



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
CITIZEN COMPLAINT REVIEW BOARD
OFFICE OF CITIZEN COMPLAINT REVIEW**



**ANNUAL REPORT
FISCAL YEAR 2002**

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CITIZEN COMPLAINT REVIEW BOARD
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January 2, 2003

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

We are pleased to submit the 2002 Annual Report for the Office of Citizen Complaint Review (OCCR) and its governing body, the Citizen Complaint Review Board (CCRB). This report covers the agency's operations during the District of Columbia Government's fiscal year October 1, 2001, through September 30, 2002.

This is the second annual report of the agency, which opened its doors to the public on January 8, 2001. Our goal is to establish an agency that provides the District of Columbia with a highly-competent, fair, and impartial forum for the investigation and resolution of complaints of misconduct against Metropolitan Police Department (MPD) officers. During our second year, we moved beyond the initial stage of agency development – the startup phase – into the next stage – the early operations phase. In this phase, we have been working to develop all of the systems, procedures, and relationships the agency needs to carry out its functions. We made substantial progress over the course of the year, and achieved several notable accomplishments. These accomplishments include:

- In January 2002, CCRB issued its first policy recommendation to the Mayor, District Council, and MPD regarding the identification and prevention of racial profiling by MPD officers. The recommendation was based on information gathered from OCCR cases, studies and reports on the topic, and interviews with District officials and local leaders from around the country. The recommendation included a report that summarized the information collected, as well as five specific policy changes MPD should implement to identify and prevent racial profiling.
- CCRB promulgated regulations governing the operation of OCCR that took effect on August 30, 2002. The regulations were drafted through a comprehensive process of reviewing regulations from other police oversight agencies around the country and consulting with experts on the topic to arrive at the most effective procedures for

OCCR. The regulations provide guidance and set standards and procedures for OCCR's operation.

- OCCR drafted the first version of its investigation manual, which was completed on November 15, 2002. The manual will be used as an initial training tool and reference guide during investigations, and includes a variety of information about conducting interviews, obtaining documents and evidence, and drafting various memoranda and reports used as part of an investigation. OCCR plans to continually update and change the manual to keep it current and make it more comprehensive.
- In September 2002, OCCR entered into a Memorandum of Understanding (MOU) with MPD to facilitate the fulfillment of OCCR's and MPD's obligations under the OCCR statute and under a Memorandum of Agreement between MPD and the U.S. Department of Justice. The MOU includes terms relating to training, referral of complaints, facilitating interviews and the exchange of documents, and access to some MPD databases, as well as several other issues.
- In addition to offering technical assistance to several police oversight agencies from around the United States during the past year, OCCR hosted and met with representatives of police oversight agencies in Nigeria, the Republic of Serbia, and South Korea.
- In fiscal year 2002, OCCR mediated 15 complaints, bringing the total number of cases mediated by the agency to 25. Overall, the mediated cases have had an 80% success rate, and the overwhelming majority of participants in the process have been satisfied with the services provided by the mediator, the mediation sessions, and the resulting settlements. The mediation program has been a success, and OCCR plans to continue to use it regularly, as well as to explore ways to expand the program.
- OCCR's intern program continued to attract outstanding students who have worked in the office assisting with a variety of projects during the school year and the summer. Since the program began, OCCR has had college interns from American, George Mason, George Washington, Howard, and Niagara Universities, and law school interns from the Georgetown University Law Center, the Howard University School of Law, and the University of the District of Columbia's David A. Clarke School of Law.

We are proud of these accomplishments and believe that they have helped us progress in the development of the agency. Nonetheless, over the course of the year, we encountered many obstacles – including turnover in several key staff positions, delays in gathering information for investigations, ongoing computer support and infrastructure issues, and difficulties in the budgeting process – that slowed us down, and we did not accomplish as much during our second year as we had hoped. As we move into our third year of operation, however, we expect that we will make better progress. All of our staff positions are filled and the new members of the staff are settling in and preparing for the work ahead. We also expanded our staff with the addition of one new investigator who started at the beginning of December. We have gained experience to know where delays occur in the investigative process, and we have entered into an MOU with

MPD that addresses many of the delays, so we expect to be able to focus on and monitor the trouble spots in the process and work to improve them. Although not resolved yet, we are working toward finding a resolution for our computer support and infrastructure issues so that this key element of the success of our office is established and will help us move forward rather than slow us down. Finally, we will continue to work with the District's Office of Budget and Planning to ensure that our operations are not hindered by any more difficulties in the process.

During our third year of operation, we hope to substantially complete the development of all the systems, procedures, and relationships the agency needs so we can turn to fine tuning our processes to become the most efficient and effective agency possible. We will be working to develop and improve as quickly as possible so that we can accomplish our goal of establishing an agency that provides the District of Columbia with a highly-competent, fair, and impartial forum for the investigation and resolution of police misconduct complaints, and so that we can be a positive force for better policing.

Respectfully submitted,

Maria-Cristina Fernandez
Chairperson
Citizen Complaint Review Board

Philip K. Eure
Executive Director
Office of Citizen Complaint Review

Table of Contents

I.	History and Purpose	1
II.	Overview	2
A.	Citizen Complaint Review Board	2
B.	Office of Citizen Complaint Review.....	3
C.	Staff Growth and Development.....	4
1.	Required Training for Investigators	5
2.	Weekly Staff Meetings.....	5
3.	National Organizations.....	5
D.	Interns and Law Clerks at OCCR.....	6
III.	Work of OCCR.....	6
A.	Complaint Process.....	6
B.	OCCR Regulations.....	8
C.	MPD/OCCR Memorandum of Understanding.....	8
D.	Statistics	9
1.	Citizen Contacts and Formal Complaints.....	9
2.	Disposition of Formal Complaints	10
3.	Status of Pending Formal Complaints at the End of Each Fiscal Year.....	11
4.	Allegations in Formal Complaints	12
5.	Race of Complainants	13
6.	Gender of Complainants.....	16
7.	Race of Subject Officers	17
8.	Gender of Subject Officer	19
9.	Police Districts and Units.....	21
10.	City Wards.....	23
E.	Mediation	24
1.	Mediation Example #1	26
2.	Mediation Example #2	26
3.	Mediation Example #3	27
F.	Policy Recommendations.....	28

IV.	Outreach	28
A.	Fiscal Year 2002.....	28
B.	Community Outreach Strategic Plan.....	29
C.	Website.....	30
D.	Other Police Oversight Agencies	30
V.	Information Technology.....	31
VI.	The Future	31

I. HISTORY AND PURPOSE

The Office of Citizen Complaint Review (OCCR) and its governing body, the Citizen Complaint Review Board (CCRB or Board), were created by statute in 1999 to investigate and resolve citizen complaints of police misconduct within the Metropolitan Police Department (MPD), the District of Columbia's 3,600-member police force. 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 citizen complaints. The District's new citizen oversight office was the product of extensive research and careful thought by District officials. 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, impartial, and fair forum for the review of complaints of misconduct against MPD officers.

The purpose of establishing an improved system of citizen oversight in the District is set forth in the statute creating CCRB and OCCR:

“The purpose of this subchapter is to establish an effective, efficient, and fair system of independent review of citizen complaints against police officers in the District of Columbia, which will:

- (1) Be visible to and easily accessible to the public;
- (2) Investigate promptly and thoroughly claims of police misconduct;
- (3) Encourage the mutually agreeable resolution of complaints through conciliation and mediation where appropriate;
- (4) Provide adequate due process protection to officers accused of misconduct;
- (5) Provide fair and speedy determination of cases that cannot be resolved through conciliation or mediation;
- (6) Render just determinations;
- (7) Foster increased communication and understanding and reduce tension between the police and the public; and
- (8) Improve the public safety and welfare of all persons in the District of Columbia.”

The agency set about to fulfill this mission in a comprehensive and goal-oriented manner. Following the appointment and confirmation of Board members in January 2000 by Mayor Anthony A. Williams and the Council of the District of Columbia, CCRB hired Philip K. Eure as executive director of OCCR in July 2000. In consultation with Board members, Mr. Eure began the task of building the office from scratch, including hiring investigative and administrative personnel, securing office space, and purchasing computers, phones, and office supplies. Because the Board wanted the agency to live up to the mandate of the statute and to become a model agency within the District government, several Board members and Mr. Eure visited other cities, conducted extensive research, met with nationally recognized experts, and developed a “best practices” approach.

After a development period of about four months, OCCR opened its doors on January 8, 2001. That same day the office took in its first complaint from a citizen who described how his claims of excessive force by police officers had been ignored when reported to police investigators. This first complaint and the new agency were spotlighted in a January 9, 2001, *Washington Post* article.

Over the two years since OCCR opened, the agency has been contacted by over 1,000 citizens and has received over 625 complaints. It has conducted hundreds of investigations, mediated 25 cases, and referred its first cases to complaint examination. The agency also has expanded its community outreach to inform citizens all over the District about the agency and the process for filing a police misconduct complaint. In short, the agency has continued to grow and develop, all with a view toward fulfilling the mission that was set out when it was created.

