GLAA

FIGHTING FOR LGBTQ EQUALITY

IN D.C. SINCE 1971

**13 September 2018**

In our review of the proposed “Failure to Disperse” statute, we find no issues and believe that the language is sufficiently concise and specific.

In our review of the proposed “Rioting” statute (RCC § 22A-4101, there is problematic overly broad language in section (a)(3)(C).

This section reads as follows:

> While knowing any participant in the disorderly conduct is using or planning to use a dangerous weapon.

This clause fails to define what “knowing” means – in light of the current overly broad judicial interpretation of the current statute, this creates a new opportunity for law enforcement to inappropriately engage in mass arrests of individuals participating in a first amendment activity. Does seeing someone with a flag on a pole constitute knowing that someone has a weapon? Does hearing that someone has a collapsible club constitute knowing someone has a weapon? This essentially criminalizes being a witness to someone committing a crime and also allows broad interpretation of what constitutes a dangerous weapon which could criminalize carrying everyday items like umbrellas or bandage scissors. We recommend this language to be stricken from the bill in that someone who is acting with intent could be charged under conspiracy or aiding and abetting statutes.

Additionally, GLAA recommends that the riot statute must include a section that specifically and clearly tells police what is not probable cause for arrest in these situations, similar to the marijuana statute in DC that tells police on the street what does not give rise for articulable suspicion to search. Our first concern are unwarranted arrests on the ground and the protection of First Amendment rights of assembly in the District of Columbia.

**Submitted by:**

**Bobbi Elaine Strang, GLAA Interim President**