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## **Introduction**

Good afternoon Chairman Allen and members of the Committee. My name is Aubrey Edwards-Luce. I am a Senior Policy Attorney of Children's Law Center.<sup>1</sup> I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With more than 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. Children's Law Center child clients interact with Metropolitan Police Department (MPD or Department) members in their homes, communities, and schools.

I appreciate this opportunity to testify about the performance of MPD during fiscal year 2017 (FY17). One of MPD's values is to address youth issues throughout the Department.<sup>2</sup> We commend the Department for concentrating on youth issues and taking concrete steps to improve the interactions that youth have with MPD members in a variety of settings. These efforts are important because many of the youth that we work with –students with disabilities, youth in foster care, missing youth, and commercially and sexually exploited youth –are very vulnerable and need MPD members to provide a sense of safety, fairness, and security when interacting with them. My testimony today will review MPD's efforts to address youth issues in their homes, communities, and schools.

## **MPD Efforts to Address Youth Issues in Their Homes**

MPD plays an important role in keeping children in foster care safe in their homes during various stages of their child welfare cases. The Child and Family Services Agency (CFSA) often works with MPD to conduct joint investigations of reports of child abuse. At this stage of a child welfare case, MPD detectives must use a culturally competent, developmentally appropriate, trauma-informed approach as they interact with children and their families. Once in foster care, children rely on MPD officers to enforce protection orders against the adults who have abused them. This enforcement is especially important when the child has unsupervised visits with a parent who is a survivor of domestic violence. Additionally, when youth in foster care or their family members are emotionally or behaviorally dysregulated, MPD may be called upon to ensure the safety of everyone present. Here, MPD members have to use de-escalation and crisis response techniques.

During FY17, Children's Law Center attorneys, investigators, and social workers who work with youth in foster care had mostly neutral and positive interactions with MPD in these various situations. Attorneys report that detectives have been mostly sensitive and victim-focused during interviews with child victims of abuse. Social workers report very positive experiences with officers who have completed the crisis intervention training.<sup>3</sup> MPD has dispatched some of these officers to the homes of dysregulated youth in foster care. The officers have demonstrated cultural competence

and used effective de-escalation techniques when repeatedly serving households dealing with mental illness.

We appreciate that MPD has generally interacted positively with our youthful clients in foster care and we are pleased to hear that MPD plans to launch an adult pre-arrest diversion pilot program in the spring of 2018 in order to address the needs of individuals who have mental illness and/or substance use disorders.<sup>4</sup> This program could be beneficial for foster youth between the ages of 18 and 21 or the adult caregivers of youth in foster care. We are hopeful that all DC youth and their parents will have positive interactions with MPD as the Department grows its ability to provide alternatives to criminal charges.

### **MPD Efforts to Address Youth Issues in Their Communities**

MPD has taken steps to address some of the youth issues that arise in their communities, but there are many troubling practices that the Department still needs to address such as the criminalization of fare evasion,<sup>5</sup> inequitable use of stops and frisks,<sup>6</sup> the troubling increase in officers' use of force,<sup>7</sup> and inaccurate information on the active warrant list.<sup>8</sup> Because other advocates are more aptly positioned to inform this committee of the Department's performance as it relates to those important community issues, my testimony will focus on the efforts the Department has made to address the safety of missing youth and youth who have been commercially and sexually exploited.

## Missing Youth

At the beginning of FY17, Commander Chanel Dickerson of MPD's Youth and Family Services Division highlighted a systemic issue when she began tweeting notices of the District's missing youth. For years, communities in the District had noticed that the cases of missing black and brown youth did not receive equitable media attention. Instead of being viewed as vulnerable youth in need of support, these youth were either ignored or seen as "troubled teens." Commander Dickerson's tweets forced a District-wide discussion about the needs of missing youth.

Commander Dickerson's leadership on the Mayor's Missing Youth Task Force resulted in an improved interdisciplinary response to missing youth and their needs.<sup>9</sup> For example, Children's Law Center raised the concern that the last known addresses of missing youths were remaining in the public notices after the youth had been found. This made these youth easier targets for human traffickers to locate. Commander Dickerson promptly responded to our concern and started removing that information from the notices after the youth was found. We appreciate Commander Dickerson's continued advocacy for youth that society so often forgets about.

