

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



**ANNUAL REPORT  
FISCAL YEAR 2004**

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POLICE COMPLAINTS BOARD  
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January 11, 2005

Dear Mayor Williams, Members of the District of Columbia Council,  
Chief Ramsey, and Chief Pittman:

We are pleased to submit the 2004 Annual Report for the Office of Police Complaints (OPC) and its governing body, the Police Complaints Board (PCB). This report covers the agency's operations during the District of Columbia Government's fiscal year from October 1, 2003, through September 30, 2004.

Fiscal year 2004 was the last full year that the agency operated under its old names, the Office of Citizen Complaint Review (OCCR) and the Citizen Complaint Review Board (CCRB). The District passed a law that took effect on September 30, 2004, changing the agency names to OPC and PCB. Beginning on January 1, 2005, following a period to allow for implementation of the new names, the office and board began to be known as OPC and PCB. For purposes of this report, we generally refer to the agency by its old names when discussing its work in fiscal year 2004 because those were the names that were in use during the relevant time period.

The introduction of the new names, occurring almost four years after the agency opened to the public on January 8, 2001, comes at a significant point in the life of the agency, and follows another successful year. The agency achieved several notable accomplishments, which include the following:

- Six hundred ninety-nine people contacted OCCR to inquire about filing a complaint. The agency received 262 complaints, and closed 312, making fiscal year 2004 the first year that the agency closed more complaints than it received. The increase in the number of closed complaints was driven by a 71% increase (to 186) in the number of complaints resolved by OCCR through adjudication, dismissal, and successful mediation. Fifteen of these complaints were adjudicated, resulting in nine decisions sustaining police misconduct allegations. All of the decisions were forwarded to the Metropolitan Police Department (MPD), and the Chief of Police has taken steps to impose discipline for all of the decisions.
- OCCR's number of open complaints was lower at the end of the year for the first time since the agency opened, decreasing by 11%. The decrease was driven by OCCR's greater efficiency and productivity with its limited resources, a smaller number of complaints being received by the agency, and a complete review and reprioritization of all open complaints.

- OCCR increased the number of complaints referred to mediation to 55, a 77% increase, and completed 31 mediation sessions, a 48% increase. Since the agency opened, OCCR has referred 133 complaints to mediation, and mediated 77, with an overall success rate of 78%.
- OCCR purchased a variety of new tools to improve the quality and ease of investigations, including complaint management software, which allows for more effective tracking and management of investigations, a digital video camera, an additional digital camera, a photo printer, and document scanners, among other things.
- OCCR improved the resources and training available to investigators by completing the second version of its investigation manual, introducing weekly investigative unit meetings, and conducting regular internal training. The agency also arranged extensive outside training for investigators, including nine days provided by MPD instructors along with interview and interrogation training provided by John E. Reid and Associates, among other courses.
- CCRB issued a detailed report and recommendations to the Mayor, the Council, and Chief Ramsey in November 2003 regarding disorderly conduct arrests made by MPD officers. The report discussed CCRB's examination of the issue and the recommendations included changes designed to reduce the occurrence of improper or unlawful disorderly conduct arrests in the District. In response to the report and recommendations, the District took steps to address several of the issues raised by CCRB.
- OCCR continued to work with MPD's Community-Police Task Force, which the Department formed as part of its Biased Policing Project (BPP) after CCRB issued its January 2002 report and recommendations regarding racial profiling in Washington, D.C. Consistent with CCRB's recommendation, OCCR strongly encouraged the Mayor, the Council, and Chief Ramsey to follow the recommendation in the BPP final report to establish a stop data collection program to detect any racial profiling or other forms of police bias that may exist in the District. MPD announced in December 2004 that it would go forward with the stop data collection program.
- OCCR implemented its Community Outreach Strategic Plan for 2004. The plan continued the very successful student interactive training program, and expanded outreach to social service providers and community groups, which allows them to share information with their clients and members. OCCR also significantly increased its outreach to MPD, meeting with several classes of recruits and newly promoted officials, and the Fraternal Order of Police (FOP), meeting with the group's executive committee and newly elected shop stewards.

In addition to these developments, the introduction of the new agency names comes at the beginning of the first expansion of the agency's staff since it opened. For fiscal year 2005, the Mayor and the Council increased OPC's budget to allow for the hiring of three additional

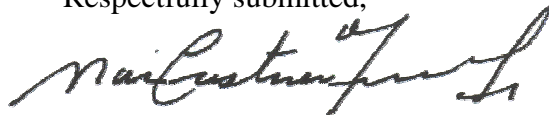
investigators. These much-needed investigators will improve OPC's ratio of investigators to sworn-officers, moving it closer to the ratio in other agencies that investigate police misconduct complaints, and will allow OPC to decrease the time it takes to complete investigations. The new investigators will also further enhance OPC's talented and racially diverse staff, which the agency has actively recruited and hired.

By the end of January 2005, OPC expects to have hired the new investigators and will put them to full use as soon as they are on board. Together with the agency's other efforts to increase efficiency and productivity by making the most of its limited resources, we expect that fiscal year 2005 will be another successful year that will advance our goal of developing an agency that provides the District of Columbia with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints filed by the public against MPD and D.C. Housing Authority Police Department (DCHAPD) officers.

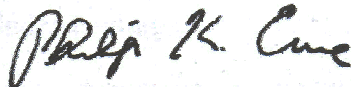
Even with the additional resources provided to the agency in fiscal year 2005, PCB and OPC will continue to monitor the agency's overall resource needs. While the fiscal year 2005 increase is appreciated and will help, the agency still must ensure that it has adequate resources to investigate, mediate, and adjudicate complaints in a timely manner, including complaints that are currently backlogged, and to offer competitive salaries that will allow OPC to retain its staff and attract talented new employees, expand its capacity to receive and resolve complaints, increase community outreach, and develop additional policy recommendations. Having resources for all of these needs is important to allowing the agency to adequately perform its various functions.

During our fifth year of operation, the newly named PCB and OPC look forward to continuing to work with the Mayor, the Council, MPD, and DCHAPD to ensure that the agency has the resources it needs to carry out its mission. The support we have received from the Mayor and the Council, as well as the cooperation shown by MPD and DCHAPD over the past four years, have made our success possible, and have allowed us to be a positive force for better policing in the District of Columbia.

Respectfully submitted,



Maria-Cristina Fernández  
Chair  
Police Complaints Board



Philip K. Eure  
Executive Director  
Office of Police Complaints

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## **I. AGENCY OVERVIEW**

### **A. Introduction**

The Office of Citizen Complaint Review (OCCR) and its governing body, the Citizen Complaint Review Board (CCRB), were created by statute in 1999,<sup>1</sup> and OCCR opened to the public on January 8, 2001. The agency is independent of the Metropolitan Police Department (MPD), the District of Columbia's 3,800-member police force, and the D.C. Housing Authority Police Department (DCHAPD), the Housing Authority's 75-member police force, and its mission is to receive, investigate, and resolve police misconduct complaints filed by the public against MPD and DCHAPD officers. The agency was created by the District to fill the void left by the 1995 abolition of the Civilian Complaint Review Board, which was plagued by inadequate funding and staff, resulting in lengthy delays in the processing and resolution of complaints. The District's new police oversight office was the product of extensive research and careful thought by District officials and advocacy groups. The result was an agency with board members and staff who seek to employ the best practices of citizen oversight of law enforcement, and whose ultimate goal is to provide the public with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints.

### **B. Agency Name Change**

In 2004, the Mayor and the Council of the District of Columbia passed the "Omnibus Public Safety Agency Reform Amendment Act of 2004,"<sup>2</sup> which included provisions renaming OCCR and CCRB. The law, which took effect on September 30, 2004, renamed the office and the board to the Office of Police Complaints (OPC) and the Police Complaints Board (PCB). The Mayor and the Council renamed the agency in order to more clearly convey its mission.

Beginning on January 1, 2005, following a period to allow for implementation of the new names, OCCR and CCRB began to be known as OPC and PCB. When the new names were introduced, the agency's old logo was replaced with the logo depicted in Graphic A, which clearly displays the new agency name and includes two easily identifiable symbols of the District of Columbia – the stars and stripes from the District flag and the outline of the District.

**Graphic A: Office of Police Complaints Logo**



### **C. Police Complaints Board**

According to its enabling statute, PCB is composed of five members, one of whom must be a member of MPD, while the other four must have no current affiliation with any law enforcement agency. All Board members must be residents of the District of Columbia, and they serve staggered three-year terms. The seat held by the MPD member was recently vacated by Inspector Stanly Wigenton, who served on the Board with distinction since it was created. After 26 years of service to MPD, and five years of service to the Board, Inspector Wigenton retired on December 11, 2004. In accordance with District law, the Mayor will nominate a new MPD member, who must then be confirmed by the Council, to fill the vacant seat. The other four members of the Board are as follows:

***Maria-Cristina “Mai” Fernández***, the Chair of the Board, is the Chief Operating Officer at the Latin American Youth Center (LAYC). Prior to joining LAYC, Ms. Fernández was an associate with a local law firm and worked as a Special Assistant to the Assistant Attorney General for the Office of Justice Programs at the U.S. Department of Justice. Ms. Fernández also spent two years as a prosecutor with the Manhattan District Attorney’s Office following her graduation from American University’s Washington College of Law. She received her undergraduate degree from Dickinson College and a master’s degree in Public Administration from Harvard University’s Kennedy School of Government. Ms. Fernández’s term expires on January 12, 2005.

***Dr. Patricia Fisher*** is a licensed counseling and clinical psychologist with over 30 years of experience in the mental health and substance abuse fields. She has worked in and served as a consultant to a variety of governmental, private, and public organizations. Dr. Fisher, a native Washingtonian, has maintained a private practice in Washington for over 20 years and has been involved in several professional and community organizations. She received her undergraduate and master’s degrees from Howard University, and she earned her doctorate in counseling psychology from the University of Minnesota. Dr. Fisher’s term expires on January 12, 2007.

***Michael Sainte-Andress*** is a community activist who has served as an appointee of two former mayors on the District’s Ryan White HIV Health Services Planning Council. Mr. Sainte-Andress has been an advocate on many issues affecting the District, including human and civil rights, voter registration, adult literacy education, arts education in public schools, HIV/AIDS issues, and gay/lesbian/bisexual/transgender issues. He is a motivational speaker and cultural diversity workshop facilitator, and has been a teacher, dancer, singer, actor, writer, and producer. He is a graduate of Lincoln University in Pennsylvania, and has served in the U.S. Navy. Mr. Sainte-Andress’s term expires on January 12, 2005.

***Marc Schindler*** is a staff attorney with the Youth Law Center. Before joining the Youth Law Center, he served as an assistant public defender in Baltimore, where he represented children in juvenile delinquency proceedings. In 1996, Mr. Schindler received the Cahill Award, presented annually to an outstanding public defender in Maryland. He has conducted workshops throughout the United States and has written several publications dealing with legal issues related to children, with particular emphasis on improving the conditions of confinement for institutionalized children. Mr. Schindler received his undergraduate degree from Yale

University and his law degree from the University of Maryland School of Law. His term expires on January 12, 2006.

The Board meets on the first Monday evening of every other month. At these meetings, OPC management updates Board members about various issues, including developments in office infrastructure, outreach, and personnel matters. In addition, the Board is provided with a report of the complaints received by OPC, along with the disposition of these complaints. The Board takes an active role in the work of OPC, offering guidance on many issues affecting the operation of the office. The Board also is charged with reviewing the executive director's determinations regarding the dismissal of complaints, as well as making recommendations to the Mayor, the Council, MPD, and DCHAPD, where appropriate, regarding changes in policy that may decrease the level of police misconduct.

#### **D. Office of Police Complaints**

OPC operates under the supervision of its executive director, who is appointed by the Board. The executive director is assisted with the management of OPC by a deputy director, chief investigator, and assistant chief investigator. The office has its own investigative staff, which currently consists of three senior investigators and four staff investigators, all of whom take in and investigate complaints. By the end of January 2005, OPC expects to have hired three additional staff members into its investigative unit, including a fourth senior investigator, a fifth staff investigator, and a paralegal. The management team and investigators are assisted by an administrative officer, public affairs specialist, staff assistant, and investigative clerk/receptionist. In addition, OPC funds the employment of a recent public policy school graduate assigned to the agency from the District's Capital City Fellows Program, and the agency has developed an internship program that brings in college and law students year-round to assist the staff with its regular duties and special projects. Overall, the agency has worked to develop a racially diverse staff, which will only be enhanced with the addition of the new staff members. The diversity of the office generally mirrors the District's population, and includes a staff that is 52% African-American, 32% white, 11% Latino, and 5% multiracial.

The current members of OPC's staff are as follows:

***Philip K. Eure*** became the agency's first executive director in July 2000 after working as a senior attorney in the Civil Rights Division at the U.S. Department of Justice, where he litigated on behalf of victims of employment discrimination. While at the Department, Mr. Eure was detailed in 1997-1998 to Port-au-Prince as an adviser to the Government of Haiti on a project to reform the criminal justice system. He has spoken at various forums in the District and around the country on a wide variety of police accountability issues. Mr. Eure received his undergraduate degree from Stanford University and his law degree from Harvard Law School.

***Thomas E. Sharp***, the deputy director, joined the agency in October 2002 from the law firm of Wilmer, Cutler & Pickering, where he was an associate in the firm's securities enforcement and regulatory practice. Prior to joining the firm, he served as staff counsel to Newark, New Jersey, City Councilman Cory Booker and as a law clerk to U.S. District Judge Myron H. Thompson in Montgomery, Alabama. Mr. Sharp has a bachelor's degree from the State University of New York at Buffalo and a law degree from Yale Law School.