II. OVERVIEW

A. Citizen Complaint Review Board

According to its enabling statute, CCRB is to be 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. At present, there is one vacant non-MPD seat on the Board, with a term that expires on January 12, 2003. The other four Board members are:

Maria-Cristina “Mai” Fernandez was appointed Chairperson of the Board and works as the Managing Director for Program Operations of the Latin American Youth Center (LAYC). Prior to joining LAYC, Ms. Fernandez 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. Fernandez 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. Ms. Fernandez’s term expires on January 12, 2005.

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. In addition, Mr. Sainte-Andress has been an advocate on many issues affecting the District’s gay and lesbian communities. He is a graduate of Lincoln University in Pennsylvania and has been a teacher, dancer, singer, actor, writer, and producer. He also served in the U.S. Navy. Mr. Sainte-Andress’s term expires on January 12, 2005.

Dr. Patricia Fisher is a licensed counseling and clinical psychologist with over 25 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 15 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, 2004.

Inspector Stanly Wigenton is a 24-year veteran of the Metropolitan Police Department and the director of Internal Affairs with MPD's Office of Professional Responsibility, where he previously served as a lieutenant and a captain. Inspector Wigenton has served as an officer and lieutenant in the 2nd district, a sergeant and captain in the 4th district, a captain and commanding officer in the 6th district, and an inspector in the Communications, Business Services, and Special Operations divisions. He attended the University of the District of Columbia. Inspector Wigenton's term expires on January 12, 2003.

The Board meets on the first Monday evening of every other month. At these meetings, Board members are updated by the OCCR executive director, deputy director, and chief investigator on 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 OCCR, along with the disposition of these complaints. The Board takes an active role in the work of OCCR, offering guidance on many issues that arise. The Board also is charged with reviewing the executive director's recommendations for dismissal of complaints and making recommendations to MPD, where appropriate, regarding MPD's recruitment, training, evaluation, discipline, and supervision of police officers where changes may affect the incidence of police misconduct.

B. Office of Citizen Complaint Review

OCCR operates under the supervision of the executive director, who is appointed by the Board. The executive director is assisted with the management of OCCR by a deputy director, a chief investigator, and an assistant chief investigator. The office is staffed by an investigative team consisting of one senior investigator and five staff investigators, all of whom take in and investigate complaints. The management team and investigators are assisted by an administrative officer, a public affairs specialist, a staff assistant, an investigative clerk, and a receptionist. Additionally, OCCR has developed an internship program that brings in college and law students year-round to assist the staff in its regular duties and special projects.

OCCR's staffing level remained constant in fiscal year 2002, but the office welcomed new staff members into several key positions over the course of the year. In addition, for the first time, OCCR hired an assistant chief investigator and an administrative officer. At the beginning of December 2002, OCCR added one new investigator, which will increase the staffing level by one for fiscal year 2003. The current members of the staff are:

Philip K. Eure, the executive director, joined the agency 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. Mr. Eure received his undergraduate degree from Stanford University and his law degree from Harvard Law School.

Thomas E. Sharp, the deputy director, joined OCCR 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.

John F. Keenan, the chief investigator, was appointed to his position in August 2002. He joined the agency with over 30 years of investigative experience. Mr. Keenan worked with the District's Office of Tax and Revenue, Criminal Investigation Division, for two years before assuming his current position. Prior to that, he spent 28 years in federal law enforcement positions in the Department of Treasury and the Department of Defense. When he retired from federal service in July 2000, Mr. Keenan was a member of the Senior Executive Service. He earned his bachelor's degree in business administration from Marist College.

Kesha Taylor, the assistant chief investigator, was hired in July 2002. Prior to joining OCCR, 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 for 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.

Other Staff Members:

Anthony Lawrence	Senior Investigator
Natasha Bryan	Investigator
Edward Daniels	Investigator
Kelly Huang	Investigator
Jarrod D. Lynn	Investigator
Sean Mornan	Investigator
Sherry Meshesha	Investigative Clerk
Melanie Deggins	Public Affairs Specialist
Barbara Bryant	Administrative Officer
Sonja Wingfield	Staff Assistant
Tracey Lucas	Receptionist

C. Staff Growth and Development

OCCR staff development and training are given a high priority. 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. In addition, staff members are informed of all 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.

1. *Required Training for Investigators*

OCCR investigators are required to complete a formalized training program. This program varies for each investigator because investigators come to OCCR with differing levels of experience and training. Every training program, however, includes certain internal training sessions as well as certain courses offered by outside organizations. The required internal sessions cover the elements of OCCR's investigative process, including intake, the case tracking system, and report and memorandum writing, as well as the MPD general and special orders and OCCR's statute and regulations, mediation program, and community outreach program. The required outside courses are taught at the Institute of Police Technology and Management at the University of North Florida in Jacksonville, Florida, and include instruction in investigative techniques, internal affairs, interviewing, and interrogations.

OCCR investigators have attended, and will attend on a continuing basis, MPD's annual re-certification training. This training is required for all MPD officers and consists of 40 hours on topics such as the use of force, the use of handcuffs, the law of arrest, search and seizure, the rules of evidence, traffic stops, note taking, and report writing. OCCR investigators and interns also have attended programs provided by the staff at the U.S. Holocaust Memorial Museum that address police accountability and sensitivity to racial, ethnic, religious, and other differences.

Additionally, the Office completed the first version of its investigation manual to be used as an initial training tool and reference guide during investigations. The manual includes a variety of information about conducting interviews, obtaining documents and evidence, and drafting various memoranda and reports used as part of an investigation. Each investigator also will be involved in the process of updating the manual as changes occur in the office and as additional topics are identified to make the manual more comprehensive.

2. *Weekly Staff Meetings*

The OCCR staff meets as a whole every week to ensure that all employees are informed about issues that are important to the mission of OCCR, and to discuss different approaches or challenges to providing services to the public. All staff members are encouraged to share with the group additional resources and new ideas for the office as a whole or in individual cases. Employees repeatedly have voiced their support for the opportunity to come together as a group on a regular basis.

3. *National Organizations*

Staff members at OCCR play an active role in several professional organizations related to citizen review of law enforcement and learn from the discussions and training seminars presented by these organizations. For example, employees have attended the annual meetings in 2001 and 2002 of the National Association for Civilian Oversight of Law Enforcement (NACOLE).

D. Interns and Law Clerks at OCCR

In the summer of 2001, OCCR established a year-round internship program for both college and law school students. The college students have assisted with investigations and worked on other projects in the office, while the law students have performed 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 may be able to receive a salary for full-time work.

During the summer, in addition to helping with other projects, the college interns are given cases of their own that they investigate under the guidance of a mentor, a full-time OCCR investigator who is partnered with each intern. To prepare them to do investigative work, the college interns are required to complete an intensive training program that has an initial period of instruction followed by a continuing education component. During the academic year, the college interns are assigned to a mentor, but they are not given cases of their own to investigate. Instead, they assist full-time OCCR investigators with tasks ranging from telephone intake of complaints and witness interviews to research on office-wide projects. They also are required to attend a series of in-house training sessions. The size and scope of the projects that college interns receive during the academic year is significantly influenced by what their class schedule will allow.

Since the internship program began, OCCR has attracted many outstanding students. Through the fall of 2002, 14 college students and five law students have participated in the program. They have come from a variety of schools, including American, George Mason, George Washington, Howard, and Niagara Universities and the Georgetown University Law Center, 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 OCCR and the District, and the office plans to continue hiring interns during each semester and the summer.

III. WORK OF OCCR

A. Complaint Process

The statute creating CCRB and OCCR sets forth the complaint process. The law embodies a hybrid model for citizen oversight – an independent authority that investigates complaints and makes policy recommendations to the police department. Consequently, the agency operates independently of MPD, while at the same time interacting with Department officials and fostering a mutually-beneficial working relationship.

OCCR is physically located away from MPD buildings. Complaints of police misconduct may be received at the OCCR office, as well as at any police district station. Additionally, because accessibility is a key goal of the office, complaints may be made in person or by mail, telephone, fax, or e-mail by any person who has personal knowledge of alleged police misconduct, irrespective of whether the individual was the actual victim. However, all formal complaints must be signed and certified as true by the complainant. An investigator is on

duty every day that OCCR is open, and speaks directly with complainants when they call or walk in. Also, complaint forms have been translated into seven other languages – Spanish, Mandarin Chinese, Vietnamese, Japanese, French, Creole, and Russian – to serve non-English speaking citizens.

In order for OCCR to accept a complaint, it must be received within 45 days of the alleged misconduct and must fall within at least one of five categories of conduct OCCR is authorized to investigate:

- (1) Harassment;
- (2) Insulting, demeaning, or humiliating language or conduct;
- (3) Retaliation for filing a complaint with OCCR;
- (4) Excessive or unnecessary force; or
- (5) Discriminatory treatment.

