

GOVERNMENT OF THE DISTRICT OF COLUMBIA

**POLICE COMPLAINTS BOARD
OFFICE OF POLICE COMPLAINTS**



**ANNUAL REPORT
FISCAL YEAR 2013**

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

March 3, 2014

Dear Mayor Gray, Members of the District of Columbia Council, Chief Lanier,
and Chief Maupin:

We are pleased to submit the 2013 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, 2012, through September 30, 2013.

The following is an overview of the agency's work during the fiscal year:

- The number of people who contacted OPC for service was 1,046. Among that universe, 440 filed complaints of alleged police misconduct. Since OPC opened in 2001, it has fielded over 11,800 contacts with potential complainants and has handled over 5,700 complaints.
- These new complaints, combined with the 328 complaints that were already open at the beginning of the fiscal year, resulted in agency staff members working on 768 complaints during the year – an average of nearly 65 complaints per investigator.
- As part of its work investigating complaints, OPC conducted over 730 complaint-related interviews, including over 350 police officers and more than 375 citizens, and the agency prepared nearly 300 investigative reports.
- OPC finished the year with 312 open complaints, a nearly 5 percent reduction from the 328 open at the beginning of the year, making for the third straight year in which the agency has resolved more complaints during the year than it received.
- OPC complaint examiners adjudicated 21 complaints, 50 percent more than the 14 complaints adjudicated in Fiscal Year 2012.
- The agency mediated 29 complaints in Fiscal Year 2013. Participants reached successful resolutions in 20 of those matters, or 69 percent of the total complaints mediated.
- OPC conducted outreach events in all eight of the District's wards, targeting a variety of audiences, including students attending area schools, teens in District-sponsored summer camps, neighborhood associations, and Latino communities in the city.

- The agency hosted counterparts from oversight entities in Northern Ireland and Bahrain, as well as leading academics from Australia and Germany, who met with representatives of OPC to learn more about independent review of police as carried out here and around the United States.

In addition to resolving individual complaints of police misconduct, the agency analyzes trends in the allegations being reported. This review allows PCB to develop recommendations to improve police practices. While it is possible for an oversight agency to conduct this type of policy research and development regardless of the model and whether it handles citizen complaints, the detection of systemic problems through the review of police misconduct allegations permits OPC to proactively address issues that community members find significant enough to warrant complaining about. As a result, under the OPC oversight model, the agency's policy work targets those areas most ripe for improving police-community relations, and by extension, policing in Washington, D.C.

During Fiscal Year 2013, the agency released two policy reports and performed the majority of the research, development, and writing of a second significant report, which was released shortly after Fiscal Year 2014 began. The first report, entitled "Warrantless Entries into Private Homes by MPD Officers," was issued on June 12, 2013, and focused on a number of complaints in which OPC sustained allegations of unlawful warrantless entries into District residents' homes. After conducting best practices research and analyzing complaints from several years, PCB recommended that MPD provide more adequate guidance to officers on when a warrantless entry into a private home is legal, impose appropriate discipline and remedial training for officers who conduct unconstitutional entries, improve training generally, and require better record keeping of the justification for such entries. As reported in Appendix A of this report, MPD has already adopted or committed to adopt nearly all of these recommendations.

The second report, entitled "Bicycle Safety and MPD Enforcement of the District's Biking Laws," was issued on September 13, 2013, as a follow-up to PCB's 2011 recommendation for improving bicyclist safety in the District. This September 2013 report examined MPD's progress in addressing and implementing the Board's 2011 recommendations and reviewed whether, over time, MPD officers improved the accuracy of cyclist violation enforcement and their investigations of bike-motor vehicle crashes. Overall, the Board found that MPD had implemented many of the 2011 proposals, strengthening its crash investigation policy, improving training for officers on the District's biking laws, and increased its involvement with the District's Bicycle Advisory Council. PCB made recommendations for further improvements, including improved record-keeping and regular analysis and reporting by MPD.

During the fiscal year, the agency also performed a significant amount of work developing policy recommendations that have been or will be released in Fiscal Year 2014 and beyond. For example, on November 21, 2013, the agency released "MPD Enforcement of the District's Window Tint Law," which addressed the Department's enforcement of the window tint law during traffic stops and related concerns about the possible racial profiling of African-American motorists. The report is available on the agency's website. Next year's annual report will discuss the findings in more detail and what steps, if any, MPD takes to implement the recommendations in the report.

The agency's policy recommendations highlight that one of the advantages of effective and independent police review is the institutional capacity to follow up and report on the implementation of proposals to improve policing. We have been generally satisfied with the steps taken by MPD and the city to implement the proposals made by PCB over the years, the most recent of which are described in Appendix A.

The execution of our agency's policy recommendation function reflects a noteworthy level of cooperation with MPD and a commitment by both agencies to enhance police accountability in the District. In the past year, there have been other examples of a maturing, cooperative relationship. We are pleased to report that a longstanding issue has been substantially addressed by MPD. Previous agency annual reports have cited long delays in receiving access to documents needed to investigate allegations of police misconduct thoroughly. During Fiscal Year 2013, MPD made significant steps to reduce the backlog of outstanding requests, and has since been maintaining a greatly improved response time for providing documents in its possession. The Department also granted OPC's request to deal directly with the Office of Unified Communications (OUC) in order to obtain records in that agency's possession. OUC subsequently eliminated the backlog of outstanding requests for its records while also significantly reducing the turnaround time for new requests. Lastly, MPD reports that it is close to providing OPC direct computerized access to certain basic police reports stored electronically by the Department. We expect that these helpful measures will allow the agency to resolve complaints of police misconduct more efficiently, and we are grateful to MPD and OUC for their efforts in responding to our concerns.

Further cooperation between OPC and MPD can be expected as the result of legal advice recently provided by the District's Office of the Attorney General (OAG) to MPD. In a letter to MPD dated January 22, 2014, OAG reaffirmed our agency's longstanding position that OPC has the authority to compel statements of officers made during OPC investigations by issuing the appropriate warnings that they are required to cooperate. In a separate section of the same letter, OAG asserted that, for the purposes of imposing discipline, MPD's chief of police cannot reject factual determinations made by OPC complaint examiners in their decisions. While we agree with these portions of the analysis, we are concerned that OAG's advice letter, contrary to our understanding of the language contained in OPC's enabling statute, expressly leaves open the possibility that the police chief can refuse to discipline officers who have been found liable for police misconduct in OPC decisions. Specifically, the OAG letter argues that the police chief can take into account "factors" outside the scope of the complaint examiner's decision in refusing to impose discipline on an officer in a sustained OPC case. The OAG letter, however, does not list or fully explain what these factors are. As a result, we will continue to review the OAG letter while carefully monitoring MPD's implementation of the legal advice. We plan to follow up on our concerns with OAG and other District government officials in the near future.

PCB and OPC have been in the forefront of proposing improvements in the District's police accountability system. One proposal, currently supported by at least six members of the District Council, is based on one of our agency's policy recommendations. The "Police Monitoring Enhancement Amendment Act of 2013" would grant our agency the authority to monitor and publicly report on the volume, types, and dispositions of citizen complaints resolved by MPD, as well as the disciplinary outcomes of sustained complaints, in the same way that our annual reports have consistently and publicly furnished this information regarding the complaints handled by OPC. Over time, monitoring would lead to more targeted recommendations to improve policing.

PCB also previously recommended the enactment of legislation that would modify OPC's current investigative authority to allow the agency, through a "rapid resolution" process, to refer some relatively minor or service-oriented citizen complaints to MPD for resolution. This proposal is contained in PCB's report entitled "Improving Police-Community Relations through the Diversion of Some Complaints into a Rapid Resolution Program." This process would allow citizen complainants to get an explanation from someone within the police department about the reasons for a subject officer's actions, provide complainants with an opportunity to give input directly to the police department on how the incident affected them, free up some OPC resources so that the agency could more efficiently resolve the most serious complaints filed with OPC, and allow MPD supervisors to address potential deficiencies in officers' job performance more rapidly.

We constantly explore ways to improve our delivery of services, thereby promoting greater police accountability in the nation's capital. A distinguishing feature of how independent police review operates in the District of Columbia is the high level of public participation. In addition to the core of professionals who staff OPC, the agency maximizes citizen involvement in its processes. Four non-police members of the community – the undersigned Kurt Vorndran, Karl Fraser, Dr. Margaret Moore, and Iris Chavez – sit on the Police Complaints Board. Furthermore, OPC complaints are adjudicated by ten complaint examiners, all of whom are attorneys barred in and residing in Washington, D.C., and a pool of 20 experienced and trained dispute resolution specialists mediates appropriate cases. In addition, every year at least ten student interns from colleges and law schools work alongside OPC staff, and a contingent of pro bono attorneys at a major law firm in the District represents citizen complainants in OPC adjudications. When these contributions are factored in, the District's police review system benefits from a level of community participation and engagement that is unrivaled anywhere in the United States. To all of these partners, we thank you for your hard work and efforts to enhance law enforcement accountability in the nation's capital.

As the work at our agency continues and evolves, we look forward to feedback from the public about the information and issues presented in this annual report.

Respectfully submitted,



Kurt Vorndran
Chair
Police Complaints Board



Philip K. Eure
Executive Director
Office of Police Complaints

Table of Contents

I.	Agency Information	1
A.	Agency Structure and Complaint Process.....	1
B.	Police Complaints Board Members	1
C.	Office of Police Complaints Staff	3
II.	The Year in Review	5
A.	Introduction	5
B.	Complaint Examination	5
1.	Decisions in FY 2013.....	6
a.	Example #1 – OPC #10-0049	7
b.	Example #2 – OPC #10-0257	8
c.	Example #3 – OPC #11-0304	8
2.	Final Review Panel	9
3.	Disciplinary Outcomes.....	10
C.	Criminal Convictions	13
D.	Mediation	14
1.	Fiscal Year 2013 Overview.....	14
2.	Mediation Examples.....	15
E.	Investigations	19
1.	Case Workload.....	19
2.	Dismissal Example.....	21
3.	Failure to Cooperate by MPD Officers	23
F.	Statistics	26
1.	Contacts and Complaints Received.....	29
2.	OPC Workload and Complaint Processing	30
3.	Characteristics of Complaints	32
4.	Complainant Characteristics	40
5.	Subject Officer Characteristics	43
G.	Outreach	49
1.	Community Outreach	49
2.	International Outreach.....	50
3.	OPC in the Media.....	51

4.	The Year Ahead	51
H.	Police Oversight and Law Enforcement Organizations	52
I.	Policy Recommendations	52
1.	Warrantless Entries into Private Homes by MPD Officers.....	53
2.	Bicycle Safety and MPD Enforcement of the District’s Biking Laws.....	53
3.	Status Updates for Policy Recommendations	54
III.	The Future	55
A.	Conciliation	55
B.	Policy Recommendations	55
C.	Improving Oversight and Enhancing Police Accountability	56
	Endnotes	58
	Appendix A: Policy Recommendation Status.....	61
	Appendix B: Police Districts Map	
	Appendix C: Ward Map	

Tables and Charts

Table 1: Complaint Examiner Decisions (FY09 to FY13)	6
Table 2: Complaint Examiner Decisions by Allegation and Disciplinary Outcomes (FY13). 10	
Table 3: Discipline for Sustained Complaints	12
Table 4a: Bases for Failure to Cooperate Determinations	24
Table 4b: Failures to Cooperate vs. Interviews Completed	24
Table 4c: Discipline for Failures to Cooperate	25
Table 5: Contacts and Complaints Received	29
Table 6: Complaints Received per Month	29
Chart 6: Complaints Received per Month.....	29
Table 7: OPC Workload.....	30
Table 7a: Status of Pending Complaints at the End of Each Fiscal Year	30
Table 7b: Disposition of Formal Complaints.....	31
Chart 7: OPC Workload.....	31
Table 8: Complaints by City Ward	32
Chart 8: Complaints by City Ward (as a Percentage)	32
Table 9: Allegations in Complaints by Category	33
Chart 9: Allegations in Complaints by Percentage	33
Table 9a: Specific Allegations of Force	34
Chart 9a: Specific Allegations of Force	34
Table 9b: Specific Allegations of Harassment.....	35
Chart 9b: Specific Allegations of Harassment	36
Table 9c: Specific Allegations of Discrimination.....	36
Chart 9c: Specific Allegations of Discrimination	37
Table 9d: Specific Allegations of Failure to Identify.....	37
Chart 9d: Specific Allegations of Failure to Identify.....	37
Table 9e: Specific Allegations of Language and Conduct.....	38
Chart 9e: Specific Allegations of Language and Conduct	38
Table 9f: Specific Allegations of Retaliation.....	38
Table 10: Time of Incidents Leading to Complaints	39
Chart 10: Time of Incidents Leading to Complaints (as a Percentage)	39
Table 11: Complainant Race or National Origin	40

Chart 11: Complainant Race or National Origin (as a Percentage)	40
Table 12: Complainant Gender	40
Chart 12: Complainant Gender (as a Percentage)	41
Table 13: Complainant Age	41
Chart 13: Complainant Age (as a Percentage)	41
Table 14: Number of Complainants Who Filed Multiple Complaints.....	42
Table 15: Complainant Race or National Origin with “Unique Complainant” Information ...	42
Table 16: Complainant Gender with “Unique Complainant” Information	42
Table 17: Subject Officer Race or National Origin	43
Chart 17: Subject Officer Race or National Origin (as a Percentage)	43
Table 18: Subject Officer Gender	44
Chart 18: Subject Officer Gender (as a Percentage)	44
Table 19: Subject Officer Rank.....	44
Table 20: Subject Officer Assignment.....	44
Chart 20: Subject Officer Assignment (as a Percentage).....	45
Table 21: Subject Officer Age	46
Chart 21: Subject Officer Age (as a Percentage)	46
Table 22: Subject Officer Years of Service	47
Chart 22: Subject Officer Years of Service (as a Percentage)	47
Table 23: Number of Officers Who Were the Subject of Multiple Complaints	47
Table 24: Subject Officer Race or National Origin with “Unique Officer” Information	48
Table 25: Subject Officer Gender with “Unique Officer” Information	48
Table 26: Subject Officer Assignment with “Unique Officer” Information.....	48
Table 27: Bicycle Safety and MPD Enforcement of the District’s Biking Laws	61
Table 28: Warrantless Entries into Private Homes by MPD Officers	63
Table 29: Traffic Enforcement by Off-Duty Officers.....	65
Table 30: Improving the Safety of Bicyclists and Enhancing Their Interactions with Metropolitan Police Department Officers	66
Table 31: MPD Investigation and Reporting of Minor Traffic Accidents.....	68
Table 32: Increasing Public Awareness of District of Columbia Laws Governing Mopeds and Motor Scooters	70
Table 33: Monitoring Citizen Complaints that Involve Police Response to Reports of Hate Crime	72

Table 34: Taxicab Drivers and MPD Enforcement of the District’s Taxicab Regulations	73
Table 35: Public Drinking Arrests by MPD Officers on Residential Property	74
Table 36: MPD Provision of Police Service to Persons with Limited English Proficiency (LEP)	75
Table 37: Monitoring Citizen Complaints that Are Investigated by the Metropolitan Police Department and the D.C. Housing Authority Police Department	77
Table 38: Improving Police-Community Relations Through Diversion of Some Citizen Complaints to a Rapid Response Program	77

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. 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 as an elected Advisory Neighborhood Committee (ANC) commissioner from 2001 to 2004. He is also treasurer of the Wanda Alston Foundation, a program for homeless LGBTQ youth. 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 originally confirmed by the District Council on December 6, 2005, and sworn in as the chair of the Board on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2014. He continues to serve until reappointed or a successor has been appointed.

Assistant Chief Patrick A. Burke has over 24 years of service with the Metropolitan Police Department (MPD) and currently serves as the assistant chief of MPD's Strategic Services Bureau. He previously served as the assistant chief of the Homeland Security Bureau. During his career with the Department, Assistant Chief Burke has served in four of the seven police districts, the Special Operations Division, the 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 master's degree in management from Johns Hopkins University, a master's degree in Homeland Security Studies from the Naval Postgraduate School's Center for Homeland Defense and Security, and a certificate in public management from George Washington University. He is also a graduate of the Federal Bureau of Investigation's National Academy in Quantico, Virginia, and the Senior Management Institute for Police (SMIP) in Boston. He has also attended counter-terrorism training in Israel.

Assistant Chief Burke has received a variety of MPD awards and commendations, including the Achievement Medal, the Meritorious Service Medal, the Police Medal, and the Lifesaving Medal. He has also received the Cafritz Foundation Award for Distinguished

District of Columbia Government Employees, the Center for Homeland Defense and Security's Straub Award for Academic Excellence and Leadership, and the National Highway Traffic Safety Administration Award for Public Service. In 2011, The Century Council named him one of "20 People to Watch," and the American Society for Industrial Security named him "Law Enforcement Person of the Year."

He has served as MPD's principal coordinator and incident commander for myriad major events, including the 2008 visit by Pope Benedict XVI, the 2008 G-20 Summit, and the 56th Presidential Inaugural in 2009. In addition to PCB, Assistant Chief Burke sits on numerous boards, including the D.C. Police Foundation and the Washington Regional Alcohol Program. Assistant Chief Burke is an active coach for youth sports and is a member of numerous community and volunteer organizations within the District of Columbia, where he resides with his wife and four children. He was originally confirmed by the District Council as the MPD member of the Board on January 3, 2006, and sworn in on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council. The assistant chief was sworn in on January 5, 2012, for a new term ending January 12, 2012. He was subsequently reappointed to a third term, which will end January 12, 2015.

Karl M. Fraser is an associate director who oversees clinical oncology research at a pharmaceutical company in Rockville, Maryland. Mr. Fraser received his undergraduate degree in biology from Howard University and a master's degree in biotechnology from Johns Hopkins University. He has been active in his community, including serving as an elected ANC commissioner. Mr. Fraser was originally confirmed by the District Council on December 6, 2005, and sworn in on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2014. He continues to serve until reappointed or a successor has been appointed.

Margaret A. Moore, PhD is a leader in the field of corrections. She has more than 25 years of experience in the administration of both state and municipal prison and jail systems. She is the former director of the D.C. Department of Corrections (DOC).

As director of DOC, Dr. Moore had executive oversight for a complex prison and jail system with more than 10,000 inmates, approximately 4,000 employees, and an annual operating budget of over \$225 million. Prior to coming to the District of Columbia, she was deputy secretary of the Pennsylvania Department of Corrections where she provided executive direction for prison operations within the central region of Pennsylvania. She is known for her track record of promoting women and African Americans into correctional leadership positions and continuously advocating for their advancement and representation at all levels of the corrections profession.

Dr. Moore currently holds the position of assistant professor in the Criminal Justice program of the Department of Criminal Justice, Sociology, and Social Work at the University of the District of Columbia. She was originally confirmed by the District Council on June 5, 2007, and sworn in on June 27, 2007. In 2011, she was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term

ending January 12, 2013. She continues to serve until reappointed or a successor has been appointed.

Iris Maria Chavez currently serves as assistant field director of the Education Trust, a research, analysis, and practice organization based in Washington, D.C., that promotes high academic achievement for all students at all levels – pre-kindergarten through college. In her role at the Education Trust, she oversees the organization’s field and outreach operations. Previously, Ms. Chavez served as deputy director for education policy and outreach at the League of United Latin American Citizens (LULAC), where she oversaw state and federal education policy work. In this capacity, she worked to deepen LULAC’s understanding of state and federal school reform, and expanded the relationships between the organization’s grassroots education advocates and state and federal policymakers.

Prior to LULAC, Ms. Chavez worked as a legislative associate for the Food Research and Action Center (FRAC), where she was a junior lobbyist giving advice on food assistance programs and federal-level governmental processes to the center’s state and local network of organizations. Before working at FRAC, Ms. Chavez was employed at the Social IMPACT Research Center of Heartland Alliance for Human Rights and with the group Youth Guidance where she was a social worker in the Chicago Public Schools. Ms. Chavez holds a bachelor of arts degree in sociology, history, and African diaspora studies from Tulane University and a master of arts degree in social policy from the University of Chicago.

Ms. Chavez was appointed by Mayor Vincent Gray and confirmed by the District Council in the fall of 2011, and was sworn in on January 5, 2012, for a term ending January 12, 2012. She was subsequently reappointed to a new term ending January 12, 2015.

C. Office of Police Complaints Staff

OPC has a talented and diverse staff of 20, including 10 employees with graduate or law degrees, four of whom are 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: 45% African-American, 37.5% Caucasian, 13.8% Latino, 1.3% Asian, and 2.5% biracial. In addition, since its establishment, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond. As of September 2013, 83 college students and 42 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 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 to Port-au-Prince for a year as an adviser to the Government of Haiti on a project aimed at reforming the criminal justice system. From 2005 to 2012, Mr. Eure also sat on the board of the National Association for Civilian Oversight of Law Enforcement (NACOLE), a non-profit organization that seeks to reduce police misconduct throughout the nation by working with communities and individuals to establish or improve independent

police review mechanisms, and served as the organization's president for approximately two of those years. 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.

Christian J. Klossner is OPC's deputy director. He joined the agency in September 2010 after serving as an assistant district attorney in the Office of the Special Narcotics Prosecutor of New York City and at the Office of the Bronx District Attorney. He also served as an adjunct professor of trial advocacy at Fordham University School of Law. Prior to attending law school, Mr. Klossner worked as a policy advocate and as a staff supervisor with the New York Public Interest Research Group, a not-for-profit advocacy organization focused on environmental, consumer, and government reform issues. In September 2013, Mr. Klossner was elected to NACOLE's board, and currently serves as that board's secretary. He received his bachelor's degree from the State University of New York's University at Albany and his law degree from Fordham University School of Law.

Mona G. Andrews, the chief investigator, was hired in December 2004 as a senior investigator. She was promoted to team leader in December 2005, investigations manager in October 2008, and chief investigator in October 2011. Ms. Andrews came to OPC with 10 years of investigative experience. Prior to joining the agency, Ms. Andrews worked with the Fairfax County, Virginia, Public Defender's Office as a senior investigator where she investigated major felony cases including capital murder, and also developed and coordinated an undergraduate internship program. Ms. Andrews obtained her undergraduate degree in political science and English from Brigham Young University.

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 was employed 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, listed alphabetically by last name, as follows:

Stephanie Banks	Administrative Officer
KateLyn Claffey	Investigator
Nykisha T. Cleveland	Public Affairs Specialist
Sarah Cordero	Paralegal Specialist
Ora Darby	Senior Investigator
Nydia Figueroa-Smith	Receptionist
Denise Hatchell	Senior Investigator
Dienna Howard	Intake Clerk
Anthony Lawrence	Senior Investigator
Peter Mills	Investigator
Jessica Rau	Investigator

Crystal Rosa	Investigator
Robert Rowe	Supervisory Investigator
Kimberly Ryan	Staff Assistant
Natasha Smith	Supervisory Investigator
Catherine Twigg	Investigator

II. THE YEAR IN REVIEW

A. Introduction

In Fiscal Year 2013, 1,046 people contacted OPC to inquire about filing a complaint and other agency services, and 440 of them filed complaints. OPC resolved a total of 456 complaints, finishing the fiscal year with nearly 5 percent fewer cases open than at the close of the prior fiscal year, marking the third year in a row that the agency has reduced its year-end caseload.

OPC adjudicated 21 complaints where the agency found reasonable cause to believe misconduct had occurred, and mediated 29 complaints, with the parties reaching an agreement in 20 of the sessions. The cases resolved through adjudication and mediation together comprised 13.7 percent of the complaints resolved by the agency, representing a 3 percent increase over last year's 10.7 percent.

During the year, PCB issued two reports and accompanying sets of recommendations for improvements in policing to the Mayor, the Council, and both law enforcement agencies under OPC's jurisdiction. One report addressed improving MPD's training and policies concerning warrantless entries by officers into private homes, while the other one related to improvements in bicyclist safety.

These accomplishments and others are discussed in more detail below, along with statistics regarding complaints received and closed by OPC in Fiscal Year 2013.

B. Complaint Examination

When an OPC investigation determines reasonable cause to believe misconduct has occurred, the agency refers the matter to a complaint examiner who adjudicates the merits of the allegations. OPC's pool of complaint examiners, or hearing officers, all of whom are distinguished attorneys living in the District of Columbia, has included individuals with backgrounds in private practice, government, non-profit organizations, and academia.

The complaint examiner may make a determination of the merits based on the investigative report or require an evidentiary hearing. If a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OPC takes steps to ensure that complainants have counsel available to assist them at no cost during these hearings. OPC has an arrangement with Arnold & Porter LLP, an internationally recognized Washington-based law firm with a demonstrated commitment to handling pro bono matters. During Fiscal Year 2013, Arnold & Porter attorneys provided over 270 hours of pro bono services to OPC

complainants. Officers are generally represented by attorneys or representatives provided to them by the police union, the Fraternal Order of Police (FOP).