Improved data collection and inter-jurisdictional investigations processes are needed to better serve this population. We hope that MPD will soon be able to track data in such a way that will reveal any trends in the locations where missing youth are found. This information could help MPD locate missing youth quicker. Additionally,

we hope that improved data collection will prompt an evolution in MPD's participation in inter-jurisdictional searches for missing youth. Currently, when our clients are missing and we suspect that they are in Maryland or Virginia, we have to work exclusively with law enforcement officers in those jurisdictions to get updates on their efforts to locate our clients. It is difficult to learn what exactly law enforcement officers from other jurisdictions are doing to locate missing DC youth. District youth who are missing in other jurisdictions could benefit from MPD's dependable and thorough investigation efforts. If the data shows that DC's missing youth are consistently visiting or discovered in other jurisdictions, then we hope that MPD will devote more resources towards developing investigation strategies that improve investigative efforts and decrease the time it takes to locate the District's missing youth in other jurisdictions.

#### Commercially and Sexually Exploited Youth

As a legal services provider for youth in foster care, many of the Children's Law Center's clients are at an increased risk of becoming victims of commercial sexual exploitation, i.e. child sex trafficking or CSEC. Under D.C.'s definition, sex trafficking of children occurs when a child is recruited, enticed, harbored, transported, provided, obtained, or maintained for the purpose of conducting a sex act in exchange for something of value being promised, given to, or received by any person.<sup>10</sup> Child sex trafficking occurs when gang members transport thirteen-year-old girls to a hotel party to have sex in exchange for drugs. Child sex trafficking occurs when a twelve-year-old

boy who has run away from home trades sex for protection or a place to stay. Child sex trafficking occurs when a seventeen-year-old is enticed to help their adult “boyfriend” or family member make rent by having sex with their friends. Child sex trafficking also occurs when an older woman convinces a fourteen-year-old to take pornographic pictures and videos so that she can sell the images on the dark web.

Youth in foster care are at risk of being pursued by traffickers because they often are separated from their primary sources of emotional support, have a history of traumatic experiences, and have unstable living situations.<sup>11</sup> Children in foster care who go missing are at a compounded risk for being sex trafficked. It was reported that, “1 in every 6 runaways reported to the National Center for Missing and Exploited Children in 2016 were likely sex trafficking victims” and that “86% of these likely sex trafficking victims were in the care of social services or foster care when they went missing”.<sup>12</sup>

CSEC survivors often emerge with long-lasting, complex trauma that has compromised their physical and emotional well-being. They often struggle with physical and mental health problems, including fear and anxiety, post-traumatic stress disorder, drug abuse, depression, sexually transmitted diseases, and traumatic bonding with the trafficker.<sup>13</sup>

These increased risks and complex wounds necessitate a trauma-informed law enforcement response that is well coordinated with the child welfare system and service providers.

MPD has taken many concrete steps to equip its officers to identify and respond to the various presentations of child sex trafficking. Essentially all of MPD's 3500 members received a mandatory 4-hour online training on human trafficking in 2016.<sup>14</sup> MPD's increased capacity to identify children who are being sex trafficked has resulted in more child survivors being connected to professionals who can help them. MPD referred 93 youth to CFSA during calendar year 2017.<sup>15</sup> That is more than double the 43 referrals MPD made to CFSA in 2016.<sup>16</sup> MPD is likely to identify even more victims in the coming year as it continues to strengthen School Resource Officers' (SROs) abilities to identify and respond to signs of human trafficking in schools. MPD is providing human trafficking education and training to SROs, who in turn provide education and awareness to youth in schools, group homes, and summer camps and recreation centers.<sup>17</sup> The Department plans to hold additional trainings for SROs in FY18.<sup>18</sup> Furthermore, MPD has demonstrated a continued commitment to addressing trafficking by adding two investigators to the Human Trafficking Unit beginning in March 2018.

