

**Government of the District of Columbia  
Police Complaints Board  
Office of Police Complaints**



**2021 Report on Use of Force by the  
Washington, D.C.  
Metropolitan Police Department**

**June 13, 2022**

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## KEY FINDINGS SUMMARY

- MPD officers reported discharging their firearms at twenty people and one dog in 2021; five people were fatally injured in these incidents
- UFRB reviewed five neck restraint cases in 2021, which took place in 2019, 2020, and 2021 respectively
- Reported use of force incidents decreased by 5% from 2020 to 2021; the number of uses of force decreased by 6% from 2020 to 2021
- The number of officers who reported using force decreased by 5% in 2021; roughly 29% of MPD officers reported using force in 2021
- 56 Officers reported using force five times or more in 2021; 10 officers reported using force 10 times or more
- Subjects reportedly assaulted officers in 30% of reported use of force incidents in 2021
- 24% of uses of force involved subjects who were reportedly armed with some type of weapon in 2021, 17% of uses of force involved subjects who were reportedly armed with a firearm
- Subjects in 30% of incidents were reportedly under the influence of alcohol or drugs or reportedly exhibited signs of mental illness
- The Fifth, Sixth, and Seventh Districts reported the most uses of force in 2021, each accounting for 17% to 25% of uses of force
- The five Police Service Areas with the most reported uses of force were in the Third, Fifth, Sixth, and Seventh Districts
- OPC made eight recommendations in its 2017 Use of Force Report, three recommendations in 2018, and two recommendations in 2020. As of May 2022, MPD has fully implemented eight of OPC's recommendations, partially implemented four, and not implemented two.

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## MESSAGE FROM THE EXECUTIVE DIRECTOR

The mission of the Office of Police Complaints and its volunteer community board, the Police Complaints Board, is to improve community trust in the District's police through effective civilian oversight of law enforcement. As a government agency that functions completely independently of the Metropolitan Police Department, we strive to help the community and its police department to work together to improve public safety and trust in the police.

This report serves our mission by helping our community and police department understand the circumstances in which force is used by the police in the District of Columbia. At the conclusion of this report we offer recommendations that will further enhance community trust and improve future editions of this report. Several key findings from this report are:

- Officers discharged their firearms at twenty human subjects in 2021 which resulted in five fatalities
- The total number of reported use of force incidents decreased by 5% over the previous year
- Subjects were reportedly armed with some type of weapon in 24% of reported uses of force, with 17% involving a subject armed with a firearm
- Officer use of force was reported most in the Fifth, Sixth, and Seventh Districts, which together accounted for 61% of all reported use of force incidents
- 92% of all reported use of force subjects were Black community members
- 43% of all use of force incidents occurred in census tracts that are 81-100% Black
- Takedowns and control holds were the most common types of force used in 2021, accounting for 63% of all uses of force

We hope you find this report informative. We believe that making this information readily available to our community will contribute to increasing public trust in the Metropolitan Police Department, and we welcome your comments and suggestions.

Sincerely,

*Michael G. Tobin*

Michael G. Tobin

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# INTRODUCTION

## Report Overview

This document is the fifth annual report on Washington D.C.'s Metropolitan Police Department (MPD) use of force, produced by the D.C. Office of Police Complaints (OPC). On June 30, 2016, the Neighborhood Engagement Achieves Results Act of 2015 (NEAR Act),<sup>1</sup> a comprehensive public safety bill, became law in the District. One requirement of the NEAR Act was that OPC produce an annual report on MPD's use of force in the District.

Police use of force remains a major topic of discussion and concern throughout the country. Police officers are empowered to use force to maintain the peace, but with that empowerment comes high standards and responsibility. This report details the standards and policies regarding MPD officer use of force, including the types of force used, the procedures for determining the appropriate amount of force for a given situation, as well as the oversight and review of use of force incidents. It also highlights the practices of MPD officers in the District – how often force is used, what type of force is used, and whom it is used against.

OPC's inaugural FY17 Use of Force Report<sup>2</sup> was the first comprehensive use of force report produced in the District since at least 2007, and it was the first of its kind produced by an agency independent of MPD. The 2018 Use of Force Report changed the reporting period from a fiscal year to a calendar year and was a continuation and extension of the inaugural report. The 2018 report also updated the statistics presented in the inaugural report and contained new data and information. Among the new statistics presented in the 2018<sup>3</sup> report were; the

number of uses of force per officer; whether subjects were reportedly under the influence; whether subjects reportedly exhibited signs of mental illness;<sup>4</sup> whether the subjects reportedly assaulted officers during the use of force incident; and a comparison of the average age of officers by police district. For more information regarding the changes in the Use of Force data collection and reporting please visit <https://policecomplaints.dc.gov/page/use-force-reports> to see OPC's previous Use of Force Reports. This 2021 report maintains the calendar year reporting period from 2020, 2019, and 2018.

