

Testimony of

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Hate Crimes in the District of Columbia and Police Response to Reports of Hate Crimes

Committee on the Judiciary
Phil Mendelson, Chair
Council of the District of Columbia
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John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Good morning, Councilmember Mendelson, members of the Committee, and guests. I am here to brief you again on the many steps that the Metropolitan Police Department (MPD) has taken to enhance reporting and response to bias-related crimes in the District.

To begin with, I would like to once again make sure that the community knows what is – and is not – a hate crime. First and foremost, the incident must be a crime. Although that may seem obvious, we must be clear that most speech is not a hate crime, regardless of how offensive it may be. Moreover, a hate crime is not really a specific crime; rather it is a designation that makes available to the court an enhanced penalty[1] if a crime demonstrates the offender's prejudice or bias based on the actual or perceived traits of the victim. In short, a hate crime is not a crime, but rather a possible motive for a crime. Needless to say, it can be difficult to establish a motive for a crime, and even more difficult for prosecutors to prove it in court beyond a reasonable doubt. Therefore the classification as a bias-related crime is subject to change as an investigation proceeds – even as prosecutors continue an investigation.

In the two years since this Committee held its first hearing on hate crimes, MPD has worked with its members and the community to improve response to and reporting of hate crimes. I will highlight some of these actions later in the testimony. Most recently, both Paul Quander, Deputy Mayor for Public Safety and Justice, and I have been meeting with the LGBT community monthly to ensure that the lines of communication are open and that the program is headed in the right direction. As you have heard here today, we have made tremendous progress in increasing the levels of trust and communication that is essential to strong police-community relations.

Looking back to the first hearing in November 2009, the Department was just launching an expansion of the Special Liaison Division to include "affiliate officers" for each of the Special Liaison Units – the Asian Liaison, Deaf and Hard of Hearing, Gay and Lesbian Liaison, and Latino Liaison Units. There are now 125 "affiliate" officers, of which 52 are affiliated with GLLU, assigned throughout the city who have volunteered to receive specialized training on diverse communities, their particular issues, and how to best serve them. An additional 25 officers and sergeants are in training this week. This expansion enables MPD to:

- Enhance response to these communities throughout the city, 24 hours a day, seven days a week.
- Provide consistent information to these communities, while ensuring that information about their needs is integrated into services in each patrol district.
- Reinforce the messages of progressive training, policies, and procedures department-wide.

The affiliates continue to work in their home district, but receive coordinated support, information, and trainings through the Liaison Units. For instance, in addition to receiving at least one week of specialized trainings, one to two affiliate members are detailed to their selected focus unit for a one-month immersion detail.

In addition to providing enhanced training for affiliate members, we continue to focus on training for all officers. My goal is to ensure that all of the members of the MPD have the skills necessary to identify bias-related crimes and be able to appropriately deal with the victims in a way that the victim feels comfortable in reporting the crime and confident that the case will be investigated thoroughly. Therefore the Department has initiated an online training on bias-related crimes, as well as more frequent roll call trainings and teletypes. This includes a roll-call training this month

[1] If a person is found guilty of a hate crime, the court may fine the offender up to 1 ½ times the maximum fine and imprison him or her for up to 1 ½ times the maximum term authorized for the underlying crime. D.C. Official Code § 22-3703.

clarifying the law on indecent proposals. We have produced a pocket card for members that will be distributed by the end of the month. Since most members do not encounter hate crimes every day, it is important to keep reminding them of the critical elements to look for. With more members familiar with hate crimes and appropriate reporting, the MPD can provide better service to the community.

It is equally important that our detectives who will investigate hate crimes have a greater familiarity with them and the communities most frequently targeted. Therefore we have launched an intensive one-day training on LGBT issues for detectives. Fifty detectives have participated in the training so far, and 10 more sessions are scheduled this month. In addition, we are finalizing an update to our hate crimes directive which will clarify procedures and responsibilities for members. It also institutes new protocols to ensure that updated hate crime data is posted on our website monthly so that it is readily available to the community.