In addition to taking positive steps to improve its training and investigations of human trafficking, MPD has also refrained from taking negative steps that would further isolate and stigmatize child sex trafficking survivors. The Sex Trafficking of Children Prevention Amendment Act of 2014 provides immunity to child victims of sex trafficking from being arrested or prosecuted for prostitution.<sup>19</sup> The Act moves these



children away from the criminal and juvenile justice system, which is important because involvement in the juvenile justice system is another risk factor for being trafficked.<sup>20</sup> In 2016, MPD made two prostitution arrests for juveniles.<sup>21</sup> We are pleased to learn that MPD did not report arresting any youth for prostitution related offenses during calendar year 2017 and we hope this trend continues.<sup>22</sup>

As MPD continues to refine its practice with regards to youth who have been sex trafficked, we hope the Department will join the national trend of law enforcement agencies that are targeting and arresting sex buyers in order to tamper the demand for sex trafficking. In order to join this movement, MPD needs to start a campaign of arresting the adults who commit the crime of buying and engaging in commercial sex acts with youth. These individuals are called “Johns” or “buyers.”<sup>23</sup> If MPD starts arresting Johns, national data suggests that there will be a decrease in the demand for commercial and sexual exploitation of children.<sup>24</sup> The Department should be equipped with all of the resources necessary to complete quality data collection and evaluation so that it can report on the impact that this strategy is having on the District’s incidences of child sex trafficking.<sup>25</sup>

Lastly, we hope MPD will continue and expand its efforts to address internet based commercial sexual exploitation of children. While education and awareness is very important, investigations and arrests for web based trafficking may serve as a better deterrent. Additionally, by expanding its efforts towards the web, the

Department may identify additional child victims of sexual exploitation and connect them to professionals who can help them heal.

### **MPD Efforts to Address Youth Issues in Their Schools**

Children's Law Center works with thousands of the District's students and parents of students every year. Many of the students that we work with have lived with the fear of experiencing violence in or around their schools. Our clients and their parents fear many types of violence, ranging from gang and gun violence in the neighborhoods surrounding their schools, to bullying inside the schools, and violent altercations with school personnel. This fear affects children's educations. Some parents have kept their children at home with them after shootings near their children's schools. Other students have skipped class in order to minimize contact with people that they perceive as a threat to their safety.

In the wake of the horrific school shooting in Parkland, Florida, the entire country is focusing on the safety of students, but MPD is required to focus on this topic every year as it publishes an annual school safety plan.<sup>26</sup> In its plan for the 2016-2017 school year, MPD committed to supporting school safety through the conflict resolution and safety assessment work of the SROs from the School Safety Division (SSD).<sup>27</sup> The Department also committed to engaging and educating students about crime prevention through its Junior Cadet Program and collaborations with the Youth Advisory Council.<sup>28</sup> MPD will continue to address truancy and safe passage through the

efforts of the truancy officers from the Patrol Districts.<sup>29</sup> With over 100 members of MPD working to keep schools safe,<sup>30</sup> it is clear that the Department is committed to preventing violence in and around schools.

However, safety is more than the absence of physical violence. Safety is also the sense of security that comes from transparency and a demonstrated respect for people's civil liberties. MPD can bolster the safety of DC's students by demonstrating a higher awareness of the rights of students. Specifically, MPD members who work in schools should consistently communicate with students' legal representatives prior to interviewing the child. MPD should also ensure that all SROs are trained on how to respect student's rights when resolving conflict. SROs have requested Children's Law Center clients to write statements detailing their involvement in school conflicts without consultation with us, causing the child to produce evidence that could be used against them in the legal system. Our concern is amplified by the fact that MPD also moved the School Safety Division inside of the Investigative Services Bureau this year, communicating that MPD is continuing to view school safety efforts as investigatory and not only reconciliatory.<sup>31</sup> We hope that these types of problematic practices are the simple result of a lack of information and we look forward to exploring with MPD and their legal representatives the policies or practices the Department could implement to overcome these issues.

## Conclusion

Thank you for the opportunity to testify, and I look forward to answering any questions.

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<sup>1</sup> Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

<sup>2</sup> Metropolitan Police Department. *Annual Report 2016*. Retrieved from [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202016\\_lowres.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202016_lowres.pdf).

<sup>3</sup> In 2017, 117 officers completed the voluntary Crisis Intervention Officer Training. MPD FY17 Performance Oversight Responses, Q33.

<sup>4</sup> This adult pre-arrest diversion program is being developed in conjunction with the Department of Behavioral Health and the Department of Human Services. MPD FY17 Performance Oversight Responses, Q102d.