## Metropolitan Police Department

MPD is the primary police force in the District of Columbia. D.C. is also home to many other law enforcement agencies – including the U.S. Capitol Police, U.S. Park Police, U.S. Secret Service, the Metro Transit Police Department, and others. However, MPD has the general responsibility of enforcing the law in the nation's capital except where those other law enforcement agencies have primary jurisdiction. MPD also maintains cooperation agreements with these other agencies allowing MPD to assist in law enforcement actions where the federal agencies have primary jurisdiction.

MPD maintains a police force of approximately 3,637 sworn officers, along with a non-sworn support staff of approximately 528 personnel.<sup>5</sup> MPD is therefore the tenth-largest metropolitan police force in the United States in terms of the number of officers.<sup>6</sup> MPD's service area is divided into seven police districts, along with various special divisions including a Special Operations Division, a Narcotics and Special Investigations Division, and a Crime Investigations Division.

1: "Neighborhood Engagement Achieves Results Act of 2015." Available [here](#)

2: "Report on Use of Force by the Washington, D.C. Metropolitan Police Department Fiscal Year 2017." D.C. Office of Police Complaints; 23 January 2018. Available [here](#)

3: "Report on Use of Force by the Washington, D.C. Metropolitan Police Department Calendar Year 2018." D.C. Office of Police Complaints; 3 March 2019." Available [here](#)

4: For the purposes of this report, subjects were categorized as exhibiting signs of mental illness if the responding officer(s) explicitly reported suspecting the subject(s) of being mentally ill; if the officer(s) mentioned completing a Form FD-12 (Application for Emergency Hospitalization) for the subject; or if the officer(s) described the subject as being suicidal. For more information on Forms FD-12 and MPD policies regarding subjects suspected of being mentally ill, see GO-OPS-308.04, "Interacting with Mental Health Consumers," available [here](#)

5: Numbers of 2021 MPD sworn officers and non-sworn support staff are based on the December 2021 reports OPC received from MPD

6: Information gathered [here](#)

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MPD officers received 547,282 calls for service in 2021, resulting in 28,413 reported crimes in 2021 in the District, with MPD officers conducting 16,931 arrests in 2021.<sup>7</sup>

## Office of Police Complaints

OPC is an independent D.C. government oversight agency whose mission is to increase community trust in the police forces of the District of Columbia. All OPC personnel are D.C. government employees, and the agency functions entirely separately and independently from MPD.

The primary function of OPC is to receive, investigate, and resolve police misconduct complaints filed by the public against sworn officers of MPD and the D.C. Housing Authority Police Department (DCHAPD). OPC has jurisdiction over complaints alleging seven types of police officer misconduct: harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, failure to identify, and most recently, failure to intervene.

OPC also reviews police policies, procedures, and practices to assist in ensuring the District police forces are using the best practices available, with a special emphasis on constitutional policing methods. These policy reviews often result in formal and informal recommendations for improvement. The policy recommendations may involve issues of training, procedures, supervision, or general police operations. OPC's mission also includes helping bridge the gap in understanding that often exists between community members and our police forces. OPC's mediation program helps facilitate conversations to eliminate misunderstandings between complainants and officers, while its community outreach programs include activities focused on both the public and police officers to improve mutual understanding and awareness throughout the District of Columbia.

With respect to the Use of Force Report, the OPC's goal is to enhance the transparency regarding MPD's use of force. Another goal of this report is to strengthen the public trust in MPD. Further, the Use of Force Report can aid in MPD's accuracy with respect to reporting uses of force, thereby enhancing the validity of the data.

7: The data is based on the 2021 MPD annual report: "Metropolitan Police Department Annual Report 2021", Metropolitan Police Department, 4 April 2022, available [here](#)



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## Police Complaints Board

OPC is governed by the Police Complaints Board (PCB), which, along with OPC, was established in 2001. The PCB is an oversight board composed of D.C. volunteer community members. One member of the PCB must be a member of MPD, while the other four members must be residents of the District. PCB members are nominated to staggered three-year terms by the Mayor, and confirmed by the D.C. Council (the Council).