**Clifford C. Stoddard, Jr.**, the chief investigator, was appointed to his position in June 2003. Mr. Stoddard is a retired Special Agent from the U.S. Air Force Office of Special Investigations and former Assistant State's Attorney and Chief of the White-Collar and Computer Crime Division of the Anne Arundel County State's Attorney's Office in Annapolis, Maryland. He was an adjunct faculty member at the National Advocacy Center and has taught nationally for the National District Attorney's Association and the American Prosecutor's Research Institute on white-collar and computer crime subjects. Mr. Stoddard has a bachelor's degree from Southern Illinois University, Carbondale, and a law degree from the Georgetown University Law Center.

**Kesha Taylor**, the assistant chief investigator, was hired in July 2002. Prior to joining the agency, Ms. Taylor worked with the Investigations Division of the Public Defender Service for the District of Columbia for seven years. While there, Ms. Taylor served most recently as a Staff Investigator and as the Coordinator of the Internship Program. Ms. Taylor obtained her undergraduate degree in political science and English from the University of Vermont. She also received a master's degree in higher education from Cornell University.

As of the issuance of this report, OPC's other staff members are as follows:

Anthony Lawrence	Senior Investigator
Natasha Bryan	Senior Investigator
Mona Andrews	Senior Investigator
Megan Rowan	Investigator
Andrea Del Pinal	Investigator
Laura Longhenry	Investigator
Jorge Correa	Investigator
Sherry Meshesha	Investigative Clerk/Receptionist
Melanie Deggins	Public Affairs Specialist
Stephanie Banks	Administrative Officer
Sonja Wingfield	Staff Assistant
Bradley R. Hicks	Management Analyst/Capital City Fellow

OPC staff development and training are a high priority for the agency. All employees go through a training program that instructs them on the goals and purpose of the office, as well as the specific functions related to their jobs. Investigators attend training provided by MPD's Institute of Police Science, John E. Reid and Associates, and the Institute of Police Technology and Management at the University of North Florida in Jacksonville, Florida. In addition, all staff members are eligible for, and encouraged to attend, training programs and courses offered through the District Government's Center for Workforce Development, as well as other specialized training given by private entities and other District or federal agencies. The specific training described above is supplemented by bi-weekly staff meetings and weekly investigator meetings where the staff discusses different issues that arise in carrying out OPC's work.

## **E. Interns and Law Clerks at OPC**

In the summer of 2001, the agency established a year-round internship program for both college and law school students. College interns assist with investigations, community outreach, and other projects in the office, while law school interns perform legal research on various policy issues. Interns volunteer their time and receive academic credit for their work during the academic year. Over the summer, budget permitting, interns receive a salary for full-time work. OPC's internship program has been an excellent way for the agency to stretch its limited budget by engaging talented students in the agency's work, while giving them valuable practical experience in exchange. The program has also been a valuable recruitment tool for the agency, with two former interns currently employed by the agency as investigators.

Since the internship program began, the agency has attracted many outstanding students. Through the fall of 2004, 30 college students and eleven law students have participated in the program. The college students have come from a variety of schools, including American, George Mason, George Washington, Harvard, Howard, and Niagara Universities, the University of the District of Columbia, the John Jay College of Criminal Justice, and St. Mary's College of Maryland. The law students have come from American University's Washington College of Law, Catholic University of America's Columbus School of Law, the Georgetown University Law Center, the George Washington University Law School, the Howard University School of Law, and the University of the District of Columbia's David A. Clarke School of Law. The internship program has provided substantial benefits to OPC and the District, and the office plans to continue hiring interns during each semester and the summer.

## **F. Complaint Process**

OPC's work centers on the complaint process, which is set forth in the statute and regulations governing the agency. The public initiates the complaint process, so it begins only after a person has filed a written, signed complaint form with the agency. OPC has the authority to investigate complaints that are received within 45 days of the alleged misconduct and that allege abuse or misuse of police powers by MPD or DCHAPD officers, including:

- (1) Harassment;
- (2) Use of language or conduct that is insulting, demeaning, or humiliating;
- (3) Retaliation for filing a complaint with OPC;
- (4) Use of unnecessary or excessive force; or
- (5) Discriminatory treatment.

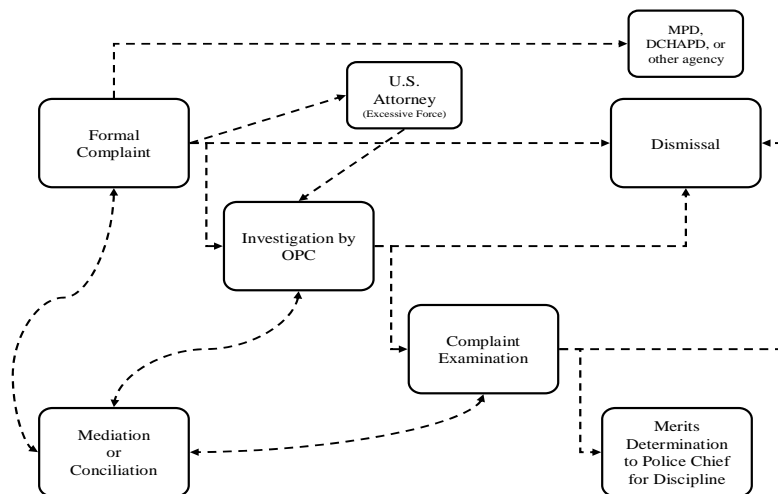
To ensure ease of access to its process, OPC has taken steps to facilitate the filing of a complaint. First, OPC's office is physically located away from MPD, DCHAPD, and other government offices to provide the public with a less intimidating environment in which to file a complaint. Second, to make it as convenient as possible to file a complaint, complainants may file in person at OPC's office or at any MPD district station, or they may initiate a complaint by mail, telephone, fax, or e-mail. Third, to ensure that non-English-speaking residents of and visitors to the District are able to get information about the agency and file complaints, OPC's information sheet and complaint form have been translated into 13 foreign languages.<sup>3</sup> Finally, a

duty investigator is always available when the agency is open to assist the public with filing complaints, and to interview them about the allegations in their complaints.

After a complaint is received, the executive director reviews it to confirm that it is in OPC’s jurisdiction, and to determine how to proceed with the processing of the complaint. If a complaint is outside OPC’s jurisdiction, the executive director refers it to MPD’s Office of Professional Responsibility, DCHAPD, or the appropriate agency for investigation. Also, if the complaint alleges conduct by an officer that may be criminal in nature, the executive director refers the complaint to the U.S. Attorney for the District of Columbia for possible criminal prosecution of the officer. For the remaining complaints, the executive director determines whether they should be investigated or mediated.

When a complaint is sent for investigation, it is assigned to one of OPC’s staff investigators. The investigator interviews the complainant, subject officer, and any witnesses the complainant identifies, in addition to attempting to locate and interview any other police or non-police witnesses who may be able to provide relevant information. The investigator also collects and reviews other evidence, including MPD documents, hospital records, materials from other sources, the scene of the incident, and any other relevant information. When the investigation is complete, the investigator drafts an investigative report, which, along with all the evidence gathered in the investigation, is reviewed by a supervisor. The executive director then reviews the report of the findings of the investigation, and determines if the complaint should be dismissed, which requires the concurrence of one PCB member, or referred to a complaint examiner for review and a decision on the merits of the complaint. A flow chart depicting the complaint process is included in Graphic B. In addition, OPC’s three principal methods of resolving complaints – dismissal, mediation, and complaint examination – are discussed in more detail below.

**Graphic B: OPC Complaint Process**



### **1. *Dismissal***

The statute and regulations governing OPC allow for the dismissal of complaints under three sets of circumstances: (1) the complaint is deemed to lack merit; (2) the complainant refuses to cooperate with the investigation; or (3) if, after the executive director refers a complaint for mediation, the complainant willfully fails to participate in good faith in the mediation process. Based on information gathered during OPC's investigation of a complaint, and with the concurrence of one PCB member, the executive director may dismiss a complaint when these circumstances arise. The dismissal process allows OPC to conserve resources and more efficiently handle complaints.

### **2. *Mediation***

OPC's complaint process includes mediation as a method for resolving complaints and, because OPC firmly believes in the benefits of mediation, appropriate complaints are forwarded to mediation on a regular basis. Mediation allows the complainant and the subject officer to meet face-to-face to attempt to resolve the issues raised in a complaint. The goal of OPC's mediation program is to give both parties a chance to work together to achieve a mutual understanding of what happened during their interaction and work out their differences without the stress and expense of a formal investigation and hearing.

A mediation service, the Community Dispute Resolution Center (CDRC), administers OPC's mediation program, assigning complaints to be mediated by a pool of well-trained, experienced, and diverse mediators. There is no cost to the complainant or the subject officer to participate in mediation, but both parties must sign a confidentiality agreement that provides that anything said by either party during the mediation session will not be disclosed outside of the session. The confidentiality agreement is required to encourage parties to be honest and open in attempting to resolve the dispute.

The decision to refer a complaint to mediation is made by the executive director, and not by the parties. If the executive director refers a complaint to mediation, both the complainant and the subject officer are required to participate in the mediation process in good faith. Failure to participate in good faith constitutes cause for discipline of the subject officer and grounds for dismissal of the complaint. However, even though participation of the parties is required, the outcome of the mediation is completely voluntary because neither the complainant nor the officer is required to reach an agreement or settle the dispute during mediation.

There are some restrictions as to which complaints may be referred to mediation. OPC will not refer complaints involving allegations of the use of unnecessary or excessive force that results in physical injury. In addition, an officer may not mediate a complaint if he or she has mediated a complaint alleging similar misconduct or has had a complaint sustained by OPC for similar misconduct in the past twelve months.

### **3. *Complaint Examination***

The complaint examination process is used to resolve complaints where the executive director determines that there is "reasonable cause to believe" that police misconduct occurred.

When the executive director reaches this determination, the complaint is referred to a complaint examiner who reviews it, along with OPC's investigative report, and issues a written decision regarding the merits of the complaint. The complaint examiner may resolve the complaint based on OPC's investigative report alone, or, if necessary, may conduct an evidentiary hearing to further develop the factual record. In practice, complaints that are neither dismissed nor successfully mediated are resolved through complaint examination, which is the only means by which OPC can issue a decision sustaining a complaint against an officer, although not all complaints that are referred to complaint examination are necessarily sustained.

If a complaint examiner sustains any allegation in a complaint, the executive director forwards the complaint examiner's decision to the Chief of Police for review and imposition of discipline. Under certain limited circumstances, the Chief may send a decision back to OPC for further review, but, otherwise, the Chief is bound by the decision and must impose discipline on the officer as a result of the decision. If the complaint examiner does not sustain any allegation in a complaint, the executive director dismisses the complaint based on the decision.

The complaint examination process is administered by JAMS, Inc., an outside alternative dispute resolution service. JAMS works directly with the members of the complaint examiner pool, who are responsible for rendering final decisions on the complaints referred to them by OPC. To carry out this important function, PCB and OPC assembled a pool of distinguished attorneys who live in the District of Columbia. In addition to having a reputation for competence, impartiality, and integrity, the complaint examiners must be members of the District of Columbia Bar, have practiced for five years or more, and have litigation or arbitration experience. At the end of fiscal year 2004, OPC's complaint examiner pool had 19 members. The pool includes attorneys who work in private practice, government, non-profit organizations, and academia, and have a variety of other experiences.

Based on its experience with the operation of the complaint examination process, OPC fine-tunes and modifies the process to ensure that it operates smoothly and provides adequate protections to officers and complainants. One change OPC implemented early in the process was an opportunity for officers to submit written objections to the complaint examiner about OPC's investigative report so the objections can be considered with the report. The objections ensure that the subject officer has an opportunity to raise any issues regarding the investigation before the complaint examiner takes any action. In addition, if a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OPC has taken steps to ensure that complainants have counsel available to assist them at no cost during hearings. In general, because officers are represented by attorneys provided to them by the police union, the Fraternal Order of Police (FOP), OPC made arrangements with a Washington-based law firm, Howrey Simon Arnold & White, to provide free counsel for complainants. Howrey is an international law firm that is based in Washington, D.C. The firm has over 600 attorneys worldwide, and more than 250 in Washington.



## **II. THE YEAR IN REVIEW**

### **A. Introduction**

Fiscal year 2004 was a productive and successful year for OCCR. The agency was focused on increasing its efficiency and productivity with its limited resources, and achieved several notable accomplishments. Fiscal year 2004 was the first year that the agency closed more complaints than it received, with significant increases in the overall number of complaints closed, the number of complaints for which full investigative reports were completed, and the number of complaints that were successfully mediated. OCCR also adjudicated 15 complaints and forwarded nine decisions to MPD sustaining police misconduct allegations. All of this work contributed to the agency having a lower number of open complaints at the end of the year for the first time since the agency opened. That number decreased by 11%.

OCCR increased the number of complaints referred to mediation by 77%, and completed 48% more mediation sessions, giving the complainants and officers involved in these complaints the opportunity to meet face-to-face in an attempt to resolve the issues raised in the complaint. The agency purchased a variety of new tools to improve the quality and ease of investigations, and improved the resources and training available to investigators.

CCRB issued a detailed report and recommendations to the Mayor, the Council, and Chief Ramsey in November 2003 regarding disorderly conduct arrests made by MPD officers, recommending changes designed to reduce the occurrence of improper or unlawful disorderly conduct arrests in the District. OCCR also implemented its Community Outreach Strategic Plan for 2004, continuing its successful student interactive training program, and expanding outreach to community groups, social service providers, MPD, and the FOP.