1. Decisions in FY 2013

A total of 18 complaints were referred to the complaint examination process in Fiscal Year 2013. Of the 18, 16 were resolved during the fiscal year, as were 5 complaints that had been referred in the previous fiscal year but were still pending in Fiscal Year 2012. All 21 of these matters were resolved by the issuance of a merits determination, 5 of which were issued after the complaint examiner conducted an evidentiary hearing. Fifteen of the twenty-one decisions sustained at least one allegation of misconduct,¹ resulting in a complaint examination sustained rate of 71.4 percent. Please note that this particular sustain rate does not reflect all complaints resolved by OPC. Rather, this percentage reflects the number of complaints adjudicated by a complaint examiner resulting in a sustained finding, and does not include successful mediations or complaints that were dismissed.

Table 1 summarizes the decisions reached by complaint examiners during the past five fiscal years, and identifies both the frequencies of the different outcomes after referral to a complaint examiner and the percentages reflecting the frequency of different adjudication outcomes.

Table 1: Complaint Examiner Decisions (FY09 to FY13)

	FY09		FY10		FY11		FY12		FY13	
Sustained	19	86.4%	9	81.8%	7	100%	12	92.9%	15	71.4%
Exonerated	2	9.1%	1	9.1%	--	--	1	7.1%	6	28.6%
Insufficient Facts	--	--	1	9.1%	--	--	--	--	--	--
Unfounded	1	4.5%	--	--	--	--	--	--	--	--
Conciliated	--	--	--	--	--	--	1	N/A	--	--
Dismissed	--	--	--	--	--	--	1	N/A	--	--
Withdrawn	--	--	--	--	--	--	1	N/A	--	--
Total	22		11		7		16		21	

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 a government agency with its own investigative staff and adjudicators operating independently of MPD and the District of Columbia Housing Authority's Office of Public Safety (OPS). In general, other available forums – principally criminal and civil court – provide few opportunities to raise these issues or have barriers to entry that inhibit people from pursuing them.

During Fiscal Year 2013, there were four merits determinations, together resolving a total of six complaints, in which the subject officers were "Exonerated" by complaint examiners. An "exoneration" means that the complaint examiner determined that a

preponderance of the evidence showed that the alleged conduct did occur but that the conduct did not violate the law or MPD's policies, procedures, practices, orders, or training. Each of the four cases involved credibility assessments of the subject officers' proffered reasons for their actions that were ultimately resolved in favor of the officers.

Three examples are provided below to illustrate the variety of issues addressed by the complaint examination process this year. One examiner sustained an allegation against an officer for engaging in insulting, demeaning, or humiliating language or conduct, while also finding insufficient facts to sustain a harassment allegation related to an unlawful stop. Another examiner sustained an allegation of harassment related to an unlawful arrest for disorderly conduct. A third examiner sustained an allegation of harassment based on a warrantless entry made by an officer. In the first two cases, the complaint examiner determined that an evidentiary hearing was necessary; in the last case, the complaint examiner reached a decision based on OPC's investigative report. These three decisions are discussed in more detail below.

a. Example #1 – OPC #10-0049

The complainant, a man residing in the District, was walking his dog on the grounds of a neighborhood public high school. He was unaware of any policies prohibiting dog walking on the grounds, and had not seen any signs posted at the school banning the practice. As the complainant was walking his dog, he heard the female subject officer sound her police cruiser air horn from across the street, where she was parked. The subject officer drove her cruiser closer to the complainant, yelled at him, told him that he was on private property, and ordered him to move along. When the man replied that he did not think public school grounds constituted private property, the subject officer threatened to issue him a citation. He subsequently left the property and began walking on the sidewalk in front of the school.

As the complainant was walking on the sidewalk, the officer drove past the complainant, stopped her vehicle, and yelled for him to come to the cruiser. When the complainant did as he was told, the subject officer again told him that school grounds are private property and accused the man of being rude and yelling at her in their first encounter. The complainant told her that he knew many people who walked their dogs on the school grounds. The subject officer, while shaking her finger toward the complainant, replied, "I don't see them. I see you." The officer threatened to issue the man a ticket and, according to the complainant, spoke in a raised, nasty tone of voice.

The complainant alleged that the subject officer harassed him by preventing him from walking his dog on public school property, ordering him to move along, and threatening to issue him a citation. The complainant further alleged that the subject officer used language or engaged in conduct that was insulting, demeaning, or humiliating when she yelled at him, shook her finger at him, and told him he was rude. After completing its investigation, OPC found reasonable cause to believe misconduct had occurred and referred the matter to a complaint examiner for a merits determination.

The complaint examiner conducted a hearing on the narrow issue of whether the complainant was allowed to walk his dog on the property and what signage existed. The

complaint examiner sustained the language or conduct allegation, finding that the subject officer lost her professional composure during the conversation that took place after she turned her vehicle around to re-engage with the complainant. The complaint examiner determined, however, that the conflicting witness reports as to whether there were signs prohibiting the behavior posted at the time of the incident, as well as the inconsistent testimony as to whether school officials permitted dogs on school grounds, established “Insufficient Facts” concerning the allegation that the officer harassed the complainant by preventing him from walking his dog.

b. Example #2 – OPC #10-0257

The complainant’s girlfriend’s car was blocked into a parking space in an alley, and the complainant approached the subject officer’s cruiser to ask for assistance with getting the car out of the parking space. Unbeknownst to the complainant, the male subject officer had recently received a dispatch call broadcasting the description of a crime suspect in the immediate vicinity and he believed that the complainant matched the suspect’s description. The officer got out of his cruiser, requested the complainant’s identification, and asked the man how long his girlfriend’s car had been parked in the alley. The complainant provided his identification and answered the officer’s question, then asked for an explanation why his identification was being taken and the basis of the officer’s stop. The subject officer did not respond.

Shortly thereafter, a second MPD officer arrived. This officer, who was not a subject of any allegations of misconduct, explained the reason for the complainant’s detention. The man began complaining about the basis for the stop, and his girlfriend, who had been ordered repeatedly by the subject officer to remain in her car, got out of her vehicle. The subject officer told the complainant’s girlfriend that she was under arrest and began to arrest her. Upon seeing this, the complainant became very angry. He asked the witness officer to help his girlfriend. The complainant was using “strong language” toward the subject officer, who responded by directing the witness officer to arrest the complainant. The complainant alleged that the subject officer harassed him by unlawfully having him arrested for “Disorderly Conduct – Loud and Boisterous.” Following the completion of its investigation, OPC found reasonable cause to believe misconduct had occurred and referred the matter to a complaint examiner for a merits determination.

After conducting an evidentiary hearing, the complaint examiner sustained the allegation against the subject officer, finding that although the complainant was using a loud voice and profanity, there was no evidence presented that the crowd around the complainant and subject officer was unruly, that the man’s actions created an unsafe and threatening environment, or that he had attempted to incite violence. Based on these findings, the examiner ruled that the complainant’s actions did not threaten a breach of the public peace as is required to establish probable cause for an arrest under the disorderly conduct statute.

c. Example #3 – OPC #11-0304

Two subject officers arrived at the complainant’s apartment to serve her with a subpoena. They knocked on the door and called out to the woman, but received no response.

While knocking, the two officers heard a baby crying inside the apartment. They summoned the building security guard to the door and he agreed to stay and witness the officers' continued knocking on the complainant's door. The guard did not hear a baby crying inside the apartment.

As the officers continued to knock, the apartment door opened slightly. When the officers called out to the woman and again received no response, they both entered. The officers announced their presence in the apartment and the complainant came out of her bedroom. At the sight of the officers, the complainant appeared angry, cursed at the officers, and ordered them to leave. The officers handed the subpoena to the complainant and left. The complainant alleged that the subject officers harassed her by entering her home without her consent. OPC found reasonable cause to believe misconduct had occurred and referred the matter to a complaint examiner for a merits determination.

The complaint examiner determined there were no material issues of fact and, as a result, did not hold an evidentiary hearing. Although the subject officers claimed that they entered the home because they were concerned about a crying baby inside, the examiner concluded that the evidence failed to demonstrate that the baby was in harm's way and found that the subject officers entered the home to complete service on the complainant rather than to investigate a genuine emergency. Upon finding that they lacked justification to enter the complainant's home without a warrant, consent, or exigent circumstances, the complaint examiner sustained the harassment allegation against both subject officers.

2. *Final Review Panel*

The statute governing OPC allows the chiefs of police of the two relevant law enforcement agencies to appeal a complaint examiner decision.² If the police chief determines that a decision sustaining any allegation "clearly misapprehends the record before the complaint examiner and is not supported by substantial, reliable, and probative evidence in that record,"³ the chief may return the decision for review by a final review panel (FRP) composed of three different complaint examiners. The FRP then determines whether the original decision should be upheld using the same standard.

Although no FRPs were convened in Fiscal Year 2013, at the close of the fiscal year the chief of MPD requested that an FRP be convened for OPC #11-0136 to review the sustained allegations of excessive or unnecessary force, harassment, and the use of insulting, demeaning, or humiliating language. The request did not state whether MPD's police chief found that the merits determination clearly misapprehended the record and was not supported by substantial, reliable, and probative evidence, but instead expressed concerns about OPC's investigation and supported the subject officer's request to have the complaint mediated. Because the request from MPD did not meet the statutory requirements that would allow OPC to convene an FRP, OPC denied the request. In response, OPC requested that the police chief, in accordance with OPC's governing statute, articulate her belief that the decision misapprehended the record and was unsupported by the evidence, and detail the reasons supporting her determination. OPC is currently waiting for MPD to either impose discipline or provide a legally sufficient basis for OPC to convene a review panel in this matter.

3. *Disciplinary Outcomes*

For purposes of imposing discipline, OPC forwards all complaint examiner decisions that sustain at least one allegation of misconduct to the appropriate chief of police. Each law enforcement agency is required by law to inform OPC of the discipline imposed for sustained allegations in each citizen complaint. As shown above in Table 1, Fiscal Year 2013 included 13 decisions by complaint examiners that sustained at least one allegation of misconduct, thereby requiring the imposition of discipline. Two of those decisions are for combined cases, both of which address three individual case numbers that are grouped together in the same row of the table.

Table 2: Complaint Examiner Decisions by Allegation and Disciplinary Outcomes (FY13)⁴

Complaint Number	Harassment	Excessive Force	Language or Conduct	Failure to Identify	Discipline Determination
09-0388		Sustained		Sustained	Official Reprimand
10-0119	Sustained				Official Reprimand
08-0394	Exonerated	Exonerated			N/A
11-0093/11-0094/11-0095	Sustained		Sustained		18 Day Suspension
10-0257	Sustained				15 Day Suspension
10-0361/10-0491/10-0492	Exonerated				N/A
10-0535	Exonerated				N/A
11-0130	Sustained				Official Reprimand
10-0427	Sustained				2 Day Suspension
10-0049	Insufficient Facts		Sustained		Officer retired prior to discipline being imposed
10-0272	Sustained				2 Day Suspension
11-0304 Officer #1	Sustained				Official Reprimand
11-0304 Officer #2	Sustained				Official Reprimand
10-0158	Exonerated				N/A
11-0136		Sustained	Sustained		Pending
09-0454	Sustained				Pending
12-0156			Sustained		Pending
11-0324	Sustained				Letter of Prejudice

Table 2 above lists each of the adjudicated complaints in the order in which they were resolved, identifies the allegations in each complaint, and indicates the decision reached by the complaint examiner for each allegation category.⁵ OPC sent 13 sustained decisions to MPD for discipline to be imposed on a total of 13 individual officers, one of whom had two cases referred based on separate and unrelated sustained findings. No complaint examiner decisions were sent to OPS for discipline to be imposed. Two officers were the subject of complaint #11-0304, and consequently there are two rows in the table representing the result of the sustained allegation against each one. Thus, the table above reflects 14 instances in which MPD is required to impose discipline for decisions issued in Fiscal Year 2013. The table also shows that discipline has been imposed in ten instances, while in three, discipline remains “Pending.” Discipline was not imposed in one case because the officer retired prior

to MPD action. The full text of each decision is available on OPC's website and through the online legal databases maintained by LexisNexis and Westlaw.

Table 2 shows the discipline determination for each referred OPC complaint. In reporting discipline information, OPC attempts to obtain the final disposition of each matter and keep abreast of any developments that may affect the final disposition. MPD uses a progressive discipline system, and as a result, not all sustained allegations will yield the same disciplinary result described in Table 2. For example, one officer was the subject of three recent decisions, each sustaining the same kind of misconduct allegation against him. For the first two sustained decisions, OPC complaints #10-0379 (sustained in Fiscal Year 2012) and 10-0119, the officer received an official reprimand, but in the third, OPC complaint #10-0257, the Department imposed a 15-day suspension.

In Fiscal Year 2013, one officer received a "Letter of Prejudice." A "Letter of Prejudice" consists of "a written notice to a member outlining the specific misconduct, and future consequence" and may also provide for: additional supervision; counseling; training; professional assistance; and a statement that such action shall be considered in performance evaluations, in deciding greater degrees of disciplinary action, and be used as a basis for an official reprimand or adverse action for any similar infraction within a two-year period.⁶

Five officers received an "Official Reprimand." This form of discipline is a commanding officer's formal written censure for specific misconduct. It is considered in performance evaluations and personnel assignment decisions, and when imposing greater degrees of disciplinary action for offenses committed within a three-year period.⁷ This form of discipline is more serious than a "Letter of Prejudice."

The most serious of the discipline types listed in Table 2 is a suspension. Suspension is defined as "a temporary cessation of pay and police authority, with or without a definite date of restoration."⁸ In Fiscal Year 2013, MPD issued four suspensions to officers who were the subjects of complaints sustained by OPC.

The remaining four OPC complaints are listed as "Pending" because MPD has not yet issued a final determination. Similarly, in OPC's Fiscal Year 2012 annual report, the agency reported that two cases remained pending. MPD has since notified OPC of the outcomes of those two cases: in complaint #11-0097, a language or conduct allegation was sustained and the officer was issued an official reprimand; in complaint #09-0316, a harassment allegation was sustained and MPD reported that the officer was issued one day of leave without pay. OPC will continue to track discipline outcomes in "pending" cases and report on them in future annual reports.

Table 3 below contains a historical overview of discipline imposed pursuant to sustained decisions by complaint examiners. The table is organized, top to bottom, from the most serious sanctions to the least serious ones. The columns with totals comprise all discipline imposed based on merits determinations issued prior to Fiscal Year 2013, including the updates on the two pending cases from Fiscal Year 2012. OPC will continue to monitor and report on disciplinary outcomes to ensure the integrity of the disciplinary process and the District's police accountability system.

Table 3: Discipline for Sustained Complaints

Discipline or Action Taken	Outcomes for cases sustained in FY13	Total, FY09-FY13	Total, FY03-FY13
Terminated			1
Resigned ⁹			3
Demoted			1
30-Day Suspension		1	1
20-Day Suspension			6
18-Day Suspension	1	1	1
15-Day Suspension	1	1	7
11-Day Suspension			1
10-Day Suspension		4	16
5-Day Suspension			6
3-Day Suspension		2	10
2-Day Suspension	2	3	4
1-Day Suspension		1	1
Official Reprimand	5	15	29
Letter of Prejudice		7	9
Dereliction Report		8	8
Formal Counseling		2	15
Job Performance Documentation, or "62-E"		1	1
Unrelated Termination Prior To Discipline Being Imposed	1	2	2
Merits Determination Rejected		3	3
Pending	4		
Total	14	51	124

The table shows three outcomes of "Merits Determination Rejected." In its Fiscal Year 2010 annual report, OPC reported that MPD's director of the Disciplinary Review Division (DRD) "dismissed" the sustained charges against one of three subject officers in OPC complaint #08-0043/44 for "no preponderance of evidence." Since "dismissal" by MPD of OPC-sustained decisions is not an option under District law, OPC sought clarification from the Department. MPD acknowledged that the merits determination as to the subject officer in question was rejected in error and assured OPC that the Department has taken steps to address the issue with the relevant personnel.

Despite those assurances, in January 2013, MPD rejected two OPC complaint examiner merits determinations without providing OPC any legal basis for doing so. One of the two matters was a sustained decision in OPC complaint #06-0393, which had subsequently been upheld by a final review panel during Fiscal Year 2012. MPD reported it

had rejected both the merits determination and the FRP decision, “exonerated” the subject officer, and would not be taking any further action. The second instance involved OPC complaint #09-0109, a case in which the complaint examiner sustained allegations of misconduct against each of three subject officers. MPD imposed discipline on two of the officers, but stated that because there was “no preponderance” of evidence, no discipline would be imposed on the third officer.

Because these three results appeared to be in direct conflict with District law, which OPC believes prohibits MPD from rejecting a merits determination, OPC requested a written explanation of the Department’s legal rationale. Instead, MPD requested guidance from the Office of the Attorney General (OAG) concerning what the law requires, as well as guidance on another matter described below in Section II.E.3, “Failure to Cooperate by MPD Officers.” OPC asked MPD and OAG to share the resulting legal advice so that all the relevant agencies could be aware of the District’s legal position.

OAG provided OPC a copy of its January 22, 2014, advice letter to MPD. The letter stated that the chief of police may not reject “a final factual determination made by OPC,” thereby refuting MPD’s actions in three matters adjudicated by OPC. The letter continued, however, by opining that so long as a merits determination is not rejected, the police chief may determine that other factors justify not imposing discipline. The OAG letter provided little guidance to MPD regarding what other “factors” could warrant not imposing discipline in connection with OPC-sustained decisions. The lack of such guidance, combined with OPC’s understanding of the language in its enabling statute, raises concerns for the agency. As a result, OPC continues to study the OAG letter and is considering steps to take to follow up on these concerns. In the meantime, the agency will continue to monitor the discipline that MPD imposes, or does not impose, in all cases sustained by OPC complaint examiners.

C. Criminal Convictions

The statute governing OPC states that when the agency determines that the allegations in a complaint may be criminal in nature, OPC should refer the complaint to the United States Attorney for the District of Columbia for possible criminal prosecution of the officer(s). 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. During Fiscal Year 2013, OPC did not close any complaints that resulted from criminal convictions.

D. Mediation

A central mission of the Office of Police Complaints is to “foster increased communication and understanding and reduce tension between the police and the public.” One of the primary ways that OPC fulfills this goal is by referring certain complaints to mediation. Mediation allows complainants and officers accused of misconduct to meet face-to-face in a neutral and confidential setting and, with the assistance of a professional mediator, work together to resolve their differences and achieve a mutual understanding of what happened during their encounter.

There are some restrictions on the complaints that may be referred to mediation. As a matter of policy, OPC will not refer complaints that allege physical injury resulting from an officer’s use of excessive or unnecessary force. In addition, an officer may not mediate a complaint if, in the past 12 months, he or she has mediated a complaint alleging similar misconduct or has had a complaint sustained by OPC for similar misconduct.

If an agreement is reached between the parties, then the complaint is resolved and is not investigated further. Once a case is referred to the mediation process, it is mandatory for all parties to participate in good faith in the session. Complaints are dismissed when complainants fail to appear or participate in good faith, and OPC pursues discipline of police officers who fail to either appear or participate in good faith in the mediation process.

OPC works with the Community Dispute Resolution Center (CDRC) to provide mediation services. OPC selects appropriate complaints and refers them to CDRC, which schedules the mediation sessions and assigns mediations to members of the diverse pool of experienced mediators, all of whom are selected by OPC’s executive director and approved by the Police Complaints Board.

1. Fiscal Year 2013 Overview

In Fiscal Year 2013, OPC referred 40 complaints for mediation, two of which were linked together because they were based on the same incident. As a result, 28 mediation sessions were conducted, representing a total of 29 complaints. The parties reached an agreement in 20 of the 28 mediation sessions, or 71.4 percent. Mediation agreements accounted for nearly 6.7 percent of the 300 complaints resolved during the fiscal year by OPC through conviction, adjudication, dismissal, or successful mediation. 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”¹⁰ – to survey and compare the operation of mediation programs used by different citizen oversight agencies.¹¹ With nearly 6.7 percent of all resolved complaints being resolved through mediation in Fiscal Year 2013, OPC’s performance continues to place it among the oversight agencies making the most use of mediation in the United States.

Since the agency’s program began in 2001, 618 cases have been referred to mediation. As noted above, not all complaints that are referred for mediation result in a mediation session, often because the complainant declines to participate in the mediation

process. Since the program's inception, 393 of the 619 referred cases have resulted in mediation, and of these, 290 mediation sessions, or 74 percent, have been successful and resulted in an agreement that resolved the complaint. The remaining 102 mediation sessions, or 26 percent, 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 physical injury; failure to provide identification; retaliation; or a combination of the six. OPC is pleased that it has achieved and continues to maintain a noteworthy percentage of cases resolved through mediation agreements.

OPC asks individuals who participate in mediations to fill out an anonymous survey. The results of the surveys from Fiscal Year 2013 indicated that 62 percent of the survey respondents left their mediation session with more positive feelings about the other party, while only 7 percent had more negative feelings, and 31 percent indicated no change in their feelings. In addition, 90 percent of complainants and subject officers who responded found the mediator to be helpful or very helpful, 87 percent found the mediation session to be satisfactory or very satisfactory, and 100 percent found the resulting agreement to be fair or very fair. Since one of the goals of the program is to enhance community-police relations, it is important that such a high proportion of participants leave with a positive view of the other participant, the mediator, and the process.

In addition to providing the opportunity to resolve complaints in a way that promotes understanding and eases tension, the mediation program yields other benefits that do not result from investigating complaints. First, mediation can be a quicker and more efficient method of resolving some complaints. In Fiscal Year 2013, complaints within OPC's jurisdiction that were resolved through mediation were completed an average of 243 days more quickly than those resolved through dismissal and adjudication. Second, mediation helps to relieve the heavy workload of the agency's investigative staff. OPC estimates that the 20 complaints resolved through mediation are equivalent to two-thirds of the average annual number of cases resolved by a full-time investigator. Third, by alleviating investigator caseloads, mediation also decreases the time required to investigate and resolve those remaining cases not selected for mediation.

OPC continues to closely examine complaints under review to identify matters appropriate for mediation. While most cases are referred to mediation shortly after a complaint is received, OPC also considers some cases that are at a more advanced stage of investigation. Because the agency has found that the rate of successful resolution is not significantly different between recent and mature cases, OPC continues to refer these cases to mediation when appropriate.

2. *Mediation Examples*

The following examples illustrate the types of complaints that OPC mediated in Fiscal Year 2013.

a. Example #1

The complainant, a 55-year-old man, alleged that he was discriminated against based on his Nigerian accent by a male subject officer, who allegedly also failed to provide his identification. According to the complainant, he saw someone in his back yard in the middle of the night and called 911 to request police assistance. He could not identify the possible intruder because it was dark. The complainant saw the person walk around the yard and eventually knock on his door just as the police arrived.

The complainant walked outside to address the police, saw that the other person was already talking to the officer, and realized that the potential intruder was his neighbor. The neighbor told the subject officer that he had been skate boarding and lost his glasses in the complainant's back yard. When the complainant attempted to speak to the officer to explain his side of the story, the subject officer ignored him. The complainant continued trying to explain his concerns to the officer with regard to his neighbor's presence in his back yard, but the officer continued to ignore the complainant and went to look for the neighbor's glasses in the complainant's back yard. The subject officer found the neighbor's glasses and allegedly explained that the neighbor was allowed to be in the complainant's back yard because he had dropped personal property there.

The complainant felt that he was not being treated with the same respect that his neighbor received. He believed that the subject officer was discriminating against him because his accent indicated that he was from a foreign country. According to the complainant, when he requested the officer's name and badge number, the officer refused to provide it.

During the mediation, the complainant explained that he was upset that the officer did not listen to him. The complainant described how he felt ignored and that the subject officer discriminated against him because he had an accent. The man also explained that he had previous issues with this neighbor and, more recently, packages had been stolen from his porch. Finally, the complainant told the subject officer that had he taken time to listen to him on the night of the incident, the subject officer would have been aware of the fact that this was not an isolated incident with the neighbor.

When the subject officer, who is African American, had the opportunity to speak, he said he was extremely offended by the accusation that he discriminated against the complainant. What bothered him most was that he is a minority himself and discrimination is a very personal issue for him. He expressed his frustration but also said he understood how being discriminated against feels. He addressed the complainant's concern about not being heard. He explained that he had a different perspective about what happened, but acknowledged that things could have been handled differently.

As a result of the mediation, both parties said they had a better understanding of each other's perspectives. They were able to have a positive conversation about race and discrimination. The complainant thanked the subject officer and expressed his gratitude for

being able to sit down and have a conversation. Both the complainant and officer reported that as a result of the mediation, they felt more positive towards each other.

b. Example #2

The complainant, a 43-year-old man, alleged that he was unlawfully evicted from his home by four subject officers. According to the complainant, two officers came to his home, served him with a petition and notice to appear in court, and told him to leave his home. The complainant requested that the officers call a police supervisor and, as a result, the third subject officer arrived on the scene. The supervisor agreed that the complainant had to leave his home. The complainant gave his key to the third officer and left.