In July of 2020 there were changes made to the PCB enacted by emergency legislation. The emergency legislation states: “The Board shall be composed of 9 members, which shall include one member from each Ward and one at-large member, none of whom, after the expiration of the term of the currently serving member of the MPD, shall be affiliated with any law enforcement agency.”<sup>8</sup> The emergency legislation also grants more decision making power to the Executive Director of OPC.

The PCB actively participates in the work of OPC, offering guidance on many issues affecting OPC’s operations. The PCB is also charged with reviewing the Executive Director’s determinations regarding the dismissal of complaints; making policy recommendations to the Mayor, the Council, MPD, and DCHAPD to improve police practices; monitoring and evaluating MPD’s handling of First Amendment assemblies and demonstrations held in the District; and reviewing and approving reports released by OPC. The PCB approved this report.

To learn more about OPC and the PCB, and to see examples of their work and services, please visit <http://policecomplaints.dc.gov/>.

## Police Complaints Board Members

The current PCB includes the following members:

**Paul D. Ashton II**, appointed chair of the PCB on October 4, 2016, is the Director of Organizational Impact for the Justice Policy Institute (JPI), a national nonprofit dedicated to criminal justice reform. As Director of Organizational Impact, Mr. Ashton manages JPI’s organizational operations and fundraising. He has authored several publications at JPI, including: *Gaming the System*; *Rethinking the Blues*; *Moving Toward a Public Safety Paradigm*; *The Education of D.C.*; and *Fostering Change*.



Prior to joining JPI, Mr. Ashton spent time conducting research examining intimate partner violence in the LGBTQ community and served as a sexual assault victim advocate at the University of Delaware. He is an active member in the Washington, D.C. community, having served on the Young Donors Committee for SMYAL, an LGBTQ youth serving organization, and on the Board of Directors of Rainbow Response Coalition, a grassroots advocacy organization working to address LGBTQ intimate partner violence.

Mr. Ashton received his bachelor’s degree in Criminology from The Ohio State University, a master’s degree in Criminology from the University of Delaware, and completed an Executive Program in Social Impact Strategy from the University of Pennsylvania. He was appointed by Mayor Vince C. Gray and confirmed by the Council in October 2014, and sworn in on December 22, 2014. Mr. Ashton was re-nominated by Mayor Muriel Bowser and appointed on December 18, 2018, for a new term that ended January 12, 2022. He continues to serve until reappointed or until a successor can be appointed.

**Earl Fowlkes II**, currently serves as the President, CEO, and Founder of the Center for Black Equity (CBE), a non-profit organization dedicated to improving the lives of Black LGBTQ+ people worldwide. In that role, he oversees the

8: To see the emergency legislation please visit this [site](#) and see section 105



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membership of thirty-five Black LGBT Prides in the United States, Canada, South Africa, and the United Kingdom and managed federal, state, and local grants. Mr. Fowlkes has more than twenty-five years' experience related to HIV/AIDS prevention and advocacy. Prior to his leadership at CBE, he served as the Executive Director to the D.C. Comprehensive AIDS Resources and Education (DC CARE) Consortium, which supports the HIV/AIDS continuum of care in the District. While at the DC CARE Consortium, he oversaw staff, managed homelessness prevention programs, and convened the HIV/AIDS Food Bank and HIV/AIDS Prevention committees.



He briefly worked in Philadelphia as Interim Administrator for the COLOURS Organization, which empowers LGBTQ+ communities, especially those of the African Diaspora. He managed twenty paid staff and volunteers in that role and was responsible for grant writing and evaluation. Before that time, Mr. Fowlkes served as the Executive Director of Damien Ministries, a faith-based HIV/AIDS service organization in the District, through which he monitored all pastoral care activities at the D.C. Jail. Mr. Fowlkes has been politically active in the District for over two decades and has served as President of the Gertrude Stein Democratic Club since 2014, Chair of the Democratic National Committee's LGBT Caucus since 2013, and Chair of the Mayor's LGBT Advisory Board since 2012.

He has also served on several task forces and boards related to racial, gender, and sexual equity and HIV/AIDS prevention, including the Victory Fund's Gay & Lesbian Leadership Institute Board, 100 Black Men, and the Transgender Health Empowerment Board of Directors. He is currently a member of the Washington AIDS Partnership Steering Committee, a role he has held since 2010. Mr. Fowlkes holds a bachelor's degree in History from Rutgers University and a master's degree in Social Work from City College of New York. He is a Ward 6 resident. He was first appointed by Mayor Muriel Bowser and confirmed by the District Council on July 8, 2021, for a term ending January 12, 2023.

