

## Gay and Lesbian Activists Alliance of Washington, DC 2014 Questionnaire for D.C. Council Candidates

### PUBLIC HEALTH

**1. Will you act to ensure that the District provides transgender-inclusive health insurance to all D.C. Government employees, to include coverage for sex affirmation surgery (also known as sex reassignment surgery)?**

Yes. All medically necessary procedures must be covered in any insurance issued in the District, as well as offered to D.C. employees. With the Affordable Care Act, this is an easy case to make. The exclusion of treatment and procedures specific to transgender people can only be seen as illegal discrimination, prohibited under the law.

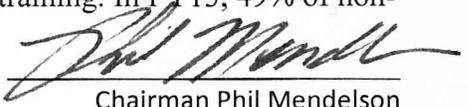
**2. Will you support budgets that target funds to address health disparities in the LGBT population, including in mental health and substance abuse treatment?**

Yes. The linked studies from 2009 indicate a few factors that lead to disparities for LGBT people: the lack of data, the lack of health insurance, stigma, and a lack of cultural competency in the medical field. The question of data should be addressed by an annual report on LGBT Health published by the D.C. Department of Health and the Office of GLBT Affairs. That they haven't put out a report since 2010—and that one contained no data on transgender people—is shameful. It is not clear if the problem is management, budget or both. Both are rectifiable by council oversight.

Lack of health insurance in the District has largely been eliminated through our own efforts to provide universal health care, and now the Affordable Care Act. No one should be unable to obtain insurance as it is not as tied to employment.

Stigma is an ongoing problem, but for LGB people in the District at least, the problem of discrimination has been greatly reduced, due in no small part to GLAA. D.C. now has a higher percentage of gay and lesbian people than any state, and unquestionably the best laws of any jurisdiction. There is more to do, as *Building on Victory* shows. We have not been as successful with anti-transgender discrimination, and we need to work on that specifically. Arguably, we have some of the best laws in the country opposing transgender discrimination, but we can always do more. The JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013 shows our commitment to having equal rights and access to government services.

Cultural competency for service providers is essential for the provision of health care. You note in *Building on Victory*, "The Office of GLBT Affairs reports that in FY12, 99% of D.C. Government managers received the LGBTQ cultural competency training. In FY13, 49% of non-



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managers, or 10,036 employees, received the training. In addition, training was given at several federal agencies, homeless shelters, and senior living facilities. These fine efforts should continue." I agree. If funding is needed for these trainings, I will be happy to help.

**3. Will you support reforming the medical marijuana law and regulations to delete the outdated list of qualifying conditions and rely instead on a physician's diagnosis of medical needs?**

Yes. Physicians are best qualified to determine which medications are best for their patients. However, given the scrutiny from the federal government that we are likely to receive, it may be better to expand the list of qualifying illnesses as we know them today, and then leave it to the newly formed medical marijuana advisory committee to expand the list of qualifying conditions appropriately. Physicians should be able to prescribe marijuana for their patients based on need. It is important, though, to protect the program from being conflated with the efforts to legalize or decriminalize marijuana for recreational use. If recreational use is blocked by the federal government, we want to ensure that the medical program remains in place and is serving those who have a medicinal need.

**4. Describe steps you will take to improve performance at the HIV/AIDS, Hepatitis, STD, and TB Administration (HAHSTA), including in HIV prevention, HIV/AIDS surveillance, and mental health services.**

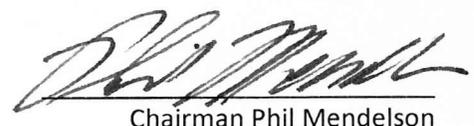
HAHSTA has been moving in the right direction with the promotion of testing and treatment of all of our residents, making it a routine test. As HIV testing becomes routine, the stigma associated with it decreases. With testing, we can find out who needs treatment. With treatment, the risk of transmission is dramatically reduced.

Epidemiological data is now being gathered and analyzed. The rate of mother-to-infant transmission has dropped to zero.

We need to turn our attention to specific, overlooked communities to ensure that they are receiving education, testing, and treatment. The elderly in particular are seeing an increase in HIV transmissions. We need to continue our vigilance against Congressional interference with our needle exchange programs, and ensure that we are maintaining condom distribution, including in schools.

