



October 27, 2011

The Honorable Phil Mendelson
Council of the District of Columbia
1350 Pennsylvania Avenue NW
Washington, DC 20004

Re: Questions for November 2 Hearing on Hate Crimes

Dear Council Member Mendelson:

Thank you for calling another hearing on hate crimes next week. As you well know, since the Judiciary Committee last heard testimony on this subject in July, there has been a significant surge in violence, particularly directed at members of DC's transgender, transsexual, and gender non-conforming (hereafter, trans) communities. We look forward to presenting testimony on November 2.

In preparation for the upcoming hearing, we wanted to submit questions to you that we would like to see addressed by the Metropolitan Police Department (MPD) and the U.S. Attorney's Office (USAO). The DC Trans Coalition and our allied organizations have been working closely with both agencies for many years, and especially in the last few months. Yet the recent violence has pointed out certain inadequacies that we feel must be addressed. Since officials at MPD and USAO have consistently given insufficient answers to our own inquiries, we are compelled to seek other avenues to ensure transparency and cooperation with the community. Our questions are as follows:

Failure to Solve Homicide Cases

- In July, several witnesses discussed the abysmal closure rate for homicides of trans victims. Unfortunately, since that time, we can add two more names to the list of open cases. Questions on the status of these investigations are repeatedly met with politicized non-answers. Many community members view these deaths as bias motivated, and the lack of transparency regarding these cases is deeply troubling. Can Chief Lanier provide specific details on the status of the following homicide investigations: Tyra Henderson (2000), Stephanie Davis (2002), Ukea Davis (2002), Imani Williams (2003), Ty'lia Mack (2009), LaShai McLean (2011), and Gigi Gopalan (2011)? What resources have been committed to ensure these cases are solved? Particularly for cases open for many years, can MPD share what information might be necessary to bring these cases to a close?

Failure to Address Biased Policing

- We can have no confidence that bias-motivated crimes will be appropriately investigated when we consistently receive reports of biased policing from trans community members. There was much confusion at the July hearing, but, in sum, the question raised by activists then was whether or not Chief Lanier intends to reinstate the Fair and Inclusive Policing Task Force (previously the Biased Policing Task Force), and if so, when, and if not, why not? This body is not to be confused with the Bias Crimes Task Force convened by the U.S. Attorney's Office.

- Twice in the past year, off-duty MPD officers have committed violent attacks against trans people. In December 2010, Officer Raphael Radon assaulted Chloe Moore after she asked for a light for her cigarette. In August of this year, Officer Kenneth Furr opened fire on a car full of five people after one of its trans occupants had earlier refused his sexual proposition. Victims in both cases were profiled as sex workers. Officer Furr is in jail awaiting trial, but Chief Lanier has persistently been unwilling or unable to answer whether or not Officer Radon has been suspended pending completion of an internal investigation, or even whether or not that investigation has concluded. As we see Officer Radon and others like him as a threat to our safety, can Chief Lanier definitively state if he is still on patrol, and what steps have been taken to prevent future such crimes?

Failure to Train Police Officers

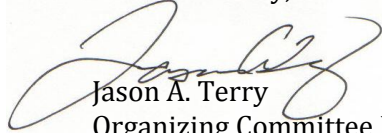
- MPD Chief Cathy Lanier testified in July that training on trans issues was part of annual professional development for all officers. At an August meeting with community activists, Chief Lanier seemed to contradict that statement, and encouraged us to submit a curriculum for such training. Can Chief Lanier say definitively whether or not all officers have received or will receive appropriate training on interacting with trans people, how that training will be delivered, by whom, and on what timetable?
- DCTC and our allies have participated in the training program for MPD's Special Liaison Division since June 2010, and in that time have trained 124 officers. In that time, we have provided both introductory and advanced classes. However, MPD Special Order 11-15 notes that only the introductory class is required in order for an officer to be considered an affiliate officer of the Special Liaison Division. Additionally, when this program was conceived, we were told that all affiliate officers who went through this training would be sent through 30-day rotations with their chosen liaison unit (Gay and Lesbian, Asian, Latino, Deaf/Hard of Hearing), but this is nowhere to be found in the special order. Can Chief Lanier explain which officers are required to go through the advanced training class (24-hours of LGBT specific training) and whether or not affiliate officers are still being detailed to their assigned liaison unit?
- It is important to note that at the current pace, it would take approximately 32 years to train the roughly 4,000 members of MPD. At a community meeting in September, we were informed that LGBT community organizations would also be asked to train all 300 of the new recruits authorized in this fiscal year. Thus far, all trainings have been conducted without compensation, and without a memorandum of understanding between MPD and the training providers (in spite of our best efforts to the contrary). Can Chief Lanier explain when MPD will seek the necessary resources to ensure that training occurs at a reasonable pace without overburdening the many volunteers who freely give their time to conduct these trainings?

Failure to Prosecute

- Finally, it is important to note that in the rare circumstances when MPD closes a case involving a trans victim, the U.S. Attorney's Office seems disinterested in justice. Others have spoken to the failure to prosecute perpetrators of crimes against LGBT people. In an assault case from September involving a trans victim, prosecutors filed documents with the court using the offensive pronoun "it" regarding the victim and made repeated reference to her previous record as a sex worker, even though it bore no relevance to the case. Can U.S. Attorney Ron Machen ensure that prosecutors are competent and willing to prosecute cases against trans victims, and what are his plans for doing so?

We sincerely hope that you share our concern regarding these vital questions, and we look forward to hearing answers to them during next Tuesday's hearing. If my colleagues and I can be helpful to you and your staff in preparation for this hearing, please do not hesitate to contact us at 202.681.3282 or at dctc@dctranscoalition.org. Once again, thank you for your continued oversight and vigilance on this issue, and we look forward to speaking with you on Tuesday.

Yours sincerely,



Jason A. Terry
Organizing Committee Member
DC Trans Coalition

CC: The Honorable Kwame Brown, Chairman, Council of the District of Columbia
The Honorable Yvette Alexander, Council of the District of Columbia
The Honorable Marion Barry, Council of the District of Columbia
The Honorable Muriel Bowser, Council of the District of Columbia
The Honorable Michael Brown, Council of the District of Columbia
The Honorable David Catania, Council of the District of Columbia
The Honorable Mary Cheh, Council of the District of Columbia
The Honorable Jack Evans, Council of the District of Columbia
The Honorable Jim Graham, Council of the District of Columbia
The Honorable Vincent Orange, Council of the District of Columbia
The Honorable Harry Thomas, Jr., Council of the District of Columbia
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Brian Watson, Transgender Health Empowerment