

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



**ANNUAL REPORT  
FISCAL YEAR 2007**

1400 I Street, NW, Suite 700 ★ Washington, DC 20005  
Tel: (202) 727-3838 ★ Fax: (202) 727-7638 ★ Toll-Free 24-Hour Hotline (866) 588-0569  
[www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov)



# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## POLICE COMPLAINTS BOARD

### OFFICE OF POLICE COMPLAINTS

January 24, 2008

Dear Mayor Fenty, Members of the District of Columbia Council,  
Chief Lanier, and Chief Pittman:

We are pleased to submit the 2007 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, 2006, through September 30, 2007.

Fiscal year 2007 was a year of growth and progress for the agency as it continued to promote greater police accountability in the District. The number of complaints received by OPC increased by 6%, and again resulted in the highest number of complaints ever received by the agency. Despite this increase in the volume of complaints, OPC closed more complaints than it opened for the fourth year in a row, reducing its number of open complaints by 27%, and achieving the lowest level of open complaints since the first year the agency was open. These successes were possible because the agency closed the most complaints, completed the most investigations, and adjudicated and mediated the most complaints in its history.

An important feature of the District's police oversight model allows the agency to issue policy recommendations that stem from the review of patterns and trends in the citizen complaints investigated by OPC. Over the course of the year, the agency issued four detailed recommendations for police reform, including a report on its monitoring of the Metropolitan Police Department's (MPD) handling of several protests held in Washington in the spring. The following is an overview of the agency's work during the year:

- One thousand and fifty people contacted OPC to inquire about filing a complaint, which was an 18% increase over fiscal year 2006. The agency received 440 complaints, which was a 6% increase over the year before. The increase in the number of complaints this year followed 27% and 24% increases in the past two fiscal years. In total, since the agency opened in January 2001, it has had over 4,900 contacts and received more than 2,400 complaints.
- OPC closed 510 complaints, which was a 17% increase over fiscal year 2006, making fiscal year 2007 the fourth year in a row that the agency closed more complaints than it received. The increase in the number of closed complaints was driven by a 38% increase in the number of OPC complaints resolved through criminal conviction, adjudication, dismissal, or successful mediation. Twenty-two of these complaints were adjudicated and 19 of the complaints had allegations that were sustained. All of these sustained decisions were forwarded to the Chief of Police of MPD or the D.C.

Housing Authority Police Department (DCHAPD), and the Chief has taken steps to impose discipline for each one.

- Fiscal year 2007 was the first year where OPC closed complaints as a result of a criminal conviction of an officer related to the allegations contained in the complaint. This happened twice during the year regarding one complaint alleging a physical assault and a second alleging a sexual assault. This year was also the first year that OPC convened a final review panel to review one of its decisions. The panel was requested by the DCHAPD Chief of Police and ultimately upheld the original decision to sustain harassment allegations against the subject officer.
- OPC's number of open complaints at the end of the year decreased by a record 27%. The decrease occurred despite the fact that the agency received 6% more complaints in fiscal year 2007 than it did the year before, and was driven by the greater efficiency and productivity of OPC's investigative staff and management. As part of the investigations of these complaints, OPC's investigators conducted over 650 interviews, which included more than 400 police officer and 250 citizen interviews, and the agency prepared 345 investigative reports.
- OPC conducted 35 mediation sessions, 26 of which were successful, and led to an agreement between the complainant and subject officer that resolved the complaint. Since opening, OPC has mediated 165 complaints, with an overall success rate of 73%.
- PCB issued four reports and sets of recommendations to the Mayor, the Council, and MPD's Chief of Police, bringing its total number of policy recommendations to 14.
  - OPC retained a nationally recognized expert on racial profiling, Dr. Lorie Fridell, as an independent consultant to assess the biased policing study released by MPD in December 2006. In January 2007, OPC issued a comprehensive report from Dr. Fridell that assessed the study and made recommendations to MPD on how to address the practice or perception of biased policing in Washington. The Board later released, in May 2007, a report and set of recommendations incorporating Dr. Fridell's work and laid out proposed next steps to combat biased policing.
  - Under the First Amendment Rights and Police Standards Act of 2004, which granted PCB the authority to monitor and evaluate MPD's handling of protests and demonstrations held in the District of Columbia, PCB issued its second report on the agency's monitoring of MPD's handling of protests that were held in March and April 2007.
  - The Board also issued policy recommendations that addressed medical treatment for arrestees and increasing public awareness of District law regarding drivers and cellular telephones. The reports discussed PCB's examination of these issues and the proposals included changes designed to reduce officer misconduct while improving police service in the District.

- OPC conducted a variety of community outreach activities during the year, including a partnership with the Marshall-Brennan Constitutional Literacy Project at American University's Washington College of Law that involved conducting the agency's student interactive training at 12 schools throughout the District. The agency also hosted a delegation of federal prosecutors from Brazil who were interested in police accountability issues and were visiting Washington as part of a program sponsored by the United States Department of State.

Overall, fiscal year 2007 was a solid year for the agency. In addition to the developments discussed above, at the urging of OPC and under the leadership of MPD's new Chief of Police, Cathy L. Lanier, the department took steps to address OPC's concerns about failures to cooperate by MPD officers that had occurred in past years. As a result of MPD's actions, the number of instances of non-cooperation fell dramatically and discipline has been imposed regularly for non-cooperation that did occur. MPD also streamlined and improved its internal processes to assist OPC with scheduling officer interviews, gathering documents, and getting other information the agency needs to conduct its investigations. In addition, the Board welcomed two new members, Victor I. Prince and Margaret A. Moore, who filled two vacant seats that opened last year and OPC brought on a new administrative staff member to assist with the processing of complaints and Freedom of Information Act (FOIA) requests.

One of the advantages of effective and independent police review is the institutional capacity to follow up and report on the implementation of recommendations for police reform. Overall, we have been pleased with the steps taken by MPD and the city to implement the proposals made by PCB. To their credit, the District Department of Transportation (DDOT) and MPD took immediate steps to consider and implement the Board's September 2007 recommendations designed to increase public awareness of District law regarding drivers and cellular telephones. Working in conjunction, the two agencies developed an information card describing the requirements of the law, and ordered 70,000 copies that will be distributed throughout the city to help increase knowledge of the law. DDOT also added information about the law to ten electronic message boards at key points throughout the city to inform drivers about the law. And MPD promptly added training for its officers about compliance with and enforcement of the statutory requirements.

Unfortunately, though, MPD and the city have not adopted key elements of the recommendations made by PCB in September 2006 regarding police response to people with mental illness and the use of the Crisis Intervention Team (CIT) community policing model in Washington. MPD has apparently decided not to adopt the CIT model. Instead, MPD has essentially continued with its current approach that entails limited and inadequate training on mental health issues for officers and sergeants. Considering the importance of the issues involved and the overwhelming support of outside experts for the use of the CIT model in the District, we will continue to urge MPD and the city to conform their training and policies in this area to the best practices used throughout the nation. In the meantime, the District's Department of Mental Health (DMH), under the leadership of Director Stephen T. Baron, should be commended for laying the groundwork to enable MPD eventually to become more proactive in addressing the needs of people with mental illness who interact with officers. PCB will continue to keep the public informed about MPD's overall approach and responses to the mental health community.

In the new year, we are looking forward to building on our accomplishments and setting the stage for continued progress in the years ahead. We will continue to be vigilant in monitoring the number of complaints filed with OPC and our ability to investigate and resolve these complaints in a timely and thorough manner. Our success at this primary mission of the agency hinges on having enough investigators to investigate the complaints and adequate funding for mediation sessions, hearings, court reporting, and other services needed to resolve the complaints. Beyond our work investigating and resolving complaints, we also must ensure that the agency can adequately perform its other duties, which include monitoring MPD's handling of protests and demonstrations, performing community outreach, developing additional recommendations for police reform, and responding to FOIA requests.

We are also looking forward to pursuing changes that we think will improve the police accountability system in the District of Columbia. This year's annual report already includes several new tables and charts that will provide more information about the complaints handled by OPC. And the agency has introduced the use of detailed subcategories for each of its allegations that will allow OPC in the future to more precisely track and report on the misconduct alleged by citizens, and will give a clearer picture of the severity of the complaints received by the agency. We also intend to propose statutory and regulatory changes that will allow for more effective handling of less serious complaints and more comprehensive public reporting about complaints made by citizens alleging police misconduct, whether filed with OPC or MPD.

In the world of police accountability, our agency already performs a wider range of functions than most other offices – from investigating, mediating, and adjudicating individual complaints, to conducting community outreach, making policy recommendations, monitoring the police department's handling of protests, and publicly reporting on our operations and MPD – but we will continue to enhance and expand these functions to better serve the District and promote confidence in its police.

Respectfully submitted,



Kurt Vorndran  
Chair  
Police Complaints Board



Philip K. Eure  
Executive Director  
Office of Police Complaints

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## **I. AGENCY INFORMATION**

### **A. Agency Structure and Complaint Process**

Information about the structure and operation of the Police Complaints Board (PCB) and the Office of Police Complaints (OPC), the agency's history, and the complaint process can be found on OPC's website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov). This information was also included in the agency's annual reports issued for fiscal years 2001 through 2005.

### **B. Police Complaints Board Members**

The current members of the Board are as follows:

***Kurt Vorndran***, the Chair of the Board, is a legislative representative for the National Treasury Employees Union (NTEU). Prior to his work at NTEU, Mr. Vorndran served as a lobbyist for a variety of labor-oriented organizations including the International Union of Electronic Workers, AFL-CIO (IUE), and the National Council of Senior Citizens. Mr. Vorndran served as the president of the Gertrude Stein Democratic Club from 2000 to 2003 and an elected ANC Commissioner from 2001 to 2004. He received his undergraduate degree from the American University's School of Government and Public Administration and has taken graduate courses at American and the University of the District of Columbia. Mr. Vorndran was confirmed by the District Council on December 6, 2005, and sworn in as the second chair of the Board on January 12, 2006. His first term expired on January 12, 2008, and he continues to serve until he is reappointed or a successor has been appointed.

***Assistant Chief Patrick A. Burke*** is an 18-year veteran of the Metropolitan Police Department (MPD) and the Assistant Chief in charge of MPD's Homeland Security Bureau. During his MPD career, Assistant Chief Burke has served in four of the seven police districts, the Special Operations Division, Operations Command, and the Field and Tactical Support Unit. He received his undergraduate degree in criminal justice from the State University of New York College at Buffalo, a certificate of public management from the George Washington University, and a master's degree in management from the Johns Hopkins University. He is also a graduate of the Federal Bureau of Investigation's National Academy in Quantico, Virginia, the Senior Management Institute for Police (SMIP) in Boston, Massachusetts, and has attended counter-terrorism training in Israel.

Assistant Chief Burke has received a variety of awards and commendations, including MPD's Achievement, Meritorious Service, and Lifesaving Medals, the Cafritz Foundation Award for Distinguished District of Columbia Government Employees, and the National Highway Traffic Safety Administration Award for Public Service. In addition to the Police Complaints Board, Assistant Chief Burke sits on several boards including the Washington Regional Alcohol Program. He is an active member of numerous community and volunteer organizations within the District of Columbia, where he resides with his wife and four children. Additionally, he takes great joy in coaching youth baseball, basketball, and football, as well as serving as a den leader for the cub scouts. Assistant Chief Burke was confirmed by the District Council as the second MPD member of the Board on January 3, 2006, and sworn in on January 12, 2006. His term expires on January 12, 2009.

**Karl M. Fraser** is a project manager who oversees clinical oncology research at a biotech company in Rockville, Maryland. Mr. Fraser received his undergraduate degree in biology from Howard University and a master's degree in biotechnology from the Johns Hopkins University. He has been active in his community, including serving as an elected ANC Commissioner. Mr. Fraser was confirmed by the District Council on December 6, 2005, and sworn in on January 12, 2006. His first term expired on January 12, 2008, and he continues to serve until he is reappointed or a successor has been appointed.

**Victor I. Prince** is the head of marketing for an internet company in Silver Spring, Maryland. He received his undergraduate degree from American University and a master's degree in business administration from the Wharton School of the University of Pennsylvania. Mr. Prince was confirmed by the District Council on March 6, 2007, and sworn in on March 20, 2007. His term expires on January 12, 2009.

**Margaret A. Moore** is a Visiting Professor in the Administration of Justice Program at the University of the District of Columbia. She has more than 25 years of experience in the administration of state and municipal correctional systems. Ms. Moore received her undergraduate and graduate degrees from the University of Pittsburgh in Child Development and Social Work, respectively. She is Vice Chair of the Board of Directors for the Nia Community Public Charter School in Southwest Washington. She is also on the Board of Directors of Hope House, a non-profit organization that provides services to the District's incarcerated citizens and their children. Ms. Moore was confirmed by the District Council on June 5, 2007, and sworn in on June 27, 2007. Her term expires on January 12, 2010.

### **C. Office of Police Complaints Staff**

OPC has a talented and diverse staff of 20 that includes eight employees, or 40%, with graduate or law degrees, and five attorneys. The diversity of the office has generally mirrored the District's population. Taking into account all employees hired since the agency opened in 2001, the racial and ethnic composition of the workforce has been as follows: 49% African-American, 33% white, 12% Latino, 2% Asian, and 4% biracial. Currently, OPC's staff is 65% African-American, 30% white, and 5% biracial. In addition, since it opened in 2001, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond. Through the fall of 2007, 48 college students and 21 law students have participated in the program.

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 United States 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. Currently, he serves as president-elect of the National Association for Civilian Oversight of Law Enforcement (NACOLE). Mr. Eure has spoken at various forums in the District, around the country, and outside the United States on a wide range of police accountability issues. He 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 United States 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.

**Kesha Taylor**, the chief investigator, was hired in July 2002 as OPC's assistant chief investigator and promoted to chief investigator in February 2007. 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.

**Peter B. Paris** was appointed assistant chief investigator in May 2007. Before joining OPC, Mr. Paris was a litigation attorney at Dickstein Shapiro LLP focusing on securities fraud, white collar criminal defense, and antitrust. Prior to becoming an attorney, he was a police officer in the Boston Police Department where he worked as a patrol officer, an anti-crime officer, and a field training officer. Mr. Paris has a bachelor's degree from Wesleyan University and a law degree from Stanford Law School.

**Nicole Porter**, the agency's special assistant, joined OPC in August 2006. Ms. Porter came to the office from the United States Department of Justice's Civil Rights Division, where she worked on police misconduct, disability, and housing discrimination issues. Prior to her tenure with the Justice Department, she served as an attorney with the American Civil Liberties Union of Maryland. Ms. Porter received her bachelor's degree from Tennessee State University and her law degree from the University of Tennessee.

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

Natasha Bryan	Lead Investigator
Mona Andrews	Lead Investigator
Anthony Lawrence	Senior Investigator
Megan Rowan	Senior Investigator
David A. Curcio	Investigator
Alpha Griffin	Investigator
Kevin T. Smith	Investigator
John R. Brunza	Investigator
Stephanie Clifford	Investigator
Takima Davis	Paralegal Specialist
Renica Bonaparte	Intake Clerk
Nykisha T. Cleveland	Public Affairs Specialist
Stephanie Banks	Administrative Officer
Sonja Wingfield	Staff Assistant
Sherry Meshesha	Receptionist

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

### **A. Introduction**

Fiscal year 2007 was a year of record achievement for OPC as it continued to grow and improve its processes. The agency again received its highest number of complaints ever, with the number of complaints received growing by 6%. Despite this increase in the volume of complaints, OPC reduced its number of open complaints by 27%, and achieved the lowest level of open complaints since the first year the agency was open. This success was possible because the agency closed the most complaints, completed the most investigations, and adjudicated and mediated the most complaints in its history.

During the year, PCB issued four detailed reports and sets of recommendations to the Mayor, the Council, and MPD's Chief of Police. This year's reports addressed increasing public awareness of District law regarding drivers and cellular telephones, medical treatment for arrestees, next steps in addressing biased policing in Washington, D.C., and the agency's monitoring of MPD's handling of protests that were held in March and April 2007. The reports proposed changes designed to improve police service while reducing the number of police misconduct complaints in the future.

These developments and others are discussed in more detail below, along with statistics regarding complaints received and closed by OPC in fiscal year 2007.

### **B. Complaint Examination**

In fiscal year 2007, OPC continued the operation of its complaint examination program. The agency's pool of 14 complaint examiners, all of whom are distinguished attorneys living in the District of Columbia, includes individuals with backgrounds in private practice, government, non-profit organizations, and academia, as well as a variety of other experience.

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 the hearings. In general, because officers are represented by attorneys or union representatives provided to them by the police union, the Fraternal Order of Police (FOP), OPC has had an arrangement since 2003 with a Washington-based law firm, Howrey LLP, to provide free counsel to complainants.

#### ***1. Decisions***

As the decisions issued by OPC suggest, the complaint examination process is an important forum where members of the public can raise concerns about possible abuse or misuse of police powers and seek protection of their rights when they may not have that opportunity to do so elsewhere. The features of the District's police accountability system offer complainants a relatively unique opportunity to have complaints investigated and resolved by an independent government agency with its own investigative staff and adjudicators, as well as full authority to obtain the evidence needed to consider the allegations contained in complaints. And in general, the other forums available – principally criminal and civil court – provide few opportunities to raise these issues or have barriers to entry that keep or inhibit people from pursuing them.

To illustrate the issues addressed by the complaint examination process this year, a complaint examiner sustained an allegation of discrimination by an MPD officer against a homeless person. Complaint examiners also sustained two complaints alleging the use of excessive or unnecessary force by the pointing of a weapon at a person under circumstances where the pointing of the weapon was not warranted. In addition, for the first time, complaint examiners sustained a complaint alleging discrimination on the basis of sexual orientation, as well as a consolidated complaint alleging discrimination based on ethnicity. These two groundbreaking decisions are discussed in more detail below.

In fiscal year 2007, OPC referred an additional 23 complaints into the process, and 22 complaints, involving 22 officers, were resolved. The 22 complaints were resolved in 19 different decisions. Table 1 lists each of the resolved complaints in the order in which they were resolved and identifies the allegations in the complaint and the decision reached by the complaint examiner for each allegation.<sup>1</sup>

**Table 1: Complaint Examiner Decisions**

	<b>Harassment</b>	<b>Excessive Force</b>	<b>Language / Conduct</b>	<b>Discriminatory Treatment</b>	<b>Retaliation</b>
<b>05-0091 / 05-0092</b>	Sustained in Part	Exonerated	Sustained	--	--
<b>05-0455</b>	Exonerated	--	--	--	--
<b>05-0372</b>	--	--	Sustained	Exonerated	--
<b>03-0508</b>	--	Sustained / Exonerated	--	--	--
<b>04-0029 / 04-0030</b>	Sustained	Sustained	Sustained in part	Sustained	--
<b>03-0202</b>	Sustained	Sustained	Sustained	--	--
<b>04-0170 / 04-0171</b>	--	Sustained	Sustained	--	--
<b>05-0116</b>	Sustained	Sustained in part	--	--	--
<b>06-0204</b>	Unfounded	--	--	--	--
<b>05-0290</b>	Exonerated	Exonerated	Exonerated	--	--
<b>04-0279</b>	Sustained	Sustained	Insufficient Facts	--	--
<b>06-0156</b>	--	--	Sustained	--	--
<b>05-0343</b>	Sustained in part / Exonerated in part	--	--	--	--
<b>05-0274</b>	Sustained	--	Sustained	--	--
<b>05-0274 Supp.</b>	--	Unfounded	Unfounded	--	--
<b>07-0028</b>	Sustained	--	Sustained	Sustained	--
<b>06-0121</b>	Sustained	--	Exonerated / Unfounded / Unfounded	--	--
<b>05-0018</b>	Sustained	--	--	--	--
<b>04-0268</b>	--	--	Sustained	--	--
<b>04-0379</b>	Sustained	--	--	Sustained	--

The full text of each decision is available on OPC's website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov), and through the online legal databases maintained by LexisNexis and Westlaw.

