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Introduction

Good afternoon Chairman Allen and members of the Committee. My name is Elizabeth Oquendo. I am a Policy Attorney of Children's Law Center.¹ 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 nearly 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 2019 (FY19). We commend the Department for its commitment to improving interactions with youth at school, at home, and in their communities. Many of our youth clients encounter MPD officers – especially those who are in foster care, those who are missing youth, children at risk for commercial sexual exploitation and students with special education needs – and rely on MPD to treat them sensitively and keep them safe. 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 continues to play 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 must use de-escalation and crisis response techniques. MPD officers play a critical role in helping to keep children safe while they are in the care of CFSA.

MPD Efforts to Address Youth Issues in Their Communities

We also commend MPD having taken positive steps towards addressing some of the issues that youth experience in their community through the implementation of the Pre-Arrest Diversion program and MPDs work with commercially and sexually exploited youth.

Pre-Arrest Diversion

The Pre-Arrest Diversion program pilot program is a positive step towards addressing MPD interactions with individuals and youth with behavioral health needs. The program engages officers responding to calls by providing arrest-based deferrals at

the time an offense is committed and offering diversion. Officers also can provide social contact referrals without evidence of a crime or infraction and officers can also provide consult requests and conduct outreach in their target areas.² In 2018, the diversion program enrolled 82 participants, with more than 75% of those participants experiencing street homelessness.³ Further, since most people who enter the Pre-Arrest Diversion pilot program are individuals experiencing homelessness, we think that it is important for the pilot program to track the number of individuals who are transition age youth.⁴ We know that transition age youth who are exiting the foster care are more likely to have mental health challenges⁵ and to experience housing insecurity and homelessness⁶. The Pre-Arrest Diversion pilot program is a step in the right direction to provide MPD with alternative to criminal charges for this population of youth. Based on the successful initial reports about the program, we recommend that MPD explore expanding the training to many or all officers and select new target sites each year to grow the number of individuals who can be referred to services through the Pre-Arrest Diversion Program.

Commercially and Sexually Exploited Youth

Children's Law Center provides legal services for youth in foster care, who are at a heightened risk for becoming victims of commercial sexual exploitation and trafficking. As we have testified before, 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.⁷ Child sex trafficking happens when children are transported along with consenting adult sex workers to engage in sex for money. Traffickers can also include family members who coerce children to engage in sex to help pay the rent. Youth experiencing homelessness may also be trafficked when they exchange sex with adults for a safe place to stay.

We know that youth who are in foster care are at an increased risk for trafficking because of their history of lived trauma, unstable housing arrangements and disconnection from their families⁸ 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”.⁹ Commercial sexual exploitation 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.¹⁰ 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 continues to take concrete steps to equip its officers to identify and respond to the various presentations of child sex trafficking. Essentially all MPD members received a mandatory 4-hour online training on human trafficking in 2018.¹¹ Requiring this annual training for all members and specifically including sessions about preventing child sex trafficking into the current recruit curriculum will allow MPD members to continue to identify and appropriately refer victims of child sex trafficking to services. In calendar year 2018, MPD referred 95 youth to CFSA¹² which is close to the same number referred in calendar year 2017.¹³ Although we do not have the 2019 count of number of youth referred to CFSA, child sex trafficking continues to remain a problem in DC, and CLC is concerned that the number of children referred to services has remained stagnant from 2017 to 2018. We would encourage MPD ensure its members are focused on identifying victims in the coming year by continuing to train its officers regularly, particularly SRO's to recognize the signs of trafficking in schools.

MPD has provided human trafficking education and training to SROs in 2017, 2018, and reported a planned 2019 training during last Oversight season.¹⁴ The 2018 training was a one-day seminar where SROs were taught effective tools to identify sex trafficking and labor trafficking through case examples and evidence-based law enforcement strategies. We recommend that MPD continue its commitment to providing this targeted training to SROs to ensure that the agency is reaching as many victims of trafficking as possible in their homes, communities and schools.

In addition to taking positive steps to continue its training on human trafficking, MPD has also refrained from taking negative steps that would further isolate and stigmatize child sex trafficking survivors. As you know, 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.¹⁵ The Act has moved 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.¹⁶ In 2016, MPD made two prostitution arrests of juveniles.¹⁷ We are pleased to learn that MPD did not report arresting any youth for prostitution related offenses during calendar year 2017 and 2018 and we hope this trend continues through 2019 and beyond.¹⁸

MPD Efforts to Address Youth Issues in Their Schools

One complaint that we hear from District students and parents each year is deep concern over the personal safety of students on their way to and from school, but also within school walls. Many of the students that we work with live with the fear of experiencing violence in their communities or in their schools. Parents have shared with CLC attorneys their concerns about the use of force and intrusive searches by school personnel, bullying, and street violence surrounding their schools. These fears can affect a child's ability to learn and the trust between parents, teachers and school administrators.