These developments and others are discussed in more detail below, along with statistics regarding complaints received and closed by OCCR in fiscal year 2004. These statistics show significant progress by the agency, but also indicate that there is considerable work ahead.

### **B. Complaint Examination**

In fiscal year 2004, OCCR continued the operation of its complaint examination process. The agency referred an additional 13 complaints into the process during the course of the year, and 16 complaints were resolved. One of the complaints was withdrawn midway through the process, and the remaining 15 were resolved in 15 different decisions. Table 1 lists each of the resolved complaints and identifies the allegations in the complaint and the decision reached by the complaint examiner for each allegation.

**Table 1: Complaint Examiner Decisions**

	<b>Harassment</b>	<b>Excessive Force</b>	<b>Language / Conduct</b>	<b>Discriminatory Treatment</b>	<b>Retaliation</b>
<b>03-0291</b>	--	--	Sustained	--	--
<b>01-0099</b>	Sustained	--	Sustained	--	--
<b>01-0120</b>	--	Sustained	--	--	--
<b>02-0128</b>	--	Exonerated	--	--	--
<b>01-0382</b>	Exonerated	--	--	--	--
<b>01-0110</b>	Sustained	--	Sustained	--	--
<b>01-0405</b>	Sustained	Sustained	Insufficient Facts	--	--
<b>02-0289</b>	Sustained	Sustained	Sustained	--	--
<b>02-0254</b>	--	--	Insufficient Facts	--	--
<b>02-0261</b>	--	--	Withdrawn	--	--
<b>01-0172</b>	Exonerated / Insufficient Facts	Insufficient Facts	Insufficient Facts	--	--
<b>02-0030</b>	Insufficient Facts	--	--	--	--
<b>02-0336</b>	Sustained	Sustained	Sustained	--	--
<b>02-0509</b>	Sustained	--	--	--	--
<b>02-0421</b>	--	--	Sustained	--	--
<b>02-0468</b>	--	--	Unfounded	--	--

The full text of each decision is available on OCCR’s website, [policecomplaints.dc.gov](http://policecomplaints.dc.gov). As Table 1 indicates, complaint examiners resolved 26 allegations contained in the 16 complaints. To this point, the decisions have reflected all possible outcomes.<sup>4</sup>

Table 2 summarizes the decisions reached by the complaint examiners, identifying the frequency of the different outcomes. The table reflects the overall outcome for each complaint, and the individual outcome for each allegation in the complaints.<sup>5</sup>

**Table 2: Complaint Examiner Decisions**

	<b>FY03</b>				<b>FY04</b>			
	<b>Complaints</b>		<b>Allegations</b>		<b>Complaints</b>		<b>Allegations</b>	
<b>Sustained</b>	15	78.9%	22	71.0%	9	56.3%	16	61.5%
<b>Exonerated</b>	2	10.5%	4	12.9%	2	12.5%	3	11.5%
<b>Insufficient Facts</b>	--	--	2	6.5%	3	18.8%	5	19.2%
<b>Unfounded</b>	1	5.3%	1	3.2%	1	6.2%	1	3.9%
<b>Withdrawn</b>	1	5.3%	2	6.5%	1	6.2%	1	3.9%
<b>Total</b>	19		31		16		26	

Looking at the decisions reached by complaint examiners, nine of the 16 decisions, or 56%, sustained at least one allegation in the underlying complaint. Only one of the nine decisions had a split outcome where two allegations were sustained and the outcome for the third allegation was insufficient facts. There were six decisions, or 38%, where the officer was

completely exonerated or the complaint examiner concluded that the allegations in the underlying complaint were unfounded or there were insufficient facts to resolve them.

When the sustained complaints are considered as part of all of the complaints resolved by OCCR through adjudication, dismissal, and successful mediation, sustained complaints make up 5% of this group (or 9 of 186). Five percent is a noticeable decrease from the 14% that sustained complaints made up in fiscal year 2003. Although there was a decrease in the number of sustained complaints in fiscal year 2004, as indicated in Table 2, the decrease in OCCR’s overall sustain rate is primarily a function of the significant increase in dismissals and successful mediations than of any other factor. And the increase in dismissals and successful mediations resulted from OCCR’s focus on completing and closing older complaints that had been determined to be probable dismissals but that had not had a completed investigative report, along with OCCR’s efforts to identify and refer a larger number of complaints to mediation. In general, OCCR’s overall sustain rate will fluctuate from year to year depending on a variety of factors not related directly to the complaint examination process.

As of the date of issuance of this report, all of the decisions forwarded to the Chief of Police had already had discipline imposed. The decisions included a total of 28 subject officers, and a summary of the discipline imposed on these officers is reflected in Table 3.

**Table 3: Discipline for Sustained Complaints**

<b>Discipline or Action Taken</b>	<b>Total</b>
<b>Formal Counseling</b>	2
<b>Official Reprimand</b>	7
<b>3-Day Suspension</b>	4
<b>5-Day Suspension</b>	1
<b>10-Day Suspension</b>	8
<b>15-Day Suspension</b>	5
<b>Retired</b>	1
<b>Total</b>	28

OCCR will continue to track the discipline imposed by the Chief so that the agency is informed about how MPD handles the decisions referred to it by OCCR.

**C. Mediation**

In fiscal year 2004, OCCR mediated 31 complaints, bringing the total number of complaints mediated to 77. Sixty of the mediation sessions (or 78%) were successful and resulted in an agreement between the complainant and the subject officer. Seventeen of the sessions (or 22%) were unsuccessful, and the underlying complaints were referred back to the executive director for appropriate action. To date, mediators have helped resolve complaints that allege harassment; the use of language or conduct that is insulting, demeaning, or humiliating; discrimination; or a combination of the three.

In addition to the statistical success rate, survey results indicate that the program has been well received. A survey of the participants in mediation indicates that the overwhelming majority of complainants and subject officers who responded to the survey found the mediator to be helpful or very helpful, the mediation session to be satisfactory or very satisfactory, and the resulting agreement to be fair or very fair. In addition, 42% of the respondents left their mediation session with more positive feelings about the other party, while only 11% had more negative feelings, and 47% indicated no change in their feelings. Finally, OCCR is proactively taking steps to protect the integrity of the mediation process by dismissing complaints and pursuing discipline of officers when one of the parties fails to appear for mediation or refuses to participate in the mediation process in good faith.

OCCR has been very pleased with the success of the mediation program, and plans to continue to use it regularly. The number of complaints referred to mediation has steadily grown over the four years OCCR has been open from 19 in fiscal year 2001 to 55 in fiscal year 2004. However, OCCR has also seen growth in the number of complainants who decline to participate in the mediation process altogether. Consequently, during fiscal year 2005, OCCR plans to conduct a complete review of the process, and to update all of its informational materials about mediation. OCCR hopes that having better information available, and ensuring that it is provided to participants, will encourage people to take part in the process and help reduce the number of instances where complainants refuse to participate.

As an illustration of the types of complaints that were mediated in fiscal year 2004, the following are three examples that describe the complaint and the mediation session:

***1. Mediation Example #1***

A married couple filed a complaint against an officer for aggressive and hostile behavior and for behaving in an unprofessional manner. At the mediation, the husband explained that they had been called to the scene of an accident involving their only son. Upon their arrival, they saw that their son was not there so they approached the officer to find out where their son was and to ask about his condition. He said the officer spoke to them in a belligerent tone and was argumentative instead of being responsive to their needs. He felt that the officer's behavior made the situation even more difficult. He explained that since the officer would not give them information, his wife approached the other driver involved in the accident, at which point the officer became agitated and interfered with the conversation. The officer did provide some information, telling them the name of the hospital to which their son had been taken. Unfortunately, upon arrival at that hospital they learned that the information was incorrect and they were sent to another hospital. When they arrived at the second hospital, they learned that their son had died.

The officer expressed his sincere regret at their loss as well as for his behavior that added to their pain. He explained that he was alone that evening responding to a very bad accident in a tough neighborhood. He and the couple were able to share their perspectives about what happened and to talk about their feelings both at the time of the accident and after. It was a very emotional meeting for all of the parties. In the end, the parties came to an agreement in which the officer, working with his sergeant, would identify and complete an appropriate course in anger management or stress management.

## **2.        *Mediation Example #2***

The complaint was filed against a police detective for disrespectful language and behavior. The complainant was angry about the manner in which the detective responded to his report that a thief had assaulted and stolen an expensive wristwatch from him. He alleged that, when the detective arrived at his house to investigate, the detective told him that he should have done a better job defending himself from the attacker. Also, the complainant stated that he did not appreciate being told by the detective that he was intoxicated, when in fact this was not the case. The complainant further alleged that he was in close proximity to the detective when he overheard the detective telling another officer that he did not believe that the complainant was telling the truth about the alleged crime.

At the mediation session, the complainant first stated that two police officers did a good job responding in an appropriate amount of time to take a report about the crime. However, he expected more respectful behavior from the detective when he arrived later in the evening. The detective responded that he did not believe that his behavior was rude or inappropriate, as he operates under the same procedure in all of his investigations. He stated that it was not his intention to offend the complainant, and explained that a large percentage of thefts in the District of Columbia turn out to be false reports, which he tries to expose through his questioning. The detective further stated that his investigation had revealed that the complainant is subject to several outstanding debts. The complainant stated his intention to request that his complaint be forwarded to a case examiner for a decision on the merits. The detective responded that he intended to file a lawsuit against the complainant for harassment. After private meetings with the complainant and the detective, the mediators and the parties jointly decided that it was time to end the mediation.

After the mediation, the mediators decided that some progress had been made during their conversation with the parties. Specifically, the mediators thought that the detective had made a significant step by acknowledging that his behavior might have been interpreted to be offensive; the mediators also determined that the complainant had paid meaningful attention to the detective's description of his protocol in investigating cases. As a result, the mediators requested that CDRC make attempts to obtain the parties' consent to return to OCCR for a subsequent mediation session. CDRC was successful in bringing the parties back together. At the mediation, the mediators highlighted the successes that the parties had made in the first mediation session. The detective apologized if the complainant had found his behavior to be offensive. The complainant responded that he had decided that he would rather not pursue his complaint any further. The mediators also reminded the parties that a signed agreement entailed that the parties would not pursue any actions arising out of the events that were the subject of the complaint and mediation. As a result, the parties shook hands and signed an agreement not to further pursue any matters relating to the complaint.

## **3.        *Mediation Example #3***

The complaint was filed against a police officer for alleged discrimination based on race. On the morning in question, the police officer was directing traffic past a city block that had been closed off for purposes of a public event. Her police vehicle blocked access to the street.

The entrance to the complainant's office building was also located on that street. As the complainant, who is white, approached the officer's vehicle, he observed that the officer, who is black, let several cars pass into the blocked street, while others were turned away. He observed that one of the individuals that the officer let pass was a black female and that an individual that the officer did not let pass was a white male. At a point where the officer moved her vehicle away from the street in order to let another vehicle pass, the complainant made an attempt to turn his vehicle into the street as well. As the complainant was moving his vehicle, the complainant's and officer's vehicles almost collided. A somewhat heated exchange between the two parties ensued, and the officer did not let the complainant pass. When the complainant filed his complaint, his view was that the officer's decision to allow entry to some individuals and exclude entry to others was discriminatory.

At the mediation session, the two parties had different recollections about what was said on that day. The complainant recalled that the officer told him, "discrimination does not matter," while the officer recalled that she allowed people to pass into the street only if they made clear that they worked there. As the parties talked, they discovered that the complainant had been angry at the officer because he believed that she intended to hit his vehicle as he tried to pass into the street; while the officer believed that the complainant deliberately tried to hit her vehicle as she attempted to block the street. In reality, the officer had been in the process of moving her vehicle back into a blockade position after she had allowed another vehicle to pass; and the complainant had been in the process of moving his vehicle into the street when he believed that the officer's vehicle had pulled away. Neither party had been aware of the other's actions prior to the point that their vehicles almost came into contact. In response to the complainant's concern, the officer made clear that discrimination in no way plays a role in her job. The complainant thanked her for making that clear, and stated that his concern about discrimination was the reason why he had filed his complaint. Then, the complainant and officer shook hands and declared the issue resolved.

#### **D. Investigations**

During fiscal year 2004, OCCR made many improvements to its investigative process. OCCR purchased a variety of new tools to improve the quality and ease of investigations, including a digital video camera, an additional digital camera, a photo printer, and document scanners, among other things. The agency also implemented new complaint management software (CMS), which allows supervisors and investigators to more effectively track and manage investigations. Some of the features of the software are that it collects data regarding complaints, allows for planning of investigative tasks, stores and organizes documents, pictures, and other electronic files, generates letters and other documents from templates, and allows for more sophisticated analysis of complaints and data.

Along with the implementation of the CMS, OCCR conducted a complete review of all open complaints. This review allowed the agency to reprioritize the handling of complaints to focus its resources on the complaints most in need of work to complete. In addition, OCCR improved the resources and training available to investigators by completing the second version of its investigation manual, introducing weekly investigative unit meetings, and conducting regular internal training. To supplement the internal training, the agency also arranged extensive outside training for investigators, including nine days of training provided by MPD instructors

along with interview and interrogation training provided by John E. Reid and Associates, among other courses.

In fiscal year 2005, OCCR will continue to consider other changes, both large and small, that will allow the agency to more thoroughly and efficiently investigate complaints.