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.

**Table 2: Complaint Examiner Decisions**

	FY03		FY04		FY05		FY06		FY07	
	Complaints		Complaints		Complaints		Complaints		Complaints	
<b>Sustained</b>	15	78.9%	9	56.3%	13	76.5%	13	68.4%	19	86.4%
<b>Exonerated</b>	2	10.5%	2	12.5%	1	5.9%	--	--	2	9.1%
<b>Insufficient Facts</b>	--	--	3	18.8%	1	5.9%	--	--	--	--
<b>Unfounded</b>	1	5.3%	1	6.2%	--	--	2	10.5%	1	4.5%
<b>Withdrawn</b>	1	5.3%	1	6.2%	2	11.8%	4	21.1%	--	--
<b>Total</b>	19		16		17		19		22	

Looking at the resolutions reached by complaint examiners, 19 of the 22 complaints, or 86%, had at least one allegation that was sustained.<sup>2</sup> There were two complaints, or 9%, where the complaint examiner exonerated the subject officers and one where the complaint examiner concluded that underlying allegations were unfounded. Please note that the sustain rate is not 86% of all complaints resolved by OPC, but 86% of the 22 complaints resolved in the complaint examination process, which does not include complaints that resulted in a criminal conviction, were successfully mediated, or that were dismissed because they lacked merit or the complainant would not cooperate with OPC's process. When the sustained complaints are considered as part of all OPC complaints resolved through conviction, adjudication, dismissal, and successful mediation, sustained complaints make up 5% of this group (or 19 of 376).

In general, OPC's overall sustain rate will fluctuate from year to year depending on a variety of factors, such as the number of convictions, dismissals, and successful mediations, which are not directly related to the complaint examination process. And readers should use caution when comparing sustain rates among independent police oversight agencies and police departments, as well as among agencies in different cities. Each agency and department in each city has different authority and responsibility, which affects the universe of complaints it can consider and resolve, the types of allegations it investigates, and the resolutions it can reach, all of which make direct comparison difficult and of limited value and reliability.<sup>3</sup>

## **2. Final Review Panel**

The statute governing OPC allows for one type of appeal of a complaint examiner decision that may be exercised by the Chief of Police. If the Chief determines that, to the extent a decision sustains any allegations, the decision "clearly misapprehends the record before the complaint examiner and is not supported by substantial, reliable, and probative evidence in that record,"<sup>4</sup> the Chief may return the decision for review by a final review panel composed of three different complaint examiners. The final review panel then determines whether the original decision should be upheld using the same standard.

In fiscal year 2007, the Chief of the D.C. Housing Authority Police Department (DCHAPD) returned a decision to OPC for the first time for consideration by a final review panel. The complaint examiner who originally reviewed OPC Complaint No. 03-0410 had sustained a harassment allegation against a DCHAPD officer for stopping and frisking the complainant during an identification check in the parking lot of a D.C. Housing Authority

property. The complainant examiner concluded that the officer lacked a justification for detaining and searching the complainant, thereby subjecting the complainant to harassment.

The DCHAPD Chief disagreed with the complaint examiner decision because he believed that the subject officer had articulated a valid legal justification for the stop and frisk that was not given appropriate weight by the complaint examiner. Moreover, even if the subject officer lacked a valid legal justification, the Chief did not believe that the record supported the conclusion that the subject officer harassed the complainant because the record did not indicate that the subject officer acted intentionally or recklessly in conducting an inappropriate stop and frisk.

A panel of three complaint examiners reviewed the initial decision and the record as it existed before the original complaint examiner, as well as the materials submitted by the DCHAPD Chief, and upheld the first complaint examiner's decision to sustain the harassment allegation. The final review panel concurred in the original conclusion that the subject officer lacked justification for stopping and frisking the complainant.

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

To illustrate the types of complaints that were resolved by complaint examiners in fiscal year 2007, the following are examples of complaints and the resulting decisions:

#### **a. *Example #1***

Two complainants alleged that a white man, who was with a female companion, was involved in an altercation with a Latino man. One of the complainants alleged that the white man shouted at, slapped, and kicked the Latino man. Moments later, two MPD officers arrived on the scene. According to the complainants, one of the officers grabbed the Latino man and repeatedly slammed him against the hood of his police cruiser. The subject officer allegedly shouted derogatory comments about "drunk[en] Latinos" being "the problem with the neighborhood." The second officer reportedly yelled, "Come here!" to the Latino man's friend, who was standing nearby. When the friend, who was also Latino, hesitated in approaching the officer, the officer went over to the friend and allegedly slammed him into a wall. One of the officers then searched the friend's backpack.

When one of the complainants attempted to tell the second officer that the Latino man had been assaulted by the white man, and that his friend had not been involved in the incident at all, the two officers reportedly told her to "shut up" and stated that she "did not know what she was talking about." The officers were allegedly rude to the second complainant as well.

The complainants alleged that the subject officers subjected the two Latino men to harassment, unnecessary or excessive force, language or conduct that was insulting, demeaning, or humiliating, and unlawful discrimination based on ethnicity. The two complainants further alleged that the subject officers used language or engaged in conduct toward them that was insulting, demeaning, or humiliating.

The complaint examiner conducted an evidentiary hearing, and sustained the harassment, unnecessary or excessive force, and discriminatory treatment allegations against the subject officers, finding that the officers inappropriately detained one of the two Latino men and failed



to conduct a stop of the other in a courteous manner, used unnecessary or excessive force against both men during their detention, and failed to provide the men with equitable police service because of their national origin. The complaint examiner also sustained all of the language or conduct allegations against the first officer, finding that the officer used harsh and derogatory language towards one of the Latino men and spoke rudely to the two complainants. The complaint examiner found that the language or conduct allegations against the second officer were unfounded, however, determining that although the officer raised her voice at the two Latino men and the complainants, there was no evidence presented at the hearing that indicated that the officer's tone of voice was inappropriate.

***b. Example #2***

The complainant, a gay man, alleged that late one night he received a phone call from a DCHAPD officer, who was on duty and working at the security booth in the complainant's public housing apartment building. When the complainant answered the phone, the subject officer allegedly told the complainant that he heard that the complainant had been "crying to [building] management" about a barring notice issued by the officer to the complainant's boyfriend, which banned the boyfriend from the apartment building for six months. The subject officer then reportedly told the complainant that he was extending the ban from six months to a year. When the complainant asked the officer why he was calling him, the subject officer allegedly responded in a mocking tone, "Because I love you. I love you."

Shortly after the incident, the complainant filed a complaint with OPC, alleging that the subject officer harassed him, used language or conduct against him that was insulting, demeaning, or humiliating, and discriminated against him based on his sexual orientation.

In his interview with OPC, the subject officer denied discriminating against the complainant based upon his sexual orientation, stating that he increased the ban from six months to a year because he had received numerous complaints about the complainant and his boyfriend from other tenants. The subject officer did, however, acknowledge that he referred to the complainant and his boyfriend as "faggots" when speaking to his supervisor about the incident, and informed his supervisor that they "had to get those people out of there because they are a problem."

Following completion of its investigation, OPC referred the matter to a complaint examiner. The complaint examiner issued a decision without holding an evidentiary hearing after determining that he had all the evidence necessary to resolve the complaint. The complaint examiner sustained the harassment allegation against the subject officer, finding that there was no specific law enforcement purpose for the subject officer to call the complainant late at night to discuss the barring notice, and that the complainant had the legal right to contact building management in an effort to have the ban lifted. The complaint examiner also sustained the language or conduct and discrimination allegations, finding that the subject officer mocked the complainant during the call, and that the subject officer's inappropriate comments to his supervisor, as well as his harassing phone call to the complainant and his refusal to rescind the barring notice, established direct evidence of discrimination.

## **C. Criminal Convictions and Discipline**

### **1. Criminal Convictions**

The statute governing OPC requires that the agency refer complaints alleging criminal conduct by police officers to the United States Attorney for the District of Columbia for possible criminal prosecution of the officers. OPC makes these referrals on a regular basis after conducting preliminary investigative work, such as interviewing complainants and non-police witnesses, obtaining medical records, police reports, and other documents, and gathering other information requested by the federal prosecutors who review the matters. Even though the agency refers approximately 15% of its complaints each year to the United States Attorney's Office, fiscal year 2007 was the first year where OPC closed a complaint as a result of a criminal conviction related to the allegations contained in the complaint. This happened twice during the year regarding two different complaints.

In the first instance, the subject officer pleaded guilty to assaulting a 20-year-old passenger during a traffic stop after the man initially refused to step out of the car.<sup>5</sup> The incident occurred in November 2005 when the officer attempted to forcibly remove the man from the vehicle. The two struggled briefly, but the passenger began to comply with the officer's orders, and got out of the car. While the man was standing next to the car, and no longer posed a threat to the officer, the subject officer struck the man in the side of the face with a closed fist. Other officers intervened and pulled the subject officer away from the man. In addition to resigning from MPD as part of his plea agreement, the subject officer was given a suspended sentence of 180 days in jail, as well as one year of probation and a \$500 fine.

In the second instance, the subject officer pleaded guilty to sexually assaulting a woman after he stopped her for a traffic violation. The traffic stop occurred in October 2005 in the early morning hours. After learning that the woman, who spoke only Spanish, did not have her driver's license, the officer told the woman to drive to Rock Creek Park so they could resolve the matter. The officer then exposed himself and forced the woman to engage in various sex acts. The subject officer resigned from MPD, and the judge sentenced him to three years in prison, which was above the 15-month sentence sought by prosecutors and the six to 24 months recommended by the sentencing guidelines. The officer also will have to register as a sex offender after being released from prison.<sup>6</sup>

While the convictions are significant developments in these particular cases, the fact that there have been only two convictions related to the hundreds of OPC complaints reviewed by the United States Attorney's Office in the seven years that the agency has been open also highlights the importance of OPC as a forum to seek redress of police misconduct allegations that are not pursued by the United States Attorney's Office.

### **2. Complaint Examiner Decisions**

All of the decisions that sustained at least one allegation were forwarded to MPD's Chief of Police or the Chief of Police for the DCHAPD for imposition of discipline. In all but one instance, the Chief has taken steps to impose discipline for the decisions after initially receiving them. As discussed in the Complaint Examination section above, the DCHAPD Chief returned a decision to OPC for review and reconsideration by a final review panel for the first time in fiscal year 2007. When the decision was ultimately upheld by the final review panel, the Chief

imposed discipline for that decision as well. Overall, this continues the 100% acceptance of decisions by a chief from an independent police review agency, which is exceptional and a positive reflection on the quality of OPC's investigations and decisions, as well as the District Government's statute creating OPC, which limits the circumstances under which a complaint may be returned for reconsideration.

As of the issuance of this report, the disciplinary process was completed for all of the decisions issued by OPC from fiscal year 2003 through the end of fiscal year 2007. In total, discipline has been imposed on a total of 68 subject officers. A summary of the discipline imposed on these officers is included in Table 3.

**Table 3: Discipline for Sustained Complaints (FY03-FY07)**

<b>Discipline or Action Taken</b>	<b>Total</b>
Terminated	1
Resigned <sup>7</sup>	3
Demoted	1
20-Day Suspension	2
15-Day Suspension	6
11-Day Suspension	1
10-Day Suspension	12
5-Day Suspension	6
3-Day Suspension	7
2-Day Suspension	1
Official Reprimand	14
Letter of Prejudice	1
Dereliction Report	1
Formal Counseling	12
<b>Total</b>	<b>68</b>

In addition to the subject officers included in the table above, there were three additional subject officers who had allegations sustained against them. They were not included in the table because one had retired and another had resigned from MPD before the disciplinary process was initiated, and MPD had already pursued discipline against a third for the same incident based on an investigation conducted by the department.

OPC recently learned that an arbitrator reviewing a 10-day suspension imposed on a subject officer based on an August 2003 complaint examiner decision that sustained harassment and unnecessary or excessive force allegations against the officer ordered that the suspension be rescinded and removed from the officer's personnel file. In reporting discipline information, OPC attempts to obtain the final disposition of each matter, and to keep up to date on any developments that may affect the final disposition. MPD's discipline process is reasonably complex and can go on for quite some time through all of the appeals, and there are subsequent reviews that occur even after the department has taken its final action. But OPC 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 OPC.

### **3. *Failure to Cooperate by MPD Officers***

The statute that created OPC requires that MPD employees cooperate fully as requested with OPC's investigation and adjudication of a complaint,<sup>8</sup> and that officers participate in good faith in the mediation process when OPC refers a complaint to mediation.<sup>9</sup> As reported in last year's annual report, the number of notifications sent to MPD for failures to cooperate had grown dramatically in 2005 and 2006, and in those years, MPD failed or refused to take disciplinary action against officers in the significant majority of the cases where OPC found that officers had not cooperated with OPC's investigation or mediation of police misconduct complaints. Beginning in December 2006, after receiving information about the extent of the problem, OPC aggressively pursued this issue by publicizing it and by raising concerns with MPD management and the District Council because the failures to cooperate violated District of Columbia law, hindered OPC's ability to gather the facts in its investigations, jeopardized the agency's independence, and had the effect of encouraging further non-cooperation by officers. Community and advocacy groups, including the NAACP Metropolitan Police and Criminal Justice Review Task Force, the Gay and Lesbian Activists Alliance of Washington, and the American Civil Liberties Union of the National Capital Area also expressed their concerns to MPD and the Council.

By April 2007, MPD's new Chief of Police, Cathy L. Lanier, had taken steps to address this issue. After meeting with OPC and the chairman of the District Council's Committee on Public Safety and the Judiciary to discuss these concerns, the Chief issued directives to the department indicating that she expected employees to cooperate fully with OPC and that she would discipline anyone who did not cooperate. Since that time, the number of instances of non-cooperation has fallen dramatically – from 42 in the first half of the year before the directives to six in the second half, almost all within a month of the directives – and discipline has been imposed regularly for non-cooperation that did occur. OPC is satisfied with MPD's prompt and effective response to this issue, and given its importance to the effective operation of the District's police accountability system, OPC will continue to monitor the imposition of discipline by MPD.

#### **D. *Mediation***

##### **1. *Operation of the Program***

In fiscal year 2007, OPC, through its mediation service, the Community Dispute Resolution Center (CDRC), mediated 35 complaints, bringing the grand total to 165 complaints mediated. The parties reached an agreement in 26 of the 35 mediation sessions, or 74%, and these agreements accounted for 7% of all complaints resolved by OPC through conviction, adjudication, dismissal, or successful mediation in fiscal year 2007. Experts in the field have used these three measures – “the total number of complaints referred for mediation, the percentage of those cases that were successfully mediated, and the percentage of all complaints that were successfully mediated”<sup>10</sup> – to survey and compare the operation of mediation programs used by different police oversight agencies.<sup>11</sup> The agency's performance places it at or near the top of all of the programs around the United States. OPC is pleased that it has achieved and maintained an increased number of complaints referred to mediation, a significant percentage of successful mediations, and a noteworthy percentage of all cases resolved through mediation agreements.

Since the program began in 2001, 120 of the 165 mediation sessions (or 73%) have been successful and resulted in an agreement between the parties that resolved the complaint. The remaining 45 sessions (or 27%) did not result in an agreement, 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, the use of unnecessary or excessive force not resulting in injury, failure to provide identification, retaliation, or a combination of the six.

In addition to the statistical success rate, a survey of the participants indicated that 98% of complainants and subject officers who responded found the mediator to be helpful or very helpful, 88% found the mediation session to be satisfactory or very satisfactory, and 96% found the resulting agreement to be fair or very fair. With the aim of the program being to enhance community-police relations, it is important that such a high proportion of participants come away with a positive view of the mediator and the process, as well as the agreement that both sides worked toward reaching.<sup>12</sup> In addition, 48% of the respondents left their mediation session with more positive feelings about the other party, while only 9% had more negative feelings, and 42% indicated no change in their feelings. Finally, OPC 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.

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

As an illustration of the types of complaints that were referred to mediation in fiscal year 2007, the following are examples that describe the complaint and the mediation session:

### ***a. Example #1***

A senior citizen filed a complaint alleging that several officers who came to search her home harassed her and subjected her to insulting language and conduct. The complainant was home alone at the time, and she said their sudden arrival frightened her so badly that she had trouble opening her door. She said that as she attempted to get the door open, one of the officers cursed at her. Then, as the officers rushed into her home, the woman asked several times why they had come to her home, and the officers did not immediately answer her question. Instead, one of the officers told her to sit down on the couch while the home was searched. The complainant said that while she waited for them to complete the search, she overheard some of the officers making disparaging remarks about the condition of her home and the “clutter” in various parts of the home. No illegal items were found or seized as a result of the search. The complainant was greatly disturbed by the incident and filed a complaint because she believed her home had been targeted unfairly, and also because she felt that the officers had been unnecessarily rude and disrespectful to her.

A mediation session was arranged between the complainant and the sergeant supervising the search team. In the mediation, the complainant began by giving a detailed description of the incident. She emphasized how shocked and frightened she had been, and how upset she felt about the way she had been treated. She described the language that had offended her. She also expressed confusion as to why her home had been searched in the first place, since she and her husband do not do drugs, and they do not permit any of their children or grandchildren who stay at the home to use drugs or engage in illegal behavior. And lastly, she told the officer about drug

use and other illegal activity she had witnessed at other locations in her neighborhood, and expressed frustration that it seemed the police did not do anything about it.

After listening to the complainant, the sergeant began to explain the situation from his perspective. He stated that he was glad to have the opportunity to talk with the complainant, because he knew how shaken up she had been after the search. He described all the steps that his team had taken in order to obtain the search warrant, including the fact that an undercover officer from his team had witnessed drugs being sold by an individual at her home. When the complainant heard this, she said she had no idea that anyone had sold drugs from her home, but she was glad to know he had a legitimate reason for coming to her home and said she understood that he was just doing his job. The officer said he believed her, and that he had dealt with many unsuspecting homeowners like her who, unfortunately, end up suffering the consequences for the illegal actions of other people staying in their homes, and that he felt badly when that happened.

The officer also said that he does not permit members of his team to use rude or insulting language. He said he had not heard the offending remarks when he was there at her home, but that he would review the language policy with the team during their next shift. He explained that officers are often in a hurry to get into the home they are searching because if they delay their entry too long, suspects may flush or remove evidence of drugs before the officers can get inside. He said he tries to keep his team in line, but sometimes the officers grow impatient, and he assured her that none of the officers were deliberately trying to insult her. She acknowledged that the officers have a difficult job and said she could understand the anxiety they must feel during those encounters.

The mediator then helped the woman and the officer see that they shared a concern about crime in the neighborhood, and that both wanted things to change for the better. The officer and the citizen discussed the broader problems existing in the neighborhood, and the efforts they have each made to improve the situation. The officer took down the addresses of other locations where the complainant had observed illegal activity, and he told her they would investigate those locations.

By the end of the mediation, the officer said he was grateful to have the chance to further explain the actions his team had taken that day, and the woman's trust in the local police appeared to be restored.