Each year, MPD's annual school safety plan annually lays out its strategy for keeping students safe.¹⁹ In the 2019-2020 school safety plan, MPD committed to providing a safe learning environment through the coordinated efforts of the School Safety Division (SSD).²⁰ We appreciate MPD's efforts to improve their relationship with the school community to foster a sense of partnership. Through their Junior Cadet program, MPD provided 40 hours of curriculum to fifth grade students, and this year reported reaching 134 students in the 2019-2020 report.²¹ Continuing to build positive relationships with students and youth inside and outside of school time is critical to improving school culture.

MPD has also worked to reduce violence on campuses and reports a 27% reduction in the number of incidents where security has identified students bringing weapons to school.²² Addressing potential safety threats both inside and outside schools remains a priority for MPD, and with over 325 contracted security guards now managed by MPD alongside MPD SROs assigned to keep schools safe, it is clear that the Department is committed to preventing violence in and around schools.²³

Truancy remains a major concern for CLC, and MPD reported picking up youth for truancy violations more than 1,500 times in the 2018-2019 school year.²⁴ CLC remains committed to addressing the causes of truancy and hopes to engage MPD in a continued partnership to see truancy numbers reduced in collaboration with the truancy officers from the Patrol Districts.

However, creating a sense of safety for students requires more than just having a police presence within schools. Safety is also the feeling of trust and transparency with school police and contracted security officers that comes with a respect for an individual students' rights and civil liberties. MPD should continue to work on 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 any child. MPD should also ensure that all SROs are trained on how to respect student's rights when resolving conflict. In the past, SROs have requested Children's Law Center clients 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 continues to be amplified by the fact that MPD's School Safety Division resides inside of the Investigative Services Bureau, communicating that MPD is continuing to view school safety efforts as investigatory and not only reconciliatory.²⁵ We hope to work with MPD to ensure that students rights are at top of mind when SRO's interact with a student in all scenarios – when deescalating conflict, when conducting investigations, and when interacting through youth outreach programs.

Conclusion

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

¹ 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.

² *Pre-Arrest Diversion: Connecting Police Community Contacts with District Services. Overview of the 2018 Pilot Period.* April 2019. Retrieved from

https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/FINAL_Pre-arrest%20Diversion%20Program%202018%20Report_April%202019.pdf at 3.

³ *Id.* at 4

⁴ Transition age youth is defined as 18-24 years old by the *End Youth Homelessness Act* and the *Homeless Services Reform Act* youth census. In 2018, the youth census found that there were 1,258 transition age youth who were experiencing homelessness. Number of transition age youth experiencing homelessness calculated from data provided in: District of Columbia ICH Executive Committee. Youth Count DC. March 12, 2019. Retrieved from

<file:///C:/Users/eoquendo/AppData/Local/Temp/2018+District+of+Columbia+Homeless+Youth+Census+Presentation.pdf>.

⁵ See Kristin Turney and Christopher Wilderman. *Mental and Physical Health of Children in Foster Care.* Pediatrics. November 2016. Retrieved from <https://pediatrics.aappublications.org/content/138/5/e20161118>.

⁶ See Amy Dworsky, Laura Napolitano and Mark Courtney. *Homelessness During the Transition from Foster Care to Adulthood.* *Am J Public Health.* (December 2013). Retrieved from:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3969135/>.

⁷ 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).

⁸ https://www.childwelfare.gov/pubPDFs/trafficking_agencies.pdf, 1, 4 (Menzel, 2012).

⁹ National Center for Missing and Exploited Children. *Child Sex Trafficking.* Retrieved from <http://www.missingkids.org/1in6>; 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>.

¹⁰ 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.

¹¹ MPD FY19 Performance Oversight Responses, Q71.

¹² MPD FY19 Performance Oversight Responses, Q72.

¹³ MPD FY18 Performance Oversight Responses, Q83.

¹⁴ MPD FY19 Performance Oversight Responses, Q71.

¹⁵ Sex Trafficking of Children Prevention Amendment Act of 2014; Law 20-0276.

¹⁶ 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.

¹⁷ 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, at 33.

¹⁸ 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>.

¹⁹ D.C. Official Code § 5-132.02(d)(1) requires MPD to publish an annual school safety report.

²⁰ Metropolitan Police Department. *School Safety and Security in the District of Columbia: SY 2019-2020*. Retrieved from

https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20School%20Safety%20Annual%20Report_School%20Year%202019-2020%20Final.pdf at 1.

²¹ *Id* at 7.

²² *Id* at 4.

²³ *Id* at 1.

²⁴ *Id* at 2.

²⁵ Metropolitan Police Department. *Organizational Chart*. (March 17, 2019). Retrieved from https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Org%20Charts_UPDATED_131519.pdf.