**Bobbi Strang**, is an Insurance Examiner with the District of Columbia Department of Employment Services (DOES). She was the first openly transgender individual to work for DOES where she provided case management for Project Empowerment, a transitional employment program that provides job readiness training, work experience, and job search assistance to District residents who face multiple barriers to employment.



Ms. Strang is a consistent advocate for the LGBTQ community in the District of Columbia. She has served as an officer for the Gertrude Stein Democratic Club, a board member for Gays and Lesbians Opposing Violence, and a co-facilitator for the D.C. LGBT Center Job Club. Ms. Strang was also awarded the 2015 Engendered Spirit Award by Capital Pride as recognition for the work she has done in the community. Currently, she is the Vice President for Strategy of the Gay & Lesbian Activist Alliance and continues her work with the D.C. Center as the Center Careers facilitator.

Ms. Strang holds a bachelor's degree in Sociology and English Literature from S.U.N.Y. Geneseo as well as a Master of Arts in Teaching from Salisbury University. She was first appointed by Mayor Muriel Bowser and confirmed by the District Council on November 3, 2015. Ms. Strang was reappointed on March 17, 2020 for a term ending January 12, 2023.

**Jeff H. Tignor**, is a lawyer at the Federal Communications Commission focusing on rules and regulations affecting wireless broadband providers. Mr. Tignor has over 20 years experience working on wireless broadband issues, wireline broadband issues, and consumer protection, including three years leading a division of 85 plus staff members resolving consumer complaints. Mr. Tignor is also the former Chairman of Advisory Neighborhood Commission (ANC) 4B. He



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was elected as the ANC Commissioner for ANC 4B-08 in November 2002 and served as the Chairman of ANC 4B during 2003 and 2004, often working on issues affecting public safety. Mr. Tignor is currently the President of the Harvard Club of Washington, D.C., and Vice-Chair of the Board of Washington Episcopal School.

Mr. Tignor graduated from Harvard with an AB in Government in 1996 and from the Duke University School of Law in 1999. He moved to Washington, D.C. to live in his grandfather's former home in Ward 4, where he still lives today with his wife, Kemi, and son, Henry. Someone in the Tignor family has been living in Washington, D.C. continually, as far as he knows, since just after the Civil War. Mr. Tignor was appointed by Mayor Muriel Bowser on November 15, 2018 and confirmed by the Council for a term ending January 12, 2021. On July 8, 2021, Mr. Tignor was confirmed by the Council for a second term ending January 12, 2024.

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## MPD Reporting System

All use of force data used in this report was provided by MPD. Per MPD's General Order RAR 901.07 "Use of Force"<sup>9</sup> officers are required to complete UFIRs or RIFs anytime they used force other than forcible handcuffing of a resistant subject.<sup>10</sup> For use of force reporting through 2017, officers completed hard copies of UFIRs and RIFs, and the information from those forms was then entered into PPMS by the officer, their supervisor, or an administrator. Upon OPC's recommendation, in December 2017 MPD indicated they were beginning to capture all use of force data electronically. On January 2, 2018, MPD issued Executive Order 18-001, requiring that all UFIRs and RIFs be completed electronically in PPMS. The requirement that officers complete all UFIRs/RIFs electronically in MPD's Personnel Performance Management System (PPMS) added new data reporting capabilities in 2018.<sup>11</sup>

As of January 1, 2020, MPD's use of force reporting now consists of one format: Force Incident Report (FIR), the form officers complete following any use of force. Previously, MPD officers completed: (1) the Use of Force Incident Report forms (UFIRs, MPD form 901-e) and (2) the Reportable Incident Forms (RIFs, MPD form 901-g). RIFs were a less comprehensive form, which, according to MPD's General Order RAR 901.07 "Use of Force," are substituted for UFIRs for two particular types of force: (1) when an officer points a firearm at a subject but no other force is used and no injuries are sustained; or (2) when an officer uses a tactical takedown, no other force is used, and the subject is not injured and does not complain of pain or injury. As of January 1, 2020, all uses of force are

reported in one form, the FIR. The information from the FIRs is stored in PPMS. PPMS is MPD's electronic database for tracking adverse incidents and personnel performance, and is used for predictive analysis of officer performance, including misconduct or other at-risk behavior. PPMS is also used for performance evaluations and performance improvement plans.<sup>12</sup>

## July 2019 PPMS Enhancement

In July 2019 MPD updated its data collection, referred to as the July 2019 enhancement here, which improved the efficiency and accuracy of data collection and storage. Three of the improvements were directly related to use of force and are discussed below.