***b. Example #2***

A woman filed a complaint against an officer alleging that he harassed her and used inappropriate language or conduct against her during an incident stemming from a parking ticket that was issued to her. The citizen had temporarily parked her car in a "No Parking" area of the apartment complex where she resides. When she discovered the ticket, she went to the front desk and complained that someone should have called her and asked her to move her vehicle, rather than call MPD and have a ticket issued, which was the typical protocol at the building. The complainant and the concierge began to argue. The officer intervened and told the complainant that she should not speak to the concierge in that manner. A few minutes later, the complainant returned to the front desk and saw that the officer appeared to be "consoling" the concierge. The next day, the complainant found out the officer had given a statement to the building supervisor, which led the supervisor to issue a warning to the complainant that if she gets into another argument with a staff member, she could be evicted.

At the mediation, the woman and the officer each described the incident from their perspectives. The conversation reached a turning point when the complainant stated that she had been greatly upset that the officer, a black male, had seemed to be defending the concierge, a white woman, from the complainant. She added that she was a well-educated professor with a Ph.D., and that he did not know the difficulties she, an African-American woman, had faced in order to create that kind of life for herself. The officer said that, no, he did not understand what it was like for her. He then pointed out a few specific things the complainant had said and done during her argument with the concierge that the officer found inappropriate and that had “pushed his buttons.” What followed was a very thoughtful and candid discussion between the officer and the citizen about the expectations and judgments they had each experienced related to their class, gender, and cultural backgrounds.

The complainant had also been concerned about the status of her tenancy being in jeopardy on the basis of the officer’s statement to the building supervisor. She was upset because she believed the officer had exaggerated his description of her behavior – she said that although she had raised her voice, she was not out-of-control or irate, as the supervisor said the officer had reported. During the mediation, the officer showed the complainant a copy of the statement he had given to the supervisor, and the complainant was surprised to see that the officer’s description was far more neutral than she had thought. Both agreed that the supervisor had given the complainant the wrong impression about the officer’s statement.

At the end of the mediation, both the citizen and the officer stated that they viewed each other in a more positive light, and that the situation had been resolved.

## **E. Investigations**

OPC’s investigative unit continued its critical work collecting the facts about and analyzing the allegations contained in the police misconduct complaints received by the agency. OPC was created to allow the agency the independence and authority needed to conduct its investigations. For example, OPC is a government agency, but it is independent of MPD and DCHAPD and not under the direct control of the Mayor, to whom the Chief of Police reports. The agency also has its own non-police staff to investigate complaints, and the law vests OPC with subpoena power to gather necessary evidence and requires that the relevant police department cooperate with its investigations. A considerable amount of work goes into investigating each complaint, even when a complaint is ultimately dismissed, and OPC’s investigators are responsible for getting this work done.

As an overview of the work done by OPC’s investigators in fiscal year 2007, they conducted over 650 interviews during the year, which included more than 400 police officer and 250 citizen interviews. The amount of investigator time devoted to conducting interviews was even greater, though, because a second investigator participated in approximately half of the interviews, consistent with OPC’s policy. From the interviews and other investigative work, the agency produced 345 investigative reports, which was a 37% increase over fiscal year 2006. This sizeable increase in the number of completed investigative reports highlights the continued work by the agency and its staff to improve the handling of its complaints.

The organization and operation of the unit were generally the same this year after several years that saw the expansion, reorganization, and enhancement of the unit. The most significant changes came toward the end of the year and will have most of their impact in the year ahead.

First, OPC added an intake clerk to assist with the receipt and processing of complaints by the office, as well as to assist with the handling of Freedom of Information Act (FOIA) requests. Second, OPC introduced the use of detailed subcategories for each of its allegations. For example, the use of unnecessary or excessive force is now broken down into approximately 20 subcategories, such as discharge of a service weapon, punching, pushing or pulling without impact, or applying handcuffs too tightly, among others. The subcategories will allow OPC to more precisely track and report on the misconduct alleged by citizens, and will give a clearer picture of the severity of the complaints received by the agency.

To illustrate how complex some of the investigations can be, even when a complaint is ultimately dismissed, the following is an example of a complaint investigation that led to a dismissal and the thorough investigative work that it entailed:

### *1. Dismissal Example*

Two complainants, one male and one female, filed separate but related complaints alleging that three subject officers subjected the complainants and their friends to harassment, unnecessary or excessive force, and language or conduct that was insulting, demeaning, or humiliating. The complainants stated that at approximately 3:00 a.m., they left a bar with four friends. As the complainants walked to their cars, they encountered two subject officers, who yelled at them to go the other way around a vehicle. The officers allegedly used profanity as they yelled at the complainants. The complainants told the officers that they were moving and that the officers should not yell and curse at them. The complainants also changed direction and went another way around the parked vehicle. One subject officer then moved in front of the complainants to block their path and took out his handcuffs, indicating he was going to arrest the male complainant.

According to the complainants, two of their friends approached and asked what was going on. A second officer came over and told the friends to back up and to get out of the way, and then pushed them back to separate them from the male complainant. A third friend ran across the parking lot toward the subject officer, yelled that the officer had pushed a girl, and “collided” with the officer. The subject officers then allegedly began to punch and kick the friend. The male complainant attempted to cover the friend’s body to protect him from the officers’ blows. The fight continued, and at some point, the fourth friend became involved and was allegedly kicked and punched by the officers. According to the female complainant, the officers yelled and cursed at the men, and struck the men with their police batons. At some point, one of the subject officers allegedly pointed his gun at the back of one of the friend’s head. The fight still continued, and other officers arrived at the scene and “jumped in the fight.” After a few minutes, the fight ended and the male complainant and male friends were handcuffed. One female friend was running around, screaming, crying, and asked why the officers were beating the men. One subject officer told the woman to be quiet or she would be arrested, and when she did not quiet down, the officer allegedly grabbed the woman to handcuff her. When the officer pulled the woman’s arm behind her back, the female complainant heard a “pop” and the woman cried out that her arm hurt as she was taken away by officers. The three men and one woman were all arrested and charged with assault on a police officer (APO). The complainants denied that any of the arrestees assaulted or fought the officers.

This case was reviewed by the United States Attorney’s Office for possible criminal prosecution of the subject officers, and when the United States Attorney’s Office declined to



prosecute the officers, OPC continued with its investigation. During its investigation, OPC interviewed the two complainants, one of the four friends, another witness identified by the complainants, and the three subject officers. OPC attempted to interview the other three friends, but they did not appear for scheduled interviews and did not respond to OPC's other attempts to interview them. These friends also did not respond to requests that they provide medical records for any of the injuries they allegedly received during this incident. OPC also reviewed an extensive record that included arrest, incident, and use of force reports completed by the police, witness statements given to MPD by the subject officers, other police officers, the complainants and their friends, and other potential witnesses, communication records from MPD, photographs of injuries to one of the officers, the male complainant, and one of the male friends, medical records for the male complainant, and an MPD internal investigative report and findings.

After reviewing the considerable evidence gathered during this investigation, OPC concluded that the complainants' allegations lacked merit and should be dismissed. Although they may not have known it, the complainants walked into the middle of the police arresting a man for urinating in public and questioning two women who were allegedly engaged in prostitution. When the complainants were asked to walk around the area where the officers were conducting their police work, they got into an exchange with the officers that they admit caused a crowd to gather from among the others leaving the bar for the night. The complainants also admitted that they had been drinking and that their exchange with the officers continued to the point where the officers felt that the male complainant's behavior crossed the line to disorderly conduct. When one of the officers attempted to arrest the male complainant, the incident escalated quickly after one of the friends rapidly approached and kicked the officer, which was confirmed by an independent witness. Additional officers and the other friends became involved in a scuffle that was started by the complainants' friend. In general, OPC did not credit several of the allegations or the versions of the events provided by the complainants' and their friend because they were inconsistent and contradictory as to what they did and how the officers responded. They also admitted they had been drinking before the incident occurred. In contrast, the officers' version of the events was consistent among the officers and supported by an independent witness and the other documentary evidence OPC obtained. It appeared clear from OPC's review that the officers had a legitimate basis for their actions and were warranted in using the force that they used to control the incident and effect the arrests of the male complainant and his friends.

## **F. Statistics**

In an effort to describe the work performed by OPC, the nature and location of the complaints that the office received, and the characteristics of the complainants and subject officers, OPC has collected the statistics included in this section. In addition to reporting the same statistics that the agency has reported each year, this section includes the following new tables and charts: a revised chart depicting complaints received per month and the growth in complaints received; a table and chart regarding the time of incidents leading to complaints; tables indicating the number of complainants who filed multiple complaints and the number of officers who were the subject of multiple complaints; and tables and charts showing the rank, age, and years of experience of subject officers. OPC was able to add this information to the annual report from data already collected by the agency, and thereby provide more detail about the complaints investigated by OPC.

This year's annual report also has less text in and around the charts and tables to streamline and simplify the presentation of the statistics. Nevertheless, some of the information contained below regarding fiscal year 2007 that warrants highlighting includes the following:

- The number of contacts increased by 18% (from 889 to 1,050), while the number of complaints increased at a more modest rate of 6% (from 414 to 440). The increase in the number of complaints this year followed 24% and 27% increases in the preceding two fiscal years.
- The total number of complaints closed by OPC grew by 17% (from 435 to 510). This year's increase was driven by a 38% increase (from 272 to 376) in OPC complaints resolved through criminal conviction, adjudication, dismissal, or successful mediation.
- The number of open complaints at the end of the year decreased by 27%. This was the fourth year in a row that the agency closed more complaints than it opened.
- This year, OPC received the most contacts and complaints in the history of the agency. Nevertheless, OPC also reached the smallest number of open complaints since the first year the agency was open. As part of its work, the agency closed the largest number of complaints, completed the most investigations, and adjudicated and mediated the most complaints ever.
- The proportion of force and language or conduct allegations continued to decrease this year, reaching their lowest levels in the last five years, accounting for 13% and 31% of all allegations, respectively. The proportion of harassment allegations continued to increase, reaching its highest level in the last five years, making up 36% of all allegations. These changes in the proportions of allegations coincide with the term of the implementation of the settlement between the United States Department of Justice and MPD and the District of Columbia, which was significantly focused on minimizing the risk of excessive use of force by MPD officers.<sup>13</sup>
- The age and years of service data show that younger and less experienced officers make up a larger proportion of subject officers than their representation in the entire police force, and older and more experienced officers make up a smaller proportion. While this is a noticeable pattern in the data, it could be attributable to a variety of factors that correlate with age and years of experience, including rank, training, assignment, tour of duty, amount of contact and experience working with citizens, and other things, and are more likely to affect the likelihood of being a subject officer in a complaint.

In this section, please note that data regarding complainant and subject officer characteristics generally reflect the information for each complaint, not eliminating duplicates of complainants who filed multiple complaints or officers who were the subject of multiple complaints. In some tables, OPC was able to include information regarding the number of "unique complainants," meaning that OPC eliminated duplicate complainants. In some tables, OPC was able to include information regarding the number of "unique officers," meaning that OPC eliminated duplicate officers.

For reference purposes, a map indicating the location of the seven police districts used by MPD is included in Appendix B and a map indicating the location of the District of Columbia's eight wards is included in Appendix C. To help give a better sense of where complaint incidents occurred around the city, both maps also indicates these locations.

1. *Contacts and Complaints Received*

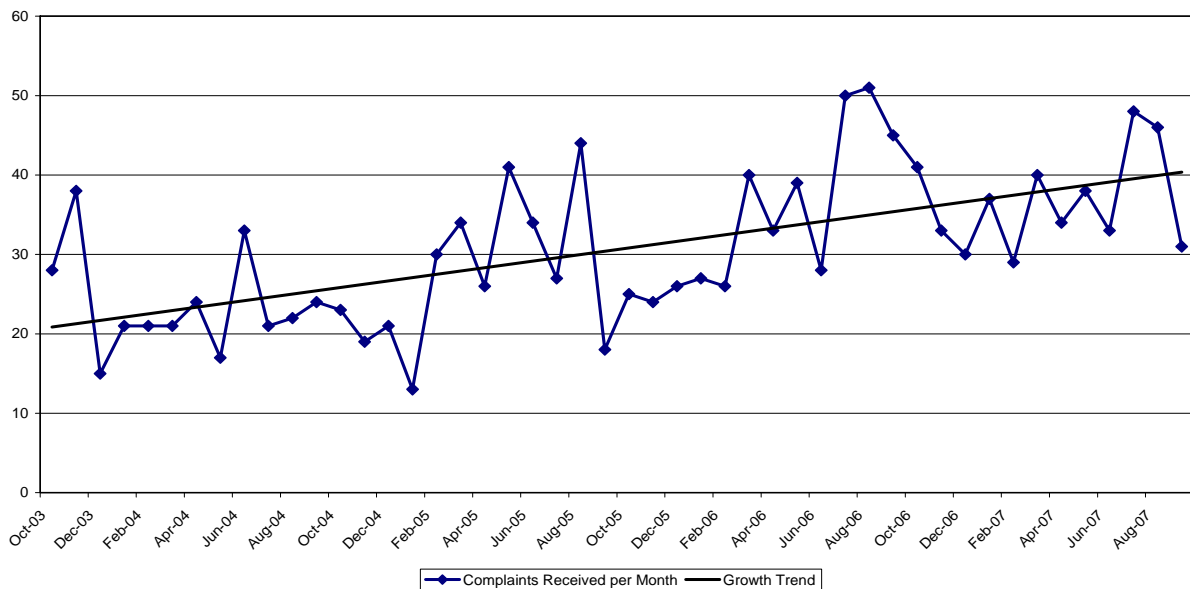
**Table 4: Contacts and Complaints Received**

	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>
<b>Total Contacts</b>	613	699	674	889	1,050
<b>Closed – Outside Agency Jurisdiction, Etc.<sup>14</sup></b>	55	297	184	232	352
<b>Closed – No Complaint Submitted</b>	197	140	164	243	258
<b>Total Complaints</b>	361	262	326	414	440

**Table 5: Complaints Received per Month**

	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>
<b>October</b>	28	23	25	41
<b>November</b>	38	19	24	33
<b>December</b>	15	21	26	30
<b>January</b>	21	13	27	37
<b>February</b>	21	30	26	29
<b>March</b>	21	34	40	40
<b>April</b>	24	26	33	34
<b>May</b>	17	41	39	38
<b>June</b>	33	34	28	33
<b>July</b>	21	27	50	48
<b>August</b>	22	44	51	46
<b>September</b>	24	18	45	31

**Chart 5: Complaints Received per Month**



2. *Disposition of Complaints*

**Table 6: Disposition of Complaints**

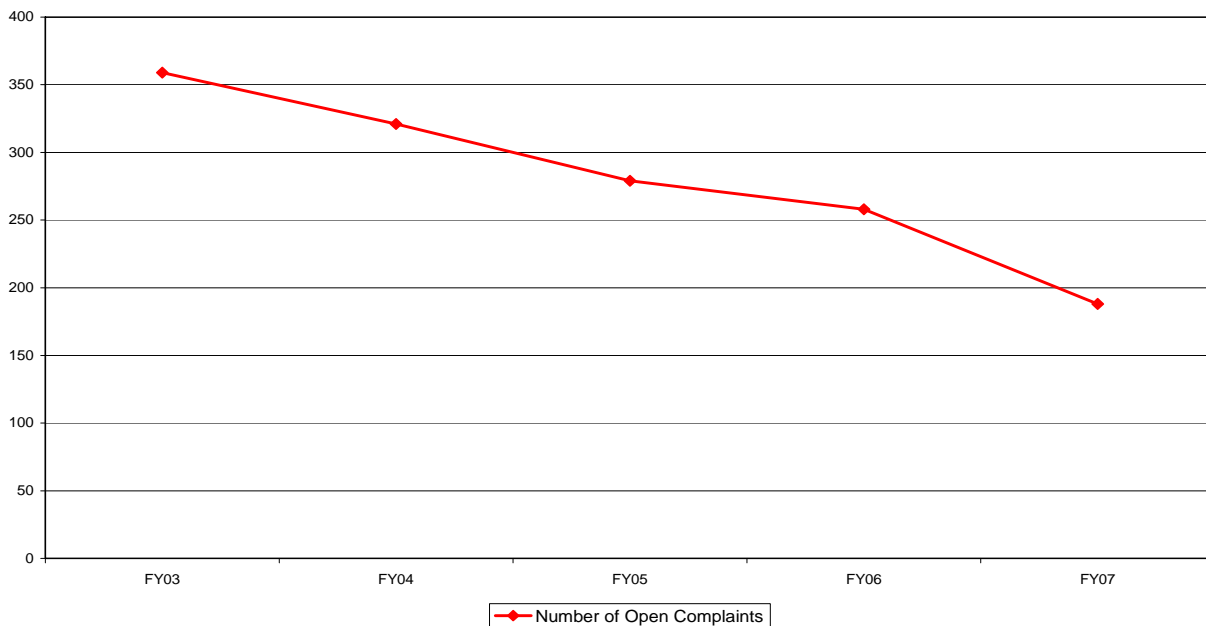
	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>
<b>Criminal Conviction</b>	--	--	--	--	2
<b>Adjudicated</b>	19	16	17	19	22
<b>Dismissed</b>	75	145	211	232	326
<b>Successfully Mediated</b>	15	25	13	21	26
<b>Withdrawn by Complainant</b>	9	26	25	24	24
<b>Referred to MPD</b>	90	62	65	93	74
<b>Referred to Other Police Agencies</b>	18	11	3	3	6
<b>Administrative Closures</b>	9	27	34	43	30
<b>Closed Complaints</b>	235	312	368	435	510

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

**Table 7: Status of Pending Complaints at the End of Each Fiscal Year**

	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>
<b>Assigned to Complaint Examiner</b>	12	9	5	4	6
<b>Referred for Mediation</b>	11	5	18	12	8
<b>Referred to U.S. Attorney’s Office</b>	18	10	25	30	23
<b>Referred to PCB Member</b>	--	--	14	12	12
<b>Awaiting Subject Officer Objections</b>	--	--	2	2	1
<b>Under Investigation by OPC</b>	239	224	157	163	122
<b>Under Investigation / Report Drafted</b>	79	73	58	35	16
<b>Total Number of Open Complaints</b>	359	321	279	258	188