Complaints that fall outside of these five categories are referred to MPD's Office of Professional Responsibility. Complaints are screened by the executive director, who decides whether to dismiss, investigate, mediate, or conciliate each matter, or refer it to the U.S. Attorney for the District of Columbia for possible criminal prosecution. Whenever the executive director decides to dismiss a complaint, one member of the Board must concur in the dismissal.

OCCR firmly believes in the benefits of mediation. Thus, appropriate complaints are forwarded to mediation on a frequent basis. Independent mediators then meet with the complainant and subject police officer in an effort to reach a resolution. Likewise, OCCR's executive director may conciliate appropriate complaints in order to resolve them.

Once a complaint is referred for investigation, an investigator is assigned to the matter. The investigator interviews the complainant, subject officer, and witnesses to the incident, obtains documentary materials, and visits the scene of the incident or conducts any other investigation deemed appropriate after consultation with a supervisory investigator. Because the law mandates MPD cooperation with OCCR in the investigation and adjudication of complaints, the two agencies have developed a working relationship to facilitate the interviewing of officers and access to documents. If it becomes necessary, OCCR has the authority to subpoena documents and can report to MPD superiors an officer's failure to appear for an interview, which may result in discipline.

When an investigation is completed, the investigative report is forwarded to the executive director who may dismiss the complaint, request further investigation, or refer the matter to a complaint examiner for a merits determination. OCCR referred its first case for complaint examination in fiscal year 2002, and complaint examiners will issue merits determinations on this case, as well as four additional cases that have been referred since the end of the fiscal year, in fiscal year 2003. OCCR has assembled a well-respected, experienced, talented, and diverse pool of lawyers to serve as complaint examiners. The complaint examiner may request further investigation, or may decide the case after a thorough review of the investigative file or after an evidentiary hearing. However, the complaint examiner is not required to conduct an evidentiary hearing. Should an evidentiary hearing be scheduled, both parties will have the opportunity to present testimony and evidence. If a complaint is sustained, the executive director will send the

determination and the entire OCCR file to the police chief for review and imposition of discipline. If the police chief does not agree with the findings of the complaint examiner, he may return the matter to the executive director for review by a final review panel consisting of three complaint examiners. If the merits determination is upheld by the review panel, the police chief must issue a decision on discipline for the subject officer. If the complaint is not sustained, then the executive director shall issue a written dismissal.

B. OCCR Regulations

On August 30, 2002, pursuant to the authority granted to it by statute, and in accordance with the District of Columbia's procedures, CCRB promulgated regulations governing the operation of OCCR. The regulations were drafted through a comprehensive process of reviewing regulations and "best practices" from other police oversight agencies around the country and consulting with experts on the topic to arrive at the most effective procedures for OCCR.

OCCR's regulations accomplish several goals. Consistent with the statute creating CCRB and OCCR, the regulations provide guidance regarding various terms in the statute, including the types of conduct covered by OCCR's jurisdiction. They set forth standards to guide OCCR in accepting, reviewing, and dismissing complaints, as well as in referring complaints to mediation or conciliation. Finally, the regulations set out procedures for the mediation, conciliation, and complaint examination processes. Overall, the regulations are a significant step in the development and operation of the office.

C. MPD/OCCR Memorandum of Understanding

In June 2001, the District of Columbia and MPD entered into a Memorandum of Agreement (MOA or Agreement) with the U.S. Department of Justice with the purpose of minimizing the risk of excessive use of force, promoting best practices and procedures in police management, and continually improving management of force issues. An independent monitor was selected under the MOA to review and report on MPD's implementation of, and assist with MPD's compliance with, the Agreement. Even though OCCR is independent of MPD, and OCCR was not a party to the MOA, several provisions of the Agreement relate to OCCR's work and relationship with MPD because the issues are closely connected. In addition to the terms in the Agreement, the statute creating OCCR requires MPD's cooperation with OCCR's investigation and adjudication of complaints. In an effort to facilitate the fulfillment of OCCR's and MPD's obligations under the Agreement and the OCCR statute, OCCR entered into a Memorandum of Understanding (MOU) with MPD regarding these issues.

The MOU sets out terms relating to a variety of issues, including: (1) the training MPD will provide to OCCR investigators regarding use of force, canine deployment, transporting individuals in custody, restraints, arrests, and other topics; (2) the process by which MPD will refer complaints that are within OCCR's jurisdiction to OCCR; (3) the process by which OCCR will refer complaints that are outside OCCR's jurisdiction to MPD; (4) procedures MPD will follow to facilitate interviews of police officers by OCCR and the furnishing of documents to OCCR; (5) access to information in MPD's Early Warning Tracking System and Personnel

Performance Management System; (6) procedures MPD will follow to distribute information about OCCR to the public; and (7) information that OCCR will provide to MPD regarding cases it resolves through mediation. The terms of the MOU provide a framework that will help OCCR conduct its investigations by facilitating access to and sharing of information with MPD.

D. 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 that are included in this section. These statistics reflect OCCR's current thinking about how to provide the best and most accurate picture of its operations based on the information available.¹ However, OCCR is engaged in an ongoing process of reexamining its statistical data and is looking for ways to change and adapt its reporting and collection of data. Through this process, OCCR hopes to provide a more vivid picture of its work and what it has learned about interactions between citizens and the police, as well as identify patterns and trends in these interactions, and make recommendations to MPD to help improve policing in the District. OCCR recognizes the power of the information it can collect as part of its normal operations and is working to make the most of this information.

1. Citizen 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." Frequently, OCCR is contacted by citizens inquiring about filing a complaint, but who have not yet submitted a signed complaint. Where possible, OCCR opens a file for each one of these citizen contacts and attempts to obtain a formal complaint by mailing a form to the citizen or giving him or her instructions about filing a complaint in person. If no formal complaint is received, the file related to such a contact is closed. In addition, citizen contacts may be closed for administrative reasons or may be referred to MPD or another law enforcement agency when the contact clearly relates to an issue outside OCCR's jurisdiction.

The table below indicates the number of citizen contacts received by OCCR in fiscal years 2001 and 2002, the number of formal complaints that resulted in each year, and the disposition of each citizen contact that did not result in a formal complaint. The table also includes a total for both years in each category. While the statistics show an increase in fiscal year 2002 in the absolute number of contacts (from 477 to 535) and formal complaints (from 310 to 318) received by OCCR, the average number of contacts and complaints per month actually was lower in 2002 because fiscal year 2001 was only a partial year (contacts decreased from

¹ OCCR took great care while collecting the statistics in this section. However, due to the ongoing development of OCCR's case tracking database and the continual refinement of its data collection procedures, the statistics are subject to change as the process continues. OCCR believes that these statistics present a fair general view of its operations, but expects that details will change as OCCR begins to recalculate manually compiled statistics from fiscal year 2001 and conform and check the data underlying the statistics for both fiscal years 2001 and 2002.

approximately 53 per month to 45 per month, and formal complaints decreased from approximately 34 per month to 27 per month). Anecdotal information received from other police oversight agencies suggests that the number of complaints was down all over the country because of increased goodwill toward police officers and firefighters following the terrorist attacks on September 11, 2001. Although OCCR has no specific information to support these explanations over any others, other possible reasons include improved interactions between citizens and police officers or fewer contacts between citizens and police officers, thereby providing fewer opportunities for police misconduct. OCCR expected the number of contacts and formal complaints to increase in 2002 based on the increase in community outreach activities. OCCR will work to gather information in the future that will assist in understanding the year-to-year trends in citizen contacts and formal complaints.

The statistics also show a substantial increase in the number of citizen contacts referred to MPD in fiscal year 2002 (from 1 to 28). These statistics must be considered in conjunction with the statistics in the next section of the report regarding referral of formal complaints to MPD. When considered together, they indicate a consistent number of referrals to MPD overall (from 108 to 116), although a larger number of referrals happened earlier, before a formal complaint was received, in fiscal year 2002. OCCR attributes this shift to developments in its process of identifying when contacts or complaints should be referred to MPD, which allows for the referral to happen earlier.

Citizen Contacts and Formal Complaints

	FY01	FY02	Total
Total Citizen Contacts	477	535	1,012
Contact Closed – No Formal Complaint	158	181	339
Contact Closed – Administrative Reasons	8	3	11
Referred to MPD	1	28	29
Referred to Other Agencies	--	5	5
Total Formal Complaints	310	318	628

2. Disposition of Formal Complaints

Each year, OCCR works to resolve as many formal complaints as possible. Complaints are closed because they have been dismissed in accordance with the OCCR statute, successfully mediated, or withdrawn by the complainant. Complaints also are closed because they have been referred to MPD. A small number of cases are closed for administrative reasons or referred to other law enforcement agencies when the complaints relate to the other agency's officers.

Complaints are referred to MPD for a variety of reasons, including that they contain allegations that are not within OCCR's jurisdiction to investigate. These complaints may contain allegations of failure to perform duties, theft, or customer service issues, but they do not contain allegations of harassment, language or conduct that is insulting, demeaning, or humiliating, retaliation for filing a complaint with OCCR, excessive or unnecessary force, or discriminatory

treatment. Complaints also may be referred to MPD because they were filed outside the 45-day limit for filing a complaint set by the OCCR statute and regulations.