## **E. Statistics**

In an effort to describe the work performed by OCCR, the nature and location of the complaints that the office received, and the characteristics of the complainants and subject officers, OCCR has collected the statistics included in this section. Over the four years that OCCR has been open, its method of compiling statistics has changed significantly, moving from manual collection, to using OCCR's initial complaint tracking database, to using OCCR's new CMS, which was used for the first time this year. The implementation of the CMS was also accompanied by the reentry of data regarding most of OCCR's complaints and several changes in the process of receiving and recording contacts and complaints. Over the course of these several years, OCCR has ensured that the data were as accurate as possible and the presentation of the statistics was as consistent as possible. With all of the changes this year, however – the CMS, the reentry of data, and the different processes – OCCR believes that the changes may have had an impact on some of the statistics, leading to noticeable fluctuations that the agency cannot account for in full. OCCR notes the changes so that readers will be aware of them, and OCCR will monitor the statistics in years ahead to try to determine if any of the unusual changes resulted from changes in the process or were signs of other trends.

At the end of OCCR's fourth year of operation, the statistics collected by the agency have shown the pattern of growth of the agency, and the success that the agency has achieved in increasing its efficiency and productivity over the past couple of years. The agency has increased the number of investigations completed and complaints closed, which, for the first time in fiscal year 2004, was larger than the number of complaints opened. As a consequence, not only did OCCR's number of open complaints not grow as it has over the past three years, but the number of complaints went down by 11%.

### ***1. Contacts and Formal Complaints***

Under the statute and regulations governing OCCR, all complaints must be reduced to writing and signed by the complainant, who must certify the truth of the statements in the complaint. Once a complaint has met these requirements, it is referred to as a "formal complaint." OCCR is regularly contacted by people who inquire about filing a complaint, but who have not yet submitted a signed complaint form. Where appropriate, OCCR opens a file for each one of these contacts and attempts to obtain a formal complaint by mailing a form to the person or giving him or her instructions about filing a complaint in person. If no formal complaint is received, the file related to that contact is closed. OCCR also is contacted about a variety of issues that do not fall within the jurisdiction of the office. The agency collects information about each contact, enters it into the CMS, and refers the person to the appropriate agency or office. In fiscal year 2004, OCCR modified its process to more clearly separate and

track contacts that raise issues outside the agency’s jurisdiction, which resulted in a noticeably larger number of these contacts being recorded during the year.

Table 4 indicates the number of contacts received by OCCR in fiscal years 2001 through 2004,<sup>6</sup> the number of formal complaints that resulted in each year, and the disposition of each contact that did not result in a formal complaint. The table also includes a total for all four years in each category. In fiscal year 2004, OCCR experienced significant growth in the number of contacts, some of which is attributable to the change in the tracking of contacts mentioned above, but a decline in the number of formal complaints, which OCCR cannot fully account for, but that allowed the agency to reduce its number of open complaints. The number of contacts increased by 14% (from 613 to 699) and the number of formal complaints decreased by 27% (from 361 to 262) from fiscal year 2003 to fiscal year 2004.

**Table 4: Contacts and Formal Complaints**

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>Total</b>
<b>Total Contacts</b>	477	535	613	699	2324
<b>Closed – Outside Agency Jurisdiction, Etc.</b>	9	36	55	297	397
<b>Closed – No Formal Complaint</b>	158	181	197	140	676
<b>Total Formal Complaints</b>	310	318	361	262	1251

## **2. Disposition of Formal Complaints**

Each year, OCCR works to resolve as many formal complaints as possible. Complaints are closed because they have been resolved by OCCR, which includes being dismissed in accordance with the OCCR statute, successfully mediated, or adjudicated through OCCR’s complaint examination process. Complaints are also referred to MPD because they contain allegations that are not within OCCR’s jurisdiction to investigate or they were filed more than 45 days after the incident occurred, and some complaints are referred to other law enforcement agencies when the complaints relate to another agency’s officers. Finally, some complaints are withdrawn by the complainant or closed for administrative reasons.

Table 5 indicates the total number of formal complaints that were closed in fiscal years 2001 through 2004, as well as the specific disposition of each complaint. The table also includes a total for all four years in each category. From fiscal year 2003 to fiscal year 2004, the number of formal complaints closed by OCCR grew by approximately 33% (from 235 to 312). The significant increase in the number of complaints closed can be largely attributed to a 71% increase in complaints resolved by OCCR through adjudication, dismissal, or successful mediation. Another factor that contributed to the increase in the number of complaints closed was OCCR’s full review of all of its complaints when entering data into OCCR’s CMS, and the resulting clean up of its open complaints.



**Table 5: Disposition of Formal Complaints**

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>Total</b>
<b>Adjudicated</b>	--	--	19	16	35
<b>Dismissed</b>	21	91	75	145	332
<b>Successfully Mediated</b>	7	13	15	25	60
<b>Withdrawn by Complainant</b>	11	17	9	26	63
<b>Referred to MPD</b>	107	88	90	62	347
<b>Referred to Other Police Agencies</b>	3	1	18	11	33
<b>Administrative Closures</b>	12	12	9	27	60
<b>Closed Formal Complaints</b>	161	222	235	312	930

### 3. *Status of Pending Formal Complaints at the End of Each Fiscal Year*

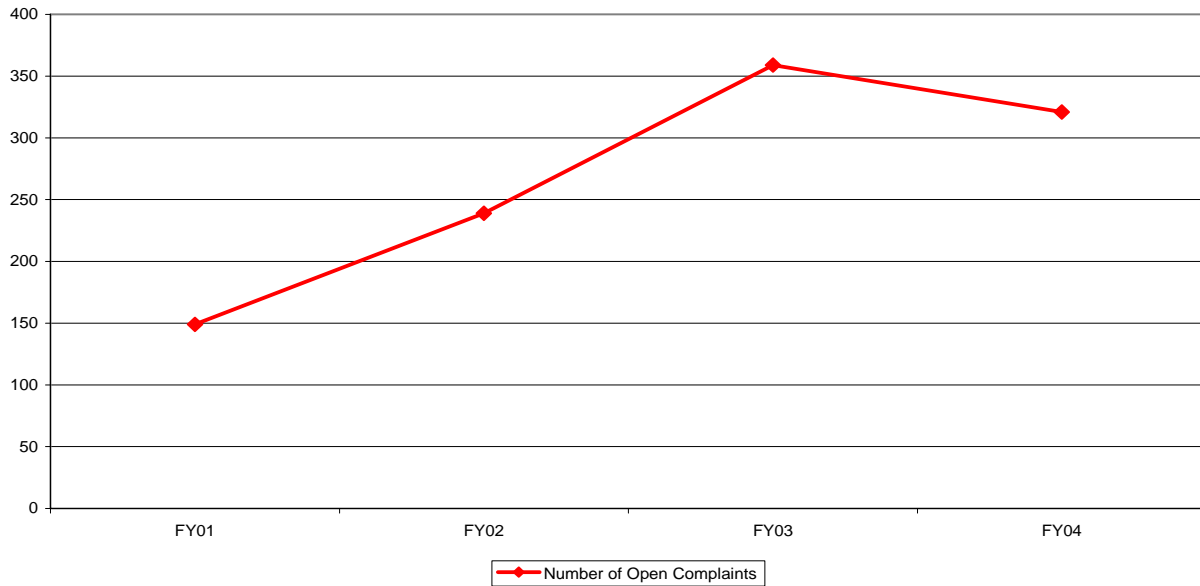
At the end of each fiscal year, there are a number of formal complaints that are still pending. Table 6 indicates the total number of complaints from all years that were open at the end of fiscal years 2001 through 2004. The table also indicates the general status of the open complaints, which may be assigned to a complaint examiner and awaiting a decision, referred to mediation and awaiting action, referred to the U.S. Attorney's Office for possible criminal prosecution and awaiting action, currently under investigation, currently under investigation with a preliminary investigative report drafted and being reviewed, or awaiting the initial executive decision about how to proceed with a new complaint. Chart 6 depicts how the total number of complaints open at the end of each fiscal year has changed over the past four years.

The most noteworthy change for fiscal year 2004 is the decrease in the number of open complaints by 11%; in years past, the number of open complaints has steadily grown. For the first time ever, OCCR closed more complaints than it opened during the course of the year, in significant measure because of increased efficiency and productivity.

**Table 6: Status of Pending Formal Complaints at the End of Each Fiscal Year**

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>
<b>Assigned to Complaint Examiner</b>	--	--	12	9
<b>Referred for Mediation</b>	15	10	11	5
<b>Referred to U.S. Attorney's Office</b>	20	15	18	10
<b>Under Investigation by OCCR</b>	99	130	232	224
<b>Under Investigation / Report Drafted</b>	15	80	79	73
<b>Executive Decision</b>	--	4	7	--
<b>Total Number of Open Complaints</b>	149	239	359	321

**Chart 6: Number of Open Formal Complaints at the End of Each Fiscal Year**



#### **4. OCCR Workload**

OCCR closes complaints each year at one of three different points in the life of the complaint. First, complaints are closed shortly after they are received because they are referred to MPD or another police agency. These are complaints that are outside OCCR’s jurisdiction. In general, the only work that OCCR performs on these complaints is to conduct an initial investigation to confirm the nature of the complaint, and then prepare and send the complaint and related materials to the appropriate agency. Second, complaints are closed because the complainant withdraws the complaint or for other administrative reasons. These complaints require varying amounts of work by OCCR depending on when the complainant withdraws the complaint, which may occur at any point up through a final decision, or when the event occurs that triggers administrative closure. Some of the events that trigger administrative closure, which also may occur at any time, include the resignation of an officer from MPD, or the completion of an investigation by MPD into the same allegations that results in the discipline of the officer. Finally, complaints are closed after they have been resolved by OCCR. OCCR resolves complaints by adjudication, dismissal, or successful mediation. These complaints generally require the most work, including a full investigation, the completion of an investigative report, and any other related adjudication, dismissal, or mediation processes.

Table 7 collects statistics from the three preceding sections of this part of the report to illustrate the proportion of complaints that are closed at the three different points in the life of a complaint. First, the table shows the number of formal complaints that OCCR received in all four fiscal years. Next, the table subtracts the number of complaints referred to MPD or another police agency to arrive at the number of formal complaints that fall within OCCR’s jurisdiction. After that, Table 7 subtracts the complaints that reach a point short of final resolution where they require no further action, such as those that are withdrawn or administratively closed, to arrive at the number of complaints that require resolution by OCCR. Finally, the table subtracts the

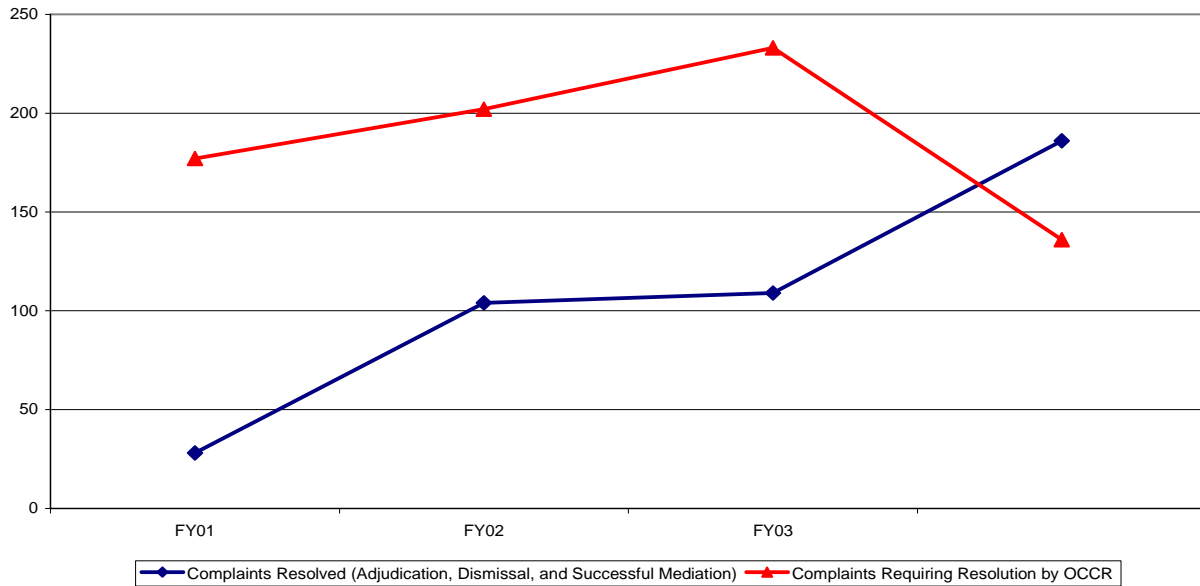
number of complaints resolved in each fiscal year. The resulting number shows either: (1) the number of complaints that require resolution by OCCR but that are carried over to the next fiscal year unresolved; or (2) the number by which the total number of open complaints is reduced from one year to the next, which is indicated by parentheses. Thus, each fiscal year begins with a number of complaints already open that need to be resolved, and new complaints are received over the course of the fiscal year. For a graphical depiction, Chart 7 includes lines indicating the number of complaints that require resolution by OCCR and the number of complaints resolved by OCCR. The area between the two lines on Chart 7 represents the number of complaints that are carried over to the next fiscal year unresolved or the amount by which the number of open complaints is reduced.

OCCR's increased efficiency and productivity are clearly displayed in both the table and the chart. The increased efficiency and productivity, together with a smaller number of complaints received by the agency in fiscal year 2004, resulted in OCCR having its first year where it closed more complaints than it opened. With the addition of three new investigators in fiscal year 2005, OCCR hopes that this will be the beginning of a trend that will allow the agency to keep up with the new complaints it receives, as well as resolve the complaints that are currently backlogged.