**Chart 7: Number of Open Complaints at the End of Each Fiscal Year**

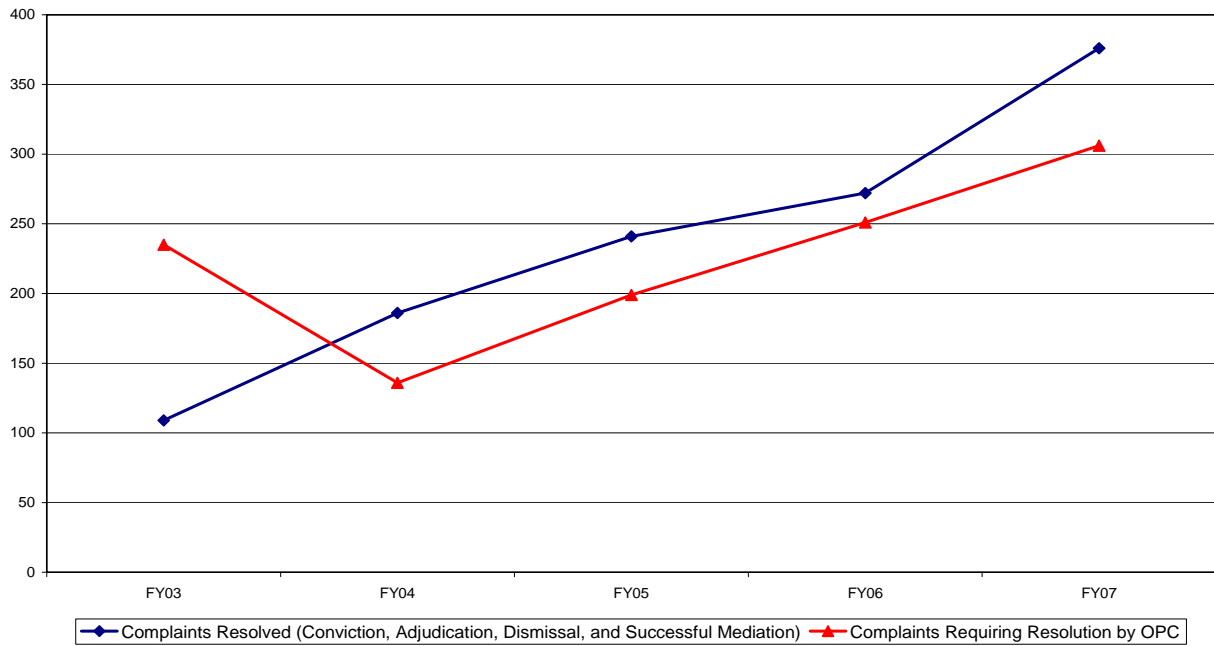


4. *OPC Workload*

**Table 8: OPC Workload**

	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>
<b>Total Complaints</b>	361	262	326	414	440
<b>Referred to MPD or Other Agency for Investigation</b>	108	73	68	96	80
<b>Complaints in OPC's Jurisdiction</b>	253	189	258	318	360
<b>Withdrawn or Administratively Closed</b>	18	53	59	67	54
<b>Complaints Requiring Resolution by OPC</b>	235	136	199	251	306
<b>Complaints Investigated and Resolved (Conviction, Adjudication, Dismissal, and Successful Mediation)</b>	109	186	241	272	376
<b>Increase / Decrease in Number of Open Complaints</b>	126	(50)	(42)	(21)	(70)

**Chart 8: OPC Workload**

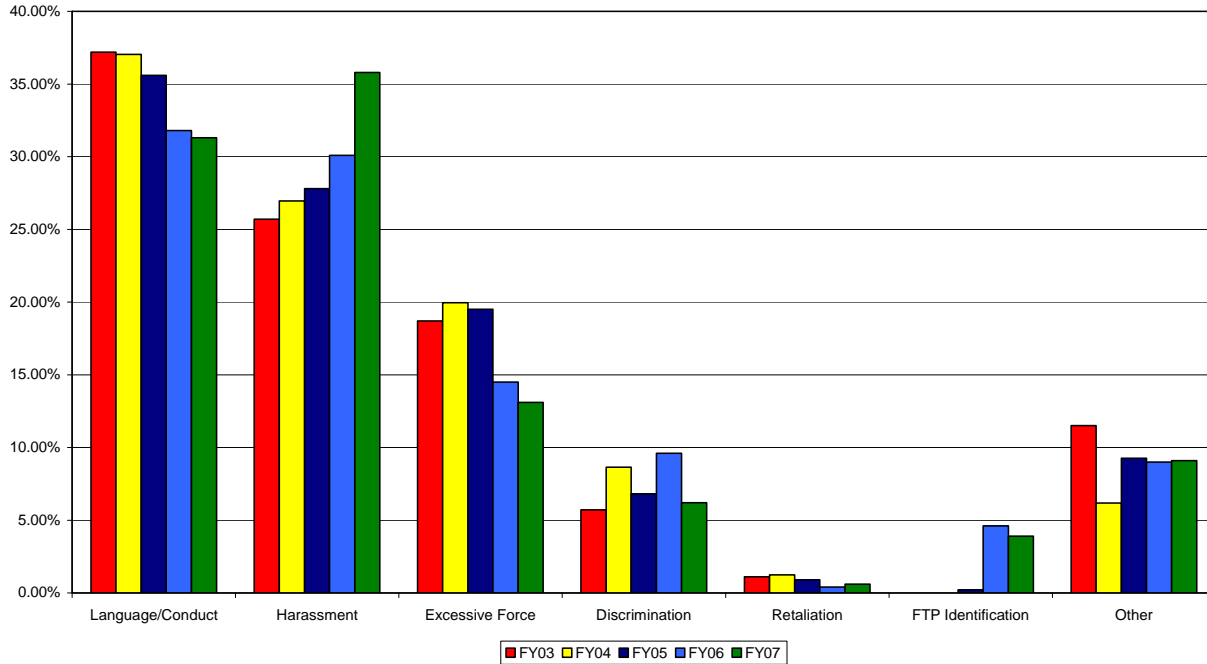


5. *Allegations in Complaints and Time of Incidents*

**Table 9: Allegations in Complaints**

	FY03		FY04		FY05		FY06		FY07	
<b>Language / Conduct</b>	197	37.2%	180	37.0%	188	34.4%	234	31.8%	241	31.3%
<b>Harassment</b>	136	25.7%	131	27.0%	176	32.2%	222	30.1%	276	35.8%
<b>Excessive Force</b>	99	18.7%	97	20.0%	101	18.5%	107	14.5%	101	13.1%
<b>Discrimination</b>	30	5.7%	42	8.6%	39	7.1%	71	9.6%	48	6.2%
<b>Retaliation</b>	6	1.1%	6	1.2%	4	0.7%	3	0.4%	5	0.6%
<b>FTP Identification</b>	--	--	--	--	6	1.1%	34	4.6%	30	3.9%
<b>Other</b>	61	11.5%	30	6.2%	33	6.0%	66	9.0%	70	9.1%
<b>Total Allegations</b>	529		486		547		737		771	

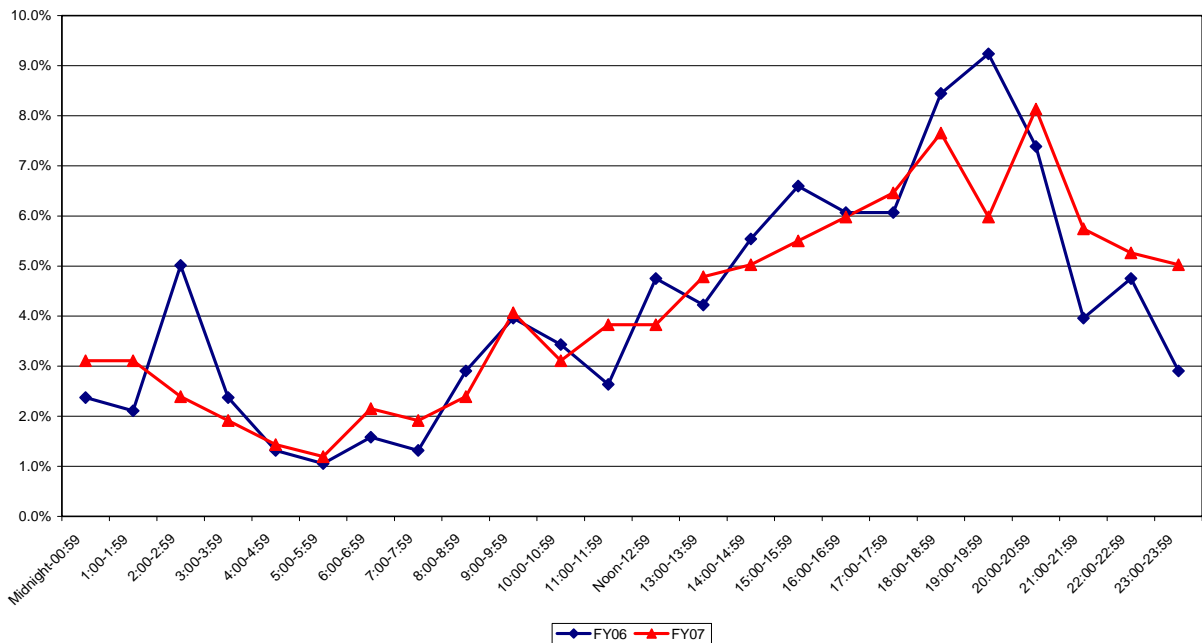
**Chart 9: Allegations in Complaints (as a Percentage)**



**Table 10: Time of Incidents Leading to Complaints**

	FY06		FY07	
<b>Midnight-00:59</b>	9	2.4%	13	3.1%
<b>1:00-1:59</b>	8	2.1%	13	3.1%
<b>2:00-2:59</b>	19	5.0%	10	2.4%
<b>3:00-3:59</b>	9	2.4%	8	1.9%
<b>4:00-4:59</b>	5	1.3%	6	1.4%
<b>5:00-5:59</b>	4	1.1%	5	1.2%
<b>6:00-6:59</b>	6	1.6%	9	2.2%
<b>7:00-7:59</b>	5	1.3%	8	1.9%
<b>8:00-8:59</b>	11	2.9%	10	2.4%
<b>9:00-9:59</b>	15	4.0%	17	4.1%
<b>10:00-10:59</b>	13	3.4%	13	3.1%
<b>11:00-11:59</b>	10	2.6%	16	3.8%
<b>Noon-12:59</b>	18	4.7%	16	3.8%
<b>13:00-13:59</b>	16	4.2%	20	4.8%
<b>14:00-14:59</b>	21	5.5%	21	5.0%
<b>15:00-15:59</b>	25	6.6%	23	5.5%
<b>16:00-16:59</b>	23	6.1%	25	6.0%
<b>17:00-17:59</b>	23	6.1%	27	6.5%
<b>18:00-18:59</b>	32	8.4%	32	7.7%
<b>19:00-19:59</b>	35	9.2%	25	6.0%
<b>20:00-20:59</b>	28	7.4%	34	8.1%
<b>21:00-21:59</b>	15	4.0%	24	5.7%
<b>22:00-22:59</b>	18	4.7%	22	5.3%
<b>23:00-23:59</b>	11	2.9%	21	5.0%
<b>Unknown</b>	35		22	
<b>Total</b>	414		440	

**Chart 10: Time of Incidents Leading to Complaints (as a Percentage)**



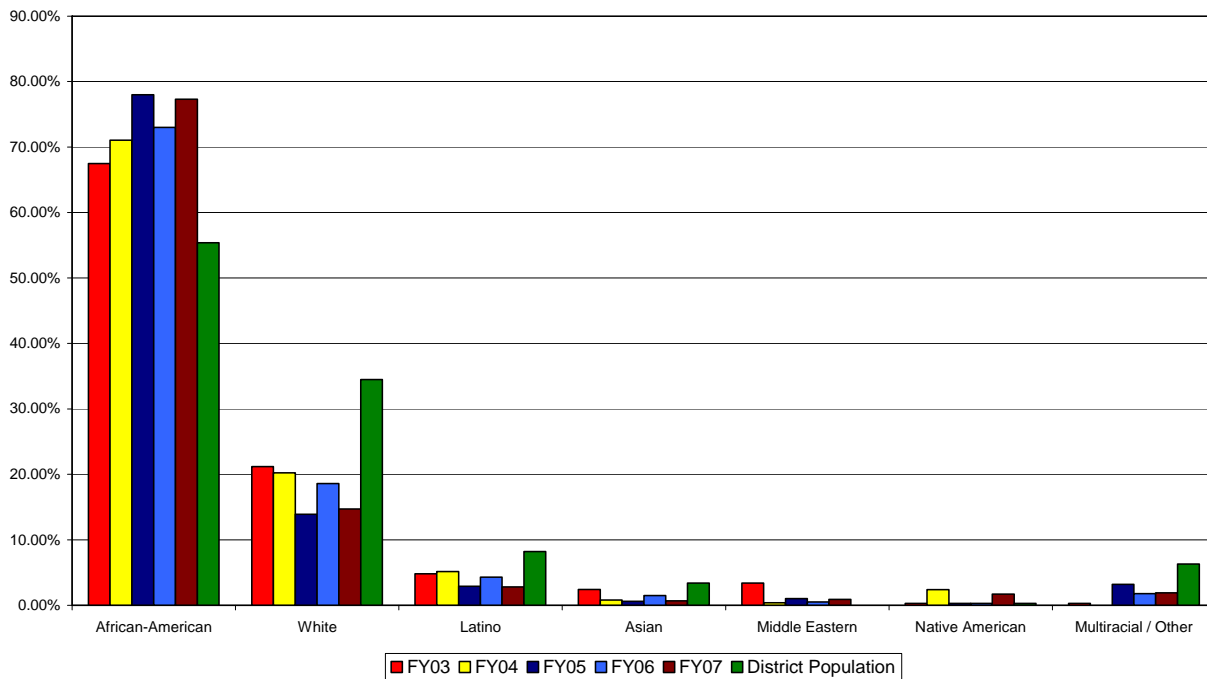


6. *Complainant Characteristics*<sup>15</sup>

**Table 11: Complainant Race or National Origin**

	FY03		FY04		FY05		FY06		FY07		District Pop.
<b>African-American</b>	197	67.5%	179	71.0%	241	78.0%	287	73.0%	327	77.3%	55.4%
<b>White</b>	62	21.2%	51	20.2%	43	13.9%	73	18.6%	62	14.7%	34.5%
<b>Latino</b>	14	4.8%	13	5.2%	9	2.9%	17	4.3%	12	2.8%	8.2%
<b>Asian</b>	7	2.4%	2	0.8%	2	0.6%	6	1.5%	3	0.7%	3.4%
<b>Middle Eastern</b>	10	3.4%	1	0.4%	3	1.0%	2	0.5%	4	0.9%	--
<b>Native American</b>	1	0.3%	6	2.4%	1	0.3%	1	0.3%	7	1.7%	0.3%
<b>Multiracial / Other</b>	1	0.3%	0	0.0%	10	3.2%	7	1.8%	8	1.9%	6.3%
<b>Unreported</b>	69		10		17		21		17		
<b>Total</b>	361		262		326		414		440		

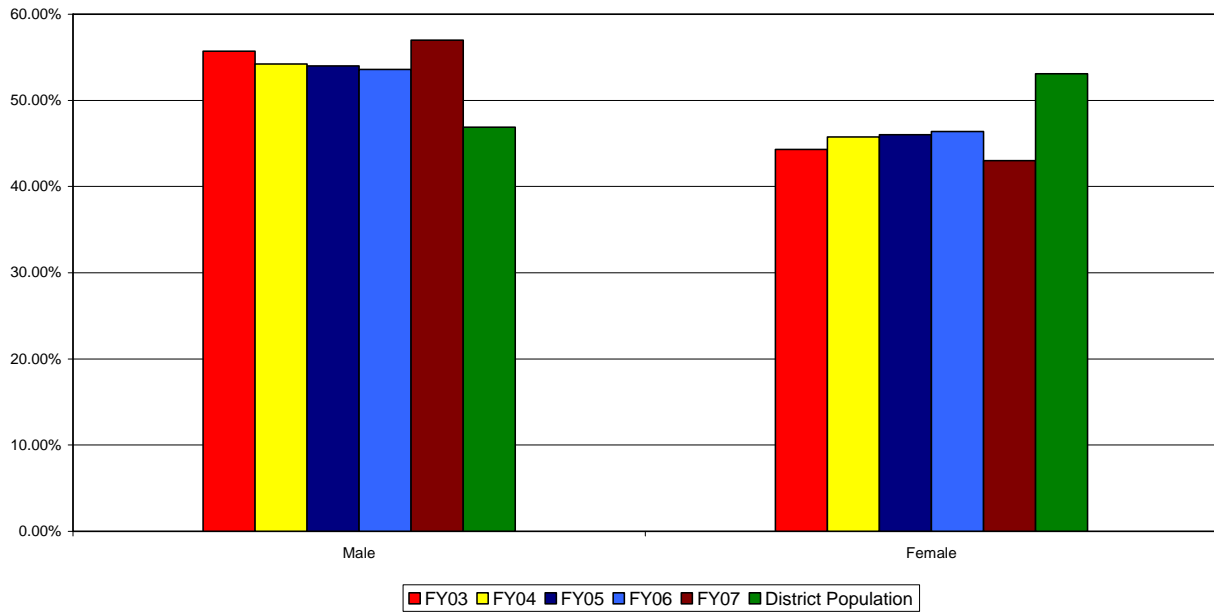
**Chart 11: Complainant Race or National Origin (as a Percentage)**



**Table 12: Complainant Gender**

	FY03		FY04		FY05		FY06		FY07		District Pop.
<b>Male</b>	201	55.7%	141	54.2%	176	54.0%	222	53.6%	251	57.0%	46.9%
<b>Female</b>	160	44.3%	119	45.8%	150	46.0%	192	46.4%	189	43.0%	53.1%
<b>Unreported</b>	--		2		--		--		--		
<b>Total</b>	361		262		326		414		440		

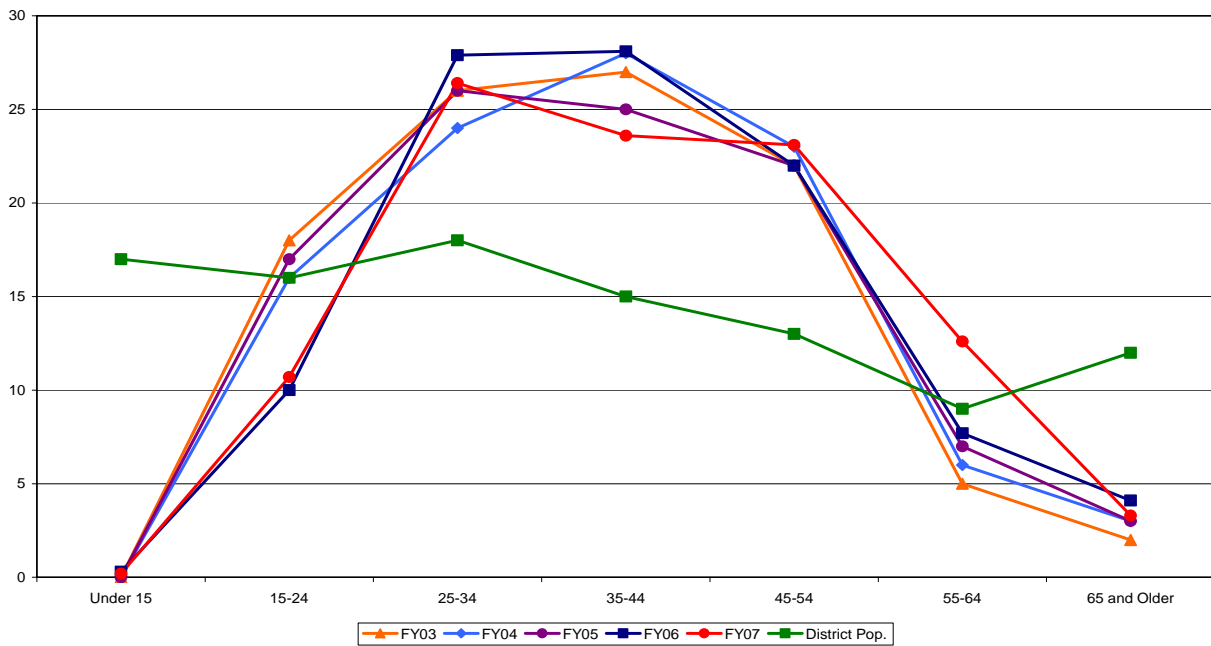
**Chart 12: Complainant Gender (as a Percentage)**