The table below indicates the total number of formal complaints that were closed in fiscal years 2001 and 2002, as well as the specific disposition of each. For formal complaints closed in fiscal year 2002, the table indicates how many of the complaints were complaints opened in 2001 as opposed to complaints opened in 2002. The table also includes a total for both years in each category. The statistics show a significant increase in fiscal year 2002 in the total number of complaints dismissed (from 21 to 93) and in the total number of complaints closed overall (from 161 to 224). OCCR does not attribute the increase to a substantial change in the operation or behavior of the office, but rather to the fact that the agency was new and was building its number of complaints over the course of fiscal year 2001. The effect of building the number of complaints can be seen by examining the breakdown of the complaints closed in fiscal year 2002. The Opened in FY02 column, which reflects complaints that were both opened and closed in fiscal year 2002, much more closely resembles the FY01 column, which reflects complaints that were both opened and closed in FY01, than the total number of complaints closed in fiscal year 2002. The cause of the difference can be seen by looking at the Opened in FY01 column, which shows the carryover of cases that were opened in fiscal year 2001, but closed in fiscal year 2002.

Disposition of Formal Complaints

	FY01	FY02		Total	
		Total	Opened in FY01		Opened in FY02
Dismissed	21	93	55	38	114
Successfully Mediated Cases	7	13	7	6	20
Withdrawn by Complainant	11	17	12	5	28
Referred to MPD	107	88	5	83	195
Referred to Other Police Agencies	3	1	--	1	4
Administrative Closures	12	12	10	2	24
Closed Formal Complaints	161	224	89	135	385

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. The table below indicates the total number of cases from all years that were open at the end of fiscal years 2001 and 2002. The table also indicates the specific status of each open case, which may be currently under investigation, referred to the U.S. Attorney's Office for possible criminal prosecution and awaiting action, referred to mediation and awaiting action, investigation complete and awaiting review for dismissal or referral to a complaint examiner, or awaiting referral to another agency or the initial executive decision about how to proceed with a new case.

The statistics show that from the end of fiscal year 2001 to the end of fiscal year 2002, the office maintained a relatively stable level of complaints under investigation (from 99 to 109), complaints referred to the U.S. Attorney and awaiting action (from 20 to 27), and complaints referred to mediation and awaiting action (from 15 to 17). A buildup has occurred, however, with complaints awaiting a dismissal determination or a complaint examination. The buildup in complaints awaiting complaint examination is partially due to delays in launching the complaint examination process, which was slowed down by the completion of the OCCR regulations, among other things. The first case was referred to complaint examination in fiscal year 2002, and four more complaints have been referred since the end of the fiscal year, and OCCR expects merits determinations on these and other complaints in fiscal year 2003 that will help clear the buildup. The buildup in both complaints awaiting a dismissal determination and complaints awaiting complaint examination also is partially attributable to the staff turnover at OCCR, but OCCR is beginning to clear the part of the buildup resulting from the turnover as the new staff members settle in and get up to speed on that work.

Status of Pending Formal Complaints at the End of Each Fiscal Year

	FY01	FY02
Referred for OCCR Investigation	99	109
Referred to U.S. Attorney's Office	20	27
Pending Mediation	15	17
Pending Dismissal Determination	15	56
Pending Adjudication	--	23
Pending Referral to Complaint Examiner	--	1
Executive Decision	--	4
Total Number of Open Complaints	149	237

4. Allegations in Formal Complaints

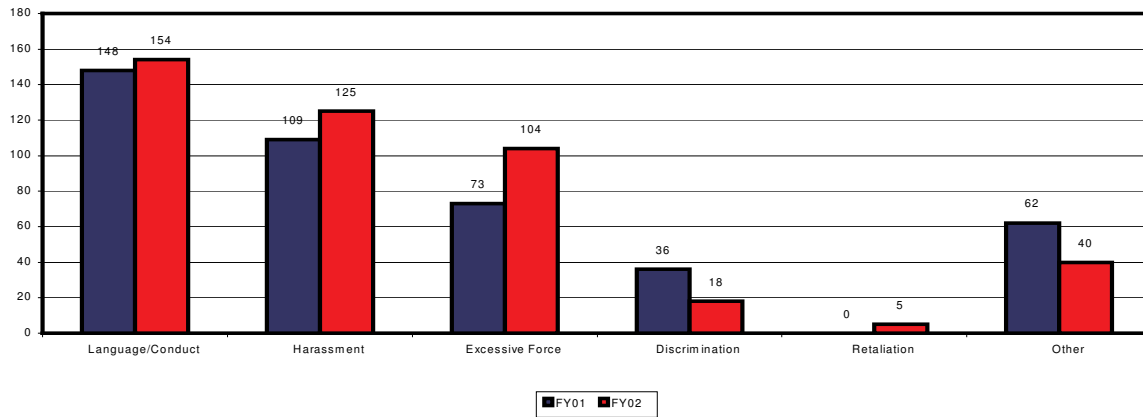
Each formal complaint may contain allegations of more than one type of misconduct, including harassment, language or conduct that is insulting, demeaning, or humiliating, retaliation for filing a complaint with OCCR, excessive or unnecessary force, or discriminatory treatment. Complainants also often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

The table and bar chart below indicate the total number of allegations contained in all of the formal complaints received in fiscal years 2001 and 2002, as well as the number of each type of allegation made. The table also includes a total for both years in each category. The statistics show that each type of allegation maintained a relatively consistent proportion of the overall number of allegations made from fiscal year 2001 to fiscal year 2002. The biggest changes were an increase in excessive force allegations (from approximately 17% of all allegations to 23%) and a decrease in discrimination allegations (from approximately 8% of all allegations to 4%). Also in fiscal year 2002, OCCR received its first allegations of retaliation for filing a complaint; there were five in total, and they made up approximately 1% of all allegations.

Allegations in Formal Complaints

	FY01	FY02	Total
Language/Conduct	148	154	302
Harassment	109	125	234
Excessive Force	73	104	177
Discrimination	36	18	54
Retaliation	--	5	5
Other	62	40	102
Total Allegations	428	446	874

Allegations in Formal Complaints



5. *Race of Complainants*

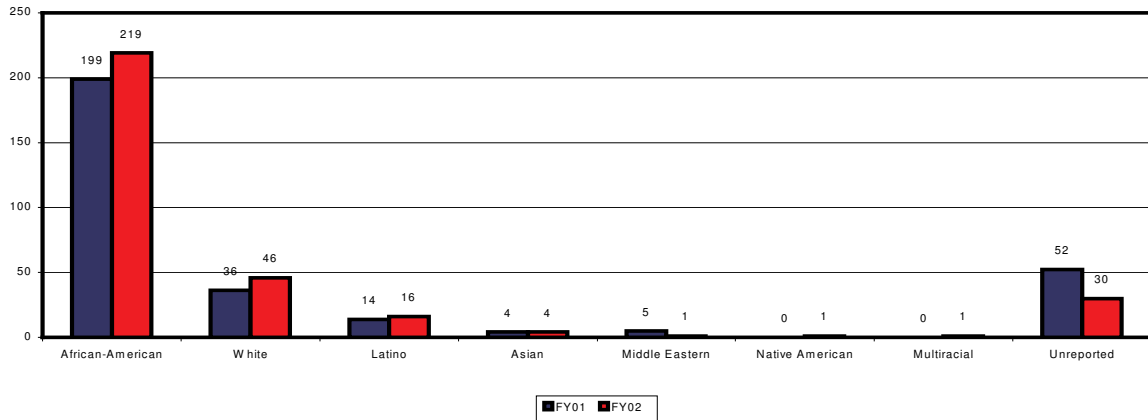
When a citizen files a complaint, the citizen is asked to identify his or her race. The table and bar chart below reflect the race indicated by each complainant.² The FY01 and FY02 columns or bars reflect the race of the complainant for each complaint filed in fiscal years 2001 and 2002, not eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one African-American man filed two separate complaints in 2002, the FY02 column or bar would reflect two African-American complainants. The statistics show that the race of complainants remained relatively consistent from fiscal year 2001 to fiscal year 2002, and that OCCR had its first complainants who identified themselves as Native American or multiracial.

² In some cases, the citizen is unwilling to provide race or gender information or fails to include it when completing the complaint form. Complainants in these complaints are counted in the “unreported” category.

Race of Complainants

	FY01	FY02
African-American	199	219
White	36	46
Latino	14	16
Asian	4	4
Middle Eastern	5	1
Native American	--	1
Multiracial	--	1
Unreported	52	30
Total	310	318

Race of Complainants



Each complainant may file multiple complaints with OCCR. For fiscal year 2002, the table below adds a FY02 Different Complainants column, which reflects the race of each unique complainant, eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one African-American man filed two or more separate complaints in 2002, the FY02 Different Complainants column would count that complainant only once. One other way to look at the statistics would be that 208 different African-American complainants filed 219 complaints in fiscal year 2002.