The following day, the complainant filed a petition related to his removal and the fourth subject officer was assigned to meet him at the home while he retrieved his belongings. After the fourth officer learned of the incident the previous day, he was allegedly aggressive toward the complainant and ordered him to leave the home after retrieving his belongings. The complainant alleged that all four officers discriminated against him based on his race, personal appearance, and place of residence. Prior to the mediation, the third subject officer spoke with the complainant and apologized. The complainant decided to mediate with the three remaining subject officers.

At the mediation, the complainant explained to the subject officers why he was so upset about their interaction. He defended his initial unwillingness to vacate his home, stating that the order that he was being served was simply to appear in court, not vacate his home. He expressed that although he understood that the subject officers read the order differently, he still did not believe they had a right to make him leave his home. Additionally, the complainant expressed concern about the way he was treated. He felt that they had not listened to him and were quick to threaten him with arrest because of his appearance and where he lived. He articulated his desire to be treated differently and for police officers to take the time to read orders carefully and listen to citizens.

After listening to the complainant, the subject officers each discussed their own perspectives. One officer explained to the complainant that although he understood the man's frustration, officers assigned to a house call do not have the authority to second guess lawful orders that they are given. Another subject officer, acknowledging the complainant's concern about how he was treated, explained that officers on a house call need to be authoritative. The officers acknowledged how unfortunate the situation was for the complainant. As a result of the discussion, all of the parties realized there was an error in the paperwork that led to their unfortunate encounter.

The mediation allowed the parties to have a dialogue about their interaction and gain better insight into how things could have been handled differently. The whole group agreed that the concerns had been addressed. The officers agreed that on similar calls in the future they would carefully read any information underlying the assignment to avoid potential errors.

c. Example #3

A 35-year-old female complainant alleged that the male subject officer had used insulting language and engaged in inappropriate conduct. The complainant was at her brother's funeral. Her brother's former girlfriend, who is the mother of his son, came to the funeral with the child and her own mother. The complainant was upset to see them since there had been a very long and heated custody battle between the deceased and his former girlfriend. She asked the former girlfriend to leave and then called the police. Later, the complainant spoke with her family members, and the family agreed that the former girlfriend and her son could attend the viewing but the former girlfriend's mother was not welcome. The complainant's family members believed that the former girlfriend's mother had been the source of much tension and had no emotional connection to the deceased. When the former girlfriend and the young boy went to pay their respects to the deceased, the police arrived.

Upon the subject officer's arrival, the woman's mother was screaming to gain entry to the funeral. The officer raised his voice as he was speaking to the complainant's family and told them that they could not prevent the woman's mother from attending. The complainant and her family asked the subject officer to bring his voice down and go outside. The complainant alleged that the subject officer called her and her family "disgusting" and said they were being "unruly" for not allowing certain individuals to attend the viewing of a loved one.

At the mediation, the complainant described how difficult the funeral was for her and her family members. In addition to losing her brother unexpectedly, she also had to deal with her brother's former girlfriend and her mother. The complainant explained to the subject officer that prior to her brother's sudden death, he had been engaged in a very difficult custody battle with the mother of his son who had refused to let him see their son even when there were court orders directing her to do so. She described a very bitter and challenging time, made worse by the former girlfriend's mother. The complainant told the subject officer that she believed he had jumped to conclusions when he arrived at the funeral and, rather than deescalate the situation, he made matters worse. She requested that in the future, the subject officer take the time to find out what is happening, speak with all parties involved, and not jump to conclusions.

The subject officer then explained his perspective. He described a very chaotic, crowded, and loud scene when he arrived at the funeral. He explained that he had to raise his voice to be heard. While he agreed that it would have been nice to speak with everyone to have a better understanding of the situation, he believed that first people had to calm down. He denied the allegation that he called the complainant and her family "disgusting," and apologized if that is what she thought she heard.

Although the complainant and subject officer did not agree on the specifics, they did agree that they could have handled things differently. Both parties agreed that they had each exacerbated the situation. Through their conversation at mediation, they were both able to express their concerns, be heard, and ultimately have a better understanding of the encounter.

As a result, each of them walked away from the mediation with a more positive opinion of the other party.

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. By statute, OPC has the independence and authority needed to conduct its investigations. For example, while OPC is a District government agency, it is independent of MPD and OPS and is not under the direct control of the Mayor. The agency 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.

OPC conducts extensive and thorough investigations of all allegations made by complainants. OPC tracks allegations under six broad categories of misconduct: (1) harassment; (2) use of unnecessary or excessive force; (3) use of language or conduct that is insulting, demeaning, or humiliating; (4) discriminatory treatment; (5) retaliation against a person for filing a complaint with OPC; and (6) failure of an officer to wear or display required identification or to provide a name and badge number when requested to do so by a member of the public. While these six general categories provide a broad picture of the types of issues that arise between citizens and police officers, such interactions are factually varied, and the allegations can range from the very serious to the relatively minor, with many distinct parts to each.

In order to capture more detail about the nature and severity of the general allegations made by complainants, OPC also tracks 65 sub-categories of allegations. For example, under the general category of unnecessary or excessive force, there are 21 sub-categories that cover myriad ways that officers use force, including striking an individual with the hand, forcefully pushing an individual to the ground, and using a chokehold. This enhanced classification system was implemented by OPC in 2008 to better track, analyze, and report trends that occur in complaints. The additional detail also helps OPC conduct its investigations by focusing on and specifically identifying the various ways that allegations made by a complainant can be misconduct.

1. Case Workload

OPC received 440 complaints in Fiscal Year 2013 and provided information and assistance to an additional 623 people who contacted the agency. Agency staff members assessed each complaint to ensure that it alleged conduct by officers in one of the two law enforcement agencies under OPC's jurisdiction, that the complaint was filed timely,¹² and that the alleged conduct fell within at least one of the six categories listed above. OPC referred 84 of the 440 complaints to MPD, 33 for being untimely and 51 for alleging conduct by MPD officers that was outside the agency's jurisdiction to investigate. Fifteen of the 440 complaints involved allegations regarding officers not employed by MPD or OPS, and were

referred for appropriate action to law enforcement agencies not under OPC's jurisdiction. An additional 14 complaints were administratively closed, usually in cases where the conduct was not engaged in by any law enforcement officer. For example, OPC received a complaint relating to a three-year-old traffic ticket generated by a speed camera and another citizen complaint that involved harassing conduct engaged in by a homeless individual. In all of these cases, the agency provided suggestions on how complainants could have their issues addressed, and where appropriate, the contact information needed to do so. The remaining 327 complaints required some type of resolution by the agency.

In addition to the 440 new complaints filed in Fiscal Year 2013, 328 additional complaints received before this period began still required further work or investigation in order to be resolved by the agency. Taken together, these 768 cases represent the actual workload of the agency for the fiscal year. More information regarding the agency workload, along with year-by-year comparison data are available in Section II.F, "Statistics," featured later in this report.

During Fiscal Year 2013, the agency closed 456 of the 768 cases it worked on. Of the 456, 156 were closed by referral to another agency, complainant withdrawal, or administrative closure. Another 20 were successfully mediated. The remaining 280 of those matters were resolved after a thorough investigation.

Each case resolved through investigation requires the agency to produce at least one investigative report. Out of 280 cases closed by investigation, 266 resulted in an investigative report being written. In the 14 cases where the agency formally dismissed some allegations and referred the remaining ones to a complaint examiner, the agency produced two separate reports. In total, the agency produced 294 investigative reports during Fiscal Year 2013 – a significant accomplishment and prodigious output for an agency the size of OPC.

OPC investigations can be complex due to the number of witnesses who must be interviewed and the amount of other evidence that must be gathered and analyzed. The investigators conducted over 730 complaint-related interviews during the year, which included approximately 356 police officer and 376 citizen interviews. Consistent with OPC's policy of conducting certain witness interviews with two investigators present, a second investigator participated in approximately half of the interviews.

This work and level of performance were achieved despite the investigative unit's incomplete staffing. The agency had a full complement of investigative staff for only six months of the entire fiscal year. To make up for the vacancies, OPC diverted staff resources from the agency's policy recommendation function and also shifted unspent personnel funding into an overtime program. By doing so, many additional staff hours were spent completing investigations, which allowed the agency to keep pace with the high workload.

While these measures provided a temporary fix, OPC still needs additional investigators to carry out its mission even more effectively. The agency is presently seeking authorization from the District government to hire additional investigative staff members to keep up with its volume of work. OPC's current staffing levels are not optimal, especially

when compared to two other citizen oversight agencies servicing large police departments, namely, New York City's Civilian Complaint Review Board (CCRB) and San Francisco's Office of Citizen Complaints (OCC). Although the three offices are different in size and review the conduct of different-sized police forces, appropriate comparisons can nonetheless be made by looking at average caseloads for each investigator as well as the ratio of investigators to police officers.

When compared during Fiscal Year 2013 to these two other agencies, whose investigators had an average caseload of, respectively, 20.4 and 16.2, OPC's investigator caseload of 25.8 was higher by 26 percent and 59 percent, respectively.¹³ In addition, the other two agencies also have more favorable ratios of investigators to police officers. While OPC has one investigator for every 324 officers, CCRB's ratio is one investigator per 305 officers and OCC's ratio is one investigator for every 113 officers. Notably, recognizing the link between investigator workloads and agency effectiveness, San Francisco law requires that there be at least one investigator for every 150 officers.¹⁴

The section below provides an example of an investigation that led to a dismissal and a discussion of issues arising during the investigative process.

2. Dismissal Example

The complainant, a 38-year-old African American female, alleged that two officers harassed her when they stopped her for a traffic violation, issued her unwarranted tickets, threatened to mace her, and subsequently arrested her for assault on a police officer (APO). The woman further alleged that one of the officers used unnecessary or excessive force against her by pulling her out of her car, and that the officer and a third officer used unnecessary or excessive force while handcuffing her. Finally, the woman alleged that a fourth officer used language or engaged in conduct toward her that was insulting, demeaning, or humiliating by making inappropriate comments, including that the officer was going to contact the woman's employer.

According to the complainant, she was stopped by two police officers as she parked her car in front of a family member's house. When the officers approached the woman's car, one of them asked the woman for her license, registration, and proof of insurance. As the complainant looked in her car for the requested driving documents, the officer who had asked for the documents was shining a flashlight in her face. She put up her arm to shield her eyes from the light. The officer allegedly hit the woman's hand with the flashlight, told her she was under arrest, and threatened to "mace" her. The officer then allegedly pulled the woman out of her car, ripping her shirt in the process, and pulled her to the rear of her car. This officer and a third officer, who had since arrived at the scene, allegedly pushed the woman against the trunk of the car and handcuffed her.

After being placed under arrest, the complainant was taken to an area hospital. She did not know why and had not asked for medical treatment at that time. At the hospital, the woman encountered a fourth officer who searched her and asked her to remove a ring from her finger. According to the complainant, this officer made a comment about the ring appearing to be "cheap," and also commented that she was going to call the woman's

employer and report how the complainant was acting while being arrested. Following the search, the woman complained to the fourth officer and an unidentified officer who was also present that her handcuffs were too tight, causing numbness and swelling. The officers did not loosen the handcuffs. She later made the same complaint to different officers, including the officer who initially arrested her. That officer loosened the handcuffs. The complainant refused medical treatment and was taken to the police station in the district where the incident occurred.

The woman learned at the police station that she was charged with assault on a police officer. She was also issued four tickets, three for failure to provide the requested driving documents and one for having an object hanging from her rearview mirror. A few days after the incident, she sought medical treatment for a wrist injury.

During its investigation, OPC interviewed the complainant, two of her family members, a neighbor, and 14 officers whom the agency identified as being present during some portion of the incident. OPC also reviewed several MPD records, including the arrest report, use of force incident reports, radio communications, an event chronology, a tour of duty supervisor's report, the roll call and activity logs for the police district where the incident occurred, and MPD's own internal affairs investigative report concerning the officers' use of force. In addition, OPC reviewed medical records relating to the complainant's wrist injury, Department of Motor Vehicle (DMV) ticket records, and the court transcript of the subsequent criminal trial concerning the assault on a police officer charge.

According to the two officers who initially stopped the complainant, they were on patrol in their assigned police district when they observed the complainant driving with an object hanging from her rearview mirror. They also noticed that the vehicle windows appeared to have illegal tint. The officers initiated the traffic stop, approached the vehicle, and one of them asked the woman for her driver's license, vehicle registration, and insurance. The officers both had their flashlights out and were illuminating the inside of the vehicle because it was nighttime. In response to one of the officer's request for driving documents, the complainant reached around to the back seat and grabbed her pocketbook. The officer who asked for the driving documents directed his flashlight's beam onto the pocketbook to see what the woman was reaching for. At that point, the woman said something to the effect of, "Get the [expletive] flashlight out of my purse." The woman reached up and slapped the officer's hand, causing the flashlight to fall to the ground, and did not provide any of the requested documents.

The officer informed the woman that she was under arrest for assault on a police officer. He denied that he threatened to "mace" the woman. He asked the woman to step out of the vehicle, but she refused. The officer secured one of her wrists in handcuffs while she was sitting in the car and again asked her to get out of her vehicle. The woman stepped out of the car and walked to the rear of the car, where the officer attempted to place her other wrist in the handcuffs. The complainant, however, became actively combative and resisted being placed in handcuffs. With the help of another officer who had arrived at the scene, the handcuffing officer was able to secure the complainant's hands. The officer denied pulling

the complainant out of her car, causing her shirt to rip, or pushing her against the back of the car.

After placing the complainant under arrest, the officers took her to an area hospital because she was having trouble breathing. As they escorted the woman into the hospital entrance, she kicked the officers in their legs several times, resulting in the arresting officer adding a second charge of assault on a police officer. The fourth officer who arrived at the hospital and searched the woman denied making any inappropriate comments toward the complainant, and specifically denied saying that the woman's ring was "cheap" or indicating that the officer would contact the woman's employer. When the woman complained at the hospital that her handcuffs were too tight, the arresting officer immediately checked and then loosened them in an effort to calm the complainant. None of the officers present at the hospital observed any swelling or injury to the complainant's wrists.

All of the police records, including those not created by the officers who were the subjects of OPC's investigation, were consistent with the accounts provided by the officers who initially interacted with the complainant. In addition, officers who arrived later and who witnessed relevant portions of the events supported the officers' accounts, including the complainant's resistive and even assaultive actions against the officers who handcuffed her and escorted her into the hospital. Furthermore, the officers provided consistent accounts during their OPC interviews, the MPD internal investigation, and the criminal trial. In contrast, the complainant and her family members provided varying and inconsistent versions of the events during the investigations and the criminal trial.

Although the complainant alleged that the subject officers used unwarranted force against her, threatened her, unlawfully stopped, arrested, and ticketed her, and used inappropriate language toward her, OPC found that the evidence did not support her claims. The complainant admitted that she had an object hanging from her rearview mirror, which is unlawful under District law. The suspended object, therefore, provided the officers a valid reason to initiate the traffic stop. OPC found the complainant lacked credibility regarding the events that followed due to her inconsistent accounts that were not fully supported by her own family members. The officers provided generally consistent explanations regarding the traffic stop, the complainant's arrest, and their use of force when arresting and securing the complainant in handcuffs, all of which OPC found to be lawful and within MPD policy. After reviewing the evidence gathered during the investigation, OPC determined there was not reasonable cause to believe the officers had engaged in misconduct and that the complaint should therefore be dismissed. A PCB member reviewed the determination and concurred, resulting in the dismissal of the complaint.

3. Failure to Cooperate by MPD Officers

District law states that MPD officers "shall cooperate fully with the Office in the investigation and adjudication of a complaint. Upon notification by the Executive Director that an MPD employee has not cooperated as requested, the Police Chief shall cause appropriate disciplinary action to be instituted against the employee."¹⁵ When OPC refers complaints to mediation, officers also must participate in good faith in the mediation process.¹⁶ Each time an officer fails to cooperate in the investigation or mediation process,

OPC issues a discipline memorandum to MPD or OPS, which should result in the imposition of discipline by the relevant law enforcement agency in accordance with District law.

OPC records show that in Fiscal Year 2013, the agency sent 40 discipline memoranda to MPD and did not send any memoranda to OPS.

Table 4a: Bases for Failure to Cooperate Determinations

	FY10	FY11	FY12	FY13
Officer failed to appear	81	45	40	35
Officer failed to provide a statement or mediate in good faith	3	13	24	5
Total	84	58	64	40

The total of 40 instances of officers failing to appear or cooperate represents a 37.5 percent decrease from last year's total of 64 such occurrences, and is the lowest total in the past five years. In addition to a slight decline in officers failing to appear, OPC finds encouraging the sharp decline in the number of MPD officers who do appear at OPC but refuse to provide or sign a statement. Among the 40 disciplinary matters, only 5 related to an MPD officer refusing to participate in OPC's process as required, representing an 87.5 percent decrease from 24 such instances in Fiscal Year 2012.

In assessing possible explanations for these fluctuations, OPC determined that one large variable was the number of officer interviews it attempts to conduct. Table 4b below compares the number of failures to cooperate against the number of officer interviews conducted in each of the past five fiscal years. There are variables not accounted for in this chart. For example, the number of times officers appear for mediation is not included. Similarly, instances where an officer does not appear but had a valid reason for not doing so are not subtracted. Based on such factors, the "compliance rate" should be viewed as approximate.

Table 4b: Failures to Cooperate vs. Interviews Completed

	FY09	FY10	FY11	FY12	FY13
Total officer interviews conducted	484	460	498	538	356
Total OPC notifications issued	59	84	58	64	40
Approximate Compliance Rate	88%	82%	88%	88%	89%

It should nonetheless be pointed out that the table shows that overall compliance rates appear generally consistent from year to year. Although Fiscal Year 2010 seems to be an exception, technical issues were preventing officers from receiving notifications to appear, and as described in Table 4c, this resulted in an unusually high number of "unfounded" determinations.

Table 4c below compares the disciplinary outcomes for failures to cooperate for Fiscal Years 2009 through 2013 based on information provided by MPD and OPS.

Table 4c: Discipline for Failures to Cooperate

	FY09	FY10	FY11	FY12	FY13
Sustained, 10 day suspension	-	-	1	-	-
Sustained, 5 day suspension	-	-	1	-	-
Sustained, 3 day suspension	-	-	1	-	-
Sustained, "Official Reprimand"	1	-	3	6	2
Sustained, "Letter of Prejudice"	1	1	10	9	3
Sustained, "Form 750" or "PD 750"	14	17	24	14	19
Sustained, letter of admonition	-	1	2	-	-
Sustained, "Form 62E"	2	-	2	2	-
Exonerated, other individual disciplined for failing to notify the officer	5	7	1	1	2
Exonerated, no reason provided	15	1	-	-	4
Exonerated, lack of notification	11	2	2	4	-
Exonerated, excused by MPD	-	6	4	3	2
Exonerated, "Article 13 labor agreement"	-	-	1	-	-
Exonerated, no declination letter from USAO	-	-	-	6	3
Unfounded	4	27	5	12	3
No action, officer no longer employed	-	5	1	-	-
Not reported or information incomplete	5	16	-	-	-
Withdrawn by OPC	1	-	-	-	-
Pending	-	1	-	7	2
Total OPC Notifications Issued	59	84	58	64	40

MPD reported 11 exonerated outcomes. Two exonerations were based on an officer not receiving the notification, but resulted in MPD disciplining another staff member who had failed to notify the officer, demonstrating that the Department is taking the issue of officers failing to appear seriously. Two exonerations were because the officer was on extended sick leave. Another four officers were exonerated without further explanation, and OPC has requested clarification for the bases of these outcomes.

The remaining three exonerations involved failure to cooperate instances stemming from three officers refusing to answer questions or provide written statements to OPC without letters declining prosecution from the United States Attorney's Office (USAO). As noted in Table 4c above, these three matters were in addition to six similar instances in Fiscal Year 2012. OPC asked the Department several times to provide its legal basis for the exonerations in these nine instances of non-cooperation, which MPD apparently considered to be the equivalent of officers invoking their Fifth Amendment right against self-incrimination. Instead of providing its legal basis to OPC, MPD sought advice from the District's Office of the Attorney General (OAG), along with requesting guidance in the matter described above in Section II.B.3, "Disciplinary Outcomes," regarding whether the Department was prevented from imposing discipline in these situations. OAG provided OPC with a copy of its January 22, 2014, letter furnishing legal advice to MPD. The letter advised MPD that: 1) officers are

not entitled to a declination letter when OPC decides not to refer a case to the USAO; 2) OPC has the authority to compel statements from officers who invoke the protection of the Fifth Amendment right against self-incrimination; 3) when OPC warns an officer that he or she must provide a statement or be subject to disciplinary action, the Department is not barred from disciplining that officer if he or she persists in refusing to provide a statement; and 4) once an officer is appropriately warned, the statement or evidence derived from the statement cannot be used against that officer in a criminal proceeding.

Because OPC issued a “Reverse-Garrity” warning in each of the nine matters, it appears that MPD inappropriately allowed officers to thwart OPC’s investigative process without consequence on nine occasions. MPD has since provided assurances to OPC that the Department will impose discipline in any similar instances of non-cooperation in the future.

OPC will continue to monitor instances and patterns concerning the imposition of discipline on officers who fail to cooperate with OPC’s processes, and report on the agency’s findings.

F. Statistics

OPC collects data in a variety of categories in order to track agency performance and monitor trends in police misconduct. This allows OPC to describe its work, the nature and location of the complaints that the office received, and characteristics of the complainants and subject officers. Some of the Fiscal Year 2013 information contained in the charts and tables below warrants highlighting, including the following:

- OPC finished the year with nearly 5 percent fewer open complaints (312 versus 328) than at the start, making it the third year in a row where the agency has resolved more complaints during the year than it received.
- OPC complaint examiners adjudicated 21 complaints, 50 percent more than the 14 complaints adjudicated in Fiscal Year 2012.
- The agency mediated 29 complaints in Fiscal Year 2012. Participants reached successful resolutions in 20 of those matters, or 69 percent of the total complaints mediated. In addition, 100 percent of surveyed mediation participants found the resulting agreement to be fair or very fair, 87 percent found the mediation session to be satisfactory or very satisfactory, and 62 percent reported leaving the session feeling more positively about the other party.
- The number of people who contacted OPC for service was 1,046. Among that universe, 440 individuals filed complaints of alleged police misconduct. These numbers represent a 16 percent decrease in overall contacts from last year’s total of 1,241 (the second highest in agency history), and a 23 percent decrease in the number of complaints from last year’s total of 574 (the third highest total in agency history). Over the past five fiscal years, OPC has averaged 1120 contacts and 540 complaints per year.

- There was a significant decrease in complaints filed with the agency that were outside the agency's jurisdiction. While OPC was required to close administratively or refer to MPD or other law enforcement agencies 188 such complaints in Fiscal Year 2012, there were only 130 complaints closed in such a way during this fiscal year. This decrease of 58 complaints accounts for close to half of the overall decrease in complaint volume.
- The decrease in overall complaints is also partially attributable to a decrease in the number of people who filed multiple complaints, as well as a decrease in how many complaints the repeat filers submitted. For example, as shown in Table 14 below, there were five people who each filed more than four complaints in Fiscal Year 2012, for a total of forty-two complaints among the five individuals. In contrast, no single complainant filed more than four complaints this fiscal year.
- Table 9 shows that, as in several previous years, harassment is alleged more frequently than the other five categories. Harassment constituted 49.9 percent of all allegations in all complaints (570 out of 1143).
- The most frequently alleged sub-allegations were 1) "Language and Conduct – Demeanor and Tone" (126); 2) "Harassment – Bad Ticket" (85); and 3) "Harassment – Unlawful Stop: Vehicle" (77).
- The age and years of service data continue to show that younger and less experienced officers make up a larger proportion of subject officers than their representation in the entire police force. Specifically, officers who have between three and eight years were the subjects of 39 percent of complaints while only comprising 23 percent of sworn officers at MPD.
- Among all eight wards, only Ward 5 experienced an increase in the number of complaints stemming from incidents within its boundaries, rising from 57 to 77, an increase of 35 percent. In addition, Ward 5 went from having the fifth most complaints in Fiscal Year 2012 to having the most complaints in Fiscal Year 2013.
- All other wards experienced a decrease in the number of complaints. Ward 6 experienced the largest decrease in terms of number of complaints filed, from 87 to 59, a decrease of 28 complaints. Ward 3 experienced the largest decrease in terms of percentage, going from 25 complaints to 10 complaints, resulting in a 60 percent decrease.