**Table 13: Complainant Age**

	FY03		FY04		FY05		FY06		FY07		District Pop.
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	
<b>Under 15</b>	--	--	1	0.4%	--	--	1	0.3%	1	0.2%	17.1%
<b>15-24</b>	37	18.0%	39	15.8%	57	17.9%	39	10.0%	46	10.7%	15.7%
<b>25-34</b>	53	25.7%	60	24.3%	82	25.8%	109	27.9%	113	26.4%	17.8%
<b>35-44</b>	56	27.2%	68	27.5%	78	24.5%	110	28.1%	101	23.6%	15.3%
<b>45-54</b>	46	22.3%	57	23.1%	72	22.6%	86	22.0%	99	23.1%	13.2%
<b>55-64</b>	10	4.9%	14	5.7%	21	6.6%	30	7.7%	54	12.6%	8.7%
<b>65 and Older</b>	4	1.9%	8	3.2%	8	2.5%	16	4.1%	14	3.3%	12.3%
<b>Total</b>	206		247		318		391		428		

**Chart 13: Complainant Age (as a Percentage)**



**Table 14: Number of Complainants Who Filed Multiple Complaints**

	FY06	FY07
<b>2 Complaints</b>	12	14
<b>3 Complaints</b>	--	--
<b>4 Complaints</b>	--	--
<b>5 Complaints</b>	--	1

**Table 15: Complainant Race or National Origin with “Unique Complainant” Information**

	FY03	FY03 Unique Comp.	FY04	FY04 Unique Comp.	FY05	FY05 Unique Comp.	FY06	FY06 Unique Comp.	FY07	FY07 Unique Comp.
<b>African-American</b>	197	190	179	176	241	225	287	280	327	315
<b>White</b>	62	59	51	43	43	43	73	71	62	60
<b>Latino</b>	14	14	13	13	9	9	17	17	12	12
<b>Asian</b>	7	6	2	2	2	2	6	6	3	3
<b>Middle Eastern</b>	10	6	1	1	3	3	2	2	4	4
<b>Native American</b>	1	1	6	1	1	1	1	1	7	3
<b>Multiracial / Other</b>	1	1	0	0	10	10	7	5	8	8
<b>Unreported</b>	69	68	10	10	17	17	21	20	17	17
<b>Total</b>	361	345	262	246	326	310	414	402	440	422

**Table 16: Complainant Gender with “Unique Complainant” Information**

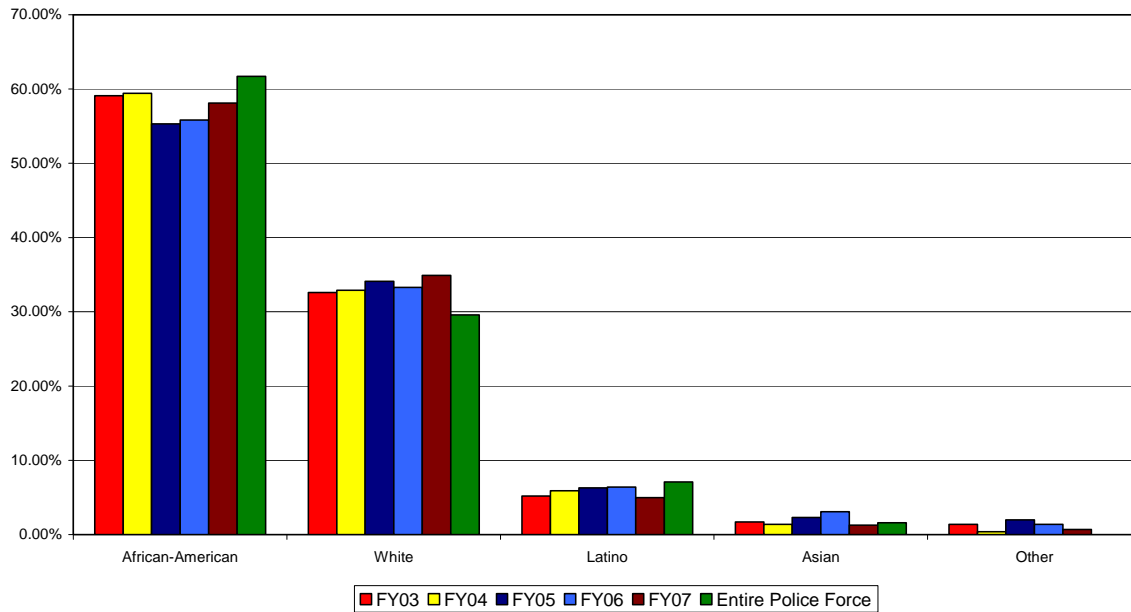
	FY03	FY03 Unique Comp.	FY04	FY04 Unique Comp.	FY05	FY05 Unique Comp.	FY06	FY06 Unique Comp.	FY07	FY07 Unique Comp.
<b>Male</b>	201	190	141	126	176	168	222	218	251	238
<b>Female</b>	160	155	119	118	150	142	192	184	189	184
<b>Unreported</b>	--	--	2	2	--	--	--	--	--	--
<b>Total</b>	361	345	262	246	326	310	414	402	440	422

7. *Subject Officer Characteristics*<sup>16</sup>

**Table 17: Subject Officer Race or National Origin**

	FY03		FY04		FY05		FY06		FY07		Entire Police Force
<b>African-American</b>	205	59.1%	170	59.4%	219	55.3%	270	55.8%	316	58.1%	61.7%
<b>White</b>	112	32.6%	94	32.9%	135	34.1%	161	33.3%	190	34.9%	29.6%
<b>Latino</b>	18	5.2%	17	5.9%	25	6.3%	31	6.4%	27	5.0%	7.1%
<b>Asian</b>	6	1.7%	4	1.4%	9	2.3%	15	3.1%	7	1.3%	1.6%
<b>Other</b>	5	1.4%	1	0.4%	8	2.0%	7	1.4%	4	0.7%	--
<b>Unidentified</b>	71		41		72		113		122		
<b>Total</b>	417		327		468		597		666		

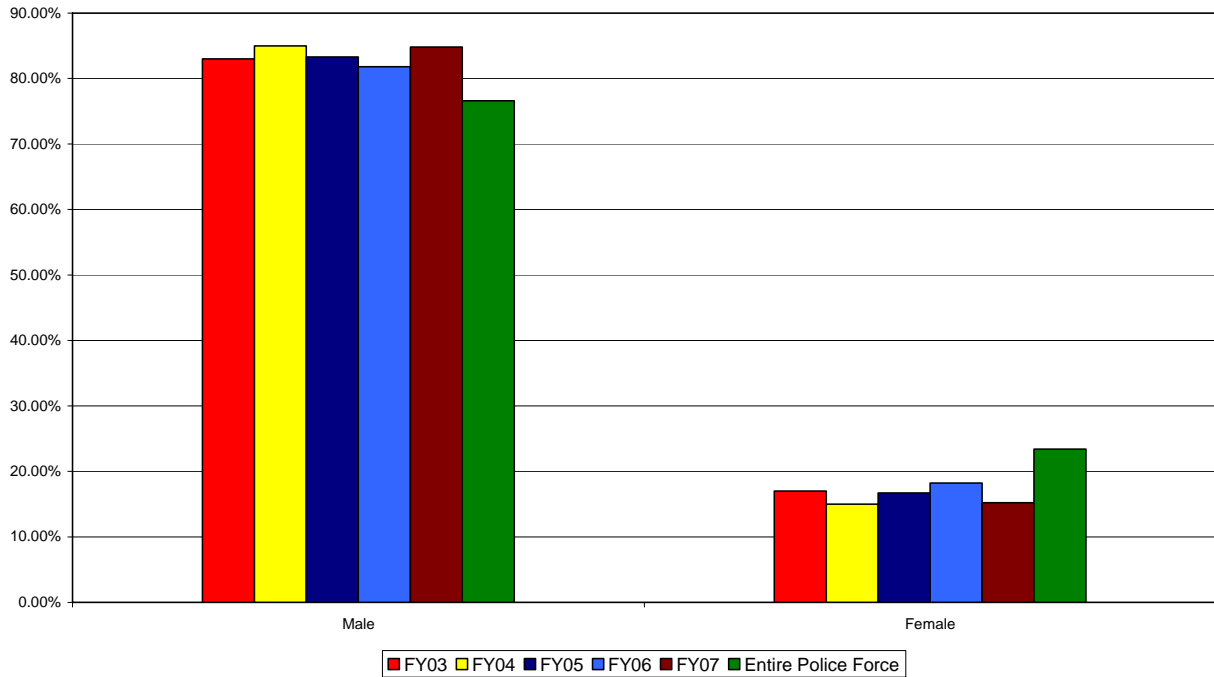
**Chart 17: Subject Officer Race or National Origin (as a Percentage)**



**Table 18: Subject Officer Gender**

	FY03		FY04		FY05		FY06		FY07		Entire Police Force
<b>Male</b>	293	83.0%	266	85.0%	330	83.3%	396	81.8%	463	84.8%	76.4%
<b>Female</b>	60	17.0%	47	15.0%	66	16.7%	88	18.2%	83	15.2%	23.4%
<b>Unidentified</b>	64		14		72		113		120		
<b>Total</b>	417		327		468		597		666		

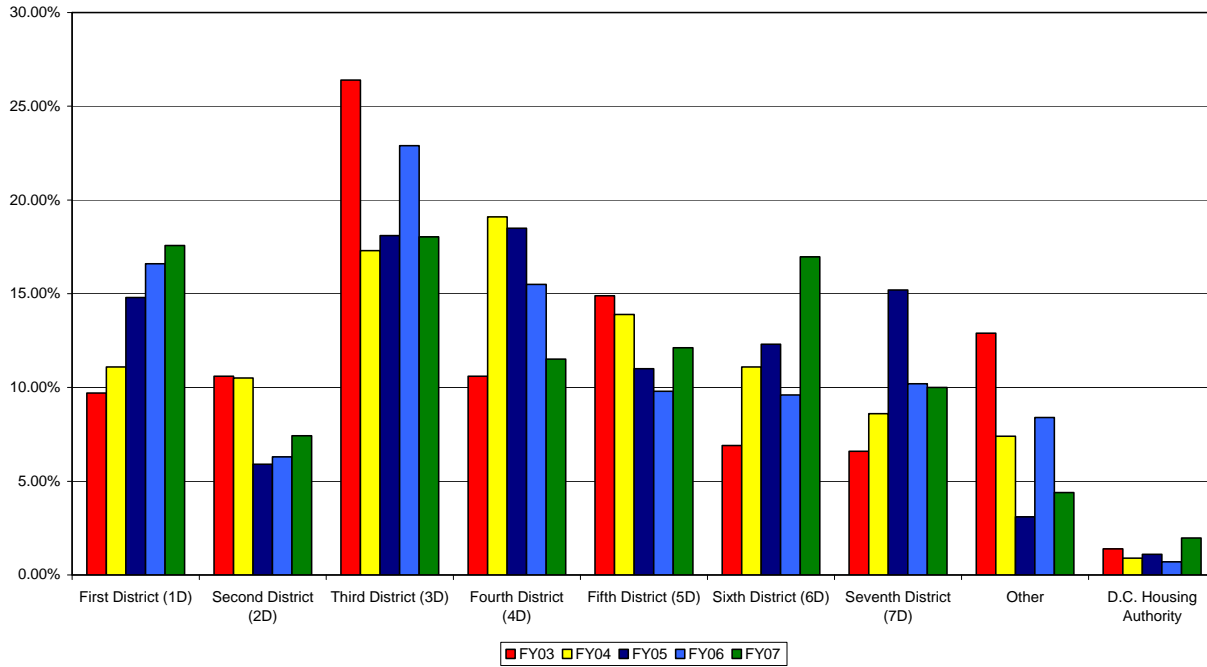
**Chart 18: Subject Officer Gender (as a Percentage)**



**Table 19: Subject Officer Assignment<sup>17</sup>**

	FY03		FY04		FY05		FY06		FY07	
<b>First District (1D)</b>	34	9.7%	36	11.1%	67	14.8%	93	16.6%	116	17.6%
<b>Second District (2D)</b>	37	10.6%	34	10.5%	27	5.9%	35	6.3%	49	7.4%
<b>Third District (3D)</b>	92	26.4%	56	17.3%	82	18.1%	128	22.9%	119	18.0%
<b>Fourth District (4D)</b>	37	10.6%	62	19.1%	84	18.5%	87	15.5%	76	11.5%
<b>Fifth District (5D)</b>	52	14.9%	45	13.9%	50	11.0%	55	9.8%	80	12.1%
<b>Sixth District (6D)</b>	24	6.9%	36	11.1%	56	12.3%	54	9.6%	112	17.0%
<b>Seventh District (7D)</b>	23	6.6%	28	8.6%	69	15.2%	57	10.2%	66	10.0%
<b>Other<sup>18</sup></b>	45	12.9%	24	7.4%	14	3.1%	47	8.4%	29	4.4%
<b>D.C. Housing Authority</b>	5	1.4%	3	0.9%	5	1.1%	4	0.7%	13	2.0%
<b>Unidentified</b>	68		3		14		37		6	
<b>Total</b>	417		327		468		597		666	

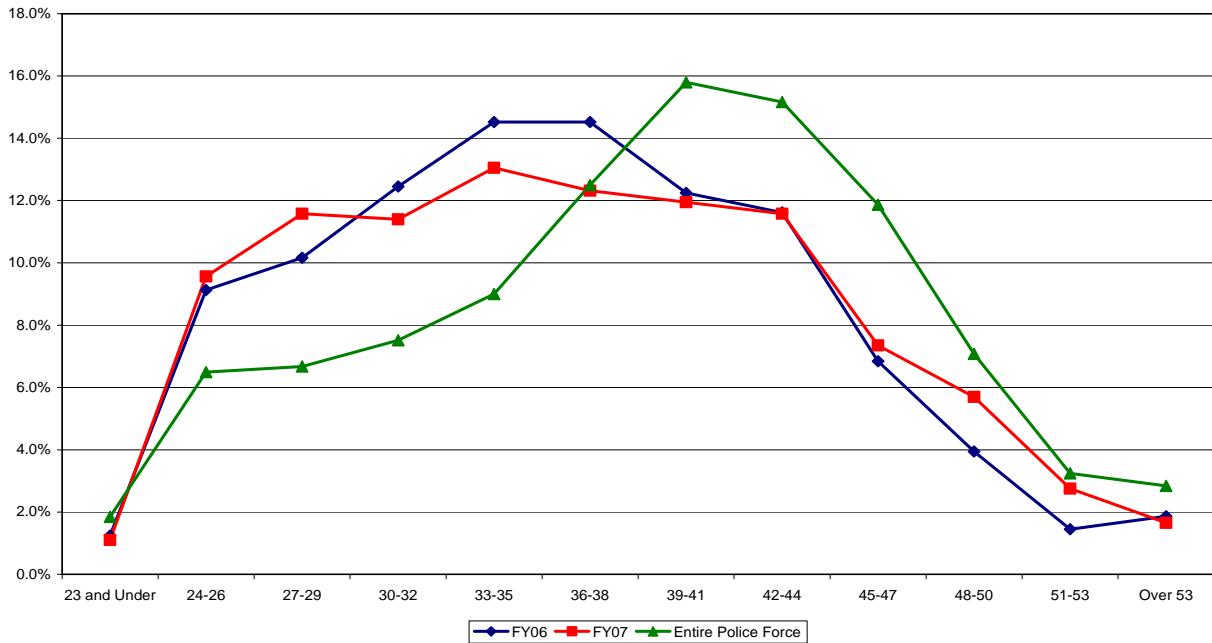
**Chart 19: Subject Officer Assignment (as a Percentage)**



**Table 20: Subject Officer Age**

	FY06		FY07		Entire Police Force	
<b>23 and Under</b>	6	1.2%	6	1.1%	72	1.8%
<b>24-26</b>	44	9.1%	52	9.6%	254	6.5%
<b>27-29</b>	49	10.2%	63	11.6%	261	6.7%
<b>30-32</b>	60	12.4%	62	11.4%	294	7.5%
<b>33-35</b>	70	14.5%	71	13.1%	352	9.0%
<b>36-38</b>	70	14.5%	67	12.3%	489	12.5%
<b>39-41</b>	59	12.2%	65	11.9%	618	15.8%
<b>42-44</b>	56	11.6%	63	11.6%	593	15.2%
<b>45-47</b>	33	6.8%	40	7.4%	464	11.9%
<b>48-50</b>	19	3.9%	31	5.7%	277	7.1%
<b>51-53</b>	7	1.5%	15	2.8%	127	3.2%
<b>Over 53</b>	9	1.9%	9	1.7%	111	2.8%
<b>Unknown</b>	115		122			
<b>Total</b>	597		666			

**Chart 20: Subject Officer Age (as a Percentage)**

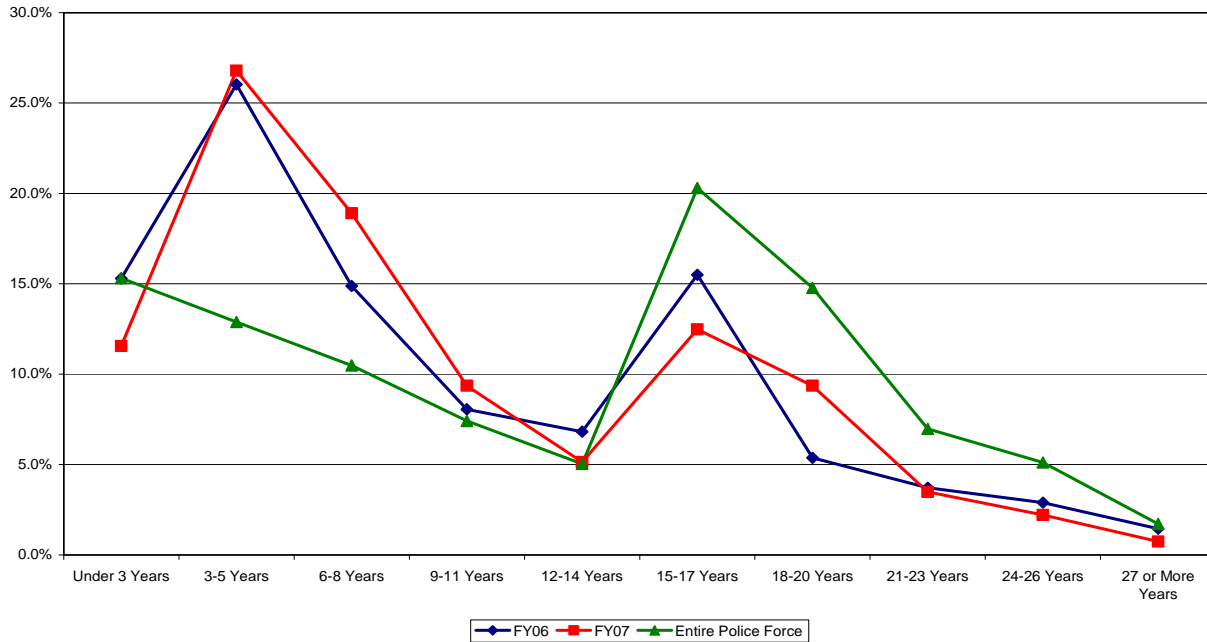




**Table 21: Subject Officer Years of Service**

	FY06		FY07		Entire Police Force	
<b>Under 3 Years</b>	74	15.3%	63	11.6%	599	15.3%
<b>3-5 Years</b>	126	26.0%	146	26.8%	504	12.9%
<b>6-8 Years</b>	72	14.9%	103	18.9%	410	10.5%
<b>9-11 Years</b>	39	8.1%	51	9.4%	290	7.4%
<b>12-14 Years</b>	33	6.8%	28	5.1%	197	5.0%
<b>15-17 Years</b>	75	15.5%	68	12.5%	794	20.3%
<b>18-20 Years</b>	26	5.4%	51	9.4%	578	14.8%
<b>21-23 Years</b>	18	3.7%	19	3.5%	273	7.0%
<b>24-26 Years</b>	14	2.9%	12	2.2%	200	5.1%
<b>27 or More Years</b>	7	1.4%	4	0.7%	67	1.7%
<b>Unknown</b>	113		121			
<b>Total</b>	597		666			