1. Many of the UFIRs/RIFs completed in 2018 were missing data in essential fields such as type of force used and level of subject behavior. To resolve this problem, OPC recommended that MPD make these essential fields on UFIRs/RIFs required fields in 2018.<sup>13</sup> According to MPD, 91 out of the 99 fields on UFIR/RIF became mandatory after the July 2019 enhancement.<sup>14</sup> Without filling out the mandatory fields, officers would not be able to complete a UFIR/RIF. This change significantly improved MPD data collection process and the missing essential data.

9: Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 3 November 2017. Available [here](#)

10: MPD does not require officers to complete FIRs for the lowest level of force, forcibly handcuffing a resistant subject, though some officers do complete these forms for such incidents

11: For more information regarding the 2018 changes see the 2019 Use of Force Report, available [here](#)

12: More information regarding PPMS is available [here](#)

13: See OPC's recommendation 5A in the 2018 Use of Force Report, available [here](#)

14: MPD provided OPC a list of fields on the post-July 2019 enhancement version of UFIR/RIF in May 2020, with the information regarding whether a field is a required field. The number 91 includes the fields that require an answer only when the previous question has a specific answer. For example, if the answer for the question regarding whether an officer is injured is "yes", the question regarding whether the officer is hospitalized becomes a required field. The non-required fields are all regarding subjects': name, address, social security number, phone, pre-existing injury/condition, ambulance number, medic number, and whether photos are taken

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2. According to MPD, prior to the July 2019 enhancement, if an officer had reported using different types of force on different subjects in one use of force incident, PPMS would indicate that the officer used all the types of force against all the subjects. For example, if an officer used three types of force against three subjects (e.g., an officer uses hand controls to subject A, ASP to subject B, and OC spray to subject C), the data in PPMS would show that the officer used all three types of force on all three subjects.<sup>15</sup> This was a significant data inaccuracy and the July 2019 enhancement resolved this problem for newly entered data. If a use of force incident occurred after the July 2019 enhancement with an officer using the same three types of force against three subjects, PPMS would show that the officer used hand controls against the Subject A, ASP against Subject B, and OC spray against Subject C.

3. Three answer choices for the Specific Type of Force Used field within the UFIR form were added: (1) ASP-arm extraction, (2) canine bites(s), and (3) shield. OPC therefore incorporated these new types of force to the new use of force hierarchy. See Appendix B on page 59 for more discussion about the three types of force and the use of force hierarchy.

## January 2020 Enhancement

On December 31, 2019, MPD issued Executive Order EO-19-009, “Force Incident Report.” The executive order stated its purpose was to “announce that effective January 1, 2020, the force incident report (FIR) shall replace the PD Form 901e [Use of Force Incident Report (UFIR)] and the PD Form 901g [Reportable Incident Form (RIF)] in the Personnel Performance Management System (PPMS).”

This enhancement required that the arrest information of the subject against whom force was used be automatically uploaded to the FIR. This information is extracted from the arrest report, which must be completed by the officer prior to drafting the FIR. MPD also incorporated an “impairment” field where officers can report whether the subject was suspected to have been under the influence of drugs or alcohol or suffering from a mental health crisis. The watch commander is also required to report on the FIR whether the body-worn camera (BWC) was reviewed, who it was reviewed by, and if the use of force requires further investigation. Information available in the FIR includes:

- The time, date, and location of the incident;
- Officer and subject demographic information;
- The type of force used;
- The subject behavior during the use of force incident;
- Injuries to the officer(s) and/or subject(s);
- Whether the use of force resulted in property damage;
- Subject impairment;
- Subject weapons; and
- A narrative description of the incident.

See Appendix A on page 54 for the updated FIR after MPD’s January 2020 enhancement.

15: This example is provided by MPD as part of the 2019 use of force data explanatory notes in February 2020

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## Data Collection and Scope

The scope of this report includes all types of uses of force involving MPD officers, all MPD divisions, and all MPD officer ranks. The data collection process for this report involved receiving three types of data from MPD: (1) PPMS data in an Excel spreadsheet, (2) FIRs in PDF form, and (3) the exported FIRs electronic data completed by officers in an Excel spreadsheet for closed use of force cases.<sup>16</sup> Similar to last year, MPD exported the data from the electronically completed FIRs and provided that data to OPC. OPC did not need to manually enter the data from the FIR PDFs to create a consistent dataset.