<sup>5</sup> In 2017, MPD reported 53 arrests of juveniles who had allegedly “jumped the gate” or avoided paying the fare for public transportation. Calculation performed on data provided in Metropolitan Police Department. *Juvenile Arrest Report: January-June 2017*. Retrieved from <https://mpdc.dc.gov/node/1265826> and Metropolitan Police Department. *Juvenile Arrest Report: July-December 2017*. Retrieved from <https://mpdc.dc.gov/node/1304181>.

While we understand the public transit system’s need for riders to pay fare, we encourage MPD to work with the Youth Advisory Board, CFSA and Metro Transit Police to discuss the systemic issues that are contributing to the criminalization of youth avoiding the fare for public transportation.

<sup>6</sup> The Neighborhood Engagement Achieves Results (NEAR) Act requires MPD to collect data on stops and frisk and use of force incidents. Community advocates such as ACLU-DC and the Movement for Black Lives can provide the committee with additional information regarding MPD’s disappointing performance on these items.

<sup>7</sup> There was a 36% increase in the number of police use of force in FY2017. Office of Police Complaints. *Report on Use of Force by the Washington, D.C. Metropolitan Police Department Fiscal Year 2017*. Retrieved from <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%202017%20Final.pdf>. Community advocates such as ACLU and Stop Police Terror Project DC can provide the Committee with additional information about the impact that police use of force is having on DC communities.

<sup>8</sup> Youth need to have accurate information about their warrant status and the DC Courts’ Active Warrant List has not always proven accurate. As lawyers for youth, we advise our clients on how to resolve warrants, but our advice is only as sound as the information it is based upon. We have had multiple instances where our youthful clients are not listed on the active warrant list, but later that day MPD arrests our clients for an outstanding warrant. We look forward to working with MPD and DC Courts to

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resolve these types of issues. See District of Columbia Courts. *Active Warrant List*. Retrieved from <https://www.dccourts.gov/services/active-warrant-list>.

<sup>9</sup> Executive Office of the Mayor. *Bowser Administration Announces Six New Initiatives to Address Missing Young People in Washington, DC*. Retrieved from <https://mayor.dc.gov/release/bowser-administration-announces-six-new-initiatives-address-missing-young-people-washington>.

<sup>10</sup> DC Code § 22-1834(a). For a definition of “commercial sex act” see D.C. Code Ann. § 22-1831(4). Note that the federal definition omits enticement and maintenance, but includes patronized, or solicited. See “Sex Trafficking” 22 U.S.C.A. § 7102(9)(A); See also “Commercial sex act” 22 U.S.C.A. § 7102 (4).

<sup>11</sup> [https://www.childwelfare.gov/pubPDFs/trafficking\\_agencies.pdf](https://www.childwelfare.gov/pubPDFs/trafficking_agencies.pdf), 1, 4 (Menzel, 2012)

<sup>12</sup> National Center for Missing and Exploited Children. *Child Sex Trafficking*. Retrieved from <http://www.missingkids.org/lin6>; It is important to note that MPD is not required to report cases to the National Center for Missing and Exploited children until the child has been missing for 30 days. B20-0714 - Sex Trafficking of Children Prevention Amendment Act of 2014. Retrieved from <http://vsconfronts.org/workspace/attachments/dc-fact-sheet-final-version-5.15.15-.pdf>.

<sup>13</sup> Department of Health and Human Services, Administration for Children, Youth, and Families. *Guidance to States and Services on Addressing Human Trafficking of Children and Youth in the United States*. Retrieved from [https://www.acf.hhs.gov/sites/default/files/cb/acyf\\_human\\_trafficking\\_guidance.pdf](https://www.acf.hhs.gov/sites/default/files/cb/acyf_human_trafficking_guidance.pdf).

<sup>14</sup> MPD FY17 Performance Oversight Responses, Q79.

<sup>15</sup> MPD FY17 Performance Oversight Responses, Q83.

<sup>16</sup> MPD FY16 Performance Oversight Responses, Q57.

<sup>17</sup> In February 2018, members of the Youth and Family Division collaborated with the MPD-FBI Child Exploitation and Human Trafficking Taskforce to educate 103 SROs on human trafficking awareness. SROs were also trained on how the internet can be used to sexually exploit children and youth. MPD FY17 Performance Oversight Responses, Q82.

<sup>18</sup> MPD FY17 Performance Oversight Responses, Q82.

<sup>19</sup> Sex Trafficking of Children Prevention Amendment Act of 2014; Law 20-0276.