**Chart 21: Subject Officer Years of Service (as a Percentage)**



**Table 22: Subject Officer Rank**

	FY06		FY07		Entire Police Force	
<b>Chief</b>	--	--	1	0.2%	1	0.0%
<b>Assistant Chief</b>	1	0.2%	--	--	6	0.2%
<b>Commander</b>	--	--	2	0.4%	16	0.4%
<b>Inspector</b>	1	0.2%	--	--	14	0.4%
<b>Captain</b>	--	--	1	0.2%	45	1.2%
<b>Lieutenant</b>	6	1.2%	4	0.7%	163	4.2%
<b>Sergeant</b>	31	6.4%	49	9.0%	459	11.7%
<b>Detective Grade 1</b>	8	1.7%	3	0.5%	91	2.3%
<b>Detective Grade 2</b>	21	4.3%	23	4.2%	259	6.6%
<b>Investigator</b>	1	0.2%	2	0.4%	29	0.7%
<b>Master Patrol Officer (MPO)</b>	13	2.7%	19	3.5%	78	2.0%
<b>Officer<sup>19</sup></b>	402	83.1%	433	80.9%	2751	70.3%
<b>Unidentified</b>	113		120			
<b>Total</b>	597		666			

**Table 23: Number of Officers Who Were the Subject of Multiple Complaints**

	FY06	FY07
<b>2 Complaints</b>	53	55
<b>3 Complaints</b>	21	18
<b>4 Complaints</b>	2	7
<b>5 Complaints</b>	3	2

**Table 24: Subject Officer Race or National Origin with “Unique Officer” Information**

	<b>FY03</b>	<b>FY03 Unique Officers</b>	<b>FY04</b>	<b>FY04 Unique Officers</b>	<b>FY05</b>	<b>FY05 Unique Officers</b>	<b>FY06</b>	<b>FY06 Unique Officers</b>	<b>FY07</b>	<b>FY07 Unique Officers</b>
<b>African-American</b>	205	165	170	147	219	172	270	215	316	251
<b>White</b>	112	85	94	74	135	111	161	122	190	146
<b>Latino</b>	18	15	17	15	25	17	31	20	27	21
<b>Asian</b>	6	5	4	4	9	8	15	9	7	5
<b>Other</b>	5	3	1	1	8	7	7	5	4	1
<b>Unidentified</b>	71	71	41	41	72	72	113	113	122	122
<b>Total</b>	417	344	327	282	468	387	597	484	666	546

**Table 25: Subject Officer Gender with “Unique Officer” Information**

	<b>FY03</b>	<b>FY03 Unique Officers</b>	<b>FY04</b>	<b>FY04 Unique Officers</b>	<b>FY05</b>	<b>FY05 Unique Officers</b>	<b>FY06</b>	<b>FY06 Unique Officers</b>	<b>FY07</b>	<b>FY07 Unique Officers</b>
<b>Male</b>	293	231	266	226	330	257	396	297	463	356
<b>Female</b>	60	49	47	42	66	58	88	74	83	70
<b>Unidentified</b>	64	64	14	14	72	72	113	113	120	120
<b>Total</b>	417	344	327	282	468	387	597	484	666	546

**Table 26: Subject Officer Assignment with “Unique Officer” Information**

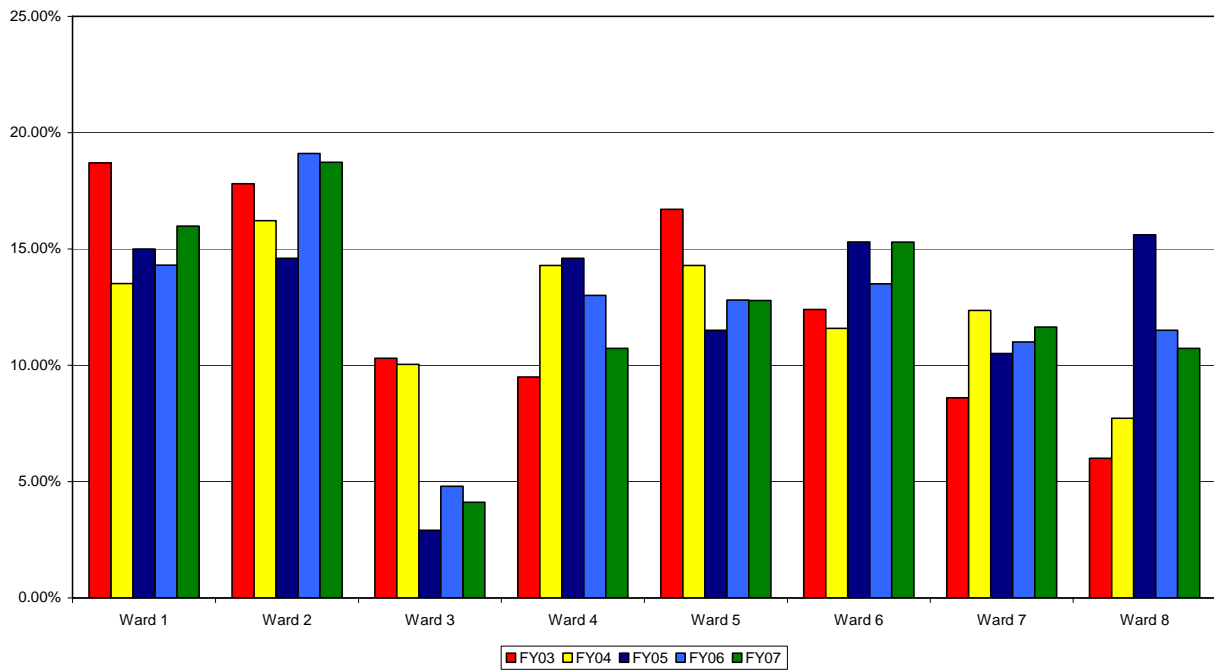
	<b>FY03</b>	<b>FY03 Unique Officers</b>	<b>FY04</b>	<b>FY04 Unique Officers</b>	<b>FY05</b>	<b>FY05 Unique Officers</b>	<b>FY06</b>	<b>FY06 Unique Officers</b>	<b>FY07</b>	<b>FY07 Unique Officers</b>
<b>First District (1D)</b>	34	29	36	33	67	56	93	73	116	99
<b>Second District (2D)</b>	37	28	34	31	27	21	35	32	49	43
<b>Third District (3D)</b>	92	61	56	52	82	68	128	92	119	101
<b>Fourth District (4D)</b>	37	29	62	45	84	53	87	63	76	61
<b>Fifth District (5D)</b>	52	40	45	40	50	48	55	48	80	70
<b>Sixth District (6D)</b>	24	23	36	29	56	51	54	44	112	78
<b>Seventh District (7D)</b>	23	22	28	26	69	58	57	50	66	56
<b>Other</b>	45	39	24	20	14	13	47	43	29	25
<b>D.C. Housing Authority</b>	5	5	3	3	5	5	4	2	13	7
<b>Unidentified</b>	68	68	3	3	14	14	37	37	6	6
<b>Total</b>	417	344	327	282	468	387	597	484	666	546

8. *City Wards*

**Table 27: City Wards**

	FY03		FY04		FY05		FY06		FY07	
<b>1</b>	65	18.7%	35	13.5%	47	15.0%	57	14.3%	70	16.0%
<b>2</b>	62	17.8%	42	16.2%	46	14.6%	76	19.1%	82	18.7%
<b>3</b>	36	10.3%	26	10.0%	9	2.9%	19	4.8%	18	4.1%
<b>4</b>	33	9.5%	37	14.3%	46	14.6%	52	13.0%	47	10.7%
<b>5</b>	58	16.7%	37	14.3%	36	11.5%	51	12.8%	56	12.8%
<b>6</b>	43	12.4%	30	11.6%	48	15.3%	54	13.5%	67	15.3%
<b>7</b>	30	8.6%	32	12.4%	33	10.5%	44	11.0%	51	11.6%
<b>8</b>	21	6.0%	20	7.7%	49	15.6%	46	11.5%	47	10.7%
<b>Unidentified / Not in D.C.</b>	13		3		12		15		2	
<b>Total</b>	361		262		326		414		440	

**Chart 27: City Wards (as a Percentage)**



## **G. Outreach**

### ***1. Fiscal Year 2007***

In fiscal year 2007, OPC continued many of its successful outreach activities, with a particular focus on its student interactive training program. In the spring, OPC partnered with the Marshall-Brennan Constitutional Literacy Project at American University's Washington College of Law to conduct the training at 12 schools throughout the District. The training focuses on reducing the number of negative encounters between adolescents and police officers by using role-play scenarios to give students the opportunity to evaluate their behavior and police conduct in different situations. In December 2006, OPC hosted a delegation of eight federal prosecutors visiting from Brazil. The prosecutors, who were in Washington as part of the International Visitor Leadership Program run by the United States Department of State, met with agency staff to learn about police oversight in the United States and the District and share their experiences addressing similar issues in Brazil.

As part of its outreach work, the agency also made presentations to the Office of Asian and Pacific Islander Affairs, the D.C. Taxicab Commission, the Prince George's County Police Department, and community groups whose memberships include residents who live in the areas covered by MPD's Third and Fifth Districts. In addition, OPC gave presentations to several classes of new recruits MPD's Metropolitan Police Academy. During these sessions, OPC staff provided information about the agency and answered questions raised by the officers.

### ***2. The Year Ahead***

Late in fiscal year 2007, OPC welcomed a new public affairs specialist who has been learning about the agency and evaluating our past community outreach activities. The agency is in the process of reviewing its past outreach plans and developing a new plan for 2008 that will incorporate existing and new activities designed to distribute information about the agency to people throughout the District of Columbia. In addition, OPC is exploring the use of a customer service type survey it can use to evaluate all the different aspects of its work.

### ***3. Website***

OPC continues to make changes to the agency's website so that it provides the public with reliable information regarding police accountability in the District of Columbia. Since it was created, the agency's website has served as an important community outreach tool. In addition to ongoing work, OPC regularly updates its news items to keep the public informed about developments at the agency. In fiscal year 2008, OPC will continue to use its website as a tool to make information available to the public.

## **H. Police Oversight and Law Enforcement Organizations**

Since the agency opened, OPC 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. Since December 2005, OPC's executive director has served on the board of directors of the National

Association for Civilian Oversight of Law Enforcement (NACOLE), and was elected president-elect of NACOLE in September 2007. Employees also have attended and OPC representatives have addressed NACOLE's annual conferences each year since 2001. At the September 2007 conference, OPC's executive director moderated a panel entitled "How to Conduct Police Misconduct Hearings and Appeals," and OPC's chief investigator was part of a working group on establishing professional standards for oversight professionals. In addition to the participation of OPC employees, for the first time at the September 2007 conference, OPC invited the administrator of its mediation program to participate on a panel entitled "Mediation of Citizen Complaints Against the Police," and an MPD official representing the department's Gay and Lesbian Liaison Unit to participate on a panel entitled, "Creating Awareness of Police-Transgender Issues." OPC was pleased and grateful that these knowledgeable individuals were willing to take part in the conference to share valuable information with the other conference participants, and the agency hopes to invite other experts to take part in future events aimed at enhancing the work of police oversight professionals.

## **I. Policy Recommendations**

The statute creating PCB authorizes 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." This authority allows the agency to go beyond its day-to-day work investigating and resolving individual police misconduct complaints to examine systemic issues that lead to the abuse or misuse of police powers. To date, PCB has issued 14 detailed reports and sets of recommendations for police reform, and overall, the Board has been satisfied with the steps taken by MPD and the city to implement the proposals made by the Board. Some sets of recommendations have already been fully adopted and most others are in the process of being adopted or are being actively considered. All of the policy recommendations are available on OPC's website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov).

### **1. Fiscal Year 2007**

The reports and recommendations issued this year are discussed in more detail below.

#### **a. Drivers and Cellular Telephones: Increasing Public Awareness of District Law**

On September 13, 2007, PCB issued a report and recommendations regarding increasing awareness of the Distracted Driving Safety Act of 2004 among drivers in the District of Columbia. The law prohibits, among other things, the use of a cellular telephone or any other electronic device while driving unless the phone or device is equipped with a hands-free accessory or the motorist is using the phone for emergency purposes, such as dialing 911. The Board observed that since the law took effect in July 2004, there has been little public education about its requirements. As a result, OPC has received complaints from citizens who were ticketed for violating the law, but say that they were unaware of the Act's requirements. In addition, several motorists have complained that MPD officers were not complying with the statute.

While recognizing that “ignorance of the law is no excuse,” the Board was concerned that irregular enforcement of the law, without an accompanying emphasis on public education, may negatively impact the relationship between MPD officers and the driving public, lead to claims of selective enforcement of the law or racially biased policing, and encourage the perception that the Act is not important. To address these concerns, PCB recommended that the District’s Department of Transportation (DDOT), with input from the Mayor, the Department of Motor Vehicles (DMV), MPD, and other interested District offices and agencies, develop and implement a comprehensive plan to inform the public about the Act. PCB believed that implementation of this campaign would assist MPD in the performance of its mission, eliminate concerns from the driving public about inconsistent enforcement of the law, and bring down the number of complaints against MPD officers. Most importantly, implementation of such a plan would send a message that the District is serious about enforcing the Act’s provisions, thereby reducing the dangers created by drivers who are distracted while talking on their mobile phones.

***b. Medical Treatment for Arrestees***

On August 8, 2007, PCB issued a report and recommendations regarding providing medical care to persons arrested by MPD officers. The Board noted that OPC has received complaints in which arrestees with medical issues alleged that MPD officers failed to provide them with medical treatment, dissuaded or attempted to dissuade them from seeking medical treatment, or delayed medical treatment until after the arrestee had spent several hours in detention. While the number of these complaints received by OPC is not large, they pointed to policies and training that are seriously outdated. Although MPD has some policies and training regarding medical treatment for arrestees, they are vague, outdated, and in need of revision. Revising and updating MPD’s existing policies and training will ensure that officers have current and appropriate guidance in dealing with these important situations, and will limit the potential for serious injuries to arrestees that may expose the city and the officers to significant liability.

To ensure that MPD officers provide quality care and assistance to arrestees in need of medical treatment, PCB recommended that MPD update and revise its medical treatment policies and procedures, provide comprehensive in-service and new recruit training on the updated and revised policies and procedures, and implement “best practices” to ensure prompt delivery of medical services to those in police custody.

***c. Addressing Biased Policing in Washington, D.C.: Next Steps***

On December 29, 2006, MPD released a study of racial and ethnic profiling of motorists and pedestrians in the District of Columbia. The study offered a mixed assessment of whether profiling by the police occurs in Washington, D.C. According to the study, at two of the five District locations surveyed for pedestrian stops, African Americans were more likely to be stopped by MPD officers than non-African Americans. At one of the District locations surveyed, Latinos were more likely to be stopped by MPD officers than non-Latinos. With respect to traffic stops, at nine of the 20 traffic locations surveyed, fewer African American motorists than expected were stopped, based on their representation in the driving population. However, eight of the traffic locations surveyed produced “odds ratios” of 1.5 or above for either African Americans or Latinos. Odds ratios are statistical calculations that compare the likelihood of a particular event occurring between two groups. It was used in the study released by MPD to determine whether minorities were being disproportionately stopped by MPD officers, and,

according to the study, “[r]atios between 1.5 and 2.0 provide an indication that a review of stops in these locations should be conducted by the MPD.”

OPC retained Dr. Lorie Fridell, a nationally known expert on racial profiling issues, as a consultant to assess the study released by MPD. Dr. Fridell’s report regarding the study was released by OPC in January 2007, and contained, among other things, a set of forward-looking recommendations to address the issue of fair policing in the District. On May 17, 2007, PCB issued a report and set of recommendations that build upon the information contained in the study and Dr. Fridell’s report. PCB recommended that MPD officially reestablish and expand the Biased Policing Task Force, which was part of MPD’s project that led to the study, and which MPD disbanded in December 2006. PCB also recommended that MPD, with the input of the task force, assess its anti-biased policing policy, consider conducting additional data collection and analysis, and review the Department’s policies and practices in the areas of hiring, training, supervision, and outreach in order to combat the practice or perception of biased policing.

## **2. *Status Update for Policy Recommendations***

In this year’s report, details about any steps taken in response to PCB’s specific recommendations are included in Appendix A. The appendix has a table for each report that lists the specific recommendations made by the Board and the status of the implementation of those recommendations. The full reports and any updates that were included in earlier annual reports are available on OPC’s website, [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov).

Please note that the appendix does not include updates for the following reports and recommendations, which have already been implemented and for which there are no status updates: Racial Profiling in Washington, D.C. (January 7, 2002); Disorderly Conduct Arrests Made by MPD Officers (November 19, 2003);<sup>20</sup> Property Damage Caused by District of Columbia Police Action (September 28, 2005); and Business Cards for MPD Officers (July 24, 2006).

### **J. *Protest Monitoring***

#### **1. *Monitoring of Protests: March and April 2007***

Under the First Amendment Rights and Police Standards Act of 2004, which took effect in April 2005, the District of Columbia granted PCB the authority to monitor and evaluate MPD’s handling of First Amendment assemblies held in the District. The Act articulated the District’s official policy on First Amendment assemblies and, among other things, established specific standards of police conduct when handling protests or demonstrations. These standards prohibit MPD from employing crowd control tactics during protests that have the potential to deprive demonstrators of the right to assemble peaceably and express their views. Under the provisions of the Act, OPC conducted its second monitoring effort of three noteworthy protest events that occurred in the District in March and April of 2007. First, on Saturday, March 17, 2007, an estimated crowd of 15,000 to 30,000 assembled and participated in antiwar demonstrations and counter-protests near the Lincoln Memorial, and then marched to the Pentagon in Virginia. Second, during the morning of Saturday, April 14, 2007, approximately 150 demonstrators marched from the Sudanese Embassy to the Washington Monument to raise



awareness of and speak out against the killings in Darfur, which is located in the western region of the Sudan. Finally, during the afternoon of Saturday, April 14, 2007, approximately 45 demonstrators rallied in North Murrow Park on Pennsylvania Avenue, N.W., across from the World Bank to protest the World Bank's funding of multinational mining corporations in the Congo and the actions of the World Bank's president, Paul Wolfowitz.

On June 26, 2007, PCB issued its report on the monitoring effort. As detailed in the report, OPC's overall impression was that MPD performed in a professional manner and effectively balanced the interests of public safety with the right to free expression. MPD's general interaction with the public appeared cordial, helpful, and respectful, and the officers appeared to be in compliance with the standards of conduct set forth in the Act.