**Table 7: OCCR Workload**

	<b>FY01</b>	<b>FY02</b>	<b>FY03</b>	<b>FY04</b>	<b>Total</b>
<b>Total Formal Complaints</b>	310	318	361	262	1251
<b>Referred to MPD or Other Agency</b>	110	89	108	73	380
<b>Complaints in OCCR's Jurisdiction</b>	200	229	253	189	871
<b>Complaints Requiring No Further Action (Withdrawn or Administratively Closed)</b>	23	29	18	53	123
<b>Complaints Requiring Resolution by OCCR</b>	177	202	233	136	748
<b>Complaints Resolved (Adjudication, Dismissal, and Successful Mediation)</b>	28	104	109	186	427
<b>Unresolved Complaints Each Fiscal Year</b>	149	98	124	(50)	321

**Chart 7: OCCR Workload**



**5. Allegations in Formal Complaints**

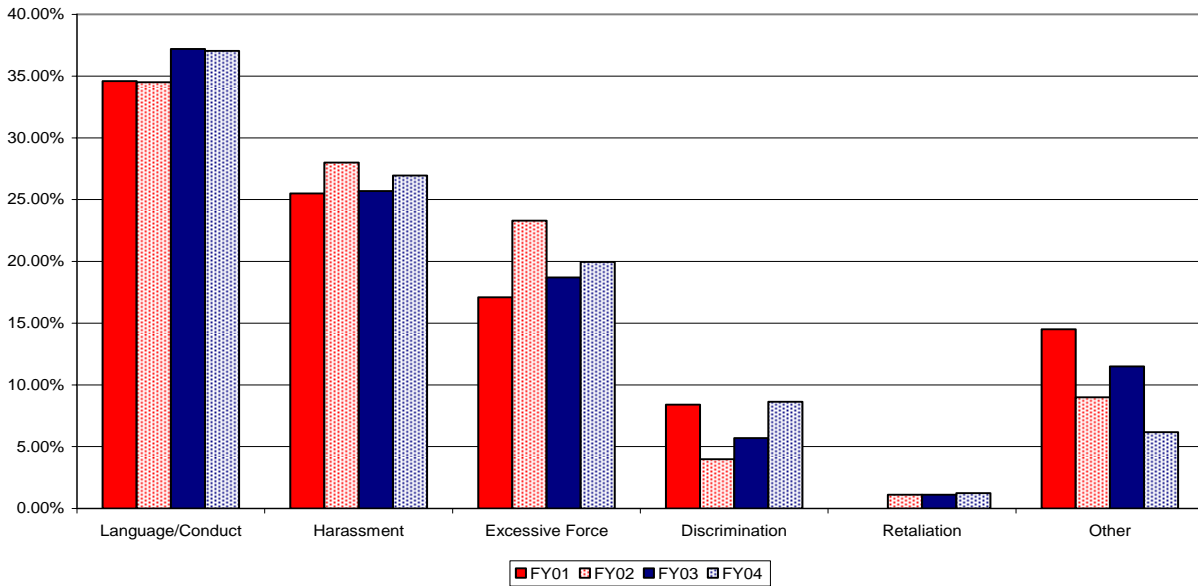
Each formal complaint may contain allegations of more than one type of misconduct, including harassment, use of language or conduct that is insulting, demeaning, or humiliating, retaliation for filing a complaint with OCCR, use of unnecessary or excessive force, or discriminatory treatment. In addition, complainants often allege other conduct that does not fall within the five types of misconduct under OCCR’s jurisdiction.

Table 8 indicates the total number of allegations contained in all of the formal complaints received in fiscal years 2001 through 2004, as well as the number of each type of allegation made, and a total for all four years in each category. Table 8 and Chart 8 also indicate the percentage of the total number of allegations that each type of allegation constitutes.

**Table 8: Allegations in Formal Complaints**

	FY01		FY02		FY03		FY04		Total	
<b>Language/Conduct</b>	148	34.6%	154	34.5%	197	37.2%	180	37.0%	679	35.9%
<b>Harassment</b>	109	25.5%	125	28.0%	136	25.7%	131	27.0%	501	26.5%
<b>Excessive Force</b>	73	17.1%	104	23.3%	99	18.7%	97	20.0%	373	19.8%
<b>Discrimination</b>	36	8.4%	18	4.0%	30	5.7%	42	8.6%	126	6.7%
<b>Retaliation</b>	--	--	5	1.1%	6	1.1%	6	1.2%	17	0.9%
<b>Other</b>	62	14.5%	40	9.0%	61	11.5%	30	6.2%	193	10.2%
<b>Total Allegations</b>	428		446		529		486		1889	

**Chart 8: Allegations in Formal Complaints (as a Percentage)**



**6. Complainant Race or National Origin, Gender, and Age**

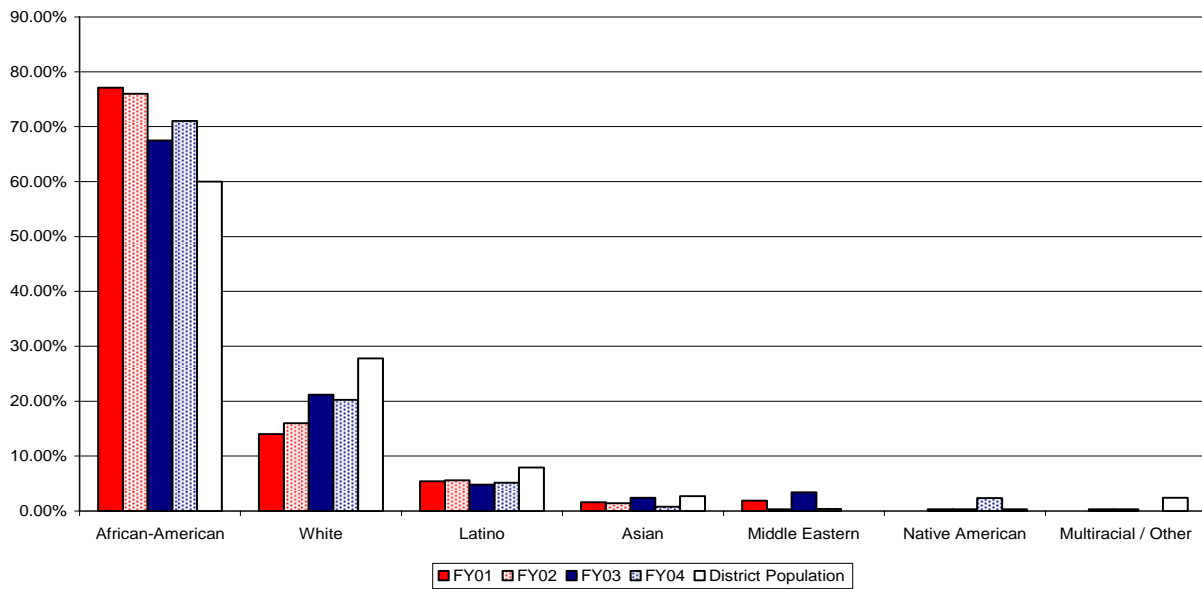
When a person files a complaint, the person is asked to identify his or her race or national origin, gender, and date of birth. The following tables and charts reflect the information provided by each complainant. In general, the columns in the tables and the bars on the charts reflect the information for each complaint, not eliminating duplicates of complainants who filed multiple complaints. In some instances, OCCR was able to include information regarding the number of “unique complainants,” meaning that OCCR eliminated duplicates of complainants who filed multiple complaints. Some tables and charts also include U.S. Census information regarding the composition of the population of the District of Columbia as a whole.<sup>7</sup>

In general, the proportions of complainants falling into the various race or national origin, gender, and age groups have remained consistent from fiscal year 2003 to fiscal year 2004. The race or national origin data continue to show some variation from the Districts population, including a higher proportion of African-American complainants and a lower proportion of white complainants. The gender data also continue to vary from the District population with a higher proportion of male complainants and a lower proportion of female complainants. The age data show the most significant variation from the District population, with a higher proportion of complainants in the middle age groups than the District population, and a lower proportion in the youngest and oldest age groups. To illustrate the divergence, the data from the age table is displayed on a line chart showing the proportions for each year and the District population in the different age groups.

**Table 9: Complainant Race or National Origin**

	FY01		FY02		FY03		FY04		District Pop.
<b>African-American</b>	199	77.1%	219	76.0%	197	67.5%	179	71.0%	60.0%
<b>White</b>	36	14.0%	46	16.0%	62	21.2%	51	20.2%	27.8%
<b>Latino</b>	14	5.4%	16	5.6%	14	4.8%	13	5.2%	7.9%
<b>Asian</b>	4	1.6%	4	1.4%	7	2.4%	2	0.8%	2.7%
<b>Middle Eastern</b>	5	1.9%	1	0.3%	10	3.4%	1	0.4%	--
<b>Native American</b>	--	--	1	0.3%	1	0.3%	6	2.4%	0.3%
<b>Multiracial / Other</b>	--	--	1	0.3%	1	0.3%	0	0.0%	2.4%
<b>Unreported</b>	52		30		69		10		
<b>Total</b>	310		318		361		262		

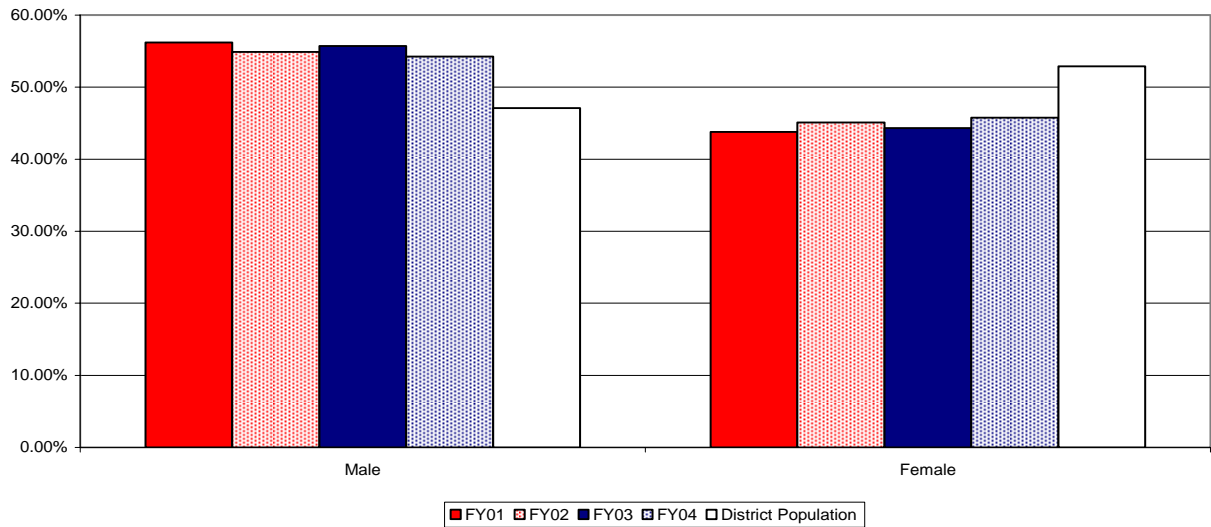
**Chart 9: Complainant Race or National Origin (as a Percentage)**



**Table 10: Complainant Gender**

	FY01		FY02		FY03		FY04		District Pop.
<b>Male</b>	173	56.2%	174	54.9%	201	55.7%	141	54.2%	47.1%
<b>Female</b>	135	43.8%	143	45.1%	160	44.3%	119	45.8%	52.9%
<b>Unreported</b>	2		1		--		2		
<b>Total</b>	310		318		361		262		

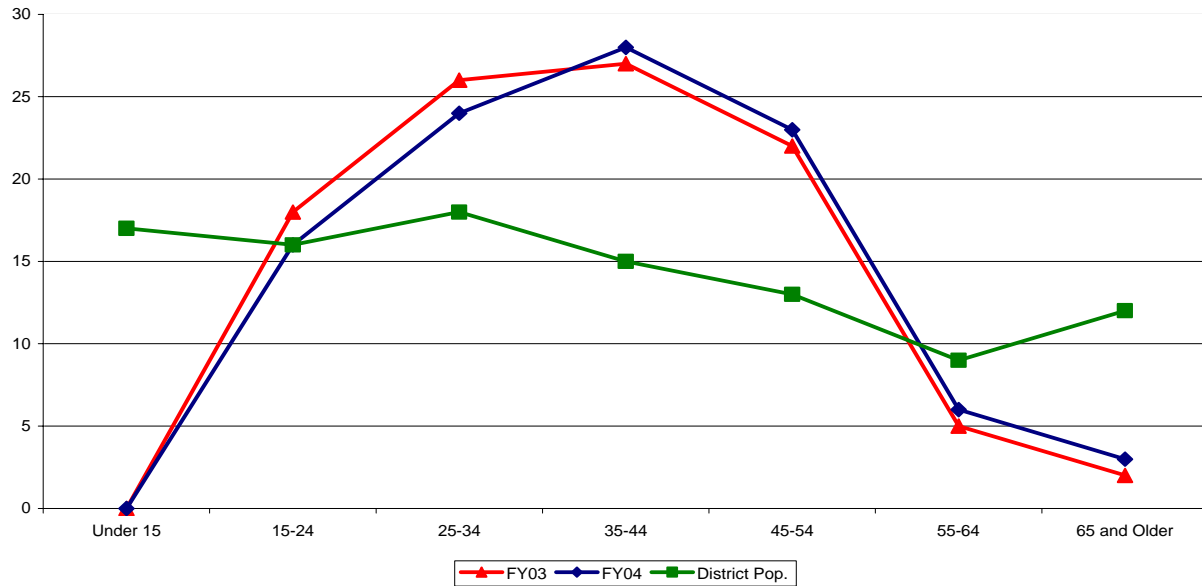
**Chart 10: Complainant Gender (as a Percentage)**