Looking at the statistics, they show that there were only 11 complaints that were filed by a complainant who also filed another complaint. In general, no single complainant filed more than a couple complaints and the vast majority of complaints received by OCCR came from different complainants.

Different complainant information is not available for fiscal year 2001.

Race of Complainants

	FY02	FY02 Different Complainants
African-American	219	208
White	46	46
Latino	16	16
Asian	4	4
Middle Eastern	1	1
Native American	1	1
Multiracial	1	1
Unreported	30	30
Total	318	307

The table below indicates the percentage of the total number of complaints (excluding complaints with an unreported complainant race) that were filed by members of each racial group for fiscal years 2001 and 2002. The table also indicates the racial composition of the population of the District of Columbia as a whole.³ 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 statistics show that the proportions of the race of complainants remained relatively consistent from fiscal year 2001 to fiscal year 2002. The statistics also show that the racial breakdown of complainants was not consistent with the racial breakdown of District residents. In fiscal year 2002, the proportion of African-American complainants remained substantially higher than the proportion of African-American residents in the District (16.0% higher) and the proportion of white complainants remained substantially lower than the proportion of white residents in the District (11.8% lower). OCCR will continue to explore why the racial breakdown of complainants is disproportionate to the racial breakdown of the District population.

³ The racial breakdown of the District population data was obtained from the 2000 Census data available on the U.S. Census website (<http://quickfacts.census.gov/qfd/states/11000.html>).

Race of Complainants

	FY01	FY02	District Population
African-American	77.1%	76.0%	60.0%
White	14.0%	16.0%	27.8%
Latino	5.4%	5.6%	7.9%
Asian	1.6%	1.4%	2.7%
Middle Eastern	1.9%	0.3%	--
Native American	--	0.3%	0.3%
Multiracial	--	0.3%	2.4%

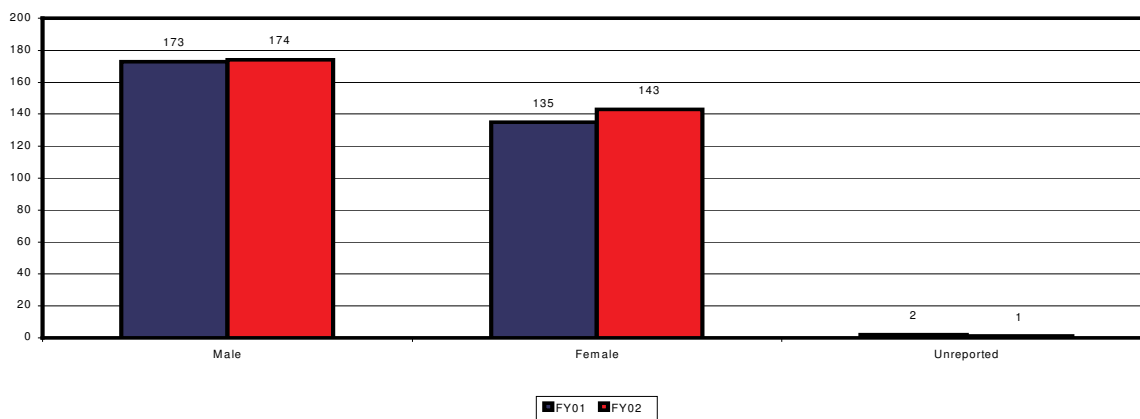
6. Gender of Complainants

When a citizen files a complaint, the citizen is asked to identify his or her gender. The table and bar chart below reflect the gender indicated by each complainant. The FY01 and FY02 columns or bars reflect the gender of the complainant for each complaint filed in fiscal years 2001 and 2002, not eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one female filed two separate complaints in 2002, the FY02 column or bar would reflect two female complainants. The statistics show that the gender of complainants remained relatively consistent from fiscal year 2001 to fiscal year 2002.

Gender of Complainants

	FY01	FY02
Male	173	174
Female	135	143
Unreported	2	1
Total	310	318

Gender of Complainants



Each complainant may file multiple complaints with OCCR. For fiscal year 2002, the table below adds a FY02 Different Complainants column, which reflects the gender of each unique complainant, eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one female filed two or more separate complaints in 2002, the FY02 Different Complainants column would count that complainant only once. One other way to look at the statistics is that 140 different female complainants filed 143 complaints in fiscal year 2002.

Different complainant information is not available for fiscal year 2001.

Gender of Complainants

	FY02	FY02 Different Complainants
Male	174	166
Female	143	140
Unreported	1	1
Total	318	307

7. *Race of Subject Officers*

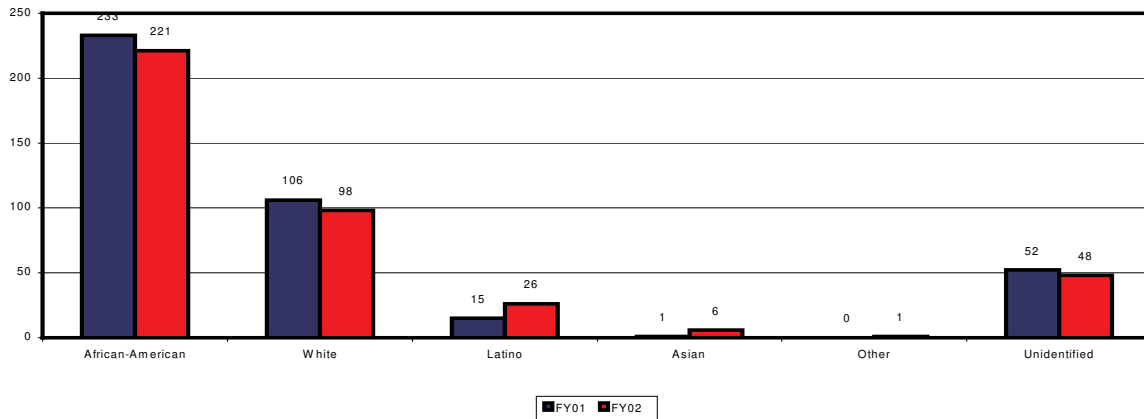
When a citizen files a complaint regarding an officer the complainant can identify, OCCR records the race of the officer. The table and bar chart below reflect the officer race as reported in each complaint.⁴ The FY01 and FY02 columns or bars reflect the race of the officer for each complaint filed in fiscal years 2001 and 2002, not eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one African-American officer was the subject of two separate complaints in 2002, the FY02 column or bar would reflect two African-American officers. The statistics show that the race of subject officers remained relatively consistent from fiscal year 2001 to fiscal year 2002.

Race of Subject Officers

	FY01	FY02
African-American	233	221
White	106	98
Latino	15	26
Asian	1	6
Other	--	1
Unidentified	52	48
Total	407	400

⁴ In some cases, the citizen does not know the identity of the subject officer or is unable to identify the race or gender of officer. Officers in these complaints are counted in the “unidentified” category.

Race of Subject Officers



Each police officer may be the subject of multiple complaints filed with OCCR. For fiscal year 2002, the table below adds a FY02 Different Officers column, which reflects the race of each unique officer, eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one African-American officer was the subject of two or more separate complaints in 2002, the FY02 Different Officers column would count that officer only once. One other way to look at the statistics is that 176 different African-American officers were the subject of 221 complaints in fiscal year 2002.

The statistics show that there were 59 different officers who were the subject of multiple complaints. Most of these officers were the subject of only two complaints, but there were three officers who were the subject of four complaints, and two officers who were the subject of five complaints.

Different officer information is not available for fiscal year 2001.

Race of Subject Officers

	FY02	FY02 Different Officers
African-American	221	176
White	98	73
Latino	26	14
Asian	6	3
Other	1	1
Unidentified	48	48
Total	400	315

The table below indicates the percentage of the total number of subject officers (excluding complaints with an unidentified subject officer race) who were members of each

racial group for fiscal years 2001 and 2002. The table also indicates the racial composition of the entire population of MPD officers.⁵

The statistics show that the proportions of the race of subject officers remained relatively consistent from fiscal year 2001 to fiscal year 2002, and also was consistent with the racial breakdown of MPD officers overall.

Race of Subject Officers

	FY01	FY02	Percentage of Police Force
African-American	65.6%	62.8%	66.5%
White	29.9%	27.8%	27.7%
Latino	4.2%	7.4%	4.9%
Asian	0.3%	1.7%	0.9%
Other	--	0.3%	--

8. Gender of Subject Officer

When a citizen files a complaint regarding an officer the complainant can identify, OCCR records the gender of the officer. The table and bar chart below reflect the officer gender as reported in each complaint. The FY01 and FY02 columns or bars reflect the gender of the officer for each complaint filed in fiscal years 2001 and 2002, not eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one female officer was the subject of two separate complaints in 2002, the FY02 column or bar would reflect two female officers.