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A primary role of the Liaison Units is outreach to the represented communities – communities which have historically been underserved by law enforcement in major metropolitan areas. This is not the case here in the District, where the Liaison Units and affiliate officers serve as a bridge to these members of our larger community whose diversity contributes to the vibrancy of our city. The officers and sergeants of the Liaison Units are devoted to outreach to these communities. For instance, they host monthly Critical Incident Team meetings with the GLBT community, speak regularly on Latino radio, and host presentations to and discussions with students about tolerance and safety. Starting on November 16th, to ensure that members of the community are familiar with the Liaison Units, SLD is hosting open houses at all of the district stations. We have audited each District station to ensure that information on the Special Liaison Divisions is readily available to both members and the public, and are developing profile pieces on SLD members and affiliates that will be posted on MPD's website. These are strong efforts to ensure that all members of the department and more members of the community are familiar with the important services of the Special Liaison Division.

The Liaison Units also play a critical role in developing response to crime trends. For instance, in 2009 and 2010, there was an increase in reported crimes against Latinos working at construction sites and traveling to and from their homes. In this instance, the crimes appear to have been motivated more by economic opportunity than by bias. In response, the Latino Liaison Unit worked with patrol members in affected PSAs on focusing foot and directed vehicle patrols. The LLU members spoke with construction crews to alert them to the trends, and educate them about enhanced safety protocols and reporting crimes and suspicious activities. Although hate crimes and other targeted crimes may have a disproportionate impact on specific communities, preventing these crimes help to make all of our communities safer.

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As I think is apparent to the community, the Department has put a significant amount of effort into our program for identifying and reporting on hate crimes. We have noted before, including most recently at the July, that as we continue to focus on training and communication, both inside the Department and in the community, it is possible that the number of reported hate crimes will continue to grow. Unfortunately, it is difficult to determine whether this is a factor in the continued increase in hate crimes that we have seen this year. When comparing the first 10 months of 2011 with the same period in 2010, bias-related crimes have increased by 31 percent, from 54 in 2010 to 71 in 2011. The largest jump in number is for crimes based on a racial or ethnic bias, from 12 in

2010 to 22 in 2011. Crimes with a national origin bias have doubled, from three to six. Crimes with a bias based on sexual orientation increased 21 percent, from 28 to 34.

Although there has been an increase in violence against transgender individuals, there has not been an increase in hate crimes based on a bias against gender identity or expression. So far this year, only seven crimes have been linked conclusively to a bias motive, although the status is still subject to change based on on-going investigations. It is important to recognize that not all violent crimes against the LGBT community are motivated by bias. As we know all too well, robberies and assaults can happen when no bias is involved.

In earlier reports, we had noted a shift of hate crimes from the First, Second, and Third Police Districts. However so far in 2011, hate crimes have shifted back to these districts. We continue to work on outreach in the relevant communities to help prevent hate crimes.

Type of Bias	2006	2007	2008	2009	2010	Change ('09 to '10)	2010 (thru 10/31)	2011 (thru 10/31)	Change ('10 to '11)
Ethnicity/national origin	3	2	2	3	4	33%	3	6	100%
Race	8	4	5	2	14	600%	12	22	83%
Religion	5	6	0	0	4	NA	3	1	-67%
Sexual orientation	36	19	26	30	35	17%	28	34	21%
Gender identity / expression	0	7	4	5	10	100%	7	7	0%
Disability	1	0	0	0	0	NA	0	0	NA
Political affiliation	1	1	2	1	1	0%	1	0	-100%
Homelessness	0	0	0	0	0	NA	0	1	NA
TOTAL	***54***	***39***	***39***	***41***	***68***	***66%***	***54***	***71***	***31%***

Lastly, I would like to alert you to a change in how the Federal Bureau of Investigation (FBI) is reporting hate crimes. As you know, the data discussed here and reported in our annual reports is based on the DC Code definition of hate crimes. The FBI's definition of hate crime is narrower than the District's. For instance, the District includes hate crimes based on political affiliation, whereas the FBI does not. Previously, the FBI had accepted crimes which we classify as biases against gender identity or expression as sexual orientation hate crimes. However, when we reported this data this year, the FBI informed MPD that they are more strictly interpreting the definitions, and these crimes did not meet their definition of sexual orientation.[2] Therefore these are not included in the figures that the FBI will be releasing sometime this month. Starting with crimes occurring in 2013, the FBI will begin reporting on crimes based on gender identity.

In closing, I think the Department has a stronger relationship with the community than we did two years ago. Moreover, with enhanced training and greater support for our officers, and clearer procedures, we will continue to see improvements to response to, reporting, and investigation of hate crimes.

[2] Per the United States Hate Crime Statistics Act, "As used in this section, the term 'sexual orientation' consensual homosexuality or heterosexuality." *(As Amended, 28 U.S.C. § 534)*