**Table 11: Complainant Age<sup>8</sup>**

	FY03		FY04		District Pop.
	Count	Percentage	Count	Percentage	
<b>Under 15</b>	--	--	1	0.4%	17.1%
<b>15-24</b>	37	18.0%	39	15.8%	15.7%
<b>25-34</b>	53	25.7%	60	24.3%	17.8%
<b>35-44</b>	56	27.2%	68	27.5%	15.3%
<b>45-54</b>	46	22.3%	57	23.1%	13.2%
<b>55-64</b>	10	4.9%	14	5.7%	8.7%
<b>65 and Older</b>	4	1.9%	8	3.2%	12.3%
<b>Total</b>	206		247		

**Chart 11: Complainant Age (as a Percentage)**



**Table 12: Complainant Race or National Origin with “Unique Complainant” Information**

	FY02	FY02 Unique Complainants	FY03	FY03 Unique Complainants	FY04	FY04 Unique Complainants
<b>African-American</b>	219	208	197	190	179	176
<b>White</b>	46	46	62	59	51	43
<b>Latino</b>	16	16	14	14	13	13
<b>Asian</b>	4	4	7	6	2	2
<b>Middle Eastern</b>	1	1	10	6	1	1
<b>Native American</b>	1	1	1	1	6	1
<b>Multiracial / Other</b>	1	1	1	1	0	0
<b>Unreported</b>	30	30	69	68	10	10
<b>Total</b>	318	307	361	345	262	246

**Table 13: Complainant Gender with “Unique Complainant” Information**

	FY02	FY02 Unique Complainants	FY03	FY03 Unique Complainants	FY04	FY04 Unique Complainants
<b>Male</b>	174	166	201	190	141	126
<b>Female</b>	143	140	160	155	119	118
<b>Unreported</b>	1	1	--	--	2	2
<b>Total</b>	318	307	361	345	262	246



## 7. *Subject Officer Race or National Origin, Gender, and Assignment*

When a person files a complaint, OCCR records the race or national origin, gender, and assignment of the subject officer in the complaint. In some instances the complainant is able to identify the subject officer, and in others, OCCR determines the identity of the officer during the course of its investigation. In other instances, the complainant is not able to identify the subject officer and the identity of the officer remains unknown. The following tables and charts reflect the information for officers who could be identified or whose information was reported by the complainant. In general, the columns in the tables and the bars on the charts reflect the information for each subject officer, not eliminating duplicates of officers who were the subject of multiple complaints. In some instances, OCCR was able to include information regarding the number of “unique officers,” meaning that OCCR eliminated duplicates of officers who were the subject of multiple complaints. Some tables and charts also include information regarding the composition of the entire work force of MPD officers.<sup>9</sup>

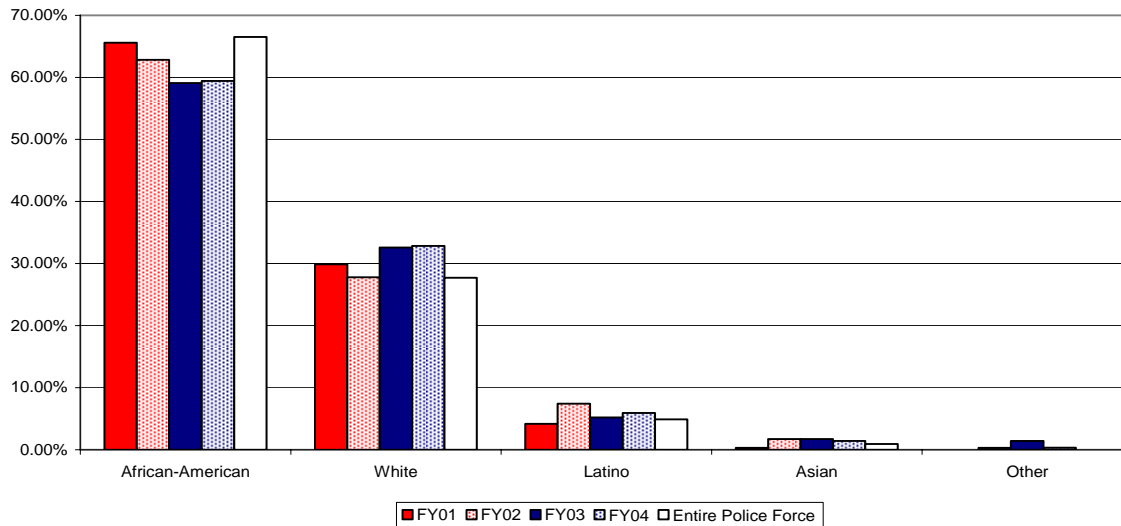
In general, the proportions of subject officers falling into the various race or national origin and gender groups have remained consistent from fiscal year 2003 to fiscal year 2004. The race or national origin data continue to show some variation from the data regarding the entire police force, including a higher proportion of white subject officers and a lower proportion of African-American subject officers. The gender data also continue to vary from the entire police force with a noticeably higher proportion of male subject officers and noticeably lower proportion of female subject officers. The data regarding the assignments of subject officers has fluctuated from year to year. OCCR cannot fully account for the variation, and the data may be skewed as a result of the reentry of data in the CMS. When information regarding officers was reentered into the CMS, the current assignment for each officer was entered, and it may have changed from the assignment the officer had at the time of any particular complaint, so readers should use caution when attempting to draw conclusions from the year-to-year trends regarding the assignments of subject officers.

For reference purposes, a map indicating the location of the seven police districts used by MPD is included in Appendix A.

**Table 14: Subject Officer Race or National Origin**

	FY01		FY02		FY03		FY04		Entire Police Force
<b>African-American</b>	233	65.6%	221	62.8%	205	59.1%	170	59.4%	66.5%
<b>White</b>	106	29.9%	98	27.8%	112	32.6%	94	32.9%	27.7%
<b>Latino</b>	15	4.2%	26	7.4%	18	5.2%	17	5.9%	4.9%
<b>Asian</b>	1	0.3%	6	1.7%	6	1.7%	4	1.4%	0.9%
<b>Other</b>	--	--	1	0.3%	5	1.4%	1	0.4%	--
<b>Unidentified</b>	52		48		71		41		
<b>Total</b>	407		400		417		327		

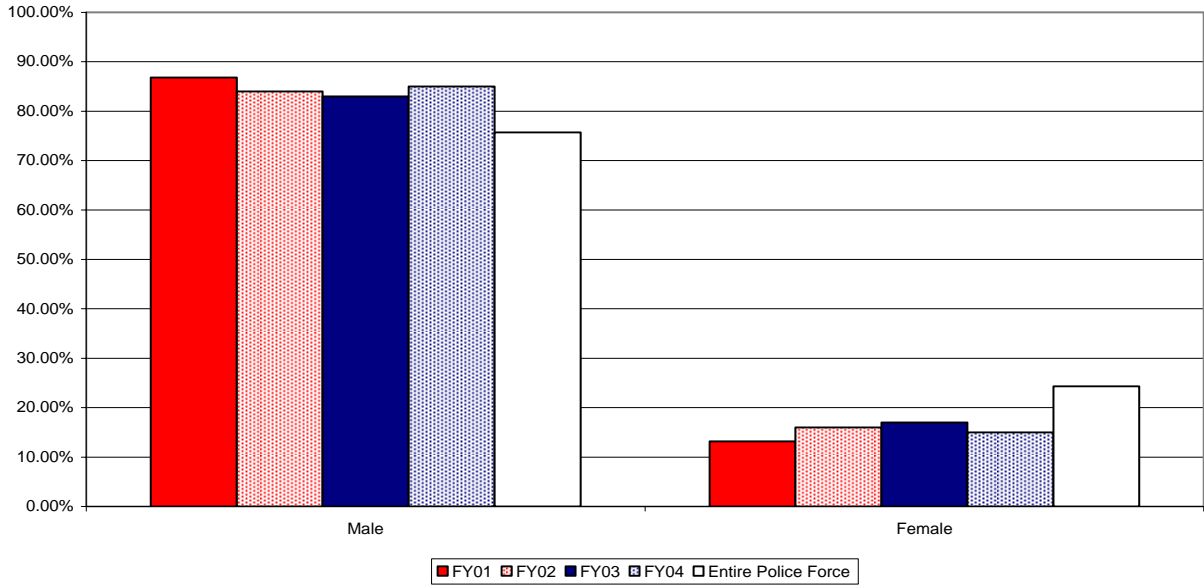
**Chart 14: Subject Officer Race or National Origin (as a Percentage)**



**Table 15: Subject Officer Gender**

	FY01		FY02		FY03		FY04		Entire Police Force
<b>Male</b>	321	86.8%	300	84.0%	293	83.0%	266	85.0%	75.7%
<b>Female</b>	49	13.2%	57	16.0%	60	17.0%	47	15.0%	24.3%
<b>Unidentified</b>	37		43		64		14		
<b>Total</b>	407		400		417		327		

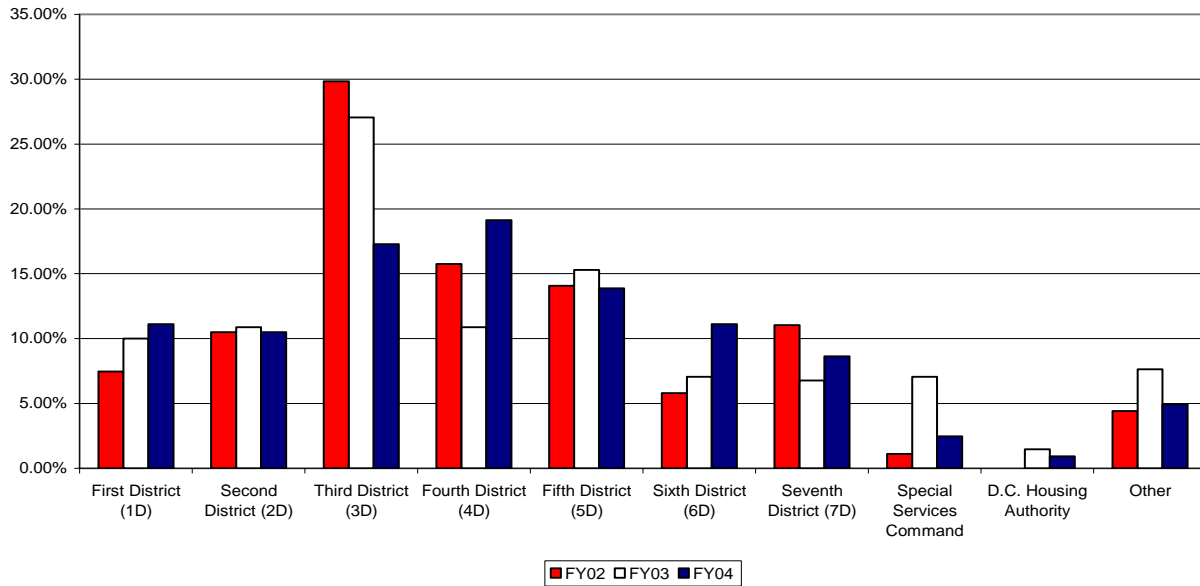
**Chart 15: Subject Officer Gender (as a Percentage)**



**Table 16: Subject Officer Assignment<sup>10</sup>**

	FY02		FY03		FY04	
<b>First District (1D)</b>	27	7.5%	34	9.7%	36	11.1%
<b>Second District (2D)</b>	38	10.5%	37	10.6%	34	10.5%
<b>Third District (3D)</b>	108	29.8%	92	26.4%	56	17.3%
<b>Fourth District (4D)</b>	57	15.8%	37	10.6%	62	19.1%
<b>Fifth District (5D)</b>	51	14.1%	52	14.9%	45	13.9%
<b>Sixth District (6D)</b>	21	5.8%	24	6.9%	36	11.1%
<b>Seventh District (7D)</b>	40	11.1%	23	6.6%	28	8.6%
<b>Special Services Command</b>	4	1.1%	24	6.9%	8	2.5%
<b>D.C. Housing Authority</b>	--	0.0%	5	1.4%	3	0.9%
<b>Other<sup>11</sup></b>	16	4.4%	21	6.0%	16	4.9%
<b>Unidentified</b>	38		68		3	
<b>Total</b>	400		417		327	

**Chart 16: Subject Officer Assignment (as a Percentage)**



**Table 17: Subject Officer Race or National Origin with “Unique Officer” Information**

	FY02	FY02 Unique Officers	FY03	FY03 Unique Officers	FY04	FY04 Unique Officers
<b>African-American</b>	221	176	205	165	170	147
<b>White</b>	98	73	112	85	94	74
<b>Latino</b>	26	14	18	15	17	15
<b>Asian</b>	6	3	6	5	4	4
<b>Other</b>	1	1	5	3	1	1
<b>Unidentified</b>	48	48	71	71	41	41
<b>Total</b>	400	315	417	344	327	282

**Table 18: Subject Officer Gender with “Unique Officer” Information**

	FY02	FY02 Unique Officers	FY03	FY03 Unique Officers	FY04	FY04 Unique Officers
<b>Male</b>	300	228	293	231	266	226
<b>Female</b>	57	44	60	49	47	42
<b>Unidentified</b>	43	43	64	64	14	14
<b>Total</b>	400	315	417	344	327	282