In this section, it should be noted that data regarding complainant and subject officer characteristics 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, however, OPC is able to eliminate duplicate characteristics, and presents this information in columns labeled "unique complainants" or "unique officers." Additionally, the agency relies on demographic descriptors of officers based on official MPD rosters or corrected information from the officer, not on how a complainant describes the

officer.¹⁷ With respect to the complainant data, OPC relies on the complainant's self-description, if provided.

The data used were compiled regardless of whether OPC's investigation had been completed at the close of the fiscal year. This means that not all complainants had been interviewed nor all officers identified by that time, resulting in a number of entries as "unreported" or "unidentified." Further, where a formal complaint was received that was outside of OPC's jurisdiction, or where the complainant either withdrew or failed to pursue the complaint, additional "unreported" or "unidentified" entries occur. In Tables 11, 13, 15 through 22, and 24 through 26, the numbers reflect only the percentages of reported complainants and identified officers.

OPC also attempts to reconcile current data with information from prior years, but cannot in every case, which can lead to certain totals not being consistent from year to year. OPC also attempts to present in this report corrected data for prior years, which can account for adjustments to the charts and tables from what was reported in previous years. In some instances, certain data cannot be recreated. For example, in Table 7a below, the status of what each case was at the close of prior fiscal years cannot be easily determined without manual reexamination of files that have since been archived, and so these data remain in their originally presented format.

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 show these incident locations.

1. *Contacts and Complaints Received*

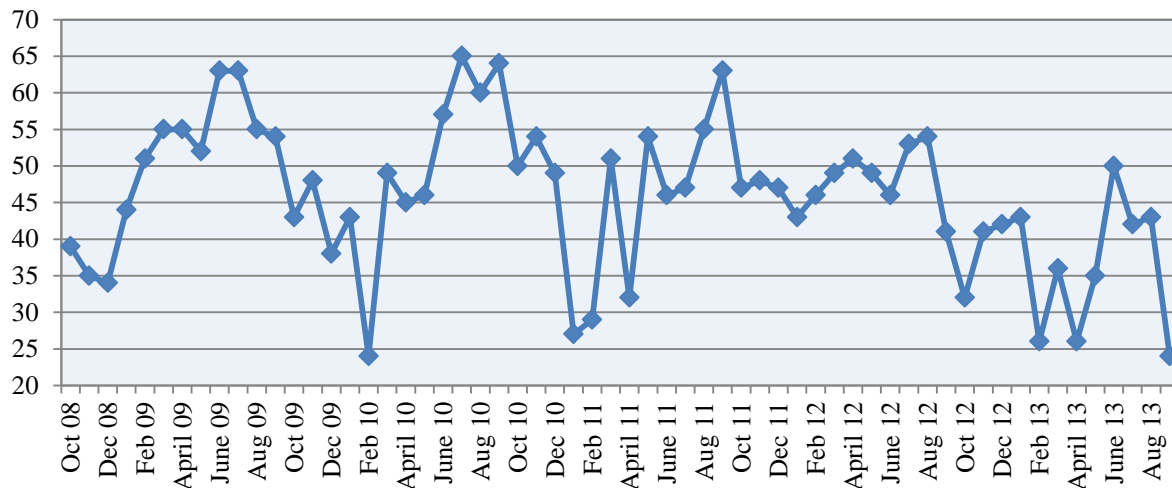
Table 5: Contacts and Complaints Received

	FY09	FY10	FY11	FY12	FY13
Formal Complaints Received	550	582	558	574	440
Contacts Not Resulting in Formal Complaint	537	443	641	667	606
Total Contacts	1,087	1,025	1,199	1,241	1,046

Table 6: Complaints Received per Month

	FY09	FY10	FY11	FY12	FY13
October	37	43	50	47	32
November	29	48	54	48	41
December	41	38	49	47	42
January	35	43	27	43	43
February	34	24	29	46	26
March	42	49	51	49	36
April	47	45	32	51	26
May	47	46	54	49	35
June	59	57	46	46	50
July	63	65	47	53	42
August	71	60	55	54	43
September	45	64	63	41	24

Chart 6: Complaints Received per Month



2. *OPC Workload and Complaint Processing*

Table 7: OPC Workload¹⁸

	FY09	FY10	FY11	FY12	FY13
Total Complaints Already Open at Start of Fiscal Year	219	269	338	333	328
Total New Complaints Received During Fiscal Year	550	582	558	574	440
Total Agency Workload for Fiscal Year	769	851	896	907	768
Referred to MPD or Other Agency for Investigation	106	143	143	154	106
Withdrawn or Administratively Closed	61	66	52	63	50
Complaints Investigated and Resolved During Fiscal Year (Conviction, Adjudication, Dismissal, and Successful Mediation)	333	304	368	362	300
Total Formal Complaints Closed During Fiscal Year	500	513	563	579	456
Total Complaints Remaining Open at End of Fiscal Year	269	338	333	328	312
Net Increase / Decrease in Number of Open Complaints	50	69	-5	-5	-16

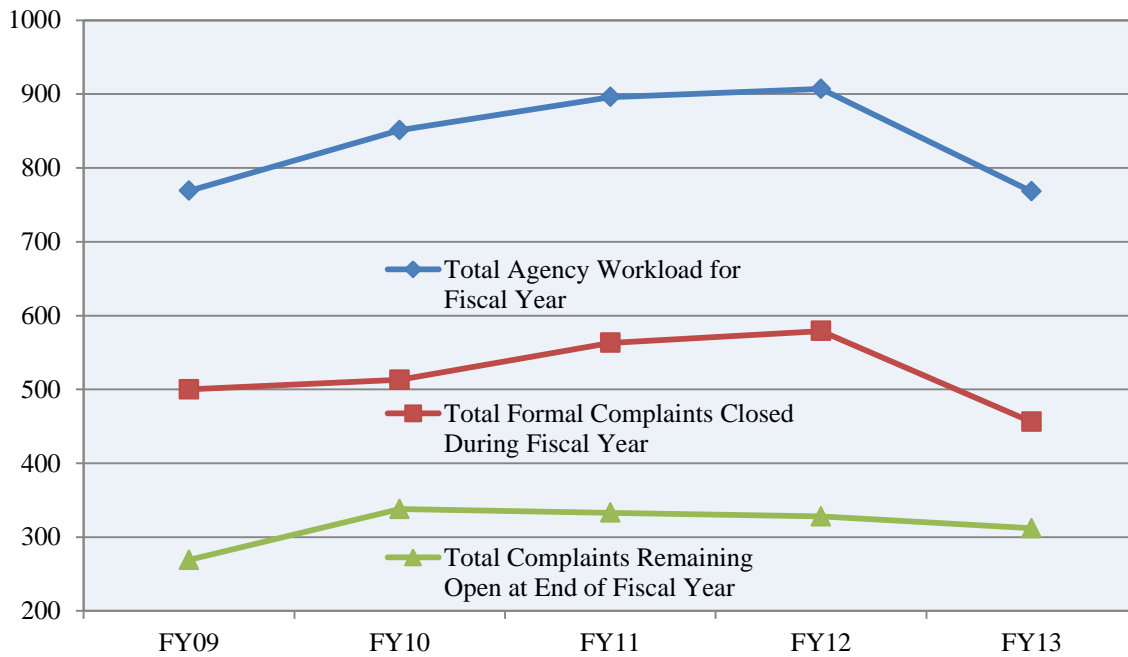
Table 7a: Status of Pending Complaints at the End of Each Fiscal Year

	FY09	FY10	FY11	FY12	FY13
Assigned to Complaint Examiner	3	4	6	7	3
Referred for Mediation	10	20	13	8	9
Referred to U.S. Attorney's Office	44	41	13	23	13
Referred to PCB Member	4	29	18	15	1
Awaiting Subject Officer Objections or Assignment to Complaint Examiner	2	1	4	0	2
Under Investigation by OPC	152	129	197	193	191
Under Investigation / Report Drafted	55	118	83	85	86
Awaiting Conciliation	n/a	n/a	n/a	n/a	7
Total Complaints Remaining Open at End of Fiscal Year	269	338	333	328	312

Table 7b: Disposition of Formal Complaints

	FY09	FY10	FY11	FY12	FY13
Criminal Convictions	0	0	0	0	0
Adjudicated	5	10	7	14	21
Dismissed	296	265	329	321	259
Successfully Mediated Complaints	33	29	32	26	20
Withdrawn by Complainant	29	34	15	29	26
Administrative Closures	32	32	37	34	24
Referred to MPD	99	124	127	126	88
Referred to Other Police Agencies	6	19	16	28	18
Conciliated	-	-	-	1	-
Total Formal Complaints Closed During Fiscal Year	500	513	563	579	456

Chart 7: OPC Workload



3. *Characteristics of Complaints*

Table 8: Complaints by City Ward

	FY09		FY10		FY11		FY12		FY13	
Ward 1	49	8.9%	88	15.1%	60	10.8%	56	9.8%	42	9.5%
Ward 2	72	13.1%	74	12.7%	72	12.9%	89	15.5%	73	16.6%
Ward 3	30	5.5%	28	4.8%	22	3.9%	25	4.4%	10	2.3%
Ward 4	43	7.8%	59	10.1%	60	10.8%	49	8.5%	31	7.0%
Ward 5	65	11.8%	60	10.3%	59	10.6%	57	9.9%	77	17.5%
Ward 6	95	17.3%	78	13.4%	55	9.9%	87	15.2%	59	13.4%
Ward 7	89	16.2%	103	17.7%	95	17.1%	94	16.4%	71	16.1%
Ward 8	97	17.6%	64	11.0%	76	13.6%	65	11.3%	57	13.0%
Unidentified / Not in D.C.	10	1.8%	28	4.8%	58	10.4%	52	9.1%	20	4.5%
Total	550		582		557		574		440	

Chart 8: Complaints by City Ward (as a Percentage)

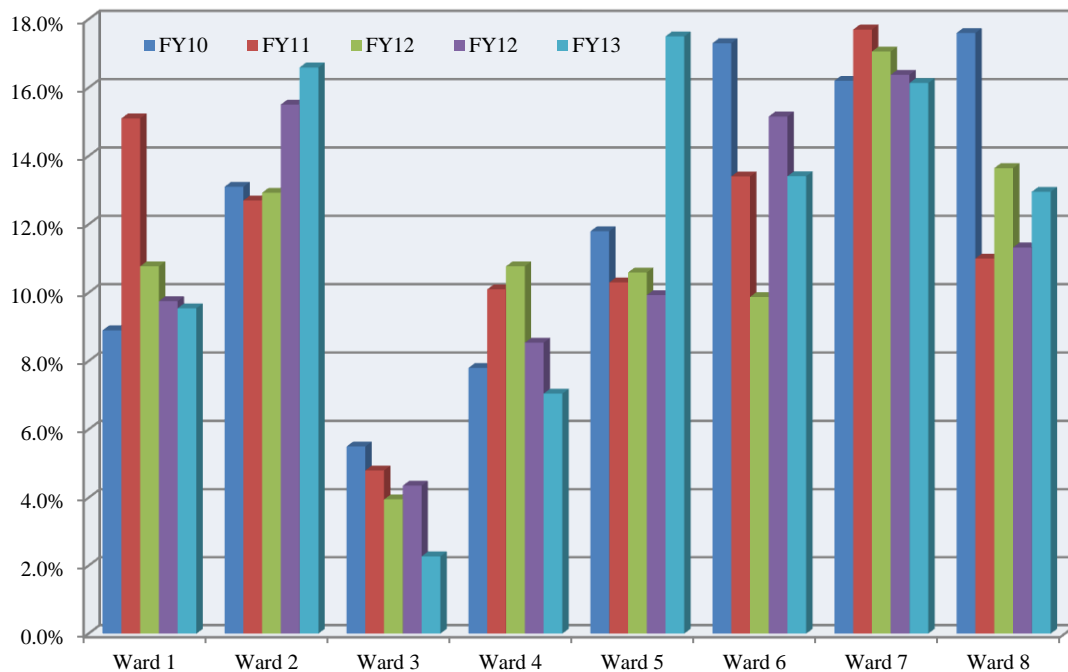


Table 9: Allegations in Complaints by Category

Allegation Category	FY 09		FY 10		FY 11		FY 12		FY 13	
Force	351	18.9%	353	19.0%	280	17.1%	206	13.4%	172	15.0%
Harassment	867	46.8%	932	50.2%	799	48.9%	733	47.8%	570	49.9%
Discrimination	126	6.8%	85	4.6%	94	5.7%	92	6.0%	55	4.8%
Failure to ID	65	3.5%	67	3.6%	56	3.4%	65	4.2%	41	3.6%
Language or Conduct	443	23.9%	411	22.2%	402	24.6%	421	27.4%	301	26.3%
Retaliation	2	0.1%	7	0.4%	4	0.2%	17	1.1%	4	0.3%
Total Allegations Within OPC Jurisdiction	1854		1855		1635		1534		1143	
Total Complaints	550		582		557		574		440	

Chart 9: Allegations in Complaints by Percentage

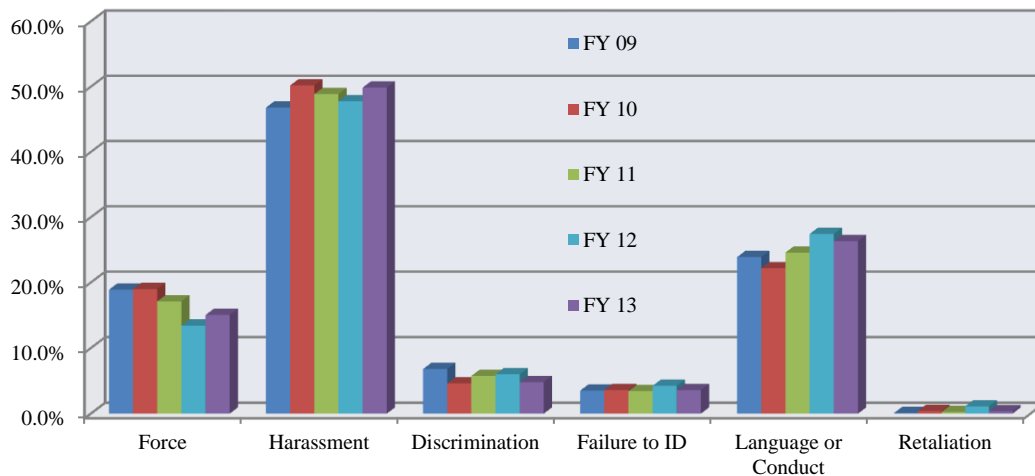


Table 9a: Specific Allegations of Force

Force Subcategories	FY09		FY10		FY11		FY12		FY13	
ASP: all types	7	2.0%	6	1.7%	2	0.7%	4	1.9%	5	2.9%
Canine	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Chokehold	9	2.6%	7	2.0%	7	2.5%	10	4.9%	6	3.5%
Forcible handcuffing	32	9.1%	19	5.4%	20	7.1%	21	10.2%	6	3.5%
Gun: drawn, but not pointed	2	0.6%	9	2.5%	7	2.5%	2	1.0%	1	0.6%
Gun: fired	1	0.3%	10	2.8%	1	0.4%	0	0.0%	0	0.0%
Gun: pointed at person	24	6.8%	28	7.9%	13	4.6%	7	3.4%	6	3.5%
Handcuffs too tight	39	11.1%	40	11.3%	33	11.8%	11	5.3%	20	11.6%
OC spray	1	0.3%	9	2.5%	3	1.1%	6	2.9%	4	2.3%
Push or pull with impact	93	26.5%	106	30.0%	88	31.4%	68	33.0%	41	23.8%
Push or pull without impact	55	15.7%	52	14.7%	50	17.9%	43	20.9%	36	20.9%
Strike: kick	11	3.1%	15	4.2%	9	3.2%	4	1.9%	7	4.1%
Strike: with officer's body	16	4.6%	5	1.4%	7	2.5%	2	1.0%	5	2.9%
Strike: punch	41	11.7%	18	5.1%	9	3.2%	9	4.4%	10	5.8%
Strike: while handcuffed	4	1.1%	3	0.8%	6	2.1%	4	1.9%	5	2.9%
Strike: with object	4	1.1%	8	2.3%	1	0.4%	2	1.0%	6	3.5%
Vehicle	2	0.6%	2	0.6%	0	0.0%	2	1.0%	3	1.7%
Other	10	2.60%	16	3.7%	24	8.6%	11	5.3%	11	6.4%
Total Force Allegations	351		353		280		206		172	

Chart 9a: Specific Allegations of Force

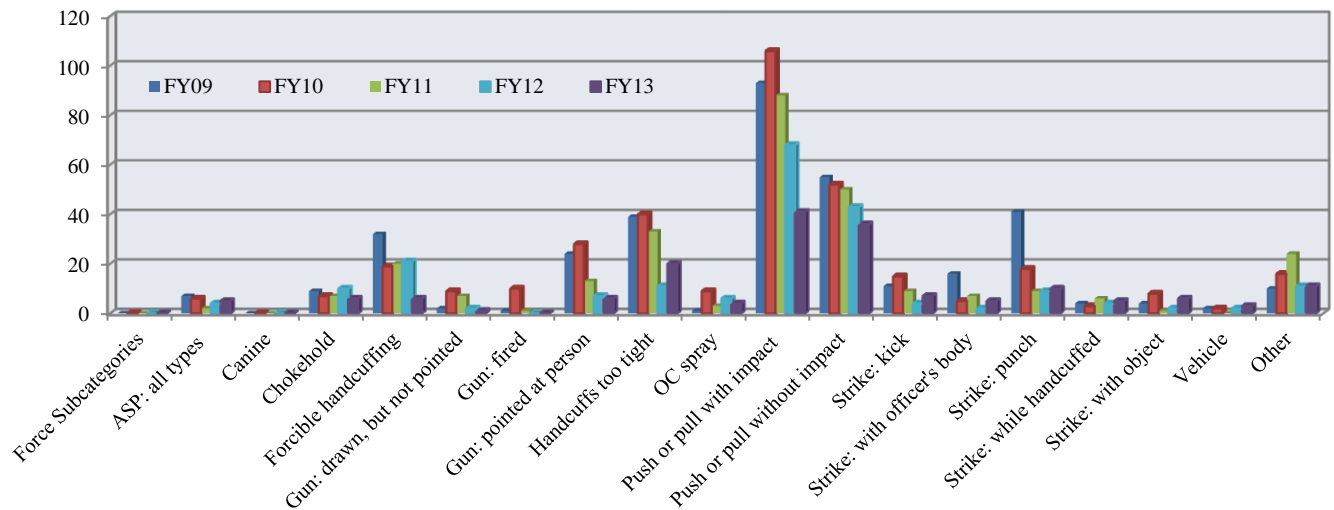


Table 9b: Specific Allegations of Harassment

Harassment Subcategories	FY09		FY10		FY11		FY12		FY13	
Bad ticket	100	11.5%	84	9.0%	96	12.0%	99	13.5%	85	14.9%
Contact	37	4.3%	52	5.6%	62	7.8%	67	9.1%	28	4.9%
Entry (no search)	35	4.0%	19	2.0%	21	2.6%	10	1.4%	5	0.9%
Frisk	1	0.1%	10	1.1%	8	1.0%	4	0.5%	6	1.1%
Gun: touch holstered weapon	4	0.5%	12	1.3%	1	0.1%	8	1.1%	5	0.9%
Intimidation	23	2.7%	42	4.5%	19	2.4%	40	5.5%	18	3.2%
Mishandling property	47	5.4%	63	6.8%	50	6.3%	52	7.1%	22	3.9%
Move along order	19	2.2%	10	1.1%	6	0.8%	17	2.3%	11	1.9%
Prolonged detention	18	2.1%	37	4.0%	15	1.9%	9	1.2%	9	1.6%
Property damage	12	1.4%	10	1.1%	10	1.3%	12	1.6%	9	1.6%
Refusing medical treatment	16	1.8%	4	0.4%	3	0.4%	5	0.7%	3	0.5%
Search: belongings	6	0.7%	10	1.1%	9	1.1%	7	1.0%	2	0.4%
Search: car	44	5.1%	42	4.5%	39	4.9%	20	2.7%	21	3.7%
Search: home	36	4.2%	38	4.1%	22	2.8%	17	2.3%	15	2.6%
Search: person	18	2.1%	47	5.0%	27	3.4%	18	2.5%	21	3.7%
Search: strip or invasive	5	0.6%	10	1.1%	13	1.6%	5	0.7%	5	0.9%
Stop: bicycle	0	0.0%	8	0.9%	1	0.1%	1	0.1%	1	0.2%
Stop: pedestrian	56	6.5%	53	5.7%	39	4.9%	37	5.0%	25	4.4%
Stop: vehicle/traffic	89	10.3%	95	10.2%	78	9.8%	76	10.4%	77	13.5%
Threat	87	10.0%	100	10.7%	84	10.5%	110	15.0%	74	13.0%
Unlawful arrest	158	18.2%	157	16.8%	133	16.6%	84	11.5%	76	13.3%
Other	56	6.5%	29	3.1%	63	7.9%	35	4.8%	52	9.1%
Total Harassment Allegations	867		932		799		733		570	

Chart 9b: Specific Allegations of Harassment

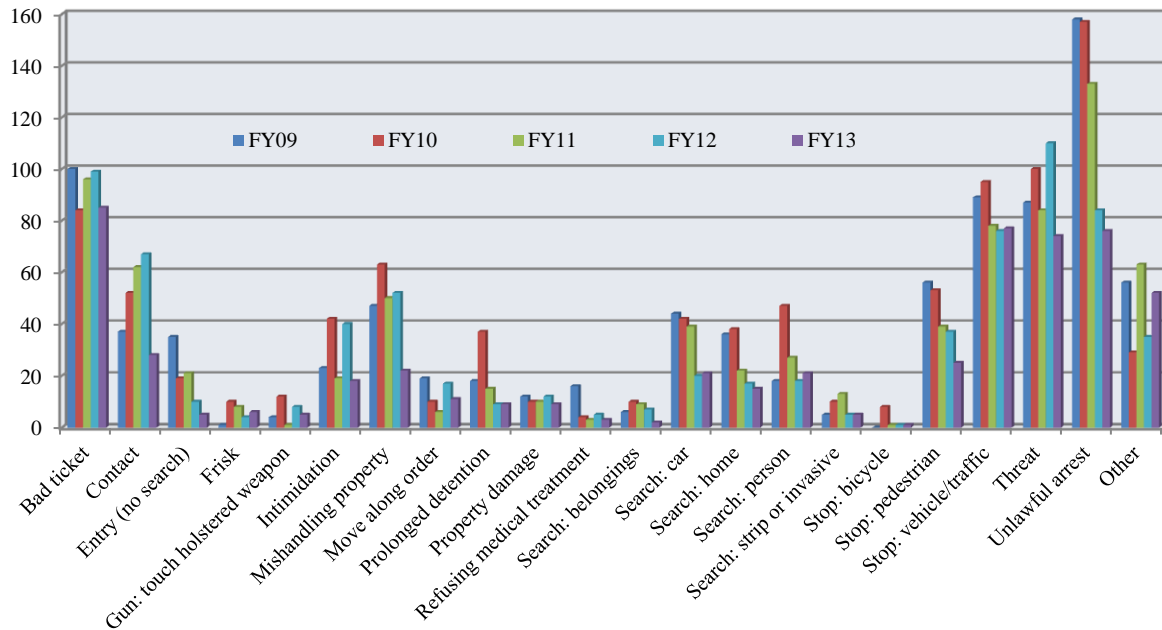


Table 9c: Specific Allegations of Discrimination

Discrimination Subcategories	FY09		FY10		FY11		FY12		FY13	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Age	10	7.9%	3	3.8%	1	1.1%	3	3.3%	1	1.8%
Color	3	2.4%	2	2.5%	2	2.1%	1	1.1%	2	3.6%
Disability	1	0.8%	0	0.0%	3	3.2%	2	2.2%	3	5.5%
Language	0	0.0%	1	1.3%	0	0.0%	0	0.0%	0	0.0%
National Origin	12	9.5%	7	8.8%	5	5.3%	7	7.6%	6	10.9%
Personal Appearance	11	8.7%	13	16.3%	1	1.1%	6	6.5%	2	3.6%
Physical Handicap	3	2.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Place of Residence or Business	4	3.2%	4	5.0%	0	0.0%	5	5.4%	2	3.6%
Political Affiliation	0	0.0%	0	0.0%	0	0.0%	1	1.1%	0	0.0%
Race	54	42.9%	42	52.5%	64	68.1%	47	51.1%	28	50.9%
Religion	6	4.8%	0	0.0%	1	1.1%	2	2.2%	2	3.6%
Sex	8	6.3%	3	3.8%	3	3.2%	1	1.1%	5	9.1%
Sexual Orientation	5	4.0%	2	2.5%	5	5.3%	2	2.2%	2	3.6%
Source of Income	9	7.1%	3	3.8%	2	2.1%	1	1.1%	0	0.0%
Other	0	0.0%	5	6.3%	7	7.4%	14	15.2%	2	3.6%
Total Discrimination Allegations	126		80		94		92		55	

