

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF POLICE COMPLAINTS**



HATE CRIMES IN THE DISTRICT OF COLUMBIA

**BEFORE THE
COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE PUBLIC SAFETY AND JUDICIARY
COUNCILMEMBER PHIL MENDELSON, CHAIR**

Testimony of

**Philip K. Eure, Executive Director
Office of Police Complaints**

December 12, 2008

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OFFICE OF POLICE COMPLAINTS**

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Good afternoon Chairman Mendelson and members of the Committee on Public Safety and the Judiciary. I am Philip Eure, the executive director of the Office of Police Complaints (OPC). Thank you for the opportunity to testify at this hearing regarding the District's ability to respond effectively to reduce the occurrence of hate crime.

As you know and as the media have reported, there have been a number of instances in the District within the past few months in which gays and transgender people were assaulted by other individuals in hate-related incidents. The District must respond aggressively to these occurrences and ensure that the criminal justice system holds the perpetrators accountable.

Strictly speaking, our agency, OPC, does not investigate complaints from citizens who believe they are victims of hate crimes perpetrated by other citizens. Rather, OPC investigates and resolves complaints from the public alleging police misconduct by members of the Metropolitan Police Department and the D.C. Housing Authority Police Department.

In order for our agency to handle the complaint, it must allege an abuse or misuse of police powers in one or more of the following six areas: 1) harassment; 2) use of unnecessary or excessive force; 3) use of language that is insulting, demeaning, or humiliating; 4) discriminatory treatment based upon one of the grounds in the D.C. Human Rights ordinance; 5) retaliation against a person for filing a complaint with OPC; and 6) failure of an officer to wear or display required identification or to identify oneself by name or badge number when requested to do so by a member of the public.

Of course, if an individual believes that he or she has been subjected to discriminatory anti-gay treatment by a police officer, our agency has the authority to pursue those types of

complaints. And we have investigated and/or sustained complaints in this area. For example, our agency has sustained a complaint brought by a gay District man alleging that a D.C. Housing Authority police officer harassed and mocked him because of his sexual orientation. We will continue to be vigilant in investigating police misconduct complaints alleging discrimination based on sexual orientation and all the other grounds covered by the District's human rights law.

It should be pointed out, however, that the scenario described above did not constitute a "hate crime" under the D.C. statute that governs bias-related crimes. It is rare, although not inconceivable, that a citizen would file a "hate crime" against a District police officer with our agency. We are more likely to hear from citizens who are dissatisfied with the level of police service after reporting a hate crime. For instance, a citizen might complain that the police officer who arrived on the scene refused to make out a police report on the incident. However, unless the allegations fall within one or more of the six statutorily-prescribed areas of our jurisdiction, we do not have the authority to pursue these matters. Nonetheless, OPC routinely refers to MPD all complaints falling outside of our jurisdiction that allege inadequate police services. We do not track what happens to these complaints once they have been referred by our office to MPD.

Therefore, one suggestion I would make is for OPC, MPD and the city to track these "inadequate provision of police services" complaints that arise in the context of possible hate crimes, whether such complaints are filed with OPC or MPD. Perhaps these statistics could even be captured in the summary of the incidence of bias-related crime that the Mayor is required to publish under the city's bias-related crime statute. With more complete data on hate crimes-related concerns, I expect that a fuller picture of these issues will emerge, leading to proactive steps being taken by MPD management, as necessary, in the areas of recruitment, hiring, promotions, training, supervision, and discipline of police officers. We are certainly willing to

do our part in providing relevant “police services” data to MPD to aid the police department in compiling more comprehensive reports on issues related to bias-related crime.

The second suggestion I would make is for MPD and the city to use the existing structure of the “Fair and Impartial Policing Task Force” to address community concerns about whether law enforcement is responding effectively to reduce the occurrence of hate crime against members of the LGBT community. As you know, more than a year ago, our agency urged the re-establishment of what was then called the Biased Policing Task Force, since renamed as the Fair and Impartial Policing Task Force, as a way for our agency and various community groups to provide input to MPD on issues concerning the perception or practice of biased policing in the District.

With respect to this second suggestion, I would further recommend that when the task force convenes again, it also address whether law enforcement is responding effectively to reduce the occurrence of hate crimes against any and all communities, rather than focusing exclusively on the LGBT community. Trends in reports prepared by MPD illustrate the possible need for the District to take steps to improve the reporting of hate crimes by all affected communities.

Reports submitted in recent years by MPD to the Federal Bureau of Investigation on hate crime statistics have consistently shown members of the LGBT community to be the most frequent targets. For example, of the 53 alleged hate crimes handled by MPD in 2007, 37 were classified as “sex-oriented,” the majority of which we understand to be gay male victims. The remaining 16 alleged hate crimes were classified thus: Ethnic (5); Other (1); Political (1); Racial (5); and Religious (4). Out of the total of 53 alleged hate crimes, after further investigation, MPD deemed 39 of them to be supported and 14 were classified as unsupported.

By comparison, of the 61 alleged hate crimes handled by MPD in 2006, 40 were classified as sex-oriented. The remaining 21 alleged hate crimes were classified as follows: Ethnic (1); Political (1); Physical Handicap (1); Racial (13); Racial/Sex Oriented (1); and Religious (4). Out of the total of 61 alleged hate crimes, after further investigation, MPD deemed 55 of them to be supported and 6 were classified as unsupported.

The relatively good news here is that in 2007, the most recent full year for which data are available, MPD reported 39 hate crimes to the FBI, which was a 30% decrease compared to the previous year, 2006, when MPD reported 55 hate crimes to the FBI. With the end of December approaching, MPD will be able to tell us shortly what the data reveal for 2008.

The other positive news, as acknowledged by MPD in its 2006 report to the FBI, is that MPD, through its Gay and Lesbian Liaison Unit (GLLU), continues to make strides in hate crime awareness within the gay and lesbian community.

However, without in any way minimizing the seriousness of recent incidents targeting gay and transgender people, I need to point out that these successful outreach efforts conducted by GLUU may account, to some extent, for elevated levels of reporting from members of the LGBT community relative to the reporting you might expect from members of other groups. Indeed, MPD's 2006 report to the FBI acknowledges that this may be a possibility. One way to determine if there may be underreporting from members of other groups, including immigrants from certain countries, would be for MPD to analyze comparable statistics from other cities. If underreporting emerges as a possibility, then MPD would obviously need to take steps to improve hate crime awareness among all affected groups. In the meantime, MPD should be applauded for its efforts to raise hate crime awareness in the District's LGBT community.

To summarize, going forward, our agency will work with the city's law enforcement agencies and the District government to identify and compile information regarding "police services" issues that arise in the context of citizen complaints having a possible hate crimes nexus, regardless of whether the citizen complaint is being handled by our agency, MPD or the D.C. Housing Authority. Greater awareness of and reporting on these issues should lead to greater police accountability. In addition, we will urge the Fair and Impartial Policing Task Force to undertake an assessment of whether the District is responding effectively to the occurrence of hate crimes committed specifically against members of the LGBT community, as well as other groups in the city.

This concludes my prepared remarks. I would like to thank the Committee for its time and I will be happy to answer any questions that you may have.