**Table 19: Subject Officer Assignment with “Unique Officer” Information**

	<b>FY02</b>	<b>FY02 Unique Officers</b>	<b>FY03</b>	<b>FY03 Unique Officers</b>	<b>FY04</b>	<b>FY04 Unique Officers</b>
<b>First District (1D)</b>	27	24	34	29	36	33
<b>Second District (2D)</b>	38	29	37	28	34	31
<b>Third District (3D)</b>	108	73	92	61	56	52
<b>Fourth District (4D)</b>	57	45	37	29	62	45
<b>Fifth District (5D)</b>	51	41	52	40	45	40
<b>Sixth District (6D)</b>	21	21	24	23	36	29
<b>Seventh District (7D)</b>	40	28	23	22	28	26
<b>Special Services Command</b>	4	4	24	23	8	8
<b>D.C. Housing Authority</b>	--	--	5	5	3	3
<b>Other</b>	16	13	21	16	16	12
<b>Unidentified</b>	38	38	68	68	3	3
<b>Total</b>	400	316	417	344	327	282

**8. City Wards**

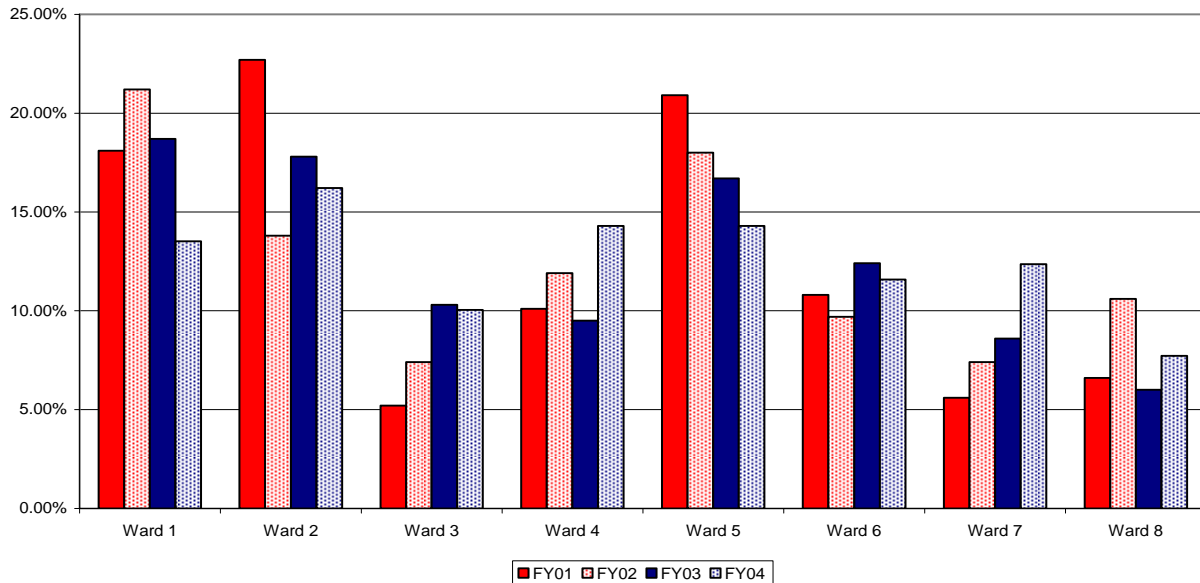
When a complaint is filed, OCCR records the city ward in which the underlying incident occurred. Table 20 reflects the ward that was the site of each complaint filed in fiscal years 2001 through 2004. Table 20 and Chart 20 also reflect the percentages of all complaints that arose in each ward. For fiscal year 2004, the data show a noticeable decrease in complaints from Ward 1 and noticeable increases in complaints from Wards 4 and 7. The data also show a steady decline in the number of complaints from Ward 5 over the course of all four years, and a steady increase in the number of complaints from Ward 7 over the same period.

For reference purposes, a map indicating the location of the District of Columbia’s eight wards is included in Appendix B.

**Table 20: City Wards**

	<b>FY01</b>		<b>FY02</b>		<b>FY03</b>		<b>FY04</b>	
<b>1</b>	52	18.1%	66	21.2%	65	18.7%	35	13.5%
<b>2</b>	65	22.7%	43	13.8%	62	17.8%	42	16.2%
<b>3</b>	15	5.2%	23	7.4%	36	10.3%	26	10.0%
<b>4</b>	29	10.1%	37	11.9%	33	9.5%	37	14.3%
<b>5</b>	60	20.9%	56	18.0%	58	16.7%	37	14.3%
<b>6</b>	31	10.8%	30	9.7%	43	12.4%	30	11.6%
<b>7</b>	16	5.6%	23	7.4%	30	8.6%	32	12.4%
<b>8</b>	19	6.6%	33	10.6%	21	6.0%	20	7.7%
<b>Unidentified / Not in D.C.</b>	21		7		13		3	
<b>Total</b>	308		318		361		262	

**Chart 20: City Wards (as a Percentage)**



**F. Outreach**

**1. Fiscal Year 2004**

Since January 1, 2004, OCCR has worked to carry out its Community Outreach Strategic Plan for 2004. The goal of the plan was to build and maintain relationships with communities that may be underrepresented in their use of the OCCR process. The communities OCCR focused on were the District’s youth population, Latino community, residents who live east of the Anacostia River in Wards 7 and 8, and other historically underserved groups, such as the homeless and the gay/lesbian/bisexual/transgender community. OCCR made tremendous strides with the plan and had a highly successful year in its community outreach efforts, in part because the agency was able to increase its capacity for community outreach activities by engaging its entire staff in outreach events.

This year, OCCR made significant progress with its “training the providers” outreach program. This program involves sessions conducted by OCCR staff members to provide information about the agency to staff members of community-based organizations so that they may then share the information with their clients. Primarily focused on organizations that serve the District’s Latino community, OCCR also was able to conduct this training at organizations that serve the homeless community. This year, OCCR conducted training sessions with Ayuda, Language ETC, and Neighbors’ Consejo, which serve the Latino community, as well as Bread for the City, which serves the homeless community. The program was well received on each of these occasions, and has generated return invitations and referrals to partner organizations.

Because of the success of OCCR’s student interactive training program last year, the agency was able to increase the number of sessions conducted this year. This program engages teachers and students in an interactive presentation about an individual’s rights during encounters

with the police. During fiscal year 2004, OCCR conducted training sessions with students at Anacostia Senior High School, Covenant House Washington's Street Law Program, School Without Walls, and Wilson High School. OCCR also partnered with George Washington University's Student Voices Program to present the training program to Booker T. Washington Public Charter School and Thurgood Marshall Public Service Academy. In addition to the student interactive training sessions, OCCR gave presentations about the agency to community groups in Wards 5, 7, and 8.

Beyond the strategic plan, OCCR conducted a variety of other outreach activities. OCCR dramatically increased its outreach to MPD and the FOP over the course of the year, meeting with several classes of new recruits and newly promoted officials at MPD, as well as the FOP's executive committee and newly elected shop stewards. During each of these sessions, OCCR staff provided information about the agency and answered questions raised by the groups. The agency also met with professional and college groups to discuss the agency's work, participated in forums related to police accountability issues and mediation, and gave interviews with various media outlets to discuss the agency and its work.

As a part of OCCR's international outreach efforts, the agency continued to host guests from other countries. In response to the agency's translation of its complaint form and fact sheet into 13 foreign languages, OCCR was contacted by officers from the Ecuadorian Embassy police force, who visited the agency. The officers were interested in police oversight issues in the United States. OCCR also participated in the Italian Customer Management Forum's "USA Study Tour 2004." The group of Italian public administrators also visited OCCR and was particularly interested in the agency's use of e-government services to better serve individuals in the Washington Metropolitan Area.

## **2. *Community Outreach Strategic Plan for 2005***

For 2005, OCCR will continue some elements of its 2004 Strategic Plan, expand or modify some programs, and add new programs. Based on the success of the student interactive training program, OCCR will continue to conduct these sessions. OCCR will make some return visits to schools and organizations that took part in the program throughout the past year and will pursue opportunities to work with students in other schools and organizations throughout the District. In addition, OCCR will maintain its relationships with the community-based organizations it worked with in fiscal year 2004 and will pursue opportunities to meet with other social service providers throughout the District. The agency will also continue its outreach to MPD and the FOP to ensure that officers are informed about the agency's process.

With respect to new activities, OCCR is planning a public education and awareness program regarding police accountability. OCCR will use its name change as an opportunity to increase information available about the agency and its services. Although OCCR has worked to disseminate information about the agency throughout the city, the agency believes there are still many people who are not fully informed about the agency and its work. As part of the public education and awareness program, OCCR plans to disseminate information in a variety of forums and locations.

### **3. Website**

Since it was created, the agency's website has served as an important community outreach tool. OCCR has regularly updated its news items to keep the public informed about developments at the agency, and added links to assist the public in finding police oversight resources in the United States and worldwide. In addition to these ongoing steps, OCCR made significant changes to the mediation information available on the website so that the public will better understand the agency's mediation program. OCCR made significant changes and improvements to the website during fiscal year 2004, and will continue to use the website as a tool to make information about the agency and police accountability available to the public.

#### **G. Professional Police Oversight Organizations**

As in previous years, OCCR responded to inquiries about the agency from jurisdictions seeking to create or reform their police accountability process in fiscal year 2004. In addition, since the agency opened, OCCR staff members have played an active role in professional organizations related to citizen review of law enforcement and have learned from and contributed to the discussions and training seminars conducted by these organizations. Employees have attended and OCCR representatives have addressed the annual conferences each year since 2001 of the National Association for Civilian Oversight of Law Enforcement (NACOLE). OCCR plans to continue its involvement with these professional organizations to learn from, and share with, other police oversight agencies around the country and the world.

#### **H. Policy Recommendations**

The statute creating CCRB places an obligation on the Board to, "where appropriate, make recommendations" to the Mayor, District Council, and Chief of Police "concerning those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers." To date, CCRB has issued two detailed policy recommendations regarding racial profiling and disorderly conduct arrests.

##### **1. Racial Profiling**

In January 2002, CCRB issued a policy recommendation regarding the identification and prevention of racial profiling by police officers in the District of Columbia, which is available on OCCR's website, [policecomplaints.dc.gov](http://policecomplaints.dc.gov). Specifically, CCRB recommended five policy changes that MPD should implement to identify and prevent racial profiling: (1) collect data on traffic stops; (2) implement a simple and inexpensive paper-based system of data collection; (3) ensure the statistical reliability of the data by including experts on data collection and analysis, chosen by community groups, civil liberties organizations, OCCR, and MPD; (4) implement officer education and training on laws against racially biased policing; and (5) adopt a racial profiling policy and data collection system by June 1, 2002.

Following CCRB's report and recommendations, MPD undertook its Biased Policing Project (BPP), which was designed to address issues regarding racial profiling and other forms of



police bias in the District. As part of the BPP, and to serve in an advisory capacity, MPD formed a Community-Police Task Force, which OCCR has participated in since it was created. After several years of work and some significant delays by the Department, the research organization hired by MPD to study biased policing issues completed its report regarding the District and recommended, among other things, that MPD implement a stop data collection program to detect any racial profiling or other forms of police bias. Through its work on the task force, and in direct advocacy to the Mayor, the Council, and Chief Ramsey, OCCR strongly encouraged MPD to follow the recommendation regarding the collection of stop data. MPD announced in December 2004 that it would go forward with the stop data collection program.

## 2. *Disorderly Conduct Arrests*

In November 2003, CCRB issued a report and recommendations regarding disorderly conduct arrests made by MPD officers. The report, which is also available on OCCR's website, detailed a variety of information regarding disorderly conduct arrests and decisions that had been issued by OCCR complaint examiners sustaining harassment allegations prompted by improper disorderly conduct arrests. Based on the report, CCRB recommended that the Mayor, the Council, and MPD should: (1) modify MPD's arrest procedure to ensure that all citizens who pay \$25 to resolve their arrest are provided with written notice about the collateral forfeiture process and its consequences and that they sign an acknowledgment of their choice to pay the \$25 collateral;<sup>12</sup> (2) immediately begin providing additional training to all MPD officers and supervisors regarding the law and procedure related to disorderly conduct arrests; (3) distribute a videotape message from the Chief of Police reinforcing the responsibilities of all members of the Department when making disorderly conduct arrests; (4) examine a sample of the disorderly conduct arrests made by MPD officers that is significant enough to allow MPD to determine if there are any widespread problems in the entire pool of disorderly conduct arrests; and (5) review the criminal code regarding disturbances of the public peace, particularly disorderly conduct, and the rules regarding collateral forfeiture and consider whether the code or rules need to be revised, updated, or changed, and also consider specific reforms, such as decriminalizing disorderly conduct and allowing individuals 15 days to decide whether to forfeit collateral or challenge their arrest.

In January 2004, OCCR's executive director and deputy director met with the Deputy Mayor for Public Safety and Justice, Council members, and Chief Ramsey regarding the disorderly conduct report and recommendations. In the meeting with Chief Ramsey, he indicated that MPD would take steps to implement recommendations 1 through 4, which suggest changes that are in the control of the Department. MPD has recently indicated that it has taken the following steps in response to CCRB's recommendations: (1) prisoner processing procedures were revised in 2004 to incorporate "post and forfeit" information on the collateral receipt prepared to document posting or forfeiture of collateral, and the arrestee's collateral options will be printed and placed in a visible location at all facilities where arrests are processed; (2) refresher training on disorderly conduct law and procedures will be included as a topic area in the annual in-service and roll call training plans for all officers, and training tapes produced for the in-service training component on disorderly conduct will include an introduction from Chief Ramsey; and (3) consistent with Department policy, a sustained

allegation that an arrest was improper will result in a recommendation for disciplinary action against the officer(s) involved.