Chart 9c: Specific Allegations of Discrimination

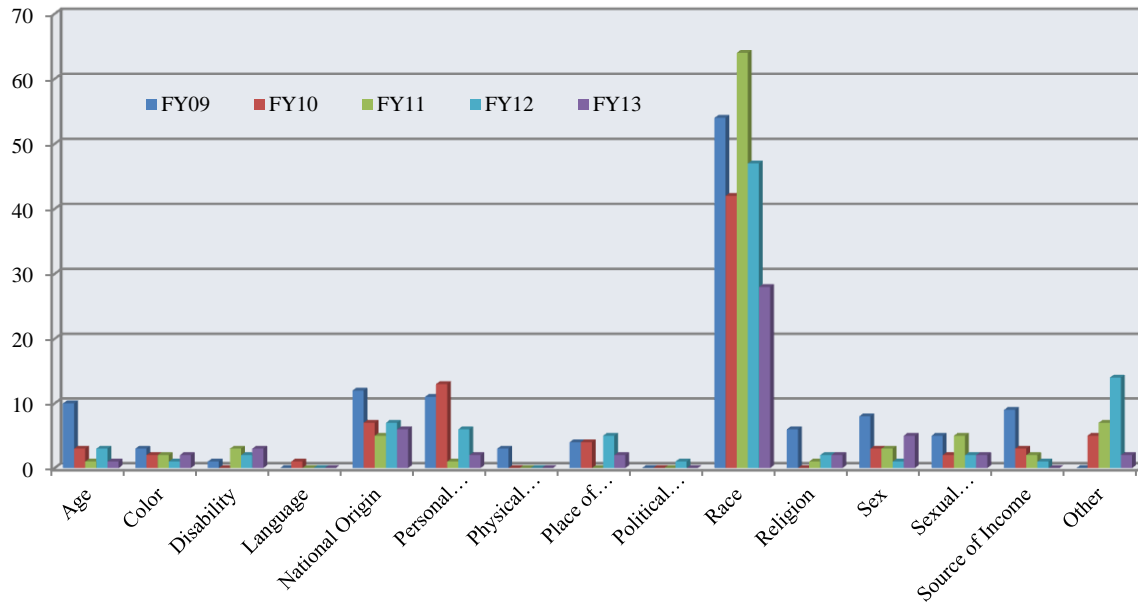


Table 9d: Specific Allegations of Failure to Identify

Failure to Identify Subcategories	FY09		FY10		FY11		FY12		FY13	
Display name and badge	17	26.2%	4	6.0%	4	7.1%	14	21.2%	2	3.0%
Provide name and badge	48	73.8%	63	94.0%	50	89.3%	50	75.8%	36	54.5%
Other	0	0.0%	0	0.0%	2	3.6%	1	1.5%	3	4.5%
Total Allegations	65		67		56		65		41	

Chart 9d: Specific Allegations of Failure to Identify

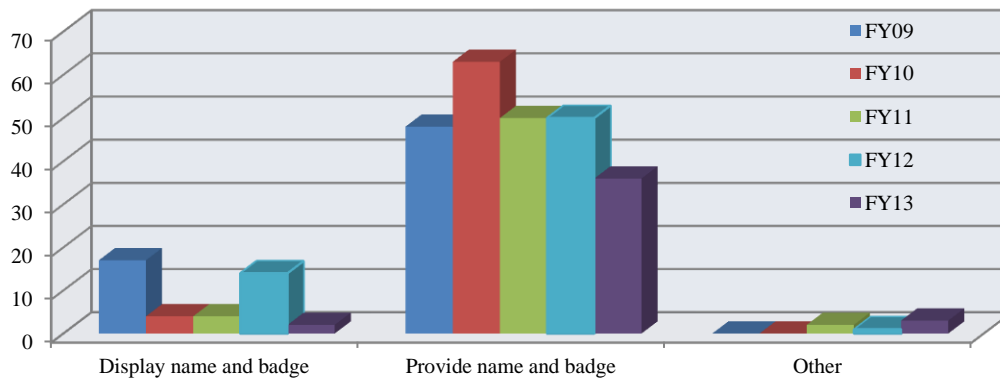


Table 9e: Specific Allegations of Language and Conduct

Language and Conduct Subcategories	FY09		FY10		FY11		FY12		FY13	
Demeanor or tone	198	44.7%	198	48.2%	203	50.5%	198	47.4%	126	41.9%
Gesture or action	38	8.6%	19	4.6%	36	9.0%	54	12.9%	52	17.3%
Other language	70	15.8%	74	18.0%	62	15.4%	52	12.4%	28	9.3%
Profanity	96	21.7%	94	22.9%	77	19.2%	67	16.0%	49	16.3%
Racial/Ethnic slur	15	3.4%	9	2.2%	7	1.7%	13	3.1%	3	1.0%
Other	26	5.9%	17	4.1%	17	4.2%	37	8.9%	43	14.3%
Total Language and Conduct Allegations	443		411		402		421		301	

Chart 9e: Specific Allegations of Language and Conduct

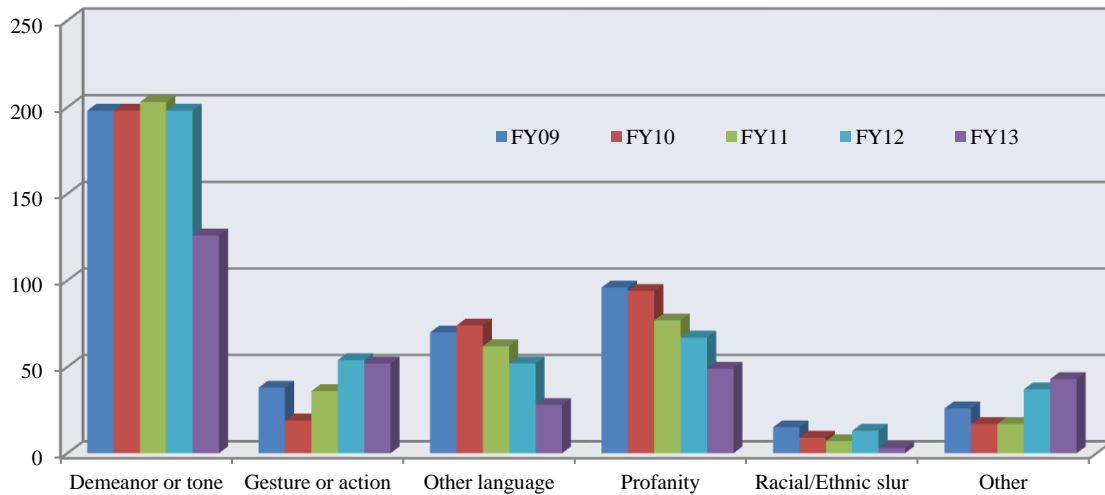


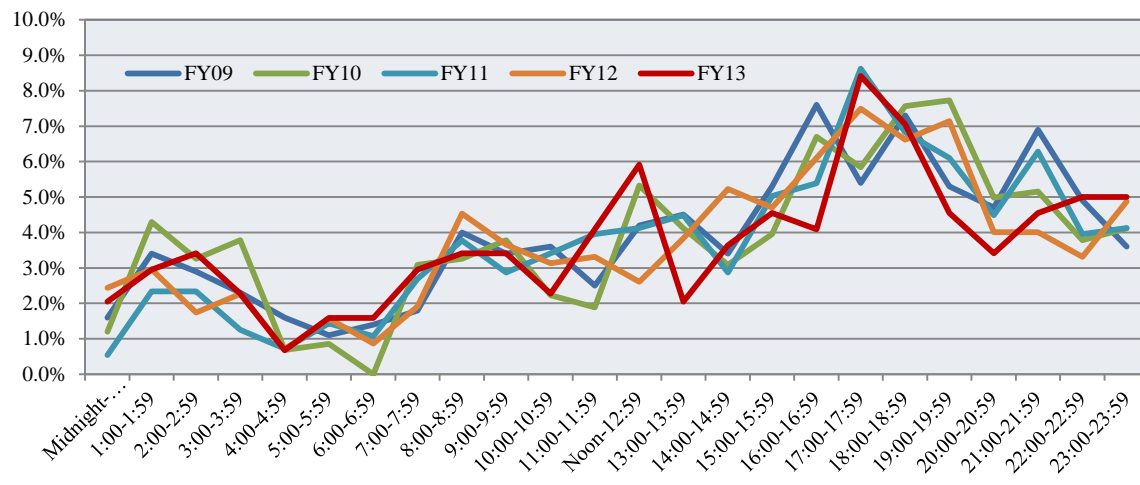
Table 9f: Specific Allegations of Retaliation

Retaliation	FY09	FY10	FY11	FY12	FY13
Total	2	7	4	17	4

Table 10: Time of Incidents Leading to Complaints

	FY09		FY10		FY11		FY12		FY13	
Midnight-00:59	9	1.6%	7	1.2%	3	0.5%	14	2.4%	9	2.0%
1:00-1:59	19	3.4%	25	4.3%	13	2.3%	17	3.0%	13	3.0%
2:00-2:59	16	2.9%	19	3.3%	13	2.3%	10	1.7%	15	3.4%
3:00-3:59	13	2.3%	22	3.8%	7	1.3%	13	2.3%	10	2.3%
4:00-4:59	9	1.6%	4	0.7%	4	0.7%	4	0.7%	3	0.7%
5:00-5:59	6	1.1%	5	0.9%	8	1.4%	9	1.6%	7	1.6%
6:00-6:59	8	1.4%	0	0.0%	6	1.1%	5	0.9%	7	1.6%
7:00-7:59	10	1.8%	18	3.1%	15	2.7%	11	1.9%	13	3.0%
8:00-8:59	22	4.0%	19	3.3%	21	3.8%	26	4.5%	15	3.4%
9:00-9:59	19	3.4%	22	3.8%	16	2.9%	21	3.7%	15	3.4%
10:00-10:59	20	3.6%	13	2.2%	19	3.4%	18	3.1%	10	2.3%
11:00-11:59	14	2.5%	11	1.9%	22	3.9%	19	3.3%	18	4.1%
Noon-12:59	23	4.2%	31	5.3%	23	4.1%	15	2.6%	26	5.9%
13:00-13:59	25	4.5%	24	4.1%	25	4.5%	22	3.8%	9	2.0%
14:00-14:59	19	3.4%	18	3.1%	16	2.9%	30	5.2%	16	3.6%
15:00-15:59	29	5.3%	23	4.0%	28	5.0%	27	4.7%	20	4.5%
16:00-16:59	42	7.6%	39	6.7%	30	5.4%	35	6.1%	18	4.1%
17:00-17:59	30	5.4%	34	5.8%	48	8.6%	43	7.5%	37	8.4%
18:00-18:59	40	7.3%	44	7.6%	38	6.8%	38	6.6%	31	7.0%
19:00-19:59	29	5.3%	45	7.7%	34	6.1%	41	7.1%	20	4.5%
20:00-20:59	26	4.7%	29	5.0%	25	4.5%	23	4.0%	15	3.4%
21:00-21:59	38	6.9%	30	5.2%	35	6.3%	23	4.0%	20	4.5%
22:00-22:59	27	4.9%	22	3.8%	22	3.9%	19	3.3%	22	5.0%
23:00-23:59	20	3.6%	24	4.1%	23	4.1%	28	4.9%	22	5.0%
Unknown	37	6.7%	54	9.3%	63	11.3%	63	11.0%	49	11.1%
Total	550		582		557		574		440	

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



4. Complainant Characteristics¹⁹

Table 11: Complainant Race or National Origin

	FY09		FY10		FY11		FY12		FY13		District Pop.
African-American	392	80.2%	421	78.7%	399	76.9%	381	75.9%	307	76.9%	50.1%
White	49	10.0%	71	13.3%	80	15.4%	79	15.7%	60	15.0%	42.9%
Latino	24	4.9%	21	3.9%	26	5.0%	13	2.6%	14	3.5%	9.9%
Asian	9	1.8%	11	2.1%	3	0.6%	12	2.4%	6	1.5%	3.8%
Middle Eastern	9	1.8%	2	0.4%	4	0.8%	0	0.0%	0	0.0%	N/A
Native American	0	0.0%	0	0.0%	2	0.4%	1	0.2%	3	0.8%	0.6%
Multiracial / Other	6	1.2%	9	1.7%	7	1.3%	16	3.2%	9	2.3%	2.7%
Unreported	60		47		36		72		41		
Total	550		582		557		574		440		

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

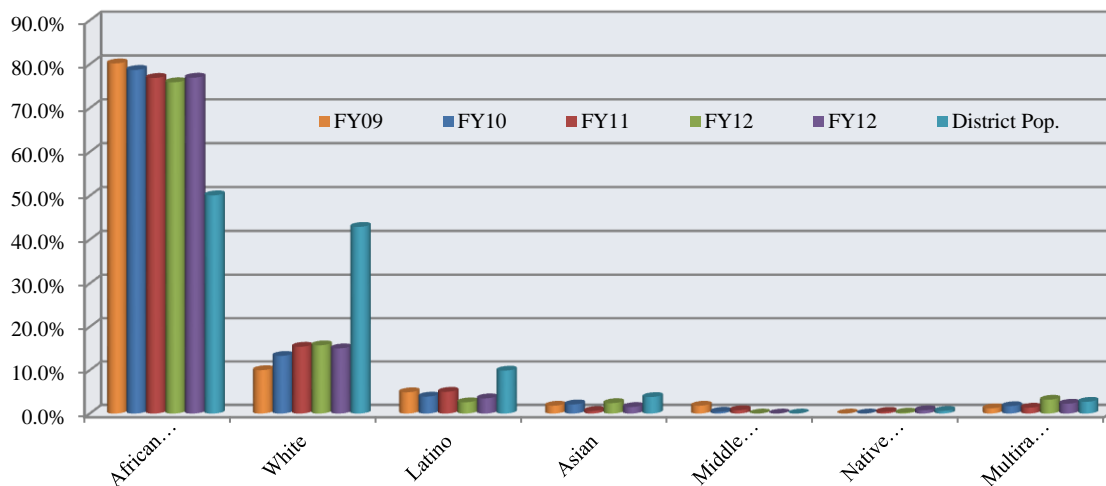


Table 12: Complainant Gender

	FY09		FY10		FY11		FY12		FY13		District Pop.
Male	293	53.3%	303	52.1%	293	52.6%	315	54.9%	240	54.5%	47.3%
Female	257	46.7%	279	47.9%	264	47.4%	259	45.1%	200	45.5%	52.7%
Total	550		582		557		574		440		

Chart 12: Complainant Gender (as a Percentage)

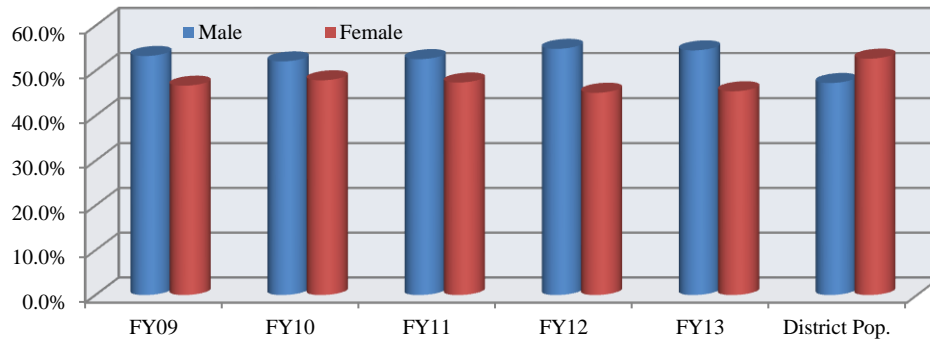


Table 13: Complainant Age

	FY09		FY10		FY11		FY12		FY13		District Pop.
Under 15	1	0.2%	--	0.0%	1	0.2%	1	0.2%	0	0.0%	14.8%
15-24	60	10.4%	52	10.4%	44	8.1%	34	6.3%	27	6.1%	15.6%
25-34	154	26.7%	129	25.7%	151	27.8%	138	25.7%	119	27.0%	22.1%
35-44	138	24.0%	124	24.7%	131	24.1%	122	22.7%	101	23.0%	13.5%
45-54	146	25.3%	126	25.1%	126	23.2%	151	28.1%	79	18.0%	12.0%
55-64	57	9.9%	51	10.2%	67	12.3%	63	11.7%	64	14.5%	10.7%
65 +	20	3.5%	20	4.0%	24	4.4%	29	5.4%	24	5.5%	11.4%
Unreported	24		48		38		36		26		
Total	600		550		582		574		440		

Chart 13: Complainant Age (as a Percentage)

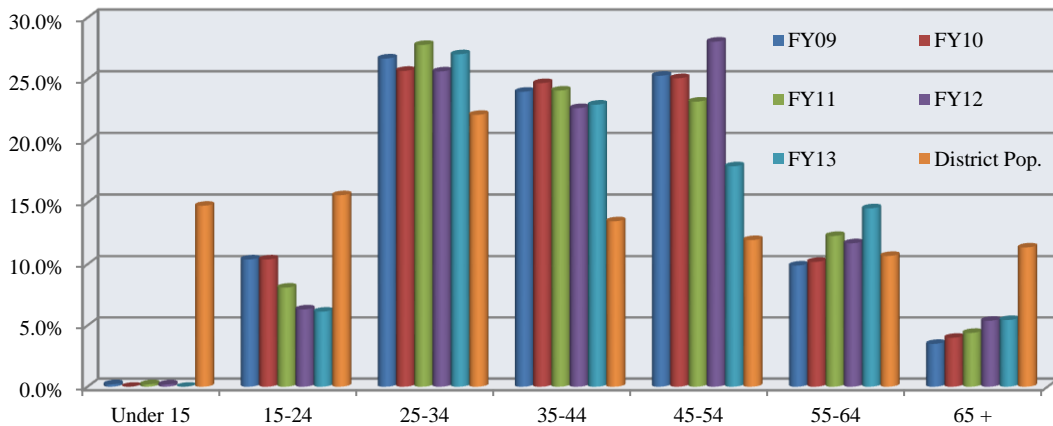


Table 14: Number of Complainants Who Filed Multiple Complaints

	FY09	FY10	FY11	FY12	FY13
2 Complaints	12	21	28	18	17
3 Complaints	3	4	2	3	4
4 Complaints	1	1	--	1	2
5 Complaints	--	2	2	--	--
6-10 Complaints	1	--	1	4	--
11+ Complaints	--	--	--	1	--

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

	FY09	FY09 Unique Comp.	FY10	FY10 Unique Comp.	FY11	FY11 Unique Comp.	FY12	FY12 Unique Comp.	FY13	FY13 Unique Comp.
African-American	393	374	421	387	399	372	381	329	307	282
White	49	49	71	70	80	67	79	68	60	56
Latino	24	24	21	21	26	24	13	11	14	14
Asian	9	9	11	10	3	3	12	12	6	6
Middle Eastern	9	9	2	2	4	4	0	0	0	0
Native American	0	0	0	0	2	2	1	1	3	3
Multiracial / Other	6	4	9	8	7	6	16	15	9	8
Unreported	60	60	47	46	36	34	72	64	41	40
Total	550	529	582	544	557	512	574	500	440	409

Table 16: Complainant Gender with “Unique Complainant” Information

	FY09	FY09 Unique Comp.	FY10	FY10 Unique Comp.	FY11	FY11 Unique Comp.	FY12	FY12 Unique Comp.	FY13	FY13 Unique Comp.
Male	297	286	303	274	293	270	315	272	238	222
Female	263	248	279	270	264	242	259	228	199	187
Total	560	534	582	544	557	512	574	500	437	409

5. *Subject Officer Characteristics*²⁰

Table 17: Subject Officer Race or National Origin

	FY09		FY10		FY11		FY12		FY13		Entire MPD Force
African-American	453	52.1%	293	46.0%	290	46.2%	298	46.4%	246	46.9%	58.0%
White	332	38.2%	275	43.2%	264	42.0%	288	44.9%	232	44.3%	31.5%
Latino	60	6.9%	48	7.5%	52	8.3%	33	5.1%	31	5.9%	7.1%
Asian	22	2.5%	21	3.3%	20	3.2%	17	2.6%	14	2.7%	2.3%
Other	2	0.2%	0	0.0%	2	0.3%	6	0.9%	1	0.2%	1.1%
Unidentified	211		225		185		242		167		
Total	859		1080		862		813		691		

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

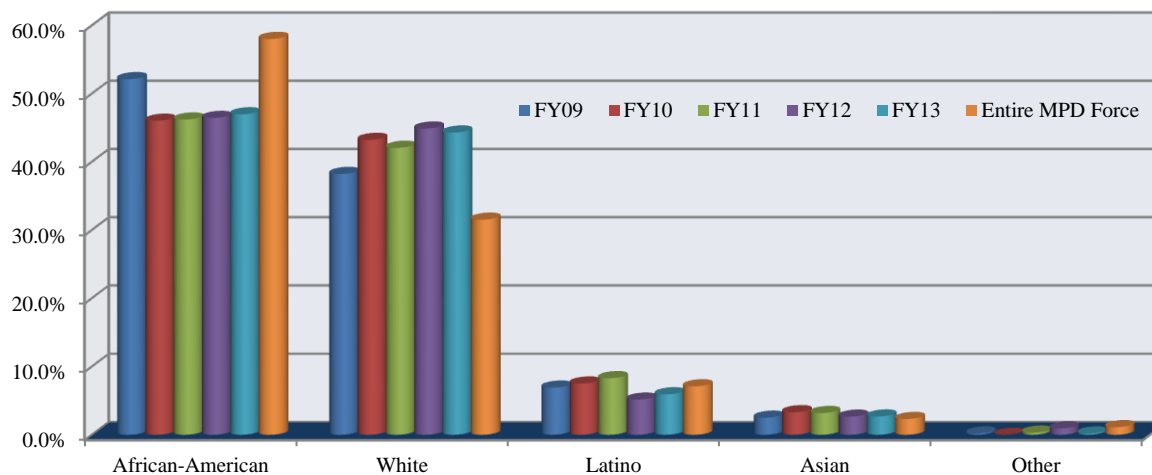


Table 18: Subject Officer Gender

	FY09		FY10		FY11		FY12		FY13		Entire MPD Force
Male	770	87.1%	552	86.6%	555	86.7%	565	85.2%	447	83.9%	77.2%
Female	114	12.9%	85	13.4%	85	13.3%	98	14.8%	86	16.1%	22.8%
Unidentified	196		225		173		221		158		
Total	1080		862		813		884		691		

Chart 18: Subject Officer Gender (as a Percentage)

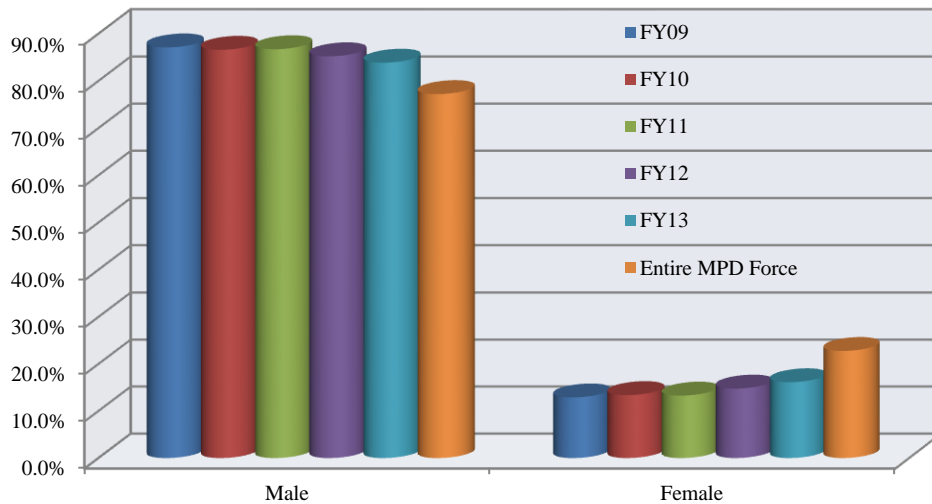


Table 19: Subject Officer Rank

	FY09		FY10		FY11		FY12		FY13		Entire MPD Force	
Chief	--		--	--	--	--	2	0.3%	4	0.8%	1	0.0%
Assistant Chief	1	0.1%	1	0.2%	1	0.2%	1	0.2%	1	0.2%	7	0.2%
Commander	--	--	--	--	1	0.2%	1	0.2%	4	0.8%	16	0.4%
Inspector	--	--	--	--	2	0.3%	-	-	0	0.0%	10	0.3%
Captain	3	0.3%	1	0.2%	3	0.5%	1	0.2%	3	0.6%	41	1.1%
Lieutenant	15	1.7%	9	1.4%	7	1.1%	9	1.4%	7	1.3%	131	3.4%
Sergeant	83	9.4%	36	5.7%	36	5.6%	53	8.0%	48	9.0%	431	11.1%
Detective	19	2.1%	15	2.3%	24	3.8%	38	5.7%	16	3.0%	330	8.5%
Investigator	7	0.8%	1	0.2%	1	0.2%	1	0.2%	2	0.4%	0	0.0%
Master Patrol Officer (MPO)	33	3.7%	25	3.9%	21	3.3%	26	3.9%	21	3.9%	90	2.3%
Officer	723	81.8%	548	86.2%	544	85.0%	531	80.1%	426	80.1%	2831	72.8%
Unidentified	196		226		173		221		159			
Total	1080		862		813		884		691		3888	