**PUBLIC SAFETY AND JUDICIARY**

**5. Will you press for increased oversight of the Metropolitan Police Department's gathering and analysis of crime statistics to ensure greater comprehensiveness and objectivity, including transgender-related hate crime data?**



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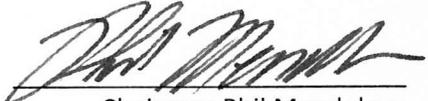
Yes. As the former Chair of the Council's Committee on the Judiciary—which has oversight over the Metropolitan Police Department (MPD)—I made oversight over crime reporting and police response a priority. Through oversight I sought to ensure that all crimes—including those that are traditionally underreported or documented, such as hate crimes or assaults on bicyclists—are properly captured, documented, and investigated. An area that I have devoted significant attention to is the reporting of crimes committed on the basis of bias or prejudice toward the victim. During the previous Council Period (19), I held three hearings specific on the topic of "Hate Crimes in the District of Columbia and the Police Response to Reports of Hate Crimes." These hearings have focused not only on understanding the scope of the problem, but also on prompting MPD to work with those communities most often affected by hate crimes—particularly the LGBT community—to develop strategies to address issues with reporting and prevent bias motivated crimes.

Crimes committed on the basis of bias or prejudice are unconscionable in their own right, but when government fails to properly identify the crime as a hate crime we compound this injustice. This is because when we fail to understand the nature and significance of the crime, we hinder the development of strategies and tactics that can put an end to the crime. I will continue to support efforts to ensure that reporting and response to criminal activity, particularly bias-related crimes, is a priority. While a component of this certainly involves ensuring adequate officer training, I believe that it is equally as important that the Department continue efforts to meet and work with affected communities to understand their concerns and develop strategies to resolve them. Involving representatives of affected communities in the process, such as MPD has done by inviting the National Center for Transgender Equity to take part in a Task Force on hate crime reporting in the District, is critical to bringing about meaningful solutions to the problem. As Council Chairman, I will continue to push for such community involvement, and press for continued oversight of reporting and response to such crimes.

**6. What will you do to provide alternatives to incarceration for marginalized and at-risk populations like homeless youth and transgender people who resort to sex work for survival?**

For the many people who turn to prostitution to survive, incarceration offers no help in improving their lives or providing alternatives to survival sex. I agree with GLAA that "the city must pursue safer, healthier, and more sustainable alternatives by providing drop-in centers, transitional housing, job training and other educational programs, counseling, addiction recovery programs, mental health services, and STD testing and treatment for at-risk populations."

There should be wrap-around services so that a person need not go from agency-to-agency for help. Examples of housing programs include the Wanda Alston House to help GLBT youth from living on the street and CASA Ruby to provide a drop-in center for transgender people. Mayor Gray's initiative, Project Empowerment, is a good program to help the transgender community get job training and employment in the District government. Similar efforts are needed to move more people away from seeing prostitution as their only, or best, means of survival.



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**7. Will you support funding for MPD to hire or contract qualified trainers to provide LGBT-inclusive cultural competency training including the handling of intimate partner violence?**

Yes. As I have consistently stated there is a need to ensure that all our public safety responders—including the Metropolitan Police Department and the Fire and Emergency Medical Services Department—are trained and responsive to the needs of the LGBT community. Continued training and proactive community outreach for law enforcement officers is integral to ensuring strong police-community relations. In my role as Chair of the Judiciary Committee I worked to ensure that communication between MPD and the LGBT community was ongoing and productive. The training provided to law enforcement must be more than a budget line-item. It must instill real sensitivity to LGBT needs, from the leadership down, in order to ensure continued confidence in the Department. I will continue to work with agency leadership to ensure that training is part of the curriculum, including ongoing or refresher training. Funding for training may be less of an issue than leadership, but I will continue to work to ensure that we have both.

## **HUMAN RIGHTS**

**8. Will you insist that anyone appointed as Director of the Office of Human Rights be required to have professional training and experience in civil rights law enforcement?**

Yes. The Office of Human Rights deals with a specialized area of law. The staff and director must make judgments on the law's applicability, breadth, and limitations, all the while being sensitive to the personal and emotional nature of discrimination. This is quite different from other agencies where the director is focused on management, finances, and service delivery; although the OHR director must handle these issues as well. Some reasonable minimum qualifications can and should be adopted. I did something similar with minimum qualifications for the District's Attorney General. I support the adoption of minimum levels of experience in human rights for future directors.