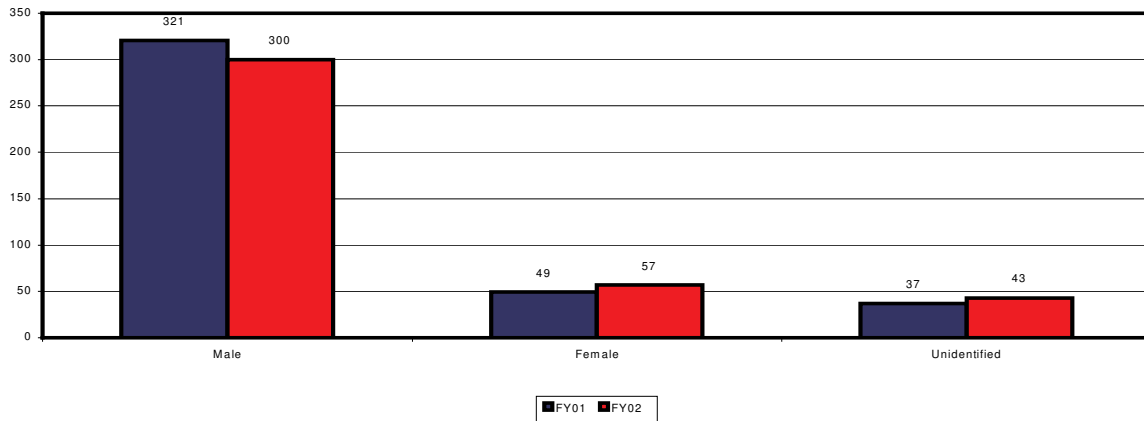
The statistics show that the gender breakdown of subject officers was generally consistent from fiscal year 2001 to fiscal year 2002.

Gender of Subject Officer

	FY01	FY02
Male	321	300
Female	49	57
Unidentified	37	43
Total	407	400

⁵ The racial breakdown of MPD officers was 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.

Gender of Subject Officers



Each police officer may be the subject of multiple complaints filed with OCCR. For fiscal year 2002, the table below adds a FY02 Different Officers column, which reflects the gender of each unique officer, eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one female officer was the subject of two or more separate complaints in 2002, the FY02 Different Officers column would count that officer only once. One other way to look at the statistics is that 44 different female officers were the subject of 57 complaints in fiscal year 2002.

Different officer information is not available for fiscal year 2001.

Gender of Subject Officer

	FY02	FY02 Different Officers
Male	300	228
Female	57	44
Unidentified	43	43
Total	400	315

The table below indicates the percentage of the total number of subject officers (excluding complaints with an unidentified subject officer gender) who were of a particular gender for fiscal years 2001 and 2002. The table also indicates the gender composition of the entire population of MPD officers.⁶

⁶ The gender breakdown of MPD officers was 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. 2,737 were men and 877 were women.

The statistics show that while the proportion of female officers who were the subject of a complaint increased by 2.8% from fiscal year 2001 to fiscal year 2002, the proportion of female officers who were the subject of a complaint was still well below the proportion of female officers on the force as a whole, and the proportion of male officers who were the subject of a complaint was well above the proportion of male officers on the force as a whole. OCCR believes it is worth exploring why female officers have been consistently less likely to be the subject of a complaint to see if there is something to be learned that could help bring down the overall number of complaints against all officers. OCCR will continue to examine this question.

Gender of Subject Officer

	FY01	FY02	Percentage of Police Force
Male	86.8%	84.0%	75.7%
Female	13.2%	16.0%	24.3%

9. Police Districts and Units

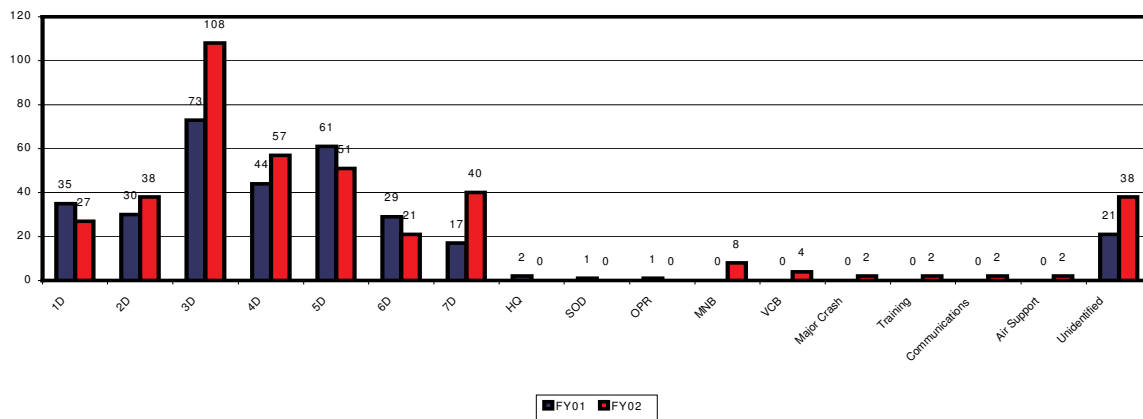
The officers who were the subject of complaints came from police districts throughout the city, as well as MPD Headquarters (HQ), the Special Operations Division (SOD), the Office of Professional Responsibility (OPR), the Major Narcotics Branch (MNB), the Violent Crimes Branch (VCB), the Major Crash Investigations unit, the Maurice T. Turner, Jr., Institute of Police Science (Training), Emergency/Non-Emergency Communications, and the Air Support Unit. When a citizen files a complaint and the district or unit of the officer can be identified, OCCR records this information. The table and bar chart below reflect the district or unit of the officer in each complaint. The FY01 and FY02 columns or bars reflect the district or unit of the officer for each complaint filed in fiscal years 2001 and 2002, not eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one First District officer was the subject of two separate complaints in 2002, the FY02 column or bar would reflect two First District officers.

The statistics show that in fiscal year 2002, OCCR received its first complaints against police officers in the Major Narcotics Branch, the Violent Crimes Branch, the Major Crash Investigations unit, the training institute, the communications unit, and the Air Support Unit. Also in fiscal year 2002, OCCR did not receive any complaints against police officers at MPD Headquarters or in the Special Operations Division or the Office of Professional Responsibility. Special care should be taken when attempting to draw conclusions regarding the year-to-year changes from fiscal year 2001 to fiscal year 2002 for each district or unit. The statistics for fiscal year 2001 do not include unit or district information for every officer who was the subject of a complaint, so some of the numbers are understated. Instead, the unit or district was noted for each complaint in fiscal year 2001 and counted only once even if multiple officers were the subject of the complaint. At this point in time, OCCR is not able to recalculate the statistics for fiscal year 2001, but will work to correct the discrepancy in the future.

Police Districts and Units

	FY01	FY02
First District (1D)	35	27
Second District (2D)	30	38
Third District (3D)	73	108
Fourth District (4D)	44	57
Fifth District (5D)	61	51
Sixth District (6D)	29	21
Seventh District (7D)	17	40
HQ	2	--
SOD	1	--
OPR	1	--
MNB	--	8
VCB	--	4
Major Crash	--	2
Training	--	2
Communications	--	2
Air Support	--	2
Unidentified	21	38
Total	314	400

Police Districts and Units



Each police officer may be the subject of multiple complaints filed with OCCR. For fiscal year 2002, the table below adds a FY02 Different Officers column, which reflects the district or unit of each unique officer, eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one First District officer was the subject of two or more separate complaints in 2002, the FY02 Different Officers column would count that officer

only once. One other way to look at the statistics is that 24 different First District officers were the subject of 27 complaints in fiscal year 2002.

Different officer information is not available for fiscal year 2001.

Police Districts and Units

	FY02	FY02 Different Officers
First District (1D)	27	24
Second District (2D)	38	29
Third District (3D)	108	73
Fourth District (4D)	57	45
Fifth District (5D)	51	41
Sixth District (6D)	21	21
Seventh District (7D)	40	28
HQ	--	--
SOD	--	--
OPR	--	--
MNB	8	6
VCB	4	4
Major Crash	2	2
Training	2	2
Communications	2	1
Air Support	2	2
Unidentified	38	38
Total	400	316

10. City Wards

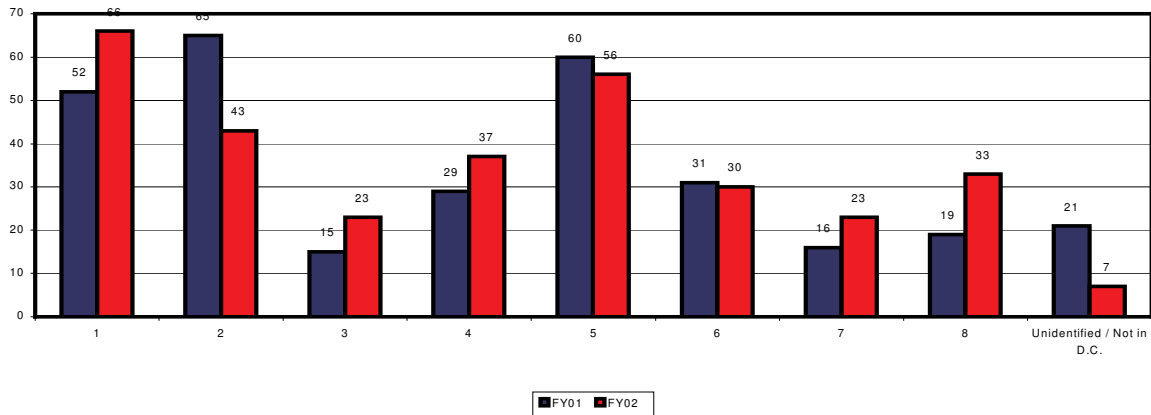
When a complaint is filed, OCCR records the city ward in which the underlying incident occurred. The table and bar chart below reflect the ward that was the site of each complaint filed in fiscal years 2001 and 2002.