Table 20: Subject Officer Assignment²¹

	FY09		FY10		FY11		FY12		FY13	
First District (1D)	142	16.3%	88	13.8%	70	11.4%	66	10.0%	83	15.6%
Second District (2D)	76	8.7%	50	7.8%	48	7.8%	64	9.7%	38	7.1%
Third District (3D)	98	11.3%	134	21.0%	102	16.6%	86	13.0%	76	14.3%
Fourth District (4D)	77	8.9%	76	11.9%	69	11.2%	70	10.6%	47	8.8%
Fifth District (5D)	72	8.3%	51	8.0%	70	11.4%	63	9.5%	74	13.9%
Sixth District (6D)	189	21.7%	112	17.6%	135	21.9%	165	25.0%	107	20.1%
Seventh District (7D)	129	14.8%	78	12.2%	67	10.9%	78	11.8%	51	9.6%
Other	73	8.4%	45	7.1%	47	7.6%	58	8.8%	56	10.5%
DCHA	13	1.5%	3	0.5%	8	1.3%	11	1.7%	1	0.2%
Unidentified	211		225		197		223		158	
Total	1080		862		813		884		691	

Chart 20: Subject Officer Assignment (as a Percentage)

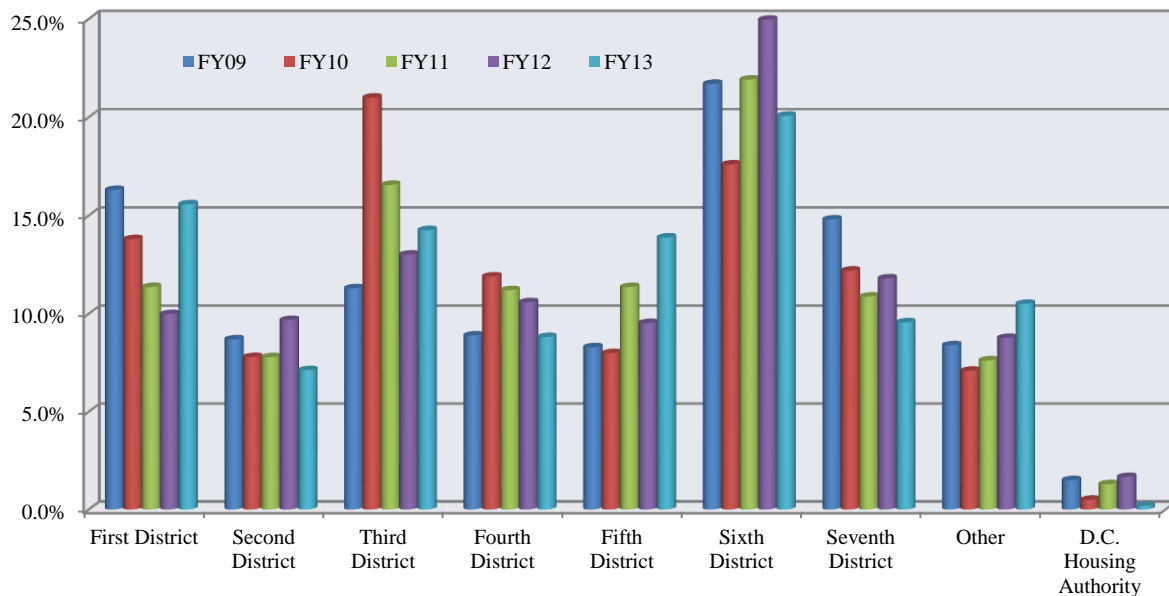


Table 21: Subject Officer Age

	FY09		FY10		FY11		FY12		FY13		Entire MPD Force	
23 and Under	2	0.2%	5	0.9%	9	1.4%	1	0.2%	3	0.6%	28	0.7%
24-26	74	8.6%	43	7.4%	51	8.1%	24	3.7%	29	5.5%	141	3.6%
27-29	114	13.2%	77	13.3%	92	14.6%	87	13.4%	66	12.4%	285	7.3%
30-32	107	12.4%	96	16.6%	99	15.7%	95	14.6%	71	13.3%	342	8.8%
33-35	101	11.7%	58	10.0%	61	9.7%	84	12.9%	50	9.4%	292	7.5%
36-38	102	11.8%	62	10.7%	51	8.1%	52	8.0%	46	8.6%	280	7.2%
39-41	97	11.3%	64	11.1%	54	8.5%	59	9.1%	57	10.7%	340	8.7%
42-44	91	10.6%	54	9.3%	78	12.3%	73	11.2%	48	9.0%	491	12.6%
45-47	73	8.5%	52	9.0%	75	11.9%	59	9.1%	53	10.0%	596	15.3%
48-50	60	7.0%	31	5.4%	33	5.2%	67	10.3%	56	10.5%	563	14.5%
51-53	27	3.1%	28	4.8%	21	3.3%	31	4.8%	28	5.3%	302	7.8%
Over 53	14	1.6%	9	1.6%	8	1.3%	18	2.8%	25	4.7%	228	5.9%
Unknown	218		283		181		234		159			
Total	1080		862		813		884		691		3888	

Chart 21: Subject Officer Age (as a Percentage)

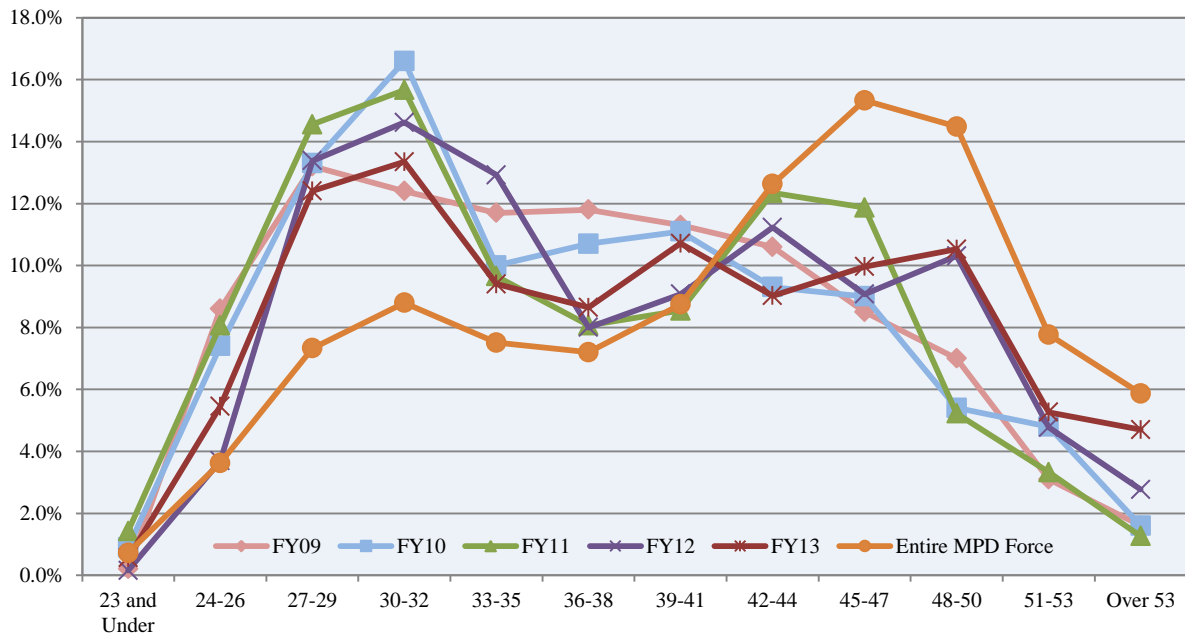


Table 22: Subject Officer Years of Service

Years of Service	FY09		FY10		FY11		FY12		FY13		Entire MPD Force	
< 3	71	8.4%	85	13.4%	97	15.3%	29	4.4%	34	6.4%	279	7.2%
3-5	245	29.1%	163	25.6%	179	28.1%	169	25.8%	99	18.6%	418	10.8%
6-8	149	17.7%	140	22.0%	92	14.5%	119	18.2%	107	20.1%	477	12.3%
9-11	101	12.0%	68	10.7%	77	12.1%	80	12.2%	61	11.5%	405	10.4%
12-14	32	3.8%	32	5.0%	25	3.9%	64	9.8%	57	10.7%	349	9.0%
15-17	52	6.2%	20	3.1%	17	2.7%	25	3.8%	28	5.3%	218	5.6%
18-20	98	11.6%	64	10.1%	52	8.2%	26	4.0%	18	3.4%	209	5.4%
21-23	52	6.2%	35	5.5%	59	9.3%	98	15.0%	76	14.3%	811	20.9%
24-26	27	3.2%	18	2.8%	29	4.6%	25	3.8%	38	7.1%	474	12.2%
27 <	15	1.8%	11	1.7%	9	1.4%	19	2.9%	14	2.6%	248	6.4%
Unknown	238		226		177		230		159			
Total	1080		862		813		884		691		3888	

Chart 22: Subject Officer Years of Service (as a Percentage)

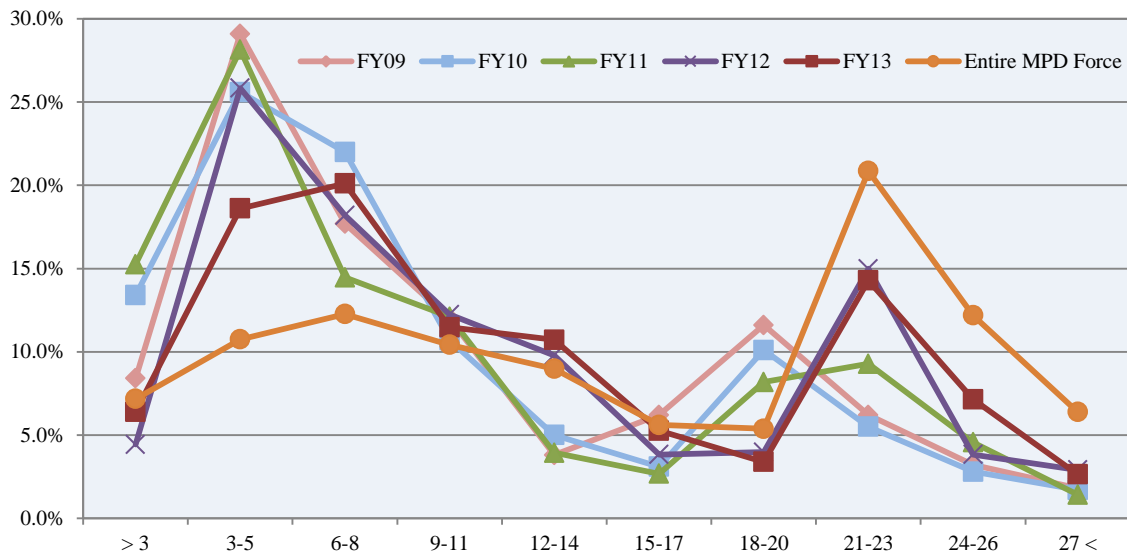


Table 23: Number of Officers Who Were the Subject of Multiple Complaints

	FY09	FY10	FY11	FY12	FY13
2 Complaints	111	78	75	87	60
3 Complaints	29	18	18	13	13
4 Complaints	17	8	10	1	5
5 Complaints	2	4	4	5	1
6 Complaints	--	--	1	1	--
8 Complaints	--	1	--	--	--
9 Complaints	1	1	--	--	--
10 Complaints	--	1	--	--	--

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

	FY09	FY09 Unique Officers	FY10	FY10 Unique Officers	FY11	FY11 Unique Officers	FY12	FY12 Unique Officers	FY13	FY13 Unique Officers
African-American	458	333	293	228	290	228	298	245	246	206
White	333	227	275	180	264	180	288	215	232	175
Latino	60	47	48	32	52	28	33	26	31	25
Asian	22	15	21	17	20	14	17	15	14	14
Other	2	1	0	0	2	1	6	4	1	1
Unidentified	205	205	225	225	185	185	242	236	167	165
Total	1080	828	862	682	813	636	884	741	691	586

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

	FY09	FY09 Unique Officers	FY10	FY10 Unique Officers	FY11	FY11 Unique Officers	FY12	FY12 Unique Officers	FY13	FY13 Unique Officers
Male	770	548	552	394	555	396	565	438	447	360
Female	114	94	85	63	85	67	98	82	86	68
Unidentified	196	196	225	225	173	173	221	221	158	158
Total	1080	838	862	682	813	636	884	741	691	586

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

	FY09	FY09 Unique Officers	FY10	FY10 Unique Officers	FY11	FY11 Unique Officers	FY12	FY12 Unique Officers	FY13	FY13 Unique Officers
First District	143	99	88	74	70	53	66	57	83	64
Second District	76	60	50	38	48	38	64	48	38	33
Third District	98	69	134	76	102	70	86	64	76	56
Fourth District	83	59	76	55	69	48	70	55	47	43
Fifth District	76	53	51	39	70	52	63	50	74	61
Sixth District	189	122	112	77	135	85	165	116	107	83
Seventh District	130	94	78	64	67	53	78	70	51	41
Other	76	53	45	32	47	39	58	50	56	46
DCHA	13	9	3	2	8	8	11	8	1	1
Unidentified	196	209	225	225	197	189	223	223	158	158
Total	1080	827	862	682	813	635	884	741	691	586

G. Outreach

Part of the mission of the Police Complaints Board and the Office of Police Complaints is to “[b]e visible to and easily accessible to the public.”²² To fulfill this aspect of the agency’s mission, OPC conducts and takes part in a variety of activities that allow staff members to communicate information about the agency to the public. OPC provides complaint forms and informational materials in more than a dozen languages, operates a 24-hour toll-free hotline, and maintains an online presence through an agency website and a Facebook page. In addition, the agency ensures accessibility to its services by having an office that is located directly above the McPherson Square Metro Station, within one block of 16 different bus lines, and within two blocks of five different Capital Bikeshare stations.

1. Community Outreach

As a part of its outreach, the agency seeks out opportunities to make presentations to a variety of audiences, targeting those populations that agency statistics suggest may be underreporting alleged police misconduct. In Fiscal Year 2013, OPC continued this outreach work, conducting or participating in 26 outreach events, including at least one in each of the District’s eight wards.

When compared to the District population as a whole, individuals under the age of 24 file disproportionately fewer complaints than any other age group except senior citizens. To address this potential underreporting, as well as to ensure that young people learn how to navigate a police encounter successfully, OPC conducts a Student Interactive Training (SIT) program for teenagers attending District public and charter schools. The agency’s SIT program centers on reducing the number of negative encounters between students and the police, as well as educating young people through role-playing scenarios on their constitutional rights. OPC made SIT presentations in a number of schools this fiscal year, including Banneker, Wilson, Dunbar, Ballou, Capital City, and Cesar Chavez senior high schools. The agency also expanded the use of its SIT program to a new venue by conducting it for participants in D.C. Department of Parks and Recreation’s teen summer camps at the Fort Stevens, Congress Heights, and Fort Davis recreation centers. OPC also gave presentations to law students at American University Washington College of Law’s Marshall-Brennan Constitutional Literacy Project and Georgetown University Law Center’s Street Law clinic program, and agency representatives served as guest lecturers for college students in American University’s Washington Semester program.

In addition to targeted youth outreach, OPC makes presentations at neighborhood and community associations. For example, the agency conducted presentations at a meeting of the Logan Circle Community Association, which focuses on the needs of Ward 2 residents. OPC also presented at the Lincoln Heights/Richardson Dwellings Advisory Council meeting, which provided Ward 7 residents with an opportunity to discuss housing issues and police-related concerns within their community.

The agency continued to build on its outreach to the District’s Spanish-speaking population by participating in the D.C. Office on Latino Affairs’ Spring Community Fair and a food distribution event at La Luz Mundo, a church in Ward 5. OPC staff members

distributed Spanish-language agency materials and discussed the citizen complaint process with attendees of both events. The agency also participated in the 7th Annual Columbia Heights Day, a community festival that provides residents with information from various community organizations and promotes the character and history of Columbia Heights.

OPC also conducts outreach to MPD officers by participating in the training of new recruits at the Department's police academy. Chief Investigator Mona Andrews visited the academy on several occasions to speak to recruits and answer their questions about the mission and function of the agency.

2. *International Outreach*

Over the course of the agency's history, OPC has hosted representatives and delegations from countries around the world, including Mexico, Nigeria, Serbia, South Korea, Uzbekistan, Ireland, Italy, and Brazil. This component of the agency's outreach program was particularly active in Fiscal Year 2013.

OPC's executive director and other staff members hosted a four-member delegation from the Ombudsman Office of Bahrain's Ministry of Interior as part of the U.S. State Department's International Visitor Leadership Program. The Ombudsman Office is the first police review agency in the Arab world, and had previously researched OPC and identified it, among others, as a model of law enforcement oversight. OPC representatives provided information about the agency's investigative process, community outreach program, and mediation program, as well as an overview of the history of police oversight in the United States.

OPC also hosted Dr. Michael McGuire, the Police Ombudsman for Northern Ireland. During his visit, agency staff explained the authority of OPC, strategies for community outreach, and the role of police oversight agencies throughout the United States. The Ombudsman office provides an independent, impartial forum for handling all complaints against police officers in Northern Ireland, a semi-autonomous part of the United Kingdom.

In addition to meeting with government officials from abroad, the agency had the opportunity to exchange information with two leading international academics whose work focuses on police oversight. Dr. Tim Prenzler, an international expert on police accountability and law enforcement who serves both as a professor at Australia's Griffith University in Brisbane and as one of the chief investigators in the Australian Research Council Centre of Excellence in Policing and Security (CEPS), visited OPC to discuss his academic work, CEPS's focus on policing and security research. Dr. Prenzler also sought to learn about OPC's perspectives on oversight.

OPC also welcomed Dr. Hartmut Aden, a professor of law and public administration at Germany's Berlin School of Economics and Law. OPC staff members provided information on the agency's complaint process and use of policy recommendations to achieve police reform. Dr. Aden discussed his work in creating a working group of academics from several German universities and research institutes that is studying external and internal processes to investigate citizen complaints against the police in Germany.

3. *OPC in the Media*

OPC continued to gain media coverage throughout Fiscal Year 2013. *The Washington Post* published a story on PCB's 2012 Annual Report and the agency's concerns about MPD not disciplining officers in connection with certain OPC cases. Related stories appeared on the websites of WJLA News Channel 7, WTOP 103.5, and DCist.com. The *Washington Examiner* ran an editorial in print and online concerning the same subject, calling into question MPD's actions and noting that failure to impose discipline when required by law to do so undermines police accountability.

PCB's policy recommendation, "Warrantless Entries into Private Homes by MPD Officers," was featured in an article published in the *Washington Times*. In addition, *The Washington Post* ran a news item regarding OPC's pilot conciliation program, highlighting the types of complaints that will be conciliated as well as the differences between the agency's conciliation and mediation programs.

OPC also was cited by the *Baltimore Sun* as an effective police oversight agency that issues policy recommendations and has a full investigative in an article dealing with challenges for the Baltimore Police Review Board.

In addition, Executive Director Eure was quoted in a *Huffington Post* article on mental-health issues, speaking about the Crisis Intervention Team (CIT) model, a program developed by the Memphis Police Department that provides some officers with intensive training on how to respond to people who suffer from mental illness. The District adopted the CIT model after the release of PCB's policy recommendation, "Enhancing Police Response to People with Mental Illness in the District of Columbia: Incorporating the Crisis Intervention Team (CIT) Community Policing Model."

4. *The Year Ahead*

During Fiscal Year 2014, OPC will continue to focus its outreach efforts on coordinating with community groups, social service providers, and legal advocacy organizations that work with populations that frequently come into contact with the police.

OPC will also seek to provide training sessions for employees of other District government agencies that provide direct services to the public in situations likely to involve the police. Additionally, the agency will develop a publication for distribution at community fairs and training presentations that will highlight key information for the public to know during police encounters.

H. Police Oversight and Law Enforcement Organizations

OPC staff members have played an active role in professional organizations related to independent police review and have learned from and contributed to the discussions and training seminars conducted by these groups. Every year since 2001, when the agency opened, OPC staff members have participated in panel discussions and workshops at annual training conferences sponsored by National Association for Civilian Oversight of Law Enforcement (NACOLE), the non-profit umbrella group for agencies like OPC around the country.

Two such conferences occurred during Fiscal Year 2013. The first of these two gatherings was held in San Diego, California, in October 2012. The theme was “Building Community Trust.” OPC Executive Director Eure organized and moderated a panel that provided training for attendees on how to develop policy recommendations. The panel also featured OPC Special Assistant Nicole Porter. Deputy Director Christian J. Klossner moderated a roundtable discussion on mediation, sharing OPC’s experiences with oversight practitioners from throughout the United States who are interested in starting or improving their own programs.

The second of the two conferences, with the theme “Finding the ‘Right’ Balance,” took place in Salt Lake City, Utah, in September 2013. Mr. Eure served as a panelist during a session that explored whether one kind of oversight model is more effective than another, moderated another panel discussion regarding police departments being overseen by courts under consent decree processes, and received NACOLE’s highest award in recognition of his significant and lasting contributions to the field of police oversight. Mr. Klossner facilitated a workshop discussing recent changes in laws affecting policing and also served as a presenter in a second session discussing strategies for improving access to police documents. Chief Investigator Mona Andrews led a hands-on interactive workshop providing attendees with investigative planning skills training. In addition, Paralegal Specialist Sarah Cordero conducted a workshop that addressed the use of alternative dispute resolution techniques around the country to resolve complaints of police misconduct. Mr. Klossner also played a role in developing the conference as a whole by serving as a volunteer member of the conference’s planning committee, and he was elected during the conference to serve a three-year term on NACOLE’s board of directors.

The agency expects that OPC representatives will continue to share their expertise with other police accountability professionals around the nation and take part in conferences and training sessions aimed at keeping OPC staff members apprised of and contributing to best practices in the field.

I. Policy Recommendations

The statute creating the Police Complaints Board (PCB) authorizes it to “make recommendations, where appropriate, to the Mayor, the Council, and the Chief of the Metropolitan Police Department . . . concerning the status and the improvement of the citizen complaint process [and] 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.”²³ This authority allows the Board and OPC to complement the work of investigating and resolving individual police misconduct complaints by examining systemic issues that lead to the abuse or misuse of police powers.

This year, PCB issued two reports and sets of recommendations: “Warrantless Entries into Private Homes by MPD Officers” and “Bicycle Safety and MPD Enforcement of the District’s Biking Laws.” These reports are discussed in more detail below.

The agency also performed a significant amount of work researching and developing policy recommendations to be issued in Fiscal Year 2014 and beyond. In addition to preparing for the November 2013 release of PCB’s report, “MPD Enforcement of the District’s Window Tint Law,” which is available on the agency’s website and will be discussed in more detail in next year’s annual report, OPC undertook a project to analyze patterns and trends in recently sustained complaints and conducted a survey of policy recommendations issued by other citizen oversight agencies and public interest organizations.

As of the date of this report’s publication, PCB has issued 31 detailed reports and accompanying sets of recommendations to improve policing.

1. Warrantless Entries into Private Homes by MPD Officers

On June 12, 2013, PCB issued a report and set of recommendations entitled “Warrantless Entries into Private Homes by MPD Officers.” Since at least 2006, OPC has received several complaints from District residents alleging that MPD officers improperly entered their homes without a search warrant issued by a court. The officers in those complaints apparently believed that a search warrant was not necessary and their actions were justifiable, mostly due to the presence of an “exigent,” or urgent, situation. In a number of these cases, the agency sustained or successfully mediated the unlawful entry allegations against the officers. In reviewing MPD’s policies and training, PCB found that MPD officers were not provided sufficient guidance regarding when a warrantless entry into a private home is justified. As a result, the Board recommended in its report that MPD develop and implement a general order detailing the circumstances under which a police officer may enter a home without a warrant. PCB also urged the Department to provide better training on warrantless entries and continually monitor changes in the law dealing with exigent circumstances.

2. Bicycle Safety and MPD Enforcement of the District’s Biking Laws

On September 12, 2013, PCB issued a report and set of recommendations entitled “Bicycle Safety and MPD Enforcement of the District’s Biking Laws.” The report was a follow up to the Board’s September 29, 2011, bicyclist safety policy recommendation, which proposed that MPD modify its investigation of crashes between bicycles and motor vehicles, improve officer training on District biking laws, and increase Departmental involvement with the city’s Bicycle Advisory Council (BAC), a task force created to address biking issues in the District.