**9. Given the limited results from trans-inclusive Project Empowerment training, will you push to establish a project at the Department of Employment Services to increase government hiring from under-represented populations, including the chronically underemployed trans population?**

Yes. In order to help mitigate the effects of discrimination, the Department of Employment Services should give preferential treatment to groups that suffer from employment disparities. The District government should not be contributing to illegal discrimination. We need to find ways to mitigate the problem. The Transgender Economic Empowerment Initiative is model for how the District can do better.



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## YOUTH AND SENIORS

### **10. Will you support improved services and treatment for LGBT homeless youth and seniors, including transitional housing?**

Yes. Discrimination in shelters is unacceptable. The District government has an obligation to ensure our non-discrimination laws are followed in shelters and transitional housing. We must ensure that all shelter providers, staff, and guards receive LGBT sensitivity training. The office of Human Rights must ensure compliance with testers.

## CONSUMERS AND BUSINESSES

### **11. Will you support strengthening Alcoholic Beverage Control (ABC) reforms by eliminating license protests filed by citizens associations and ad hoc groups, requiring stakeholders to participate in the community process provided by the Advisory Neighborhood Commission?**

This is a proposal that needs some study. The role of ANCs is not to be the final arbiter of citizen and civic associations', and other citizens' protests of liquor licenses. Therefore, civic associations and ad hoc groups should not be limited to advocacy only before the ANC. Further, there have been examples over the years of ANCs so dysfunctional that they were unable to meet or act – Georgetown in the early 1990s, Anacostia more recently, etc.

I recognize that there have been instances of a few residents, typically acting as an ad hoc group, tying up ABC applications endlessly. Adams Morgan and Hanks Oyster Bar come to mind. We should look at what parts of the process must be improved. The process – not the parties – should be the focus.

ANCs should not become gate keepers to the ABC Board. They are one important voice. Indeed, you may not like the result of a plan such as this question proposes. In the recent case of Brookland's Finest <http://bit.ly/1bzq4ED>, the ANC voted 4-1 against the applicant. A number of citizens and the Brookland Neighborhood Civic Association strongly supported the application. The neighbors did present their views to the ANC, but "the perceived feeling in the community [was] that the local ANC was not providing a forum for community discussion of the establishment and that there needed to be a vehicle by which community concerns could be expressed and addressed." The ANC did not seek a settlement agreement with the applicant, and would not become a party to a settlement agreement that was made with 149 neighbors. The ABC Board granted the license with the settlement agreement. In this case, the neighbors found an agreeable position with the applicant, where the ANC could not.

If there is a problem with the ABC Board, more aggressive oversight may be the best solution. If there is an ongoing problem with the issuance of liquor licenses, we can take a look at the process and see if your proposal or another might correct it.



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**12. Will you defend the right of adults in the District to choose adult-oriented entertainment for themselves, and the right of appropriately licensed and zoned businesses to provide it?**

Yes. I've always believed consenting adults can decide what is best and appropriate for themselves. Adult entertainment is part of the wide range of entertainment that is and should be available in the District. A number of adult-oriented businesses—especially those oriented toward LGBT people—were displaced by the baseball stadium, which I opposed due to its financing plan. Businesses had very limited options to move to other locations due to extremely restrictive regulations. I was a co-sponsor of Bill 16-589, "The One-Time Relocation of Licensees Displaced by The Ballpark Amendment Act of 2006," and I voted for the final bill, Bill 17-109, which allowed for some additional options for relocating.

**Your record is part of your rating. Please list any actions that you have taken that may help illustrate your record on behalf of gay, lesbian, bisexual, and transgender people.**