With respect to recommendation 5, the Mayor and the Council passed a bill repealing various sections of the criminal code, including several sections that were identified by CCRB in its disorderly conduct report as potentially obsolete. In the "Elimination of Outdated Crimes Amendment Act of 2003,"<sup>13</sup> which took effect on April 29, 2004, the District repealed the criminal code sections regarding Dueling challenges, § 22-1302, Assault for refusal to accept a challenge, § 22-1303, and Leaving the District to give or receive challenge, § 22-1304, among other sections.

In addition, the Council passed a bill in December 2004 that addressed many of the issues regarding collateral forfeiture that were raised by CCRB in its report. The "First Amendment Rights and Police Standards Act of 2004"<sup>14</sup> clarifies the legal status of collateral forfeiture, and requires that (1) a detailed written notice be given to anyone who elects collateral forfeiture, (2) an arrestee sign an acknowledgement of the choice to forfeit collateral, (3) the District develop standards and procedures to be used in administering the collateral forfeiture process, and (4) the Mayor submit an annual report to the Council regarding collateral forfeitures.

CCRB was pleased with the response by the District to its report and recommendations, and the Board commends the Mayor, the Council, and MPD for taking affirmative steps to address the issues raised in the report. CCRB and OCCR will continue to monitor and report on developments in response to CCRB's recommendations, and will further explore ways for the agency to assist in addressing the issues it identified regarding disorderly conduct arrests.

### **III. THE FUTURE**

In fiscal year 2005, OPC expects to continue the progress it made this year. With three new investigators and improved processes, OCCR hopes to see noticeable gains in reducing the time it takes the agency to complete its investigations, along with a further reduction of its number of open complaints. In addition, the agency will continue to conduct as much community outreach and take on as many other special projects as its staffing and funding will allow. While the outlook is good, PCB and OPC will be working closely with the Mayor and the Council to ensure adequate staffing and funding for the continued successful operation of OPC through fiscal year 2005 and beyond.

## Endnotes

<sup>1</sup> See D.C. Official Code § 5-1101, et seq. CCRB also promulgated regulations regarding the operation of OCCR on August 30, 2002. See D.C. Municipal Regulations, Title 6A, § 2100, et seq.

<sup>2</sup> District of Columbia Act 15-463, 51 D.C. Reg. 9406 (2004); District of Columbia Law 15-194, 51 D.C. Reg. 9805 (2004).

<sup>3</sup> The 13 foreign languages are Arabic, Chinese Simplified Text, French, German, Haitian Creole, Italian, Japanese, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese.

<sup>4</sup> The four possible outcomes that a complaint examiner may reach are –

Sustained – where the complainant's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper;

Exonerated – where a preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training;

Insufficient Facts – where there are insufficient facts to decide whether the alleged misconduct occurred; or

Unfounded – where the investigation determined no facts to support that the incident complained of actually occurred.

<sup>5</sup> Please note that when counting the overall outcome for a complaint, a complaint that has at least one sustained allegation is counted as a sustained complaint. The number of sustained complaints is determined by this method because if a complaint has at least one sustained allegation, it must be forwarded to the Chief of Police for imposition of discipline, even if the other allegations are not sustained. The only time that a complaint is not forwarded to the Chief of Police for discipline is when no allegations are sustained. In these cases, the complaint is dismissed after the complaint examiner issues his or her decision.

<sup>6</sup> Please note that all of the statistics for fiscal year 2001 cover only a nine-month period. OCCR opened to the public on January 8, 2001, which was three months into fiscal year 2001.

<sup>7</sup> The data regarding the composition of the population of the District is included for reference purposes. It should be noted that anyone, whether a resident of the District or not, may file a complaint with OCCR.

The breakdown of the District population data was obtained from the 2000 U.S. Census data available on the U.S. Census website, <http://quickfacts.census.gov/qfd/states/11000.html> and <http://quickfacts.census.gov/qfd/states/11000k.html>.

<sup>8</sup> OCCR collected date of birth information for only 57% of its complaints (206 of 361) in fiscal year 2003, but increased to collecting the information for 94% (247 of 262) in fiscal year 2004.

<sup>9</sup> The racial and gender breakdowns of MPD officers were obtained from MPD's 2000 annual report, which was the most recent one available. At the end of 2000, MPD had 3,614 sworn officers. 2,404 were African-American, 1,001 were white, 176 were Latino, and 33 were Asian. 2,737 were men and 877 were women.

<sup>10</sup> The assignment data for fiscal year 2001 is not reported in this table because it was compiled using a different methodology from the other years, and cannot be used for comparison purposes.

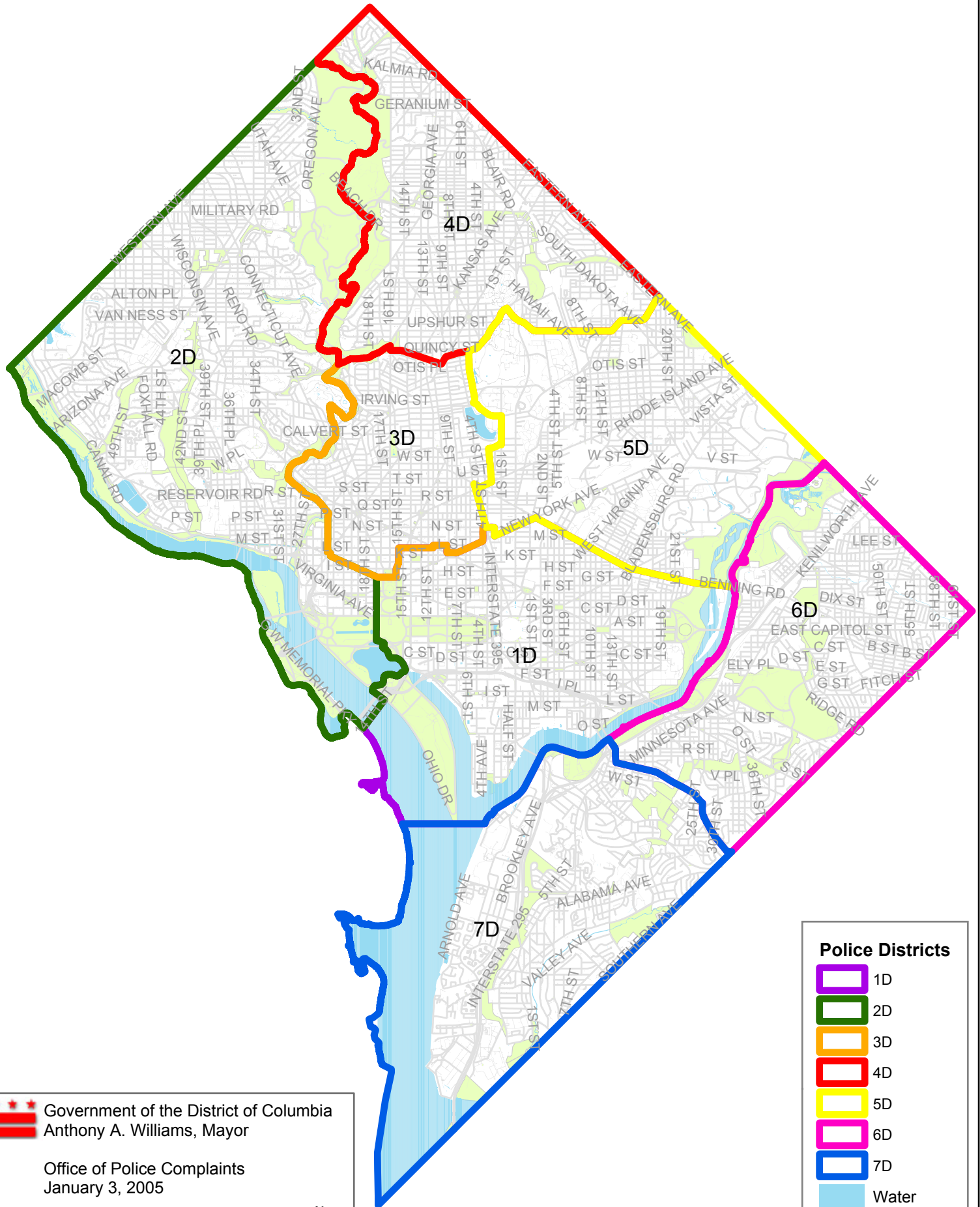
<sup>11</sup> Other includes MPD Headquarters, the Office of Professional Responsibility, Major Narcotics Branch, the Major Crash Investigations unit, the Maurice T. Turner, Jr., Institute of Police Science, Emergency/Non-Emergency Communications, the Air Support Unit, the Regional Operations Command – Central, and the Juvenile Processing Center.

<sup>12</sup> “Collateral forfeiture” or “post and forfeit” involves paying a \$25 “collateral” at the police station at the time of the arrest. The collateral essentially amounts to a fine for the offense, and, after it is posted and forfeited, ends the arrest without any obligation for the person to appear in court at a later date to answer for the underlying charge.

<sup>13</sup> District of Columbia Act 15-255, 50 D.C. Reg. 10996 (2003); District of Columbia Law 15-154, 51 D.C. Reg. 5691 (2004).

<sup>14</sup> District of Columbia Bill 15-968, 51 D.C. Reg. 7176 (2004); District of Columbia Act (pending).

# Appendix A: District of Columbia Police Districts

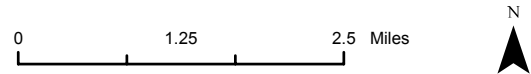


**Police Districts**

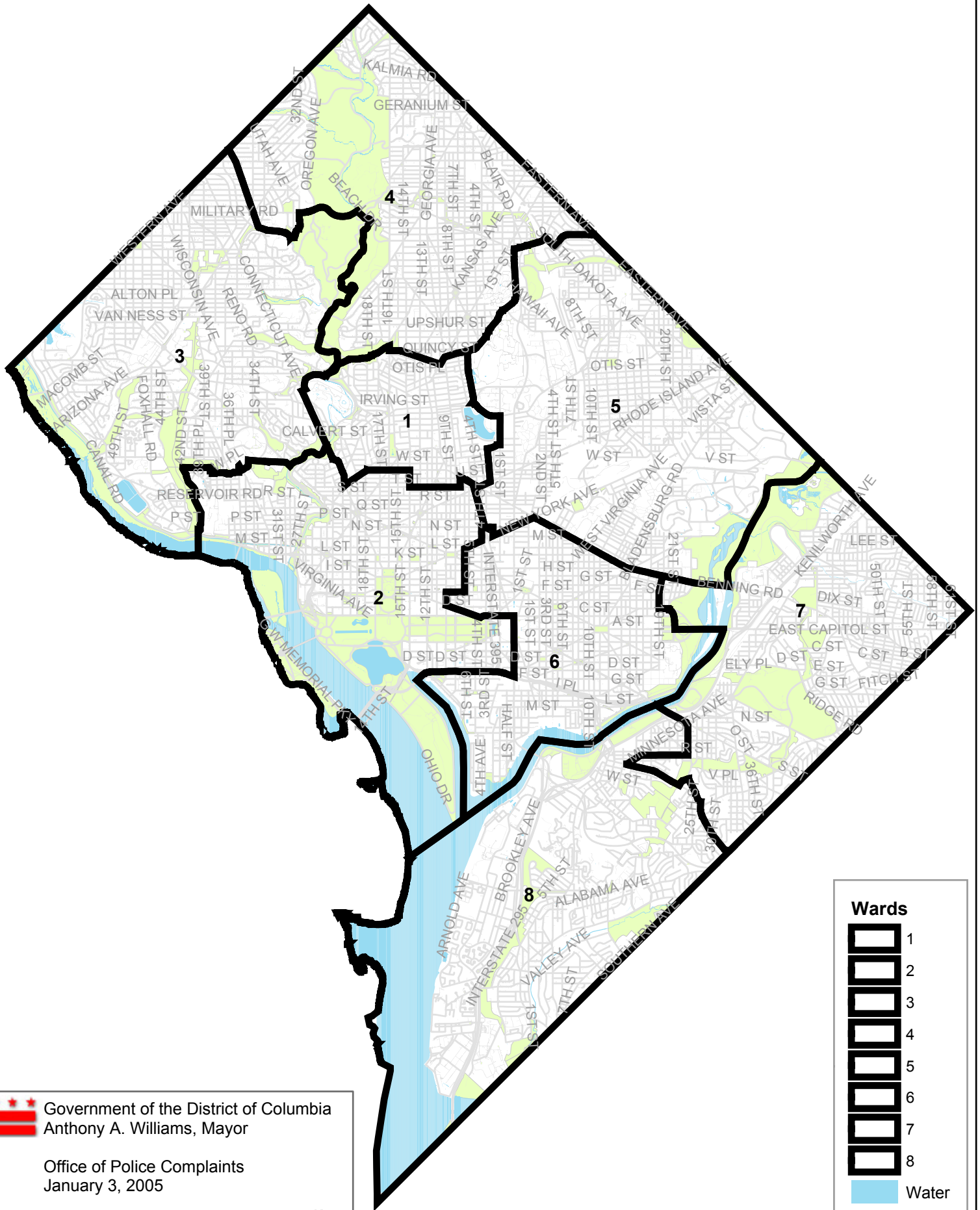
- 1D
- 2D
- 3D
- 4D
- 5D
- 6D
- 7D
- Water
- Parks


Government of the District of Columbia  
 Anthony A. Williams, Mayor

Office of Police Complaints  
 January 3, 2005



# Appendix B: District of Columbia Wards



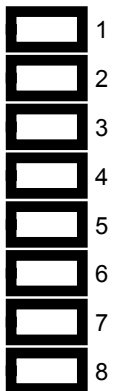

 Government of the District of Columbia  
 Anthony A. Williams, Mayor

Office of Police Complaints  
 January 3, 2005


0 1.25 2.5 Miles

N

## Wards



 Water

 Parks