The statistics show that there were several noticeable changes from fiscal year 2001 to fiscal year 2002. There was a 26.9% increase in complaints from Ward 1 (from 52 to 66), 53.3% from Ward 3 (from 15 to 23), 27.6% from Ward 4 (from 29 to 37), 43.8% from Ward 7 (from 16 to 23), and 73.7% from Ward 8 (from 19 to 33). There also was a 33.8% decrease in complaints from Ward 2 (from 65 to 43). OCCR attributes some of the increase to community outreach that spread information about the office and its function. OCCR will continue to monitor the trends to try to determine what causes any year-to-year fluctuations among the wards.

City Wards

	FY01	FY02
1	52	66
2	65	43
3	15	23
4	29	37
5	60	56
6	31	30
7	16	23
8	19	33
Unidentified / Not in D.C.	21	7
Total Formal Complaints	308	318

City Wards



E. Mediation

OCCR has a mediation program that allows the complainant and the subject officer to meet face-to-face to attempt to resolve some types of complaints. If the mediation is successful, the parties may gain a better understanding of what motivated their actions during their encounter. One or both parties may apologize, or the officer may agree to some type of corrective action as part of the settlement. In short, the goal of OCCR’s mediation program is to give both parties a chance to work together to achieve a mutual understanding of what happened during their interaction without the stress and expense of a formal legal proceeding.

OCCR has contracted with a mediation service, the Community Dispute Resolution Center (CDRC), to provide mediators for its program. CDRC has assembled a pool of well-trained, experienced, and diverse mediators. Mediation sessions may include one or two mediators, and may last up to several hours. The mediators are committed to helping the parties reach a settlement, and will schedule an additional session with the parties if the citizen and the subject officer believe it might be helpful.

There is no cost to the citizen or the subject officer to be able 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 case to mediation is made by the executive director, and not by the parties. If the executive director refers a case to mediation, both the citizen and the subject officer are required to participate in the mediation in good faith. Failure to participate in good faith constitutes cause for discipline of the subject officer and grounds for dismissal of the citizen's complaint. However, even though participation of the parties is required, the outcome of the mediation is completely voluntary because neither the citizen 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. OCCR will not refer cases involving allegations of excessive or unnecessary force that result 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 OCCR for similar misconduct, in the past twelve months.

In addition to mediation, the statute creating OCCR allows for the conciliation of complaints by the executive director, if conciliation is deemed appropriate by the executive director and the parties agree to participate. To date, OCCR has not referred any matters to conciliation, preferring at this time to refer cases with settlement prospects to mediation. OCCR continues to study the conditions under which it might opt to conciliate cases in the future.

In fiscal year 2002, OCCR mediated 15 complaints, bringing the total number of cases mediated to 25. Twenty of the mediation sessions (or 80%) were successful and resulted in an agreement between the citizen and the subject officer. Five of the sessions (or 20%) were unsuccessful, and the underlying complaints were referred back to the executive director for appropriate action. The types of complaints that have been mediated to date break down as follows: approximately one quarter involved allegations of language that is insulting, demeaning, or humiliating, one quarter involved allegations of conduct that is insulting, demeaning, or humiliating, and the remainder involved allegations of both.

In addition to the statistical success rate, survey results and anecdotal information indicate that the program has been well received. A survey of the participants in mediation indicates that the overwhelming majority of citizens and subject officers 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, almost one-third of the participants left their mediation session with more positive feelings about the other party, while only 11% had more negative feelings, and 55% indicated no change in their feelings. Finally, subject officers seem to appreciate the opportunity to mediate some complaints instead of having them resolved by a hearing, and MPD has worked to facilitate the program and is seeking to impose discipline on the one officer who refused to participate in mediation in good faith.

OCCR has been very pleased with the success of the mediation program, and plans to continue to use it regularly. Although the number of cases referred to mediation in fiscal year 2002 was down (from 31 in fiscal year 2001 to 17 in fiscal year 2002), this fact is no indication of OCCR's intention regarding future use of the program. For fiscal year 2003, OCCR is not facing the difficulties that it faced at the outset of fiscal year 2002, where OCCR's mediation funds were frozen by the District's Office of Budget and Planning for over three months, and no cases could be mediated during that time. And OCCR has been in consultation with CDRC about the referral of more and different types of complaints. Consequently, OCCR anticipates that the number and type of cases referred to mediation in fiscal year 2003 will match or exceed those referred in fiscal year 2001.

As an illustration of the types of cases mediated by OCCR in fiscal year 2002, following are three examples of actual cases:

1. Mediation Example #1

The citizen filed a complaint against two police officers citing inappropriate use of language and conduct. The citizen explained in her complaint that one morning two officers not in uniform appeared at her door and asked to enter her house to ask a series of questions. The citizen became anxious thinking that the officers were possibly bandits attempting to gain entrance into her house. She immediately called 911 and the officers retreated from the door but began circling around the house, peering into the windows. The citizen maintained that the officers violated protocol by making a high pressured attempt to enter her home.

During the mediation session, the citizen was still visibly upset from the incident. She explained that over the course of the past several months, there had been a series of incidents in her neighborhood of thieves impersonating officers and was thus frightened when the officers arrived in plain clothes at her door. She explained that her neighbors witnessed the incident and called repeatedly asking if everything was okay. She felt embarrassed and humiliated. The officers, on the other hand, explained that they were following police procedure. They explained that they were from the warrant squad and had authorization to ask her questions about the identity of an individual who in the police records shared her address. They further explained that as part of police protocol, officers often circle around to the back of the house to make certain that no individuals in the house are making an effort to escape.

As a result of the mediation the officers gained a better understanding of the citizen's concerns when they approached her at the house and the citizen learned about the protocol warrant squad officers must follow to protect their safety and the safety of the neighborhood. The officers and citizen signed an agreement acknowledging that the mediation process resolved the issues pertaining to the complaint. The agreement also contained a written statement from the officers apologizing to the citizen for disturbing her and for inconveniencing her at the time of the incident.

2. Mediation Example #2

The citizen filed a complaint against an officer for exhibiting unprofessional behavior. The citizen claimed that he reported to an officer that a vehicle parked in front of his house

appeared to have been stolen since the back window was smashed and wiring was dangling from the dashboard. The officer allegedly responded in a rude, accusatory manner almost insinuating that the citizen had stolen the vehicle himself.

During the mediation, the citizen explained to the officer that he was a senior citizen and had lived in the community for over 40 years. He was not accustomed to being mistreated by officers of the law and felt as though the officer's tone and body language throughout the investigation with the citizen were unprofessional and insensitive. The citizen explained to the officer that if she acted unprofessionally in a rather minor matter what would prevent her from acting unprofessionally when the stakes were much higher. After listening to the citizen the officer acknowledged that she could have acted in a more professional manner and that she might have been burdened that day by other stressful matters.

After both the citizen and officer had a chance to explain their perspectives to each other and meet with the mediators separately, the parties came to a final resolution of the matter. The officer stated that she agreed to attend the next scheduled sensitivity training and the next scheduled training that included stress management, negotiation, and verbal judo which covers how to talk to people in a respectful and courteous manner. In exchange for this commitment by the officer, the citizen was willing to agree that all issues pertaining to his complaint were successfully resolved. He also was willing to release the officer, police department and Government of the District of Columbia from all claims that could be raised in any lawsuit or administrative proceeding arising out of the events that were the subject of the complaint.

3. *Mediation Example #3*

The citizen filed a complaint stating that the officer used inappropriate language and acted in an intimidating and harassing manner during a traffic stop. In his complaint, the citizen stated that while attempting to parallel park on a major street in the city, he noticed an officer waving his arms and shouting. The citizen alleged that the officer approached his car visibly upset and proceeded to shine a flashlight in his face. After the citizen initially questioned why he was stopped and why he needed to hand over his license, the officer threatened to take the citizen to jail. When the citizen attempted to exit his vehicle, he noticed the officer putting his hand where his gun was on his hip.

During the mediation, it quickly became apparent that the citizen, a Hispanic male, felt that he was being mistreated by the dark-skinned officer, in part because of his ethnicity. He could not understand why the officer would not answer his questions. As the mediation unfolded, the officer had an opportunity to explain police procedure and the necessary steps an officer takes during a late evening traffic stop. The officer stated that it is part of police procedure to shine a light inside a vehicle in order to ascertain that there are no prohibited weapons or impending danger as he approaches the car. The officer also explained that if an individual illegally exits a vehicle during a stop, an officer needs to take necessary precaution to protect himself from possible harm.