OPC also conducted an audit of the FIR PDFs against the electronically exported data to ensure consistency. Specifically, OPC first randomly selected a quantitatively sufficient number of FIRs from the 1,835 FIR PDFs MPD provided to OPC.<sup>17</sup> OPC then manually compared the randomly selected FIR PDF data to the PPMS spreadsheet.<sup>18</sup> The audit showed data inconsistencies for the following fields:<sup>19</sup>

1. Officers' element and assignment on the Excel sheet did not match the FIR
2. Subject pre-existing injuries not exported to the Excel sheet

While OPC received the UFIR/RIF PDFs monthly and received PPMS data quarterly from MPD in 2018, it did not receive the 2019 use of force data until February 2020. Further, OPC did not receive the totality of the

2020 use of force data until February 2021 and OPC also did not receive all the PDFs to finalize the use of force report until March 19, 2021. OPC did not receive the totality of the 2021 UOF data until April 21, 2022. This is because MPD has a 90 day close out process for reviewing all uses of force for that year. Therefore, March 31st of each year is when most uses of force for the previous year will be closed out. In order to optimize the data used, OPC has agreed going forward to wait until after March 31st of each year to receive the totality of the previous years use of force data.

OPC ultimately received a FIR for 1,835<sup>20</sup> reported uses of force, representing 97% of the total 1,896 reported uses of force in 2021. MPD did not provide OPC with PDFs for the remaining 62 reported uses of force. This percentage is lower than the 99% that OPC received in 2019, but higher than the 88% reported in 2018. In 2020 OPC received a PDF for 92% of the total uses of force. OPC did not receive the PDFs for reported uses of force that are still considered open, pending investigation as of March 31, 2021. These open investigations represent 62 uses of force and 28 incidents. Nevertheless, OPC did receive the PPMS data of the 62 uses of force that were still open.

16: OPC only receives the PDFs and full PPMS data for closed use of force cases. Open cases are those that are still under investigation

17: OPC manually audited 110 FIRs

18: The PPMS data is extracted from the FIRs officers fill out after they use force

19: Not all FIRs had these inconsistencies

20: 1,835 FIR PDFs represent 887 use of force incidents



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## USE OF FORCE OVERVIEW

### MPD's Definition of Use of Force

Police officers are given the authority to use physical force when appropriate. The type of force, and when it may be used, is governed by statutes, case law, departmental policy, and training. MPD defines the use of force as “any physical coercion used to affect, influence, or persuade an individual to comply with an order from a member.”<sup>21</sup> This includes any type of force from hand controls or forcibly handcuffing a noncompliant subject to deadly force, such as discharging a firearm.

MPD's use of force General Order<sup>22</sup> explicitly states that MPD “members shall minimize the force that is used while protecting the lives of members and other persons” and “members shall attempt to defuse use of force situations with de-escalation techniques...” This General Order also includes the Use of Force Framework, comprised of four levels of subject behavior and four levels of officer response (see Subject Behavior Categories and MPD Officer Force Response Categories on page 14).<sup>23</sup>

Although the Use of Force Framework provides guidance on the appropriate level of force to be used in a given situation, in 2002 MPD no longer encouraged the Use of Force Framework as a continuum of sequential behaviors and responses. Rather, the Use of Force Framework is fluid and officers are encouraged to de-escalate a scenario and constantly reassess what force is needed<sup>24</sup> and can be used within the officer's individual discretion during an incident.

### Use of Force Training

The Metropolitan Police Department asserts they utilize a use of force framework which states in part that officers are to value and preserve the sanctity of human life at all times, especially when involved in a situation that requires any type of force. Therefore, MPD officers shall use the minimum amount of force to bring an incident or person under control while keeping the public and the officers safe.<sup>25</sup>

MPD's use of force training comprises numerous components including critical incident management, situational awareness, firearms training, de-escalation, scene management, and other topics.<sup>26</sup> MPD officers receive mandatory retraining every year to ensure officers are up to date on case law and policy updates. Every use of force is investigated thoroughly and impartially, with the Use of Force Review Board process informing academy training.