<sup>20</sup> E. Hines & J. Hochman, *Sex Trafficking of Minors in New York: Increasing Prevention and Collective Action*, New York Women’s Foundation (2012), available at: [http://nywf.org/wp-content/uploads/2012/07/NYWF\\_Sex-Trafficking-of-Minors.pdf](http://nywf.org/wp-content/uploads/2012/07/NYWF_Sex-Trafficking-of-Minors.pdf).

<sup>21</sup> Metropolitan Police Department. *Annual Report 2016*. Retrieved from [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202016\\_lowres.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202016_lowres.pdf), at 33.

<sup>22</sup> Metropolitan Police Department. *Juvenile Arrest Report: January-June 2017*. Retrieved from <https://mpdc.dc.gov/node/1265826> and Metropolitan Police Department. *Juvenile Arrest Report: July-December 2017*. Retrieved from <https://mpdc.dc.gov/node/1304181>.

<sup>23</sup> Charlotte Alter. “Catching Johns: Inside the National Push to Arrest Men Who Buy Sex.” *Time*. Retrieved from <http://time.com/sex-buyers-why-cops-across-the-u-s-target-men-who-buy-prostitutes/>.

<sup>24</sup> “Nationally, over 1,200 cities and counties have implemented 12 salient demand reduction tactics, including reverse stings, “John school,” and public shaming. “Operation On Demand,” an online reserve sting in King County, Seattle, resulted in the arrest of 110 intended sex purchasers. In Jersey City, New Jersey a rigorous study concluded that comprehensively addressing demand reduced sex-for-purchase by 75 percent. Large-scale efforts to deter men from buying sex have rendered meaningful results, including the reduction of commercial sexual exploitation.” Sarah Godoy. “We Cannot End Sex Trafficking Without Addressing Demand”. *Forbes*. Jan. 11, 2018. Retrieved from <https://www.forbes.com/sites/rebeccasadwick/2018/01/11/human-trafficking-demand/#5a5d824b4b7c>. See Young Women Rising. *The Demand Side of Sex Trafficking: Buyers*. Retrieved from <https://youngwomenrisingct.com/2017/01/10/the-demand-side-of-sex-trafficking-buyers/>; See also Official

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Website of the Attorney General of Massachusetts. *In Push to End Demand That Drives Sex Trafficking, AG Healey Partners With Local Law Enforcement to Charge Sex Buyers*. Retrieved from <http://www.mass.gov/ago/news-and-updates/press-releases/2017/2017-04-26-end-demand-charge-sex-buyers.html>.

<sup>25</sup> MPD may need to add an arrest category to its database to capture demographic and geographic data about the individuals arrested for buying sex from a child.

<sup>26</sup> D.C. Official Code § 5-132.02(d)(1) requires MPD to publish an annual school safety report.

<sup>27</sup> Metropolitan Police Department. *School Safety and Security in the District of Columbia: SY 2016-2017*. Retrieved from

[https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report\\_School%20Year%202016-17\\_FINAL.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report_School%20Year%202016-17_FINAL.pdf).

<sup>28</sup> Metropolitan Police Department. *School Safety and Security in the District of Columbia: SY 2016-2017*. Retrieved from

[https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report\\_School%20Year%202016-17\\_FINAL.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report_School%20Year%202016-17_FINAL.pdf).

<sup>29</sup> Metropolitan Police Department. *School Safety and Security in the District of Columbia: SY 2016-2017*. Retrieved from

[https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report\\_School%20Year%202016-17\\_FINAL.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report_School%20Year%202016-17_FINAL.pdf).

<sup>30</sup> MPD FY17 Performance Oversight Responses, Q1. "In D.C., 109 members of the Metropolitan Police Department are responsible for school safety, spokesman Dustin Sternbeck said. Eighty-nine of these members are school resource officers. The other members are supervisors but maintain a presence in the schools too, Sternbeck said." Scott MacFarlane. *Many DC-Area Schools Already Have Assigned Police Officers*. Retrieved from <https://www.nbcwashington.com/investigations/Many-DC-Area-Schools-Already-Have-Assigned-Police-Officers-474888403.html>.

<sup>31</sup> Metropolitan Police Department. *Restructuring the Patrol Services and School Safety Bureau*. Retrieved from

[https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/patrol%20services\\_fact%20sheet.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/patrol%20services_fact%20sheet.pdf).