- I wrote, introduced and moved through the Council, Bill 19-526, the "Civil Marriage Dissolution Equality Amendment Act of 2011," which allows same-sex couples who are married in D.C. but living in jurisdictions that don't recognize their marriages, to be able to divorce in D.C. without establishing residency.
- I wrote, introduced and moved through the Council, 19-615, the "Judicial Declaration of Parentage Amendment Act of 2011." The bill expands the jurisdiction of the D.C. courts where an adopted child was born in the District to issue a determination of parentage for a child born in the District but whose parents reside elsewhere.
- I wrote to Sibley Hospital, with other Councilmembers, to end discrimination against same-sex parents. <http://www.glaa.org/archive/2011/council2sibley0728.pdf>
- I was a co-introducer of the "Religious Freedom and Marriage Equality Amendment Act."
- I wrote the final marriage equality bill as Chair of the Committee on Public Safety and the Judiciary.
- I held a hearing with over 220 witnesses on the marriage equality bill.
- I rejected the proposed conscience clause amendment and the proposed business exemption.
- I worked with Congresswoman Eleanor Holmes Norton to ensure that the Congress would not interfere with our marriage equality law or force a ballot measure.



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- I authored the amendment recognizing marriages from other jurisdictions. This preceded our action to adopt marriage equality.
- I testified four times in writing and three times in person before the BOEE that the proposed ballot measures to overturn marriage equality were improper. I was the only Councilmember or candidate to testify.
- I was the only Councilmember or candidate to speak at the rally in Dupont Circle the night the California Supreme Court upheld Prop 8.
- I worked with GLAA to systematically change or repeal all of the laws that were used in *Dean and Gill vs. D.C.* which found that the D.C. Human Rights Act (HRA) did not require the District to provide equal marriage rights to same-sex couples.
- I wrote or introduced more than a dozen bills amending all marriage rights and responsibilities in the D.C. Code to be gender-neutral, and repealing other potentially discriminatory marriage laws. The two major bills were the Omnibus Domestic Partnership Equality Amendment Act of 2008 and the Domestic Partner Equality Act of 2006.
- I wrote the “Accrued Sick and Safe Leave Act of 2008” (D.C. Law 17-152), which recognizes the rights of acting parents and domestic partners to take leave from work to take care of their families.
- I wrote and worked with GLAA, Nancy Polikoff, Michelle Zavos, and others on the Domestic Partnership Judicial Determination of Parentage Act of 2009. D.C. now has the strongest parental rights law in the country.
- I blocked the provision of the Safe Marriage Amendment Act to require mandatory resting of people for HIV in order to get married.
- I stopped efforts to create mandatory HIV testing for marriage licenses and in correction facilities. Mandatory testing would undermine our HIV prevention strategy and is not supported by public health officials.
- I repealed all of the remaining anti-gay laws in the criminal code, especially the notorious SLIP laws.
- I have been the primary advocate for the Office of Police Complaints, restoring and increasing funding over time.
- I removed a section of a proposed law that would have the effect of police targeting transgender people on the suspicion that all transgender people are prostitutes.
- During the last Council period, I held three hearings specific on the topic of “Hate Crimes in the District of Columbia and the Police Response to Reports of Hate Crimes.”



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- I demanded and received the first report on hate crimes. I required that the MPD amend the report to properly identify hate crimes by their legal categories, separating crimes based on sexual orientation from those based on gender identity and expression.
- I co-sponsored and voted for the “Human Rights Clarification Amendment Act of 2005,” and I supported and voted for the “Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008,” D.C. Law 17-177.
- I wrote the “Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010,” D.C. Law 18-160.
- I was a co-sponsor of Bill 16-589, “The One-Time Relocation of Licensees Displaced by The Ballpark Amendment Act of 2006,” and I voted for the final bill, now D.C. Law 17-24, which allowed for some additional options for nightclubs that offer nude dancing to relocate.
- I co-introduced the “Legalization of Marijuana for Medical Treatment Initiative Amendment Act of 2010” and ensured that the focus would be on medical treatment as the sponsors of the initiative intended. I managed the bill to final adoption.
- I co-introduced and worked for passage of the Department of Health Functions Amendment Act of 2005 (D.C. Law 16-90) which prohibits smoking inside workplaces including bars and restaurants.

**Your answers should be typed on separate paper rather than on this form. *You must sign your name on each answer sheet to indicate your personal commitment to your answers.***

**Please return your signed questionnaire responses by Thursday, February 6 to GLAA, P.O. Box 75265, Washington, D.C. 20013.**

**In addition to sending your signed hard copy, please email a copy (in any major word processor or text format) for loading on GLAA’s website ([www.glaa.org](http://www.glaa.org)) to [equal@glaa.org](mailto:equal@glaa.org). Thank you.**



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