MPD states they operate under the fundamental expectation that use of force is only used proportionally to the threat faced and in a manner consistent with legal and agency policies. While many police academies teach use of force as a standalone block of instruction, MPD integrates these skills throughout the curriculum. The Metropolitan Police Academy (MPA) instills a police culture equipping officers with the skills they need to safely intervene before problems occur or escalate. Use of force training is woven into training topics in the context of safety and a means of last resort. For example, during training on how to handle calls regarding domestic violence, officers are primarily taught D.C. laws, civil rights, victims' rights, Constitutional law, and implicit bias. In this context, MPD teaches patrol tactics, pre-arrival, and on-scene tactical considerations all with the intention to reduce the need for the use of force. Training also encompasses emotional and mental health de-escalation techniques. In 2016, MPD changed the diagram of the use of force continuum from a triangle to a circular framework to visually highlight de-escalation.<sup>27</sup>

At the MPA, Recruit Officers complete 80 hours of training in firearms. Because the majority of the recruits do not have prior experience with firearms, MPD's training curriculum is designed to provide sworn officers with the knowledge and skills necessary

21: Metropolitan Police Department General Order RAR-901.07: “Use of Force.” Metropolitan Police Department; 1 January 2022. Available [here](#)

22: MPD General Order RAR-901.07 Use of Force Framework

23: In their most recent General Order there are only four levels of both subject behavior and officer response, however, OPC still included the five in the report as described on page 14. MPD just excluded the subjects cooperative/compliant behavior and officers cooperative controls.

24: This change was made in 2002

25: MPD's General Order RAR-901.07

26: MPD provided information regarding use of force training and certification on 9 July 2020

27: For the information about the circular framework, see MPD General Order Go-RAR-901.07



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## USE OF FORCE OVERVIEW

for safe, proper, and effective operation of police-issued equipment. It is the policy of the MPD to provide basic law enforcement service training that includes extensive de-escalation training. Officers receive firearm training during the basic recruit training and are required to recertify in firearms twice a year. MPD teaches de-escalation in various forms: communication techniques, mental evaluation and assessment, victim and suspect emotional understanding, and sensitivity.

Firearms training at MPA also includes scenario and range simulation training which allows recruit officers to experience complex and nuanced scenarios that adapt in real time, responding to officers' actions. With scenarios reinforcing every facet of training, simulations teach officers to de-escalate themselves and the situation at every stage through presence, communication, tone of voice, judgement, and situational awareness. During scenario training, instructors again reinforce a culture of peer intervention wherein officers are encouraged to step in if they witness a situation escalating.

MPD aims to teach communication, service, and conflict resolution so that use of force is a last resort. MPD states that in the rare instances when use of force is necessary to protect human life, officers are taught to render medical attention as soon as the scene is safe. As part of this mandate, all officers are also certified in Tactical Emergency Casualty Care.<sup>28</sup>

28: See the definition of Tactical Emergency Casualty Care [here](#)

# Subject Behavior and Prescribed Force Response

## Subject Behavior Categories

## MPD Officer Force Response Categories

**Cooperative/Compliant** – The subject responds in a positive way to an officer's presence and is easily directed with verbal requests and commands. The subject who requires control or searching offers no resistance.



**Cooperative Controls** – Generally non-physical controls, including both verbal and non-verbal communication.

**Passive Resister** – Subject displays a low level of noncompliant, passive resistance. Noncompliance offers no physical or mechanical energy. Subject does not respond to the member's lawful requests or commands and may be argumentative.



**Contact Controls** – Low-level physical tactics to gain control and cooperation (examples include soft empty hand controls, leaning on a subject's legs to hold them down, and firm grip).

**Active Resister** – Subject is uncooperative and will not comply with member's requests or commands. Subject exhibits physical and mechanical defiance or behaves in such a way that causes the member to believe that subject may be armed with a weapon, including evasive movements to defeat member's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention not to be held in custody, provided that the intent to resist has been clearly manifested.



**Compliance Techniques** – Actions that may induce pain or cause discomfort to the subject who is actively resisting until control is achieved, but will not generally cause an injury when used in accordance with department training and standards. Examples include oleoresin capsicum (OC) spray, wrist locks, takedowns, ASP baton arm extractions, use of an ASP baton to conduct a wrist lock, and use of a patrol shield to pin a subject down.

**Threatening Assailant** – Subject has gone beyond the level of simple non-cooperativeness, and is actively and aggressively assaulting (e.g., striking, kicking) the member, themselves, or others, or the threat of an aggressive assault is imminent. Subject has demonstrated a lack of concern for the member's safety; however, subject does not pose an imminent threat of death or serious bodily injury to member or others.