The September 2013 report assessed MPD's progress in addressing and implementing the Board's 2011 recommendations. In the report, PCB also reviewed whether, over time, MPD officers had been properly citing bike riders for "riding abreast" violations and had improved their investigations of bike-motor vehicle crashes. Overall, the Board found that MPD had implemented many of the 2011 proposals. The Department strengthened its crash investigation policy and provided officers with better guidance on how to identify "riding abreast" infractions committed by cyclists. MPD also improved its training for officers on the District's biking laws and increased its involvement with BAC.

With respect to the Board's more specific review of riding abreast citations and crash investigations, PCB recommended that officers document the basis for riding abreast infractions in their notes to help ensure that these tickets are issued properly. The Board also proposed that MPD officers provide better reporting of the accounts given by those involved in bike-motor vehicle crashes. Finally, to foster transparency and accountability within the Department, PCB urged MPD to review and publicly report certain categories of information concerning bike-related citations and bicycle-motor vehicle crash investigations.

3. *Status Updates for Policy Recommendations*

Overall, the Board has been satisfied with the steps taken by MPD and the city to implement the proposals made by the Board. Many recommendations in these reports have already been fully adopted, while others are in the process of being implemented or are being actively considered MPD or other District agencies.

Readers can learn the details about steps taken by MPD and other District agencies in response to particular PCB recommendations issued in recent years by referring to Appendix A. The appendix has tables that list the specific recommendations made by the Board and the status of the implementation of those recommendations. In addition, each report and set of recommendations issued by PCB, along with the most recently published update on the status of the implementation of the recommendations, are presented on the agency's website.

III. THE FUTURE

Building on the success and accomplishments of Fiscal Year 2013, the Office of Police Complaints and the Police Complaints Board will seek to further their mission in several ways in Fiscal Year 2014.

A. Conciliation

Research suggests that a citizen complainant's main desire is often to have treatment at the hands of a police officer acknowledged, or an apology, rather than to seek an explicit determination of guilt or punitive sanction.²⁴ While the agency already uses mediation in appropriate cases to address this need (see Section II.D, "Mediation," above), the OPC statute authorizes two forms of alternative dispute resolution (ADR): mediation and conciliation.

During the past fiscal year, OPC explored the possibility of starting a conciliation program to expand its use of ADR techniques. The agency conducted extensive research into the use of ADR in the field of independent police review by interviewing representatives of several citizen oversight agencies from around the United States and Canada.

Based on this research, OPC designed a conciliation program that will be distinct from the existing mediation program. The features distinguishing the conciliation and mediation programs are that: (1) conciliation participation is voluntary for all parties, whereas mediation is compulsory; (2) conciliation sessions are conducted over the telephone, while mediations usually take place in person at the OPC office; (3) the complaints referred to conciliation will typically contain allegations that are less serious than those sent to mediation; and (4) assuming good faith participation from both parties, the complaint will be closed after the conciliation session, regardless of whether any understanding or agreement is reached, as compared to the formal agreement necessary to resolve a complaint through mediation.

OPC proposes the use of conciliation as a pilot program, and continues to seek input from MPD and the police union, the Fraternal Order of Police (FOP). Both stakeholders have already provided valuable insight into the design of the program. As this feedback nears completion, the agency anticipates launching the pilot conciliation program in Fiscal Year 2014. At the conclusion of the pilot project, OPC will assess whether conciliation should be added as a permanent option for resolving some cases at OPC.

B. Policy Recommendations

In the future, OPC will continue seeking to improve the current police accountability system in the District of Columbia through the identification and proposed adoption of best practices. With this objective in mind, PCB plans to issue a number of reports in Fiscal Year 2014. One report accompanied by a set of recommendations, which was published in November 2013, addressed MPD's enforcement of the window tint law in the District and related racial profiling concerns. A forthcoming report will propose the use of body cameras by MPD officers. A third report will assess and propose changes in MPD policies and training dealing with the requirement that officers identify themselves, by name and badge number, to members of the public when requested.

C. Improving Oversight and Enhancing Police Accountability

Recent events, such as several high-profile arrests of MPD officers and questions raised about how MPD officers deal with victims of sexual assaults, have caused the District Council to look for additional ways to improve police oversight in the nation's capital. One possibility comes in the form of B20-0063, entitled "Police Monitoring Enhancement Amendment Act of 2013," which is currently pending before the District Council's Committee on the Judiciary and Public Safety. This legislation proposes to add authority for OPC to monitor the number, types, and dispositions of citizen complaints received, investigated, sustained, or otherwise resolved by MPD. The bill would also empower OPC to review the proposed discipline and the actual discipline imposed in any complaints sustained by MPD. By combining OPC's current review of its own complaint data with access to MPD complaint information, there would be a larger universe of complaints to analyze for the purposes detecting patterns or trends of police misconduct. Over time, monitoring would therefore lead to more targeted recommendations for police reform.

While the current bill provides OPC with "reasonable access" to information and supporting documentation related to the proposed monitoring authority, OPC believes that the phrase "reasonable access" is too vague to use as a standard and ultimately unenforceable, thus hindering the goals that the legislation seeks to achieve. By changing the language to "unfettered access," a standard encouraged by leading police oversight expert Professor Samuel Walker, the police monitoring legislation would ensure that PCB and OPC remain in the forefront of carrying out the widest possible range of functions among independent police review agencies in the United States.

In addition, in order to help improve police-community relations and encourage public faith in MPD's ability to hold officers responsible for misconduct, PCB recommended the enactment of legislation that would modify OPC's current investigative authority to allow the agency, through a "rapid resolution" process, to refer some relatively minor or service-oriented citizen complaints to MPD for resolution. This proposal is contained in PCB's report entitled "Improving Police-Community Relations through the Diversion of Some Complaints into a Rapid Resolution Program." Consistent with national statistics, as the result of its investigations, OPC typically dismisses more than 80 percent of all complaints investigated by the agency in any given year. In a significant majority of the cases, the officer followed the law and MPD officers did not engage in police misconduct. However, the dismissal of cases sometimes proves dissatisfying to the individuals who filed complaints because the process does not afford them the opportunity to get an explanation from someone within the police department about the reasons for a subject officer's actions in the incident that led to the filing of the complaint. Likewise, citizen complainants whose cases are dismissed are deprived of the chance to provide input directly to the police department on how the incident affected them. Rapid resolution would also have the salutary effect of freeing up some OPC resources so that the agency could more efficiently resolve the most serious complaints filed with OPC while allowing MPD supervisors to address potential deficiencies in officers' job performance more rapidly.

By enacting the proposed “police monitoring” legislation and also passing a law putting “rapid resolution” into effect, police accountability would be meaningfully enhanced in the District of Columbia.

Endnotes

¹ 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 of the relevant law enforcement agency for imposition of discipline, even if the other allegations are not sustained. The only time that a complaint is not forwarded to the police chief for discipline is when no allegations are sustained. In these cases, the complaint is dismissed after the complaint examiner issues his or her decision.

² See D.C. Code § 5-1112 (2014).

³ *Id.*

⁴ The categories “Discrimination” and “Retaliation” were deleted from the table because no allegations in those categories were adjudicated by complaint examiners in Fiscal Year 2013.

⁵ The four possible outcomes that a complaint examiner may reach are: 1) 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; 2) Exonerated – where a preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training; 3) Insufficient Facts – where there are insufficient facts to decide whether the alleged misconduct occurred; and 4) Unfounded – where the investigation determined no facts to support that the incident complained of actually occurred. D.C.M.R. § 2120.2.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ The three resignations reported in this table include two that resulted from the criminal convictions discussed in Section II.C.1 of the Police Complaints Board Annual Report for Fiscal Year 2007. Resigning from MPD was part of the plea agreements entered into by both subject officers.

¹⁰ 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/Publications/e04021486.pdf>.

¹¹ 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.

¹² “To be timely, a complaint must be received by the Office within 45 days from the date of the incident that is the subject of the complaint. [OPC’s] Executive Director may extend the deadline for good cause.” D.C. Code § 5-1107(d).

¹³ These data were obtained from representatives of CCRB and OCC during FY 2013 on January 4, 2013, and January 3, 2013, respectively. The data from OCC were current as of the date obtained, while the information from CCRB is from late October 2012. The data pertaining to OPC reflect the agency caseload on January 2, 2013.

¹⁴ These data were obtained from representatives of the Metropolitan Police Department, CCRB, and OCC, and were current as of January 4, 2013.

¹⁵ D.C. Code § 5-1111(d).

¹⁶ See D.C. Code § 5-1110(k).

¹⁷ See *infra* endnote 20.

¹⁸ OPC uses “workload” to describe the number of complaints that agency personnel worked on throughout the year. This number is derived by adding the number of cases open at the beginning of a fiscal year to the number of all new complaints received during that fiscal year.

¹⁹ The “District Population” data 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 are 2012 estimates, and were obtained from the United States Census Bureau, District of Columbia State and County Quickfacts, which can be found at <http://quickfacts.census.gov/qfd/states/11000.html>.

Please note that in Table 11, the District population data for race or national origin add up to more than 100%. The Census Bureau 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 other categories (such as white or African-American) to separate out people who identify as both Latino and one of the other categories. Table 10 also included Middle-Eastern to reflect how OPC complainants self-identify, but is not a classification in the census data.

The data in Table 13 were obtained from the “U.S. Census Bureau, Population Estimates by Demographic Characteristics Available for Washington, D.C., ‘Table ID - PEPAGESEX. Annual Estimates of the Resident Population for Selected Age Groups by Sex for the United States, States, Counties, and Puerto Rico Commonwealth and Municipios: April 1, 2010 to July 1, 2012’” on the United States Census website, <http://www.census.gov/newsroom/releases/archives/population/cb13-tps57.html>, published on-line June 12, 2013.

²⁰ The “Entire MPD Force” data included in this section for rank, age, and years of service were obtained from the official MPD roster of February 9, 2013, which was the roster provided to OPC closest to the center of the 2013 fiscal year. On that date, MPD had 3888 sworn members, and the data reflect the breakdown of those officers as reported by MPD. The MPD roster from June 29, 2013, was used for the gender, race, and assignment categories due to these categories not being included in the February roster. On June 29, 2013, MPD had 3946 sworn members. Readers should note that although OPS subject officers are included in the subject officer characteristics data, they are not included in the “Entire MPD Force” data. Complete demographic data for the OPS force are unavailable.

Caution should be used when making comparisons between the police force data and the complainant 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.

²¹ Data regarding subject officers’ assignments have fluctuated from year to year. Readers should use caution when attempting to draw conclusions from the year-to-year trends regarding the assignments of subject officers.

²² D.C. Code § 5-1102(1)

²³ D.C. Code § 5-1104(d)

²⁴ Prenzler, T. and Ronken, C. (2001). Models of Police Oversight: A Critique. *Policing and Society*, 11, (2), 151-180.

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Appendix A: Policy Recommendation Status

Table 27: Bicycle Safety and MPD Enforcement of the District’s Biking Laws

(September 12, 2013)

Recommendation		Status
Review of MPD’s rate of error in citing “riding abreast” violations	MPD officers should document the basis for riding abreast citations, as well as other bike-related citations, in the accompanying section for officer notes.	Adopted in part. MPD stated that it will continue to encourage officers to take notes on the ticket, but added that because the ticket section for officer notes is relatively small, officers may enter more detailed notes in the notebooks that they are required to keep and maintain for follow-up hearings.
	MPD supervisors should regularly review riding abreast citations to determine whether tickets are being issued improperly, and provide additional training to those offending officers or to the entire police force, as appropriate.	Pending. MPD stated that officers are already required to submit all Notices of Infractions (NOI) to their supervisors for review prior to submission. PCB notes, however, that this practice was not sufficient to avoid inaccurate issuances of citations in the past. As a result, this particular recommendation proposes that additional scrutiny be applied specifically to riding abreast tickets.
Assessment of MPD officer investigative practices in bike-motor vehicle crashes	MPD should include in crash reports narratives that detail the account provided by each party. Reports that provide a synopsis or state, “the investigation revealed . . .” and provide a brief summary should be discouraged.	Adopted in part. MPD states that its officers are instructed to record all witness statements and include them in the report, but did not address whether any efforts have been made to discourage officers from condensing statements into a synopsis or describing the related events in a conclusory manner.
	For those reports where officers have to go to the hospital and take a statement after the end of their shifts, MPD should remind officers that a PD 252 should be completed and sent to the newly-created electronic mailbox.	Pending. MPD states that officers are instructed that reports are to be completed prior to the end of their shift, and pledged to continue to remind officers of this requirement. MPD also reports that it is working on a system to ensure that PD 252s (Supplement to the Incident Based Event Report) are completed as required.

Assessment of MPD officer investigative practices in bike-motor vehicle crashes	For those crashes that are highly disputed and result in major injury to one of the parties, MPD should encourage officers to complete a PD 119.	<p>Not adopted. MPD stated that it will not use the PD 119 (Complainant/Witness Statement) to supplement its investigations into motor vehicle accidents involving bicyclists, reasoning that the PD 252 is already in existence as the supplemental document and that officers use that form to capture additional information that was not included in the original report.</p>
	MPD should create an electronic mailbox for these PD 119s so that they can be easily stored and retrievable by the Department.	
MPD's implementation of PCB recommendations	MPD should provide a report to the District Council Public Safety Committee each year that includes, at a minimum, the following information: a) the number of riding abreast tickets and other bike-related citations issued by MPD officers, including citations given to motorists who park in bike lanes, and the steps taken by the Department to reduce errors in issuing tickets; b) the total number of bike-motor vehicle crash reports completed by MPD officers, the number of bike-motor vehicle crash reports where PD 252s or PD 119s were submitted, and the steps taken by MPD to ensure that officers are submitting supplemental information where warranted; and c) the number of complaints filed with MPD regarding its investigation of bike-motor vehicle crashes and the resolution of those complaints.	<p>Not adopted, alternative measure adopted. MPD did not state that it would provide an annual report to the Council's Committee on the Judiciary and Public Safety, but instead promised to institute an annual audit by its Office of Risk Management to ensure compliance with internal directives regarding PD 252 completion. MPD stated, however, that it would comply with any requests or mandates from the District Council.</p>
	The report should also include as attachments actual copies of any directives, training materials, or other documents created to address the issues noted in a. and b. above.	
	MPD should consult with BAC and WABA in the development of the report's template and the areas to be covered.	

Table 28: Warrantless Entries into Private Homes by MPD Officers

(June 12, 2013)

Recommendation	Status
<p>MPD should develop and distribute a general order on the subject of exigent circumstances. Similar to the policy statements in MPD’s General Orders 702.3, which addresses obtaining and executing search warrants, and 304.19, which deals with seizures of recording devices, the new general order’s policy statement should also state MPD’s commitment to ensuring citizens’ constitutional rights. MPD should also consider using, as a basis, the applicable sections of General Order 304.19 and the relevant policies of the police departments of Minneapolis, Seattle, and most notably, Tucson. As in Tucson, MPD should consider listing categories of exigencies and elements necessary to justify a search under each exception. The new general order should clearly define the conditions under which the member may enter a residence pursuant to exigent circumstances. Likewise, as in Seattle, MPD’s new general order should possibly include a series of questions that officers should ask themselves prior to determining whether an exigency to enter and search exists. Courts consider such questions when assessing the propriety of warrantless searches based on exigent circumstances. The Department should also consider incorporating relevant sections of Special Order 86.01 into its new general order. In this new general order, as in MPD’s General Order 304.19, the Department should also provide a definition of probable cause and explain the procedures for officers to follow when they have probable cause and when exigent circumstances exist. Finally, it is recommended that MPD also familiarize itself with relevant policies and procedures used by law enforcement agencies other than the ones discussed in this report. Being aware of good practices employed by other police departments will allow MPD continually to hone its general order on warrantless searches, ensuring that it stays timely and relevant.</p>	<p>Adopted in part, not adopted in part. MPD reports that it revised General Order 702.3 (Search Warrants) and reissued it on December 23, 2013. The revised order includes a new section on warrantless searches as well as consent searches, and adopts PCB’s proposal to incorporate relevant portions of Special Order 86.01, which was subsequently rescinded. MPD states that it reviewed policies from other jurisdictions and case law and believes that its officers now have the necessary guidance to be able to comply with the law with respect to consent searches and warrantless searches. MPD rejected PCB’s recommendation to have a separate order on exigent circumstances containing clear definitions and questions that officers should ask themselves in order to make better determinations about whether such circumstances exist in a given situation.</p>

<p>MPD should develop and provide better training, both at the academy and in-service, on what constitutes exigent circumstances. In each of the four OPC complaints highlighted in this report, MPD officers believed that their warrantless entries or searches were justified and within the law. As evidenced by the two most recent Supreme Court cases from 2009 and 2011, the law with respect to exigent circumstances under the Fourth Amendment is being refined constantly. MPD would benefit from instructing its officers on this continuous evolution. Proper training on the subject will increase officer performance, limit civil liability for the District, and protect the public from unconstitutional searches. The police academy and in-service trainings should include lectures on the state of the law and incorporate videos and role-play scenarios that seek to replicate situations encountered by MPD officers. Real life scenarios, particularly fact patterns based on the OPC complaints discussed in this report, can be effective in teaching officers to serve the public better. MPD officers can keep further abreast of new developments in this area through email alerts and written handouts distributed at roll calls.</p>	<p>Adopted in part, pending in part. MPD states that its policy for exigent circumstances, as outlined in the revised General Order 702.03, has been included in the 2014 Recruit Officer Training Program Curriculum and will be included in the curriculum for officer continuing education. The Department did not report on whether the training information would be presented in the manner recommended.</p>
<p>MPD should appropriately discipline officers when they conduct warrantless entries or searches in the absence of exigent circumstances. In two of the four OPC complaints discussed in this report, MPD officers received written notices in their files as discipline for improperly entering a home. MPD should attempt to deter recurrences of unconstitutional policing by including along with any such notices a mandatory training component for offending officers, thereby increasing the prospects for full compliance with the Fourth Amendment in the future. In the event that an officer continues to engage in the same type of behavior, MPD should appropriately sanction the member using progressive discipline.</p>	<p>Adopted. MPD states that it will continue to apply its current disciplinary measures to any infractions of the new warrantless search guidelines and committed to providing additional training for officers who commit unlawful warrantless searches.</p>
<p>MPD should require officers to document, in writing, a search or entry into a private residence based on exigent circumstances. As in Seattle, MPD should require officers to document entries made into private dwellings based on exigent circumstances. In addition, similar to the requirements in Minneapolis, such a practice, if adopted, should require officers to articulate the justification for the search or entry of a residence.</p>	<p>Adopted. MPD's reissued General Order 702.03 contains a requirement that members who conduct warrantless searches of dwellings complete a PD Form 251 (Incident-Based Event Report), classify the event as a warrantless search, and document the justification for the search in the narrative.</p>

Table 29: Traffic Enforcement by Off-Duty Officers

(September 27, 2012)

Recommendation	Status
<p>MPD should issue a revised and updated general order that clarifies when off-duty officers should conduct traffic stops. Currently, MPD's policy pertaining to traffic stops, General Order 303.1, must be read in conjunction with another directive to grasp its meaning fully. Additionally, because the language in both directives is somewhat confusing, officers may not completely understand the limitations placed on off-duty officers who conduct traffic stops. The revised policy should be reworded to clearly prohibit off-duty officers from engaging in traffic enforcement, except under narrow, limited circumstances. For example, General Order 303.1 could be revised to state definitively, in a single sentence, that traffic enforcement must be conducted by on-duty uniformed officers in marked Departmental vehicles, and that all other officers may take enforcement action only where the violation is so grave that it poses an immediate threat to others. Like the IACP concepts and issues paper, the revised policy should also give examples of the kinds of situations that warrant, and do not warrant, enforcement action by off-duty officers. In addition, tables similar to the ones included on page 3 of this report may help officers better conceptualize their obligations under the policy.</p>	<p>Pending. MPD reports that it agrees that General Order 303.1 (Traffic Enforcement) could be clarified. As a result, revisions concerning off-duty traffic stops are currently under internal review by the Department.</p>
<p>MPD should revise General Order 301.04 to state that uniformed off-duty officers operating take-home cruisers are allowed (as opposed to required) to engage in traffic enforcement. The directive should also stress that traffic enforcement action by non-uniformed officers operating take-home cruisers, whether on duty or not, should occur only under conditions set forth in revised general order 303.1. These revisions will make the two directives consistent with one another.</p>	<p>Pending. MPD reported on January 11, 2013, that it had revised General Order 301.04 (Motor Vehicle Take Home Program) and that the revisions were pending final approval. The Department now states that these revisions will be finalized once edits to General Order 303.01 are finalized to ensure consistency between the two orders.</p>
<p>MPD should consider creating in a new policy, or including in an existing protocol, general standards of conduct for off-duty officers. The standards should stress that off-duty officers who are personally involved in the matter should not engage in enforcement, except under very limited circumstances. The policy should also provide examples of appropriate and inappropriate off-duty conduct.</p>	<p>Pending. MPD reports that its current General Orders 201.26 Duties, Responsibilities and Conduct of Members of the Department) and 201.36 (Metropolitan Police Department Sworn Law Enforcement Code of Ethics) provide instruction for off-duty conduct, but that the Department is currently reviewing those policies to identify any areas where additional guidance may be beneficial. The Department notes that it has been conducting initiatives aimed at curbing inappropriate off-duty conduct such as domestic violence and impaired driving.</p>

MPD should institute record-keeping requirements for off-duty officers initiating contacts. Adding such requirements will add a level of scrutiny and accountability to contacts initiated by off-duty officers, and may possibly deter those officers from making inappropriate contacts.	Pending. MPD states that it will create specific guidance that off-duty police action must be reported when it occurs.
MPD should provide training on the Departmental policies and reporting requirements that are created to address these issues.	Pending. MPD reports that it will determine what additional training is necessary if and when it adopts new policies.

Table 30: Improving the Safety of Bicyclists and Enhancing Their Interactions with Metropolitan Police Department Officers

(September 29, 2011)

Recommendation	Status
Revise MPD General Order 401.03, which covers crash reporting procedures. The MPD general order requiring officers to finish crash reports by the end of their shifts is unfair to both officers and bicyclists. MPD should revise its directive to allow officers to leave crash reports as pending until all necessary statements are obtained. MPD should also require that officers explain in the final report any missing statements from those involved in the crash, similar to the policy in Minneapolis.	Adopted in part, not adopted in part. MPD revised General Order 401.03 (Traffic Crash Reports) in June 2012. Although the Department rejected PCB's recommendation that crash reports remain pending, the new order clarifies that all parties must be interviewed and requires that officers fill out PD 252s (Supplement to the Incident Based Event Report) to include statements obtained later. MPD also reports that it developed a training module that includes video scenarios that reinforce already issued policies concerning the handling of certain types of bicycle crashes.
Include a bicycle-specific field on the PD Form 10. MPD should add a category for bicyclists in its "Type of Crash" field, and add a "riding into the road" category in its "Primary Contributing Circumstance" field. The ability to select specific actions and possible risk factors makes reporting collisions more efficient and ensures accurate data are captured in a manner that allows officer discretion only in the initial recording of the data rather than allowing for an additional interpretive step when the statistics-collecting body tries to deduce these actions or factors from an officer's narrative in a report form. The resulting, more detailed statistical report of crash data will allow targeted action to be taken to address the problems identified therein.	Pending. MPD asserted in January 2013 that the form should remain as is, pointing out that the current fields can be searched for bicycles, allowing for adequate research and analysis, and that these fields already allow for the inclusion of information that fits bicycle crashes. In rejecting this proposal, MPD acknowledged the need for greater emphasis on better narratives prepared by officers, interviewing all involved parties, and proper charging of bicycle-related offenses. DDOT, however, currently reports that it agrees that the PD-10 needs to be modified and that it is "soon to be engaged" in updating the form, but states that even more fields than recommended should be added to account for different types of bicycle crashes.