The questions and ensuing discussion during the mediation allowed both the citizen and officer to clear the air. The citizen no longer felt that he had been a target and no longer believed that the officer's behavior was racist. The officer gained a better understanding of the citizen's

perspective and why he might have felt intimidated. In the end, both the citizen and the officer signed an agreement stating that the dispute had been successfully resolved through mediation. Both the citizen and officer agreed that no further claims would be raised in any lawsuit or administrative proceeding arising out of the events that were the subject of the complaint and mediation.

F. Policy Recommendations

The statute creating CCRB and OCCR places an obligation on the Board to, “where appropriate, make recommendations” to the Mayor, District Council, and MPD “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.” The Board views this obligation as one of its key functions, namely to make policy recommendations to MPD based on the information OCCR gathers as it investigates and resolves complaints of police misconduct.

On January 7, 2002, CCRB issued its first policy recommendation regarding the identification and prevention of racial profiling by police officers in the District of Columbia. CCRB formulated its recommendation based on information collected by OCCR staff members. The staff members reviewed complaints filed with OCCR, gathered documents, studies, and reports regarding racially-biased policing, and interviewed District officials and local leaders in jurisdictions that have implemented data collection systems. The report accompanying the recommendation summarized the information collected, and concluded with five specific policy changes 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, the OCCR, and the 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.

CCRB’s recommendation was provided to MPD and has dovetailed with efforts subsequently taken by MPD to address racial profiling issues. As part of MPD’s efforts, the Department formed a task force to examine biased policing issues and invited a representative of OCCR to be part of the task force. OCCR has taken part in the task force since its inception, and will continue to do so to offer input based on the Board’s recommendation and to monitor MPD’s progress toward addressing biased policing issues.

OCCR is analyzing information and conducting research on other issues that may lead to future policy recommendations.

IV. OUTREACH

A. Fiscal Year 2002

Over the past year, OCCR expanded its public outreach work in an effort to increase awareness of the agency and its function, and to build confidence that OCCR can effectively

carry out its duties. Both CCRB members and OCCR employees took part in the community-based outreach program, which was composed principally of presentations about the agency, its jurisdiction, and the process for filing a complaint. The presentations were given at high schools and colleges, and to professional groups, community-based organizations, and various groups of police officers. OCCR also attended many community events, including Georgia Avenue Day, Minnesota Avenue Day, and the Adams Morgan Day Festival, to distribute information about the agency.

One of the more notable outreach events was a program at Washington's Maya Angelou Public Charter School following an incident between students from the school and MPD officers. This targeted outreach effort in March 2002 engaged school administrators and students in an interactive session about a citizen's rights during a police stop. The program also included an overview of OCCR's function and investigative procedures, as well as role-playing scenarios that gave students the opportunity to evaluate citizen and police behavior in various encounters.

Another notable aspect of OCCR's outreach has been presentations to MPD officers. On two occasions, a total of more than 100 newly-elected Fraternal Order of Police (FOP) shop stewards received training from agency staff regarding OCCR operations, including its investigation, mediation, and complaint examination processes. In addition, the MPD Force Investigation Team received training from OCCR's chief investigator. Each of these sessions has given OCCR an opportunity to inform officers about its processes and answer questions so they know what to expect during interviews, mediation, and complaint examinations should they ever have to take part in them.

Overall, OCCR expanded its public outreach work in fiscal year 2002 despite limits on the amount of resources OCCR could devote to the work. Although OCCR has a public affairs specialist, her duties also include responding to FOIA requests directed to OCCR and OCCR's predecessor agency, the Civilian Complaint Review Board. Depending on the number of requests, responding to FOIA requests can seriously limit the time available for public outreach. OCCR is working with MPD to resolve issues regarding MPD's transfer to OCCR of the files MPD maintained from the Civilian Complaint Review Board, which account for a substantial number of the requests to which OCCR currently has to respond. OCCR will continue to regularly monitor the level of FOIA requests to try to ensure that FOIA work does not overwhelm OCCR's public outreach efforts.

B. Community Outreach Strategic Plan

Based on knowledge accumulated during OCCR's first two years of operation, the agency has formulated a Community Outreach Strategic Plan for 2003. The plan will target certain communities that have a higher number of contacts with police and are underrepresented in their use of the OCCR process. While working with these communities, OCCR expects to develop tools and information that can be used for future outreach efforts to other communities and groups.

The communities that will be the primary focus of the strategic outreach plan are the District's youth population, Latino community, and residents who live east of the Anacostia River in Wards 7 and 8. The youth outreach efforts will focus on conducting interactive training

sessions, similar to the one conducted at the Maya Angelou Public Charter School, at local schools and with other youth groups. Outreach to the Latino community will be focused on providing information and training to program coordinators and counselors at prominent organizations that serve the Latino community so they can convey the information to Latino citizens who need it. Finally, the Wards 7 and 8 outreach will focus on appearances at Advisory Neighborhood Committee and community organization meetings. OCCR has attempted to design outreach methods that are best suited to communicating information to the targeted communities.

Beyond the strategic outreach plan, other outreach efforts for fiscal year 2003 will include participation in activities sponsored by the NAACP-MPD Criminal Justice Task Force and its member organizations, training and presentations for various groups of MPD officers, attendance at events as requested by different groups, development of information packets for grassroots groups to inform them about OCCR's work, and participation in outreach through the mass media. OCCR is dedicated to continuing its public outreach efforts to all citizens in the District of Columbia and all stakeholders in the agency, and will be working in the year ahead to be in contact with as many as possible.

C. Website

In an effort to make information about OCCR more publicly accessible, the agency launched its website (www.occr.dc.gov) in December 2001. The website contains general information about OCCR's jurisdiction, complaint filing process, mediation program, policy recommendations, as well as OCCR fact sheets and complaint forms in eight different languages. The website also contains many links to other police oversight agencies and information resources about police oversight. In the upcoming year, OCCR plans to make additions to its website, including an on-line complaint form and additional links to police oversight resources.

D. Other Police Oversight Agencies

OCCR has worked with police oversight professionals from various jurisdictions around the country. As part of this process, OCCR has offered assistance to other agencies, and has gathered information from still other agencies to improve the resources and services available from OCCR.

In addition to its contacts with U.S. police oversight agencies, OCCR has hosted and met with representatives of a number of foreign agencies. Under the auspices of the U.S. Department of State, these representatives of emerging democracies were directed to OCCR to learn more about how the District and the United States handle citizen complaints against police officers. Some of the guests have included Dr. Nana Aishatu Abdulquadri of the Republic of Nigeria Police Services Commission, Mr. Dragan Sutanovac, who is the Assistant Federal Minister of Internal Affairs in Belgrade, Yugoslavia, and 15 representatives of the Office of the Ombudsman of South Korea.

V. INFORMATION TECHNOLOGY

During fiscal year 2002, OCCR's main information technology (IT) project has been working to implement and develop its case tracking database. The database is still a work in progress as the OCCR staff continues to learn which functions the database needs to fulfill. Eventually, OCCR expect that the database will allow the agency to manage its cases effectively and track the incidences and patterns of alleged police misconduct across the police districts and wards of the city.

Even though OCCR's main IT project has been the database, other IT issues have significantly impacted OCCR's work. As a small agency with a limited budget, it has been very difficult to establish our basic IT infrastructure and support mechanisms. The agency is too small to purchase all of its own equipment and hire the staff that would be required to operate and maintain it, and this solution would be wasteful in light of efforts in the District Government to consolidate and centrally manage the IT infrastructure. And OCCR's size has made it difficult to share infrastructure and support with another agency because OCCR's needs are so small that they are overshadowed by work at the partner agency. OCCR is working to resolve these issues, but a solution has been elusive. It is hoped that a solution will be found that will alleviate the inconveniences OCCR faces on a regular basis – including adding and removing user accounts and getting help with minor computer support issues – and resolve the major perils that threaten to severely impair OCCR's IT systems and records – including deferred maintenance of computers and software, lack of an uninterrupted power source, lack of any backup for the case tracking database and other files, and lack of common network storage space to store and save the electronic work of the agency.

VI. THE FUTURE

The outlook for CCRB and OCCR in fiscal year 2003 is positive. With OCCR up to its full staffing level, work already has begun to catch up on work that accumulated as a result of staff turnover and other factors, and OCCR is charting a course to finish development of all of the systems, procedures, and relationships the agency needs to carry out its functions. OCCR anticipates substantial progress during the year as the complaint examination process begins, the community outreach strategic plan is implemented, and mediation and investigations continue. OCCR also hopes that it will be able to finally resolve persistent computer support and infrastructure issues that have troubled the agency from the beginning. As progress is made on all these fronts, OCCR will continue its growth and development and increase its contribution to better policing in the District of Columbia.