Based on OPC's observations, PCB commended MPD for the manner in which it worked with groups and individuals to facilitate their exercise of First Amendment rights, and recommended that MPD continue the approach that it employed in preparing its officers for the March and April protests to ensure that officers are continuing to allow demonstrators to peacefully engage in First Amendment activities with minimal interference from the department. PCB also recommended that MPD conduct outreach to those federal law enforcement agencies typically involved in the monitoring of protests on federal land, such as the United States Park Police and the United States Secret Service Uniformed Division, and become a resource to those agencies on how to successfully handle First Amendment assemblies and demonstrations. MPD's officers appeared to be better prepared to handle protests and interact with protesters in ways that allowed people to demonstrate freely and that did not escalate tensions during events, and sharing this information seems like it would benefit those agencies. Finally, PCB recommended that MPD continue to make sure that all of its officers, particularly non-supervisory officers, are informed of OPC's presence and role so that OPC's monitors will be able to freely observe future protest events.

Details about any steps taken in response to PCB's specific recommendations are included in Appendix A.

## ***2. Monitoring of Antiwar and Anti-Globalization Protest: September 2005***

Appendix A does not include an update for the PCB's report and recommendations regarding its monitoring of the antiwar and anti-globalization protest held in September 2005 because the recommendations have already been implemented and there is no status update.

### **III. THE FUTURE**

In fiscal year 2008, the focus of the agency will be on continuing the success achieved this year by ensuring that OPC has enough investigators and adequate funding to effectively and efficiently investigate and resolve the larger number of complaints filed by the public, as well as carry out the agency's other duties. Guided by best practices in the field, the agency will also pursue changes to improve the police accountability system in the District of Columbia, including internal changes that will allow OPC to more precisely track and report on the misconduct alleged by citizens, and give a more detailed picture of the severity of the complaints received by the agency. OPC also plans to seek statutory and regulatory changes that will allow for more effective handling of less serious complaints and more comprehensive public reporting about complaints made by the public alleging police misconduct, whether filed with OPC or MPD.

## Endnotes

<sup>1</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>2</sup> 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>3</sup> See, e.g., Michael Clancy, *NYCLU: Nobody's Policing the Police*, Village Voice, Sept. 6, 2007, available at [http://www.villagevoice.com/blogs/runninscared/archives/2007/09/nyclu\\_nobodys\\_p.php](http://www.villagevoice.com/blogs/runninscared/archives/2007/09/nyclu_nobodys_p.php). The article quotes statistics purporting to compare the sustain rates at different police oversight agencies. One expert in the field, Professor Samuel Walker, has discussed the difficulty of comparing and analyzing sustain rates at police departments and independent agencies. See Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (2001), at 120.

<sup>4</sup> See D.C. Official Code § 5-1112.

<sup>5</sup> See Henri E. Cauvin, *District Briefing*, Washington Post, Nov. 29, 2006, at B4.

<sup>6</sup> See Jenna Johnson, *Police Officer Gets 3 Years in Sex Assault; Woman was Stopped for Supposed Traffic Offense, Taken to Rock Creek Park*, Washington Post, Aug. 24, 2007, at B4.

<sup>7</sup> The three resignations reported in this table include two that resulted from the criminal convictions discussed in Section II.C.1of the report. Resigning from MPD was part of the plea agreement entered into by both subject officers.

<sup>8</sup> See D.C. Official Code § 5-1111(d).

<sup>9</sup> See D.C. Official Code § 5-1110(k).

<sup>10</sup> Samuel Walker, Carol Archbold, and Leigh Herbst, *Mediating Citizen Complaints Against Police Officers: A Guide For Police and Community Leaders*, U.S. Department of Justice, Office of Community Oriented Policing Services, at 40 (2002), available at <http://www.cops.usdoj.gov/files/ric/Publications/e04021486.pdf>.

<sup>11</sup> Given the complexity of comparing the work of independent police review agencies, the care used by Professors Walker, Archbold, and Herbst in developing their measures is significant. Each agency has different authority and responsibility, which affects the universe of complaints it can consider and resolve, the types of allegations it investigates, and the resolutions it can reach, all of which add to the challenge of finding suitable methods of comparison. Consequently, readers should use caution when attempting to compare agencies and carefully scrutinize measures and what they purport to show because some comparisons are questionable. See, e.g., Denver Office of the Independent Monitor, 2006 Annual Report, at 7-11 to 7-12 (2007), available at <http://www.denvergov.org/Portals/374/documents/2006Annual%20Report.pdf>. Denver's use of a "mediation-per-capita" standard, the only city known to use this measure, is particularly inappropriate to assess OPC's success in the use of mediation given that OPC's mediation program does not extend to citizen complaints filed with and investigated by the police department, which has a separate complaint process and no mediation program. This also may be true of some of the other agencies examined by Denver. Moreover, the mediation-per-capita rate also does not appear to take into account the volume of citizen complaints handled by any of the agencies that are compared.

<sup>12</sup> To the extent other agencies survey mediation participants about their satisfaction with the process and the agreement reached through mediation, the District's program compares quite favorably. See, e.g., *id.* at 7-9 (in Denver, 70% of officers and 59% of citizens were satisfied with the process, while 63% of officers and 48% of

citizens were satisfied with the mediation outcome). But even this comparison is difficult to make because not all agencies require an agreement by the parties to consider a mediation session successful. *See id.* at 7-6 to 7-7. As Professors Walker, Archbold, and Herbst point out, this is an uncommon exception to the way that mediation programs typically operate, and they do not favor it. *See Walker, et al., supra* n.9, at 36. And one can see how it would be difficult to compare the satisfaction of participants in a mediation program where an agreement is the hallmark of success with a program where an agreement is not expected nor required to consider the mediation successful.

<sup>13</sup> For more information about the settlement and its implementation, you can visit the website for the Office of the Independent Monitor for the District of Columbia Metropolitan Police Department at <http://policemonitor.org/>.

<sup>14</sup> In fiscal year 2004, OPC 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 fiscal years 2004 through 2007.

<sup>15</sup> The "District Population" data included in Tables 11, 12, and 13 are included for reference purposes, and reflect the most current data available. It should be noted that anyone, whether a resident of the District or not, may file a complaint with OPC. Readers should also use caution when making comparisons between the population data and the complaint data for any particular fiscal year. The breakdown of the District population has changed some over time, so the value of these data as a comparator may vary as the difference in the age of the data sets increases.

The data in Tables 11 and 12 were obtained from the "2006 American Community Survey" for the District of Columbia on the United States Census website, [www.census.gov](http://www.census.gov). Please note that for race or national origin, the District population data add up to more than 100%. The 2006 data set considers Latino identification as an ethnic group that can include individuals who identify as members of different races, and the data set does not adjust the others categories (such as white or African-American) to separate out people who identify as both Latino and one of the other categories.

The data in Table 13 were obtained from the "Profile of General Demographic Characteristics: 2000" for the District of Columbia on the United States Census website, [www.census.gov](http://www.census.gov). The more current American Community Survey data used in the other tables do not include detailed data about the age breakdown of the District's population.

<sup>16</sup> The "Entire Police Force" data included in Tables 17, 18, 20, 21, and 22 were obtained from information provided by MPD on December 10, 2006. On that date, MPD had 3,912 sworn members, and the data reflect the breakdown of those officers. Readers should note that the police force data do not include information about DCHAPD officers.

Caution should be used when making comparisons between the police force data and the complaint data for any particular fiscal year. The breakdown of the police force has changed some over time, so the value of these data as a comparator may vary as the difference in the age of the data sets increases.

<sup>17</sup> The data regarding the assignments of subject officers have fluctuated from year to year, as they did again this year. The data may be somewhat skewed as a result of the reentry of data regarding all complaints in fiscal year 2004 or the accuracy of the assignment data available to OPC at any given time. Another factor that may be relevant is the reorganization of the department's Police Service Areas (PSAs) in May 2004 and the transfer of PSA 306 to the Second District in September 2007. At the time of the transfer, the PSA was renamed to "PSA 208." In any event, readers should use caution when attempting to draw conclusions from the year-to-year trends regarding the assignments of subject officers.

<sup>18</sup> "Other" includes MPD Headquarters, the Office of Professional Responsibility, the Regional Operations Command – Central, the Regional Operations Command – East, the Superintendent of Detectives Division, the Violent Crimes Branch, the Narcotics and Special Investigations Division, the Major Narcotics Branch, the Youth Investigations Branch, the Special Operations Division, the Emergency Response Team, the Air Support Unit, the Harbor Patrol, the Canine Unit, the Major Crash Investigations Unit, the Environmental Crimes Unit, the Maurice T. Turner, Jr., Institute of Police Science, Emergency/Non-Emergency Communications, the Central Cell Block, and the Juvenile Processing Center. Please note that this list includes mostly assignment names used before a significant reorganization of MPD occurred on October 1, 2007. Some of the assignments that existed before the reorganization no longer exist or changed names as part of the reorganization.

<sup>19</sup> The police force data for the "officer" category includes 43 senior police officers and 187 police recruits.

<sup>20</sup> One of PCB's recommendations regarding disorderly conduct arrests was for MPD to distribute a videotaped message from the Chief of Police reinforcing the responsibilities of all members of the department when making disorderly conduct arrests. On December 20, 2007, MPD reported that although the video has not yet been remade, Chief Lanier has recently directed the training academy to do so.

## Appendix A: Policy Recommendation Status

**Table 28: Drivers and Cellular Telephones: Increasing Public Awareness of District Law (September 13, 2007)**

Recommendation	Status
<p>Develop and implement a long-term plan that effectuates the purposes of the Act. The District, under the guidance of DDOT, should develop a comprehensive plan to educate the public about the law. The effort could involve issuing news releases to media outlets asking that they remind the public of the law, creating public service announcements for broadcast on television and radio, and incorporating the other elements below. The plan should take into account the input of the Executive Office of the Mayor, MPD, DMV, and other interested stakeholders.</p>	<p><b>Adopted.</b> On January 12, 2008, the District Department of Transportation (DDOT) informed OPC that because funding for this effort is limited, DDOT’s Communications Office plans to cooperate with MPD in one of the less costly initiatives, specifically the distribution of news releases. As described below, DDOT is also adding information about the law to its electronic message boards and working with MPD to produce and distribute information cards about the law.</p>
<p>Place signs at entry points into the District alerting drivers to the law. Placing signs at various entry points to the District is an easy and effective way to notify drivers of the law. DDOT should consider installing signs on major roads leading into and passing through the District, such as Interstate 295, Interstate 395, Route 1, Route 50, and Connecticut, Wisconsin, Georgia, Massachusetts, and Pennsylvania avenues.</p>	<p><b>Pending.</b> On January 12, 2008, DDOT informed OPC that entry points into the city are indeed potentially high impact locations for communicating information to drivers. Consequently, these locations tend to be overloaded with advisory signs. DDOT will balance the needs of the plan against other considerations as the agency considers additional entry point signs alerting drivers to the cell phone law.</p>
<p>Use electronic display boards in the District to remind drivers of the law. There are no electronic display boards in the District that alert motorists to the requirements of the law. DDOT should consider strategically placing electronic display boards in high traffic areas to assist with increasing compliance with the law.</p>	<p><b>Adopted.</b> On January 12, 2008, DDOT informed OPC that electronic message boards have been up and running for several weeks, notifying motorists of the District’s cell phone legislation. Display boards are currently in place at ten (10) locations, which are: (1) the inbound Theodore Roosevelt Bridge; (2) the Key Bridge; (3) Reservoir Road and MacArthur Boulevard, N.W.; (4) inbound Rhode Island Avenue, N.E.; at the Metro Station; (5) inbound East Capitol Street outside RFK Stadium; (6) the 14th Street Bridge northbound main lane; (7) the 14th Street Bridge northbound HOV lane; (8) eastbound and westbound at the 11th Street Bridge on the SE/SW Freeway; (9) inbound New York Avenue, N.E., near the Washington Times Building; and (10) southbound 16th Street, N.W., at Columbia Road.</p> <p>The standard messages reads: “DC Cell Phone Law; Hands Free or \$100 Fine.”</p>

Recommendation	Status
<p>Provide informational pamphlets to car rental companies. The District should encourage car rental companies operating in the city to distribute informational pamphlets to customers. If those efforts are unsuccessful, the District should consider requiring that these materials be provided to customers. In addition, the District should encourage car rental companies in the metropolitan area outside of the District, including those located at Reagan National, Dulles, and BWI Marshall Airports, to do the same.</p>	<p><b>Adopted.</b> On January 12, 2008, DDOT informed OPC that it was expecting 70,000 information cards that will be delivered to MPD for wide distribution. The 4.25" x 11" color cards read as follows:</p> <p style="text-align: center;">D.C. Department of Transportation AND Metropolitan Police Department</p>
<p>Provide informational pamphlets to mobile phone retailers. The District should encourage mobile phone retailers in the city to display posters and provide informational pamphlets to customers about the law. If those efforts are unsuccessful, the District should consider requiring that information about the law be displayed in stores and distributed to customers. The District should also encourage other mobile telephone retailers in the metropolitan area to provide customers with similar information.</p>	<p>On July 1, 2004, it became illegal for motorists to use a mobile phone or other electronic device while driving in the District of Columbia, unless the telephone or device is equipped with a hands-free accessory. The Distracted Driving Safety Act of 2004 is designed to improve traffic safety in D.C. by reducing the number of crashes caused by inattentive drivers who become distracted by the use of phones or other electronic devices.</p>
<p>Provide informational pamphlets to driving school or driver education businesses that operate in the District. The District should develop an informational pamphlet that can be distributed to driving schools and their students in the metropolitan area.</p>	<ul style="list-style-type: none"> <li>• What does the law prohibit?</li> </ul> <p>The law prohibits “distracted driving” by tightly restricting the use of mobile telephones and other electronic devices while driving in D.C. Specifically, the law states that no person shall use a mobile telephone or other electronic device while operating a moving motor vehicle, unless the telephone or device is equipped with a hands-free accessory. Additional restrictions are placed on school bus drivers or individuals with a learner’s permit: they are prohibited from using any mobile phone or other electronic device, even if it has a hands-free accessory, unless they are placing an emergency call.</p>
<p>Provide informational pamphlets to hotels, District visitor centers, museums, and other places of interest. The District should develop an informational pamphlet that can be made available at sites visited by large numbers of people from out of town.</p>	<ul style="list-style-type: none"> <li>• What types of devices does the law cover?</li> </ul> <p>The law applies to any cellular, analog, wireless or digital telephone capable of sending or receiving telephone messages without an access line for service. The law also covers other electronic devices, including hand-held computers, pagers, personal data assistants (PDAs), and video games.</p>
<p>Ensure that Metrobus and D.C. Circulator operators are aware of the Act. The District should work with the Washington Metropolitan Area Transit Authority (WMATA) and the D.C. Circulator bus system to make sure that all bus drivers know about the law and are complying with it.</p>	<ul style="list-style-type: none"> <li>• Are there exceptions to the prohibition on mobile telephone use?</li> </ul> <p>Yes. Drivers are allowed to use their mobile phones in certain emergency situations, including calls to 911 and 311, a hospital, ambulance service provider, fire department, law enforcement agency or first-aid squad. In addition, law enforcement or emergency personnel, acting within the scope of their official duties, may use a mobile phone while driving</p>
<p>Ensure that overnight delivery companies and their drivers are aware of the Act. The District should work with overnight delivery companies to ensure that their drivers know about the law and are complying with it.</p>	<ul style="list-style-type: none"> <li>• What if the vehicle is stopped by the side of the road?</li> </ul> <p>The law applies only to drivers operating a moving motor vehicle. The law does not apply to vehicles that are stopped by the side of the road and not moving.</p>

Recommendation	Status
	<ul style="list-style-type: none"> <li>• What is the penalty for violating the law? The penalty for violating the law is \$100. However, first-time violators can have the fine suspended by providing proof of having acquired a hands-free accessory prior to the imposition of the fine. There are no points imposed on violators of the Distracted Driving Safety Act.</li> <li>• How will the law be enforced? In August 2004, after a 30-day warning period, Metropolitan Police Department Officers began issuing Notices of Infraction (NOIs) to violators. Officers are permitted to stop and ticket motorists solely for violating the Distracted Driving Safety Act (primary enforcement).</li> </ul>
<p>Place logos or decals about the law on MPD police cruisers. Under this plan, MPD's efforts would go a long way towards helping to educate residents, commuters, visitors to the city, and MPD officers about the requirements of the Act.</p>	<p><b>Not adopted.</b> On December 20, 2007, MPD notified OPC that it has explored the idea of signs on police vehicles and decided that the risks associated with such decals outweigh the potential benefits. According to a 2006 study commissioned by the American Automobile Association, the odds of a crash more than double when the driver's eyes are off the road for more than two seconds. Any decals on police vehicles would need to be fairly small; if drivers were focusing on reading small decals, the distraction would be a danger, and therefore not the best option for promoting traffic safety.</p>
<p>Provide continued training to MPD officers on the importance of enforcing and complying with the law. MPD should continue to emphasize to its officers – through roll calls, training opportunities, and internal MPD publications – the importance of officer compliance with the law and of the need to apply it fairly and consistently. Officers who do not follow the law or enforce it fairly should be disciplined.</p>	<p><b>Adopted.</b> On December 20, 2007, MPD reported that MPD officers continue to receive training through roll call training (most recently in September 2007) and 40-hour in-service training. Officers are trained to enforce the law fairly. Disciplinary action is taken if it is determined that officers have violated the law.</p>
<p>Furnish adequate funds to carry out the Act. The District should explore a variety of options to help pay for the initiative, including applying for other federal grants and arranging for intra-District transfers of funds from MPD and DMV to DDOT. Having enacted the law, the District Council also has a special responsibility to ensure that it appropriates sufficient funds to support efforts related to the Distracted Driving Safety Act.</p>	<p><b>Pending.</b> On January 12, 2008, DDOT informed OPC that limited grant funds are available for this type of educational initiative. Nevertheless, DDOT says it will be as efficient and effective as possible in deploying existing funding and the agency will continue to explore other funding sources.</p>



**Table 29: Medical Treatment for Arrestees (August 8, 2007)**

Recommendation	Status
<p>Issue revised and updated general orders that reflect the department’s current reliance on local medical facilities and that explicitly prohibit officers from discouraging arrestees to seek medical treatment. The revised and updated general order would address the procedures that officers should follow now that D.C. General Hospital is no longer the full service inpatient facility it was when MPD General Order 502.7 was issued. Like the policies of the Portland and San Francisco police departments, the updated general order should also list specific and objective criteria for the transportation of an arrestee to a medical facility. By setting forth in its general order a list of illnesses and injuries that require immediate medical attention, MPD would reduce the likelihood of officers making uninformed assessments of an arrestee’s medical state, and would ensure that an arrestee who complains of, or appears to have, a serious injury or medical condition such as chest pains, seizures, or head wounds receives appropriate medical care.</p>	<p><b>Pending.</b> On December 20, 2007, MPD reported that its Policy Development Division has identified several directives that impact General Order 502.7. As a result, MPD is working to amend related directives to ensure consistency and has slated the general order for a comprehensive revision.</p> <p>MPD’s policy as set forth in current directives is that officers do not make any medical evaluation of an arrestee’s medical condition. If an individual displays any signs that an officer reasonably believes he or she needs medical treatment, the arrestee is presented to a medical practitioner as soon as practical. In this instance, MPD members refer arrestees to responding members of the Fire and Emergency Medical Services (FEMS) or qualified persons at the nearest medical facility.</p>
<p>Establish “best practices” and quality assurance mechanisms that would ensure that MPD officers are providing arrestees with prompt access to medical care when needed. Such practices and mechanisms could include cross-checking use of force complaints where the citizen was arrested and alleged an injury with the corresponding PD 313. MPD should also conduct audits of the PD 313s on a regular basis to make sure that the form is being fully and accurately completed by the appropriate officer, that citizens have an opportunity to present on the form their account of how the injury was obtained, and that supervisors are adequately investigating the incident. MPD should post information at its processing stations explaining to arrestees the procedures for seeking medical treatment if the individual needs it.</p>	
<p>Explore the feasibility of adopting alternative approaches to MPD’s current method of providing medical treatment to arrestees. One possible approach to consider is having a trained health care or emergency medical professional on call, perhaps from the District’s Fire and Emergency Medical Services, to assess an arrestee’s medical condition and determine the proper mode of transport to a hospital where further medical care is warranted. Another idea would be to staff each district with trained health care or emergency medical professionals who can conduct assessments of arrestees around the clock. A third alternative would be to contract with a local university hospital to have trained health care professionals available and conducting assessments at some or all of the police districts.</p>	

Recommendation	Status
Review the MPD Form PD 313, Arrestee's Injury/Illness Report, and make changes where appropriate. Although the PD 313 appears to be adequate, PCB recommends that MPD review the form and make changes to it based on whatever changes are made to General Order 502.7.	<b>Pending.</b> On December 20, 2007, MPD reported that the PD 313 was revised on May 3, 2003.
Provide enhanced in-service and new recruit training to MPD officers. Such training should focus on making sure that officers are aware that arrestees complaining of medical illness or injury should be treated immediately, and that officers do not have the discretion to refuse medical treatment for an arrestee who requests it. In addition, the training should prohibit the practice of dissuading arrestees from seeking medical care, and explicitly inform officers that under no circumstances can they fail to seek medical treatment for those arrestees who appear to have a serious injury or illness.	<b>Adopted.</b> On December 20, 2007, MPD reported that this topic was included in the October 2007 roll call training and was to be included again in December 2007 for new recruit training. Additionally, this subject will be a module in the 2008 in-service training.