<p>Continue training MPD officers on bicycle safety. MPD has commendably launched efforts to establish better understanding of cyclist behavior and concerns through its bicycle and pedestrian safety class. However, some vital subjects are missing from the curriculum, such as the proper use of bike lanes. Moreover, officers who take the bicycle and pedestrian safety course are not rigorously tested on the regulations that they review in the class. MPD should allow for outside bicyclist advocates, such as members of WABA, to contribute to the class by reviewing and providing input on the curriculum and providing additional training where needed. Also, the District should provide funding for the printing of more WABA books so that MPD officers may quickly and easily look up particular bicycle laws while in the field. At a minimum, DDOT, which has the source material for the WABA book on its website, should make sure to provide this information to MPD electronically, so that MPD could disseminate the information to all officers responsible for enforcement of the bicyclist and traffic laws.</p>	<p>Adopted. MPD reported in January 2013 that it increased roll call training, completed a training module in 2011, and has nearly completed a new module with video- based scenarios, as suggested by the BAC Safety Committee after it reviewed the 2011 module. MPD also stated, and continues to state in its most recent update, that more Washington Area Bicyclist Association (WABA) books have been printed and distributed, and that a copy has been posted on MPD’s intranet.</p> <p>MPD added this year that the Recruit Officer Training Program has, since December 2011, included training on bicycle and pedestrian safety, laws, and common enforcement errors.</p> <p>DDOT reports it has provided both electronic and hard copy versions of the WABA book to MPD as recommended. DDOT also reported in January 2013 that it contributed to the training of MPD officers through the computer-based interactive module and that it was working with WABA to develop a software application with similar and additional information for officers and cyclists.</p>
<p>MPD’s involvement in the Bicycle Advisory Council (BAC) should increase and BAC should be strengthened. While a District government-led task force, BAC, already exists, MPD’s involvement has not been consistent and the group has not recently issued any recommendations regarding MPD enforcement of bicycle regulations. Therefore, MPD and the city’s bicyclist community could both benefit from an increased MPD presence in BAC, similar to the way the bicycle task force operates in Los Angeles. Because there are perceptions that some officers are pro-motorist and that a certain percentage of bicyclists openly flout the traffic laws, bringing together MPD and various representatives of the District’s biking community more often would promote greater understanding of relevant concerns and allow BAC to directly address them. MPD and bicyclist advocacy groups could also use this forum to make targeted recommendations to MPD, DDOT, and WABA that would educate police officers and cyclists and promote awareness and understanding between the two groups, similar to how the bicycle task force functions in Los Angeles. Since BAC has already been given the authority to provide advice to the District on matters pertaining to bicycling issues, the task force should exercise that power when faced with concerns from the cycling community, such as those discussed at the February 2011 hearing. Finally, to increase its visibility and encourage more public participation, BAC should publish a full list of committee members, post its meeting minutes on its website, and establish a listserv that generates messages notifying interested parties of upcoming meetings and other important developments.</p>	<p>Adopted. MPD reports having a sergeant regularly attend BAC meetings for the past two years and being available to provide assistance and actively participating in BAC-hosted online discussions. The Department describes its participation with BAC as “solid,” adding that it has been working to support the chairperson of BAC as well as WABA. MPD notes that the sergeant also provides similar support to the Pedestrian Advisory Committee (PAC). The Department states that it has used bike-mounted officers to engage the bicycling public in an effort to conduct better outreach. In addition, based on data from DDOT, BAC, and PAC, MPD performs periodic “educational enforcements” where it will devote two weeks to target an area in which additional traffic enforcement is needed and conduct a phased approach that includes educating, then warning, and finally issuing tickets to motorists, cyclists, and pedestrians who violate traffic laws.</p> <p>DDOT expressed its support for this recommendation, and had reported in January 2013 that MPD increased its involvement with BAC. BAC confirmed in January 2013 that MPD was at that time the most engaged it had been in the previous 20 years. BAC also stated then that it had published its membership list on its website, http://dcbac.blogspot.com/p/about-bac.html, and that notice and minutes of BAC’s meetings are emailed to the BAC listserv. While BAC did not provide an updated response for this report, PCB notes that BAC has continued an extensive online presence, posting a variety of information about its activities on its blog.</p>

Table 31: MPD Investigation and Reporting of Minor Traffic Accidents

(August 16, 2011)

Recommendation	Status
<p>MPD should retrain officers on General Order 401.03 so that officers are familiar with its requirements. The training should reinforce the general order's requirements, namely, that officers must notify motorists involved in a minor traffic accident that a Traffic Crash Report is not required, disseminate the PD Form 10-Cs, conduct WALES checks for the motorists, and ensure that accurate information is exchanged for those traffic accidents where the damage is less than \$250. It is important that officers understand that their responsibilities regarding minor traffic accidents are <i>not discretionary</i>. Because officers have not consistently followed the general order's provisions, drivers involved in minor traffic accidents are left empty-handed and puzzled. PCB understands that the PD Form 10-C is currently being revised. However, until the form is issued, officers should distribute the current form so that drivers have a written record of the accident.</p>	<p>Adopted in part. While MPD responded only to explain that DDOT issued the PD Form 10-C, and did not address this specific recommendation as it relates to training, PCB notes that the Department used its internal daily publication to notify officers of the new order, specifically including mention of the required distribution of the PD Form 10-C.</p>
<p>MPD should revise General Order 401.03 to require MPD officers to ensure the exchange of accurate information for all traffic accidents. Under current MPD policy, officers must ensure that drivers exchange information only if the damage is less than \$250. This leaves a loophole whereby motorists who have property damage of \$250 or above, but do not otherwise meet the requirements needed for a Traffic Crash Report, have no way of ensuring that they are receiving proper information from the other motorist, thus making it challenging for them to file an insurance claim if they have received inaccurate information. In addition, it may be difficult for officers to accurately and consistently approximate vehicle or property damage. This may result in officers prematurely leaving the scene before ensuring that proper information is exchanged. Accordingly, MPD should revise its directive to close this loophole.</p>	<p>Adopted. In accordance with the recommendation, MPD made changes to General Order 401.03 in June 2012 that require information from all involved parties to be exchanged, regardless of estimated damage or cost, ensuring that motorists involved in an accident have the other party's information, thus eliminating the need for officers to estimate the value of the property damage.</p>

<p>MPD and DDOT should consider creating a webpage outlining MPD and DDOT's policies regarding the completion of traffic reports. Widespread public knowledge and understanding among the driving public will foster greater compliance and make more certain that DDOT is receiving the critical information that it is currently lacking. PCB recommends that the two agencies use all available channels to raise awareness of MPD's and DDOT's policies regarding the completion of traffic reports. The two agencies should consider creating a webpage outlining their policies and possibly include a "Frequently Asked Questions" segment on the webpage. This webpage should be accessible from both the MPD and DDOT websites. Printed copies of the webpage should also be made available in police stations and DMV service centers. If the creation of such a webpage proves to be too costly, as an alternative measure, the two agencies could also place information pertaining to accident reporting on existing agency webpages.</p>	<p>Not adopted. While both agencies report posting the PD Form 10-C on their respective sites, MPD did not describe any other efforts to "use all available channels" to make the public aware of its policies as recommended. DDOT stated that it has not created a website or added any information to the site regarding the completion of traffic reports. Nonetheless, PCB notes that DDOT's website has at least a basic description of the circumstances in which the form should be used. PCB notes that MPD's General Order 401.03 is on the MPD website, although it is not easy to locate.</p>
<p>MPD and DDOT should issue the revised PD Form 10-C and make it accessible to motorists involved in traffic accidents. Again, PCB commends MPD and DDOT for its efforts in revising the PD Form 10-C to make it much more useful to motorists and the District. To date, however, the revised PD Form 10-C has not been issued. Because the revised form would be helpful to DDOT in assessing traffic crashes and collisions in the District and would allow for motorists to provide more detailed information to insurance companies, PCB urges the two agencies to complete any changes and issue the form promptly, posting the form online on MPD's and DDOT's websites and making printed copies of the form available in police departments, DMV service centers, and car rental agencies.</p>	<p>Adopted. MPD issued PD Form 10-C (Motor Vehicle Crash Report for Property Damage Only) in June 2012. The form was circulated internally when released and printed copies of the form were distributed to the police districts. Officers were given an internet address to provide to motorists so that the public could obtain and complete the form. MPD posted the form on its website in August 2012. DDOT also has posted the form on its website.</p> <p>PCB notes that the form on both sites is a fillable PDF, allowing users to complete it by typing before printing and submitting it. This should facilitate easier completion and analysis by DDOT.</p>

Table 32: Increasing Public Awareness of District of Columbia Laws Governing Mopeds and Motor Scooters

(August 13, 2010)

On December 18, 2012, the District Council passed the “Motorized Bicycle Amendment Act of 2012.” This legislation, among other things, repealed the definition of “moped,” added a class of vehicles called “motor driven cycles,” and changed requirements for registration, inspections, insuring, and licensing of these various kinds of vehicles. While the law was changed substantially, the recommendations in PCB’s report are still valid, as they pertain to the need for DMV and MPD to work together to ensure that the public receive clear guidance on the differences between, and the requirements for, the different kinds of vehicles. Therefore, PCB continued to seek updates from those two District agencies on the implementation status of its recommendations.

Recommendation	Status
The District, through DMV and with input from MPD, other interested District agencies, and community stakeholders, should consider developing an informational brochure that, as simply as possible, explains the differences between, and requirements for, motorcycles and motorized bicycles. The brochure should highlight and emphasize that motor scooters capable of speeds higher than thirty five miles per hour are considered motorcycles under District law, regardless of the vehicle’s appearance or its designation by the manufacturer as a “moped” or “motor scooter.” The brochure should also make clear that those mopeds and motor scooters classified as motorized bicycles under D.C. law are still subject to registration, insurance, and inspection requirements.	Adopted in part, pending in part. DMV reports that DMV does not have the capacity to produce brochures, but that it has published educational materials entitled “Synopsis of Non-Traditional Motor Vehicles, Other Vehicles and DC Law” (“Synopsis”) This document, which can be found on DMV’s website, sets forth the definitions of motorcycle, motor-driven cycle, motorized bicycle, all-terrain vehicles, and dirt bikes. Among other things, it also reflects the requirements for inspection, licensing, insurance, registration, and parking, if any, for these types of vehicles.
DMV should make copies of the brochure available for general distribution at each of its service locations and should supply the brochure to anyone who seeks to register a moped or motor scooter in the District.	Pending. DMV stated it would make the recommended brochure available in DMV service centers once the production capacity has been restored.

DMV should offer copies of the brochure to motor scooter, moped, and motorcycle dealerships in the Washington, D.C., metropolitan area and encourage distribution to customers to ensure that prospective motor scooter and moped operators are made aware at the outset of D.C. legal requirements governing these vehicles.	Adopted in part, pending in part. DMV reported that once the brochure is created, it would refer area dealerships to its website. DMV added that it linked the “Synopsis” to the section of the agency’s website that contains information for dealers.
DMV should prominently display the brochure on its website, such as through inclusion of a link to it in the “Did You Know” sidebar on its home page.	Adopted in part, pending in part. As above, the brochure has not been produced. DMV reports, however, that the “Synopsis” is easily accessible on its website.
MPD should have copies of the brochure available for distribution at each of its district stations and should consider having officers carry a limited number in their police cruisers for distribution to persons ticketed or warned for failing to comply with the relevant laws.	Adopted in part, pending in part. MPD reports that the spring 2009 poster was distributed to recreational centers and posted at police district facilities. MPD further reports that the spring 2009 flyer is available at police districts and has been distributed to police officers.
MPD should include a link to the new brochure on the existing MPD traffic safety page that currently provides information about mopeds, motor scooters, and other non-traditional motor vehicles.	Adopted in part, pending in part. Although a new brochure has not been produced, MPD currently has the updated “Synopsis” available on its Traffic Safety webpage.
DMV should consider developing a public service announcement explaining the requirements for lawful and safe operation of mopeds and motor scooters in D.C. for possible airing on the District’s cable television channel or other appropriate media.	Not adopted. DMV reports that it does not currently have the capacity to produce public service announcements.

Table 33: Monitoring Citizen Complaints That Involve Police Response to Reports of Hate Crime

(September 30, 2009)

In addition to MPD's efforts described in the table below, the Department also deserves praise for steps it has taken that go beyond the specific recommendations contained in PCB's report. On December 1, 2011, MPD issued Special Order 11-22, available for viewing at https://go.mpdonline.com/index_SO.html. This order provides specific procedures for officers who receive reports of hate or bias-related crimes. The order makes clear that the "policy of the Metropolitan Police Department (MPD) is to use the full-range of [its] law enforcement authority to investigate and attempt to resolve bias-related/hate crimes to protect all members of the community from bias-related/hate crimes, and to ensure that individuals who believe they have been a victim of a bias-related/hate crime are comfortable reporting the incident to police and confident that it will be investigated thoroughly." In addition to issuing the order, MPD officers were detailed to the Department's Special Liaison Branch (SLB), where they received specialized training relating to hate crimes, and then returned to their patrols in the field with ongoing access to SLB resources and guidance. MPD has also repeatedly used its internal daily newsletter to remind officers of the protocols for taking reports of hate crimes.

Recommendation	Status
MPD should collaborate with OPC to establish a system to monitor complaints filed with both agencies that allege inadequate police response to a report of hate crime. MPD should identify relevant complaints even where the complainants may fail to use terms such as "hate crime" or "bias crime."	Adopted in part, not adopted in part. PCB shared its data with MPD but did not receive a response from the Department. MPD, however, reports conducting internal monthly meetings to review all bias-related and hate crimes that occurred in the past month as well as all ongoing hate and bias-related criminal investigations.
MPD should invite other District agencies, such as OPS (formerly DCHAPD) and OHR, to participate in the information-sharing and monitoring process. In the event patterns or trends are identified that suggest the need for corrective action, such information should be noted and brought to the attention of MPD and PCB. Further, to the extent information about these complaints appears appropriate for inclusion in the Mayor's statutorily mandated report of bias-related crime issues, such information should be transmitted to the appropriate officials.	Adopted. In addition to extensive efforts described in previous PCB annual reports, MPD now adds that it works with the U.S. Attorney's Office hate crimes representative to share information on cases, including those that may subsequently be deemed a hate crime. The Department also works with college and university security personnel and other law enforcement agencies in the District to foster accurate reporting and investigation of bias/hate-related crimes or incidents.
MPD should utilize the existing framework of the Fair and Inclusive Policing Task Force and the D.C. Bias Crimes Task Force to address community concerns about police responsiveness to hate crime and work with its task force partners to ensure that all constituencies covered by the D.C. Bias-Related Crimes Act receive education and outreach, particularly groups for whom hate crimes data suggest underreporting.	Adopted. MPD indicates that it participates in monthly meetings of the D.C. Bias Crimes Task Force and reconvened the Fair and Inclusive Task Force, which met in March 2012.

Table 34: Taxicab Drivers and MPD Enforcement of the District’s Taxicab Regulations
(September 8, 2009)

Recommendation	Status
DCTC should review for accuracy and clarity rules and regulations governing taxicab drivers, particularly those that address issues raised in this report, and make such revisions as are necessary to promote understanding and compliance.	Pending. DCTC reports that its current efforts to modernize the taxicab industry include a reconsideration of existing rules and regulations, with section-by-section amendments as appropriate both for clarity and to reflect changes being made in the program, such as requirements for credit card processing, uniform taxicab design, and a uniform dome light.
DCTC should consider making available translations of important rules and regulations in the non-English languages most commonly spoken by taxicab drivers.	Not adopted. DCTC states that all taxicab drivers are required to speak, read, and write English as a condition of obtaining a license.
DCTC and UDC should assess the current UDC taxicab pre-license training course and work together to incorporate relevant provisions of Title 31 of the D.C. Municipal Regulations into the course content. Efforts should also be made to include a significant number of questions from Title 31 in the UDC simulated final examination.	Adopted in part, pending in part. DCTC states that the “Taxicab Service Improvement Amendment Act of 2012” (“Improvement Act”) removes UDC from its training responsibilities and vests authority for these educational services with the Commission. DCTC adds that the new curriculum, approved in July 2013, is required by the Improvement Act to cover the laws and regulations governing the taxicab industry and the penalties for violating them. DCTC did not specifically describe how that training addresses the Title 31 requirements or how they are included on the examination.
DCTC should require taxicab drivers to attend annual refresher training that centers on Title 31 of the taxicab regulations and applicable District law.	Adopted in part. DCTC regulations currently require refresher training for operators when offered by the Commission.
DCTC and UDC should recruit interested MPD officers and DCTC hack inspectors to serve as instructors or guest presenters.	Adopted in part. DCTC reports that public vehicle inspection officers (PVEIs, formerly known as hack inspectors) instruct the new driver applicants regularly but that MPD is not involved in the curriculum.
MPD and DCTC should establish regular joint training sessions for hack inspectors and MPD officers.	Pending. DCTC states that it currently responds to requests from law enforcement agencies to provide training, and that PVEIs provide on-site training concerning their duties and responsibilities as public vehicle inspectors. Information is provided to these agencies through informal methods, such as emailing updates to key personnel for distribution to the force and regulation “cheat sheets” with current regulation changes that may most affect enforcement.

Recommendation	Status
MPD should review and update its current training materials and general orders, offer annual in-service training on taxicab enforcement to all MPD officers, and continue to provide roll-call training to inform officers of important changes in taxicab rules and regulations.	Adopted. DCTC reports that it provides information to key personnel at MPD for distribution to the police force. DCTC has established a task force with MPD and other law enforcement agencies to create a unified approach to taxicab enforcement. MPD and DCTC PVEI's have worked on a 6-week long enforcement initiative. DCTC plans to move forward with training at MPD roll calls.
Both MPD and DCTC should review taxicab citations issued by their respective agencies and seek to identify any problematic patterns or trends. To address concerns about discriminatory enforcement, MPD and DCTC should develop a system to review individual citations, in order to spot outliers, <i>i.e.</i> officers or inspectors whose citation issue rates are higher than average. This can be accomplished by noting which infraction specified in D.C. Mun. Regs. tit. 31 § 825 was incurred, which officer or inspector issued the citation, and any identifying information about the taxicab driver available from the citation. MPD and DCTC could coordinate to connect driver's license and vehicle ID numbers to specific individuals.	Adopted in part, pending in part. DCTC receives a monthly ticket report that reveals the number of tickets issued by violation type, and states that targeted enforcement plans can be created. DCTC has used this capacity to work with MPD to target certain violations in the areas of the city where it was determined those violations would most likely occur. PCB hopes that this new capacity for ticket review will allow DCTC to conduct the kind of review recommended in PCB's report.

Table 35: Public Drinking Arrests by MPD Officers on Residential Property
(August 17, 2009)

Recommendation	Status
MPD should develop a new POCA general order and corresponding recruit and in-service POCA training. Although the general order and training should cover all aspects of POCA enforcement, special emphasis should be placed on how properly to enforce POCA in the residential context, since this is the area of greatest confusion and the one that presents the greatest potential for civil rights violations, given the primacy of the right of citizens to be free of government intrusion in and around their homes. At a minimum, the new directive and the attendant training should ensure that MPD officers know: a) Not all residential yard space in the District of Columbia is public property; therefore, not all District yards are subject to POCA; b) Most backyards are not subject to POCA, even in neighborhoods where "parking" abuts front yards; c) The front yards of many residential properties adjoined by "parking" consist both of "parking" and privately owned land, and arrests for POCA are not sanctioned on the part of a yard that is not "parking;" and d) If it is unclear whether residential yard space is "parking," POCA arrests should not be made.	Adopted in part. In PCB's 2009 annual report, MPD stated that it had updated recruit training and included in roll-call training guidance on POCA enforcement. The Department noted, however, that general orders are designed to address MPD procedures and policies, and that unless a law involves new MPD policies or procedures, the Department will not issue a general order, but instead address the matter during training. MPD now reports that it has no further update.

Table 36: MPD Provision of Police Service to Persons with Limited English Proficiency (LEP)

(July 16, 2009)

Recommendation	Status
<p>MPD should develop a written policy statement that unequivocally affirms the agency's commitment to providing language assistance to LEP individuals in order to ensure that persons with LEP have meaningful access to MPD's services. The policy statement, in addition to voicing support for equalizing the treatment of LEP individuals, should emphasize the legally binding, nondiscretionary nature of this duty. The policy statement should then be included in MPD's language access plan, in any new or revised language access directives, and in all language access-related training materials.</p>	<p>Adopted. MPD published General Order 304.18 (Language Access Program) on September 15, 2010, which incorporates both PCB's and DOJ's recommendations and a policy statement. MPD then provided related training to its officers on the new general order and its requirements. In addition, MPD has implemented a training curriculum through its online training system. The Department provided the following courses, which were each completed by an average of over 2400 employees: Language Line Services Training, Language Access Act Training, and Diversity in the Workplace. MPD has a Language Proficiency Certification program with Language Line to certify members, and contracts for the translation and interpretation of vital documents as well as sign language services. MPD reports also capturing information on which languages it serves for citizens filing police reports and providing more detailed information in quarterly reports.</p>
<p>Include in MPD's forthcoming language access general order clear, specific guidance for officers regarding: 1) how to recognize the need for LEP assistance 2) the mandatory legal obligation to provide such assistance, and 3) step-by-step instruction on how, <i>particularly during field encounters with LEP individuals</i>, to employ the various language assistance services currently available. A binding directive that that brings together all of the relevant information would clarify for officers how to handle field stops and routine encounters with LEP individuals. The new general order should:</p> <ul style="list-style-type: none"> - define "LEP;" - explain that LEP individuals may be able to communicate on a basic level but warn that it is easy to overestimate an LEP person's English comprehension skills; - require officers to provide language assistance to anyone who meets the objective criteria of having difficulty communicating and/or understanding and to anyone who specifically requests language assistance; - discourage officers from relying on family members, friends, or bystanders except in exigent circumstances; and - instruct officers to err on the side of providing language assistance when in doubt. 	
<p>With respect to which services to provide, the general order should outline the services and techniques available to be used, such as MPD-certified interpreters and interviewers, the Language Line, qualified outside interpreters, and translated documents. The step-by-step instruction contained in the teletypes and "Dispatch" articles should be included. This directive also should inform officers of any preferable order in which the services should be accessed and spell out when the provision of particular services is mandatory.</p>	

Recommendation	Status
<p>Enhance LEP training by including in MPD’s cultural competency and diversity training a segment that provides step-by-step review of how to identify and provide language assistance to LEP individuals, particularly during field encounters. Additionally, refine MPD’s mandatory online LEP training course to more clearly distinguish between officers’ mandatory legal obligation to provide language assistance to LEP individuals and voluntary customer service standards. In addition, include a section in its cultural competency training on assisting persons with LEP. Finally, the mandatory MPD online LEP training course should be modified to make clearer the legal obligation under Title VI and the Language Access Act to provide language assistance to the LEP community so that officers will understand that it is mandatory, not discretionary, to offer language assistance where it is needed.</p>	
<p>Adopt and incorporate the recommendations made by DOJ in its compliance review and those made by OHR in its 2008 ruling in <i>OHR v. MPD</i> (08-264-LA).</p>	
<p>Consider and utilize the federal, state, and municipal resources identified in the Best Practices section of this report to update and revise MPD’s LEP plan, directives, and training. For example, review the DOJ planning tool and the LEP departmental directives that have been adopted in Philadelphia, San Francisco, and New Jersey, as these serve as clear, relevant examples of how to incorporate and implement many of the improvements recommended by DOJ and OHR.</p>	<p>Adopted. Although MPD has not reported on whether it considered or used the resources identified in the “Best Practices” section of PCB’s report and recommendation, MPD states that its review of such practices is ongoing and considers best practices in developing both Departmental policy and training of its officers.</p>

**Table 37: Monitoring Citizen Complaints that Are Investigated by the Metropolitan Police Department
and the D.C. Housing Authority Police Department**

(September 30, 2008)

Recommendation	Status
<p>The agency's current authority should be expanded to include monitoring the number, types, and dispositions of citizen complaints investigated or otherwise resolved by MPD and DCHAPD. This monitoring responsibility should also include allowing the agency to review and report on the proposed discipline as well as the amount of actual discipline handed down by the two police departments. Further, OPC should be provided with complete and unfettered access to MPD and DCHAPD materials, including information pertaining to discipline, to carry out the monitoring function. In addition, OPC should be permitted the same full access to information and supporting documentation from MPD and DCHAPD concerning disciplinary actions taken by the two departments following the receipt of OPC complaint examiner decisions that sustain citizen complaints. This access should be extended to allow OPC to obtain all materials from MPD and DCHAPD concerning any disciplinary actions taken or that these two police departments decline to take in response to "failure to cooperate" notifications received from OPC.</p>	<p>Pending. A bill entitled the "Police Monitoring Enhancement Amendment Act of 2009" (B18-0120) was originally introduced before the D.C. Council's Committee on Public Safety and the Judiciary on February 3, 2009, and included many of the recommendations. MPD opposed the legislation, especially the portions relating to access to underlying documents. The legislation (B20-0063) was reintroduced on January 8, 2013, now with three sponsors and three co-sponsors, and is pending before the Committee.</p>

Table 38: Improving Police-Community Relations Through Diversion of Some Citizen Complaints to a Rapid Response Program

(September 24, 2008)

Recommendation	Status
<p>The District Council should enact legislation to give OPC the authority to resolve some less serious complaints through a new Community Policing Rapid Response program. The program would be designed to resolve complaints more quickly by putting complainants in direct contact with first-line supervisors of subject officers to whom they could voice concerns, while also allowing supervisors to speak directly with complainants about largely service-oriented concerns or explain police department policies.</p>	<p>Not Adopted. There has not been any legislation introduced by the District Council to enact this recommendation.</p>