**Defensive Tactics** – All force options other than deadly force. Although a range of force options are generally available, members shall adhere to policy requirements governing the use of specific force options and less lethal weapons. Defensive tactics are employed to forcibly render the subject into submission; however, these actions are not likely nor designed to cause death or serious bodily injury. Defensive tactics are primarily used to ensure the safety of the member and others [examples include strikes, ASP baton strikes, use of a police mountain bike as an impact weapon, electronic control devices (ECDs), and 40mm extended impact weapons in accordance with department training and standards].

**Active Assailant** – Subject poses an imminent danger of death or serious bodily injury to member or another person (other than the subject). Subject's actions demonstrate subject's intent to inflict imminent death or serious bodily injury upon member or another person.



**Deadly Force** – All force options. Deadly force shall only be used if the member reasonably believes that deadly force is immediately necessary to protect the member or another person (other than the subject of the use of deadly force) from the threat of serious bodily injury or death, the member's actions are reasonable given the totality of the circumstances, and all other options have been exhausted or do not reasonably lend themselves to the circumstances (examples include the use of a firearm or a strike to the head with a hard object).

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# USE OF FORCE FINDINGS

## Number of Uses of Force

There are three distinct ways to report the number of uses of force per year:

- The number of incidents in which officers used force per year;
- The number of uses of force per year, which includes all officers using force in all use of force incidents; and
- The total number of individual officers using force per year.

In 2021, there were 915<sup>29</sup> reported use of force incidents involving 1,896 reported uses of force by 1,042 officers. There are more uses of force than incidents or officers because many use of force incidents involve multiple officers using force and an officer may use force more than once per incident.<sup>30</sup>

## Use of Force Incidents

The number of reported use of force incidents increased considerably between 2015 and 2019, from 678 in 2015 to 1,246 in 2019. From 2015 to 2019, there was an 84% increase in use of force incidents. From 2019 to 2020 there was a 22% decrease in the number of use of force incidents. As shown in the Use of Force Incidents chart on the next page, there were 915 use of force incidents in 2021 which is a 5% decrease from the 968 incidents in 2020.<sup>31</sup>

## Uses of Force

Similar to the trend of the increase in reported use of force incidents, the number of reported uses of force increased until 2018, from 1,393 in 2015 to 2,873 in 2018. In 2019, however, the number decreased to 2,471, 14% less than 2018.<sup>32</sup> 2020 continued this trend with a

19% decrease in uses of force in 2020 as compared to 2019. In 2020 there were 2,011 uses of force. In 2021 there were 1,896 reported uses of force, which is a 6% decrease from 2020.<sup>33</sup>

## Officers Using Force

A total of 1,042 MPD officers reported using force in 2021, which is roughly 29% of all MPD officers.<sup>34</sup> This is a 5% decrease in the number of officers using force from 2020, and a 64% increase from 2013, when a total of 636 officers reported using force. In 2018, MPD reported the highest number of officers who reported using force since 2013. Eighty-one percent of all officers who reported using force in 2021 reported doing so one or two times, while 14% of officers reported using force three or four times. Five percent of officers who used force reported doing so five times or more in 2021. See chart Uses of Force Per Officer in 2021 on page 17.

The reported use of force incidents involving only one officer was the largest use of force incident group, reflecting 61% of the total incidents in 2021. This is the highest percentage since 2013. The percentage of incidents involving two officers in 2021 was 20%, which was the lowest since 2013. Incidents involving 3 or more officers comprised a 19% of all use of force incidents.

## Officers Using Force on Duty, in Uniform

98 percent of officers who reported using force did so while they were on duty, the same percentage as in 2020, 2019, and 2018. Similarly, 96% of officers who reported using force in 2021 did so while in full uniform, the same as 2020. Three percent of officers who reported using force in 2021 did so in plain clothes, less than 1% reported using force while in casual clothes, and less than 1% reported using force while not in uniform.

29: This section reports on all use of force incidents regardless of if the case is still considered open. So this number includes the 28 open incidents.

30: The uses of force discussed in this report only include those reported in all FIRs. In 2021 MPD still did not consider the pointing of a firearm to be a use of force, but OPC does report the pointing of a firearm as a use of force. On January 1, 2022 MPD revised their use of force general order to include pointing of a firearm as a use of force.