**Table 30: Addressing Biased Policing in Washington, D.C.: Next Steps (May 17, 2007)**

Recommendation	Status
MPD officially reconvene and expand the Biased Policing Task Force, with respect to both membership and responsibilities, to provide input to MPD on future steps to address biased policing in the District. At a minimum, the newly organized task force should consist of both new and established members of the District's African American, Latino, Muslim, Asian, and Lesbian, Gay, Bisexual, and Transgender (LGBT) communities. The task force should also consist of representatives from all levels and ranks of MPD, including patrol officers. Finally, in an effort to pinpoint areas where police-community relations could be strengthened, task force members should come from various geographic areas in the District, and, in particular, those areas where the MPD study found that disproportionate numbers of minorities were being stopped. Having a diverse group of community advocates and MPD officials on the task force would give the task force better practical knowledge about officer and community perceptions throughout the District. Such knowledge would greatly facilitate the department's efforts to achieve state-of-the-art practices to address the problem and perception of biased policing.	<p><b>Adopted.</b> On December 20, 2007, MPD reported that its new Chief of Police, Cathy L. Lanier, convened a meeting of the Task Force on May 23, 2007. Per discussions at this meeting and subsequent feedback, it was decided that MPD would continue its participation on the Task Force.</p> <p>Since then, the department has held two meetings on September 17, 2007, and November 14, 2007, and is working with the current membership to determine the best ways to grow, structure, and engage the Task Force. For instance, MPD has asked the group to provide materials to support revisions to MPD's training on cultural understanding. The Task Force is also providing MPD with feedback on its unbiased policing policy.</p> <p>The next meeting is tentatively scheduled for January 2008.</p>
With the input of the Biased Policing Task Force, review MPD's policy prohibiting racially biased policing and make changes where needed.	<b>Adopted.</b> On December 20, 2007, MPD reported that Chief Lanier reissued MPD's policy on unbiased policing to the entire force in March 2007. The department has shared this with the Biased Policing Task Force, and is open to updating and reissuing the policy as appropriate.

Recommendation	Status
<p>With the input of the Biased Policing Task Force, educate officers on how to most effectively interact with people of varying races, ethnicities, and traditions and provide officers with professional traffic and pedestrian stop training.</p>	<p><b>Adopted.</b> On December 20, 2007, MPD reported that all MPD recruits receive training on cultural understanding while at the academy. In addition, the assistant chief in charge of MPD’s Professional Development Bureau is working with the Task Force to identify ways to enhance recruit training, as well as in-service and roll call training for all members, to address biased policing.</p>
<p>With the input of the Biased Policing Task Force, develop and implement strong police supervision and accountability systems and practices. Such police supervision and accountability mechanisms could possibly include the installation of car surveillance videos to identify and address any biased policing issues.</p>	<p><b>Pending.</b> On December 20, 2007, MPD reported that, in the fall of 2006, MPD implemented Phase I of the Personnel Performance Management System (PPMS) and the Supervisory Support Program (SSP). PPMS is a comprehensive information management system, and SSP provides the tools to link this information to enhanced accountability and early intervention. The system enables better tracking of allegations of officer misconduct, including allegations of biased policing, and monitoring of any patterns of behavior. The department is open to other technologies that will reinforce unbiased policing, such as installing cameras on patrol cars.</p>
<p>With the input of the Biased Policing Task Force, develop screening mechanisms, such as background investigations and personal interviews, to identify biased behaviors in candidates and establish a police workforce that can use its police powers in an unbiased manner and in a manner that reduces perceptions of bias.</p>	<p><b>Pending.</b> On December 20, 2007, MPD reported that recruit candidates are currently screened through a thorough psychological exam that tests an officer’s cognitive abilities and personality attributes, including bias. Additionally, MPD is exploring the use of the National Criminal Justice Officer Selection Inventory (NCJOSI) as an alternative to the current entrance exam.</p>
<p>With the input of the Biased Policing Task Force, conduct outreach to diverse communities in order to increase trust and cooperation between police officers and residents.</p>	<p><b>Adopted in part.</b> On December 20, 2007, MPD reported that Chief Lanier and other MPD members held numerous community meetings about expanding the Asian, Latino, and Gay and Lesbian Liaison Units. The department reported that it also worked very closely with the transgender community to develop a model policy for MPD, and is launching an effort to improve MPD training on working with and serving individuals with disabilities.</p>
<p>With the input of the Biased Policing Task Force, evaluate the MPD study and OPC report, and determine whether further stop data collection is needed to address issues raised in the study and report. MPD should also, with the input of the Biased Policing Task Force, determine whether expanded data collection and analysis is needed to examine post-stop practices such as searches and arrests, as well as biased policing issues involving Muslim, LGBT, and other diverse communities.</p>	<p><b>Pending.</b> On December 20, 2007, MPD reported that a continuation of the study is resource intensive and that department funding and resources would be better spent on improving automated processes and response that will assist with capturing and analyzing data in the future, as opposed to devoting manual resources to cataloguing data now.</p>

**Table 31: Enhancing Police Response to People with Mental Illness in the District of Columbia by Incorporating the Crisis Intervention Team (CIT) Community Policing Model (September 7, 2006)**

On September 7, 2006, PCB issued a report and recommendations concerning police response to people with mental illness. PCB recommended the use of the Crisis Intervention Team (CIT) community policing model in Washington. Since OPC opened to the public in January 2001, it has regularly received complaints about MPD officer treatment of people suffering from mental illness.

MPD has apparently decided not to adopt the CIT model. Instead, MPD has essentially continued with its current approach that entails limited and inadequate training on mental health issues for officers and sergeants. According to MPD, it uses the Comprehensive Advanced Response (CAR) model. There is very little information on this model because it does not appear to be considered a specialized response model aimed at people with mental illness. Indeed, a recent Google search turned up six results for the CAR model while a similar search produced more than 30,000 results for the much more widely accepted CIT model. According to the Criminal Justice Consensus Project report, CAR “can be described as a traditional response modified by mandating advanced, 40-hour training for all officers within the department. Some of the departments that use this approach address responses to people with mental illness as part of their training and responses to ‘special populations.’”<sup>1</sup> Significantly, MPD does not even provide the full amount of training comprising the 40-hour course that is the hallmark of the CAR approach. According to MPD, it last provided a four to eight-hour block of mental health-related in-service training to officers in 2005, and regularly provides a similar amount of training to recruit officers. This training falls well short of the mental health training that would be required under the CIT model.

MPD’s unwillingness to adopt the CIT model or to otherwise make a concerted effort in this area is perplexing in view of the continuing unmet needs of many people with mental illnesses who have encounters with MPD officers. Putting aside PCB’s recommendations, MPD’s resistance to CIT is all the more troubling given the consensus of outside experts who have recommended

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<sup>1</sup> See *Criminal Justice/Mental Health Consensus Project*, Council of State Governments, at 7 (June 2002), available at 41, [www.consensusproject.org](http://www.consensusproject.org).

MPD's adoption of CIT over the years.<sup>2</sup> Even more recently, in January 2007, a comprehensive study conducted by Georgetown University Hospital's Department of Psychiatry recommended that MPD adopt CIT.<sup>3</sup>

Despite MPD's reluctance to pursue the CIT approach, other parts of the District Government, including the Department of Mental Health (DMH) and the Fire and Emergency Medical Services (FEMS), appear to be taking important steps towards addressing the needs of people with mental illness. The chart below provides a more detailed assessment of the progress, or lack of progress, made by MPD and the city with regard to implementing PCB's recommendations. PCB will continue to monitor MPD's overall approach and responses to people with mental illness, and will keep the public informed.

Recommendation	Status
The District Government should designate a subgroup of the Criminal Justice Coordinating Council's (CJCC) Substance Abuse and Mental Health Workgroup (SAMHW) to serve as the District's CIT task force.	<b>Adopted in part.</b> On August 30, 2006, the CJCC's SAMHW established a subgroup to examine all of the alternatives available for responding to people with mental illness to create a model unique to the District. Even though the subgroup discussed CIT, MPD has decided not to adopt the model.
MPD should select a CIT coordinator now so this person can participate in the development of the program.	<b>Adopted in part.</b> Although there is no CIT coordinator because there is no CIT, a member of MPD's command staff is assigned to coordinate the Department's alternative to CIT.
The District should apply for CIT grant funds.	<b>Not adopted.</b> Although MPD has not applied for any such funds, DMH obtained a \$50,000 grant in 2006 that will assist DMH in developing a strategic plan for providing services to mentally ill people who have contact with various parts of the criminal justice system in the District.
A subcommittee of the CIT task force should participate in a two-day planning workshop in Memphis.	<b>Not adopted.</b> MPD has not adopted the CIT model.
Following receipt of the subcommittee's report, the CIT task force should outline key elements of the District's CIT program.	<b>Not adopted.</b> MPD has not adopted the CIT model.

<sup>2</sup> See *Enhancing Police Response to People with Mental Illness in the District of Columbia: Incorporating the Crisis Intervention Team (CIT) Community Policing Model*, Police Complaints Board, at 4-5 (Sept. 7, 2006).

<sup>3</sup> See *The Interface of Mental Illness and the Criminal Justice System in the District of Columbia: Analysis and Recommendations*, a report submitted to the Criminal Justice Coordinating Council by the Department of Psychiatry, Georgetown University Hospital, Washington, D.C. (Jan. 2007).

Recommendation	Status
Task force members responsible for CIT officer training should participate in 40-hour training program in Memphis.	<b>Not adopted.</b> Although MPD has decided not to adopt the CIT model, the department believes that its current training is adequate. In addition, MPD has agreed to allow DMH contractors to audit and review their training curriculum and make recommendations for improvements and updates.
The District should prepare dispatch operations for changes necessitated by CIT.	<b>Not adopted.</b> Although MPD has decided not to adopt the CIT model, the Office of Unified Communications is working with MPD and DMH to examine their joint response and to support any changes and implementations that arise from the agencies' collaboration in this area.
The District should coordinate with the Emergency Medical Services Bureau of the D.C. Fire and Emergency Medical Services.	<b>Adopted.</b> FEMS has participated in a pilot project that is examining the agencies' joint responses to the mental health community. In addition, FEMS is working closely with DMH to develop an agreement to address training and other issues involving services to people with mental illness.
MPD should prepare to collect and analyze CIT service call data.	<b>Adopted in part.</b> Although MPD has decided not to adopt the CIT model, MPD is collecting and analyzing service call and other data to examine its responses to people with mental illness..
DMH should prepare to collect and analyze data on outcome of CIT officer referrals.	<b>Not adopted.</b> MPD has not adopted the CIT model.
MPD should ensure that CIT officers develop knowledge of and a close working relationship with community-based mental health service providers.	<b>Not adopted.</b> MPD has not adopted the CIT model.
DMH should strengthen and expand its mobile crisis unit.	<b>Pending.</b> DMH is in the process of expanding this unit and creating mobile crisis outreach teams. The goal is for these teams to be available citywide, 24 hours a day, seven days a week, and be available to respond to the requests of MPD, FEMS, and people with mental illness..
DMH's Comprehensive Psychiatric Emergency Program (CPEP) should be relocated to a facility that includes emergency medical treatment and alcohol and drug detoxification services.	<b>Pending.</b> Although there are no plans to relocate CPEP, DMH is planning on adding addiction counseling services at the facility in 2008. In addition, DMH acknowledges the need for and is working toward having the capacity to conduct initial medical evaluations and basic lab work at CPEP.
DMH should ensure that CPEP policies emphasize use of community-based resources and outpatient observation, evaluation, and treatment to the greatest extent possible.	<b>Pending.</b> DMH recognizes this issue and appears to be committed to drawing on community-based resources. In addition, DMH is focusing training and communication in this area.

**Table 32: Police Service to Disabled Persons Who Use Service Animals (August 17, 2006)**

Recommendation	Status
MPD should issue a general order that provides information to officers on handling requests for service that involve service animals.	<b>Pending.</b> On December 20, 2007, MPD reported that the department is working with individuals who are vision impaired and groups who train service animals to improve policies and officer handling of individuals with service animals. This process has been part of and incorporated into a larger effort to improve policies regarding the Americans with Disabilities Act. MPD expects its new policy to be finalized by January 2008.
MPD should include a specific section on service animals in training on disabilities and ADA compliance.	<b>Pending.</b> On December 20, 2007, MPD reported that once it has completed its new policy, the department will continue to work with these groups to develop and implement recruit, in-service, and roll call training.
MPD should conduct a roll-call training lesson for all officers on service animals as soon as possible.	

**Table 33: Pretextual Stops of Bicyclists (August 4, 2005)**

Recommendation	Status
The District Government should replace mandatory, police-based bicycle registration with voluntary registration through a national registry.	<b>Pending.</b> On February 6, 2007, Councilmembers Tommy Wells, Harry Thomas, Jr., and Kwame Brown introduced the Bicycle Registration Reform Act of 2007, which was referred to the Committee on Public Safety and the Judiciary, where it is still pending.
MPD should collect bike stop data as part of the department's Biased Policing Project to assess the issue of racial profiling in bicycle stops.	<b>Adopted in part.</b> On November 1, 2005, MPD informed OPC that it was collecting this data on the MPD Form PD 76, which is the same form being used to record motor vehicle stop data for the department's racial profiling study. This data was collected but not analyzed by MPD, and the department stopped mandatory collection of data in December 2006.
MPD should provide better training for officers and recruits regarding the scope of the bicycle laws.	<b>Adopted.</b> On December 20, 2007, MPD reported that recruit training now includes a week-long class addressing traffic enforcement and safety. Recruits are trained on what is needed in order to make legal bicycle stops. These issues are reinforced in the laws of arrest, search and seizure, and traffic lessons. In addition, there has been a renewed emphasis on traffic enforcement and safety in roll-call training.
The District Government and MPD should take steps to better inform bike riders of their duties under the law.	<b>Adopted in part.</b> On December 20, 2007, MPD reported that information for the public will be updated following the adoption of the legislation to eliminate the registration requirement.  MPD previously linked information about the helmet laws to the "Traffic Safety" section of its website.

**Table 34: Publication of MPD Orders on the Internet (July 14, 2005)**

Recommendation	Status
MPD should publish its orders and directives, along with an index, on the department's website to make this information readily available to the public at no cost.	<b>Pending.</b> On December 20, 2007, MPD reported that all directives have been posted to MPD's intranet. The department is now reviewing national best practices for the public distribution of departmental policy.

**Table 35: Minors in the Care of Arrested Persons (May 24, 2005)**

Recommendation	Status
MPD should create a written policy that takes into consideration the following issues: (1) identification, (2) transportation, and (3) location of origin of minors, (4) the reluctance on the part of the arrestee to identify minors in the arrestee's care, the (5) the need to verify and document the identity of the adult to which the minor is released, and (6) the role and circumstances under which child protective services should become involved.	<b>Adopted.</b> In March 2006, MPD issued a special order addressing the care of minors in the custody of arrested or hospitalized persons.
MPD should train its officers on the laws and procedures governing minors who are not involved in any criminality.	<b>Adopted.</b> The new order directs the police academy to develop and conduct training on the topic covered by the order. This topic will be included in roll call training by March 2008.
MPD should regularly monitor the policy to ensure its consistent application and to evaluate its effectiveness.	<b>Adopted.</b> On December 20, 2007, MPD reported that the special order institutes an accountability framework for continuous monitoring and evaluation of policy effectiveness. The commanding officer of the Youth Investigation Branch (YIB) and District commanders are tasked with ensuring members are familiar with the directive and receive adequate training. The commander of the Metropolitan Police Academy develops training and ensures it is delivered in conjunction with the YIB commanding officer.



**Table 36: Protest Monitoring (June 26, 2007)**

<b>Recommendation</b>	<b>Status</b>
<p>MPD should continue to emphasize compliance with the First Amendment Rights and Police Standards Act of 2004 among its officers, and ensure that officers are continuing to allow demonstrators to peacefully engage in First Amendment activities with minimal inference from police officers or other protesters.</p>	<p><b>Adopted.</b> On December 20, 2007, MPD reported that MPD continues emphasize compliance with the Act, and includes OPC in on details so that OPC can monitor the department’s compliance.</p>
<p>MPD should make itself available as a resource to federal agencies that routinely handle First Amendment assemblies. MPD’s officers appear to be better prepared to handle protests and interact with protesters in ways that allow people to demonstrate freely and that do not escalate tensions during events. In addition, protesters that are not residents of or frequent visitors to the District may mistakenly believe that federal law enforcement officers handling the event are MPD officers, and, if problems were to arise during the assembly, would leave the event with misperceptions about MPD officers. If the federal agencies are receptive, PCB believes that it would be to their benefit, as well as to the public’s benefit, to have MPD offer ideas about how to best police First Amendment demonstrations, and discuss lessons learned.</p>	<p><b>Adopted.</b> On December 20, 2007, MPD reported that the department continually works with its federal partners to guide them on best practices and to learn from each other. The coordination was exhibited during a march held in September 2007 where MPD assisted the United States Capitol Police with guidance and support when they arrested 186 persons.</p>
<p>MPD should continue to make sure that all of its officers, particularly non-supervisory officers, are informed of OPC’s presence and role so that OPC’s monitors will be able to freely observe future protest events.</p>	<p><b>Adopted.</b> On December 20, 2007, MPD reported that MPD continues to inform its officers about OPC’s work at roll calls prior to events, and the department continues to facilitate OPC’s access to all areas the agency is authorized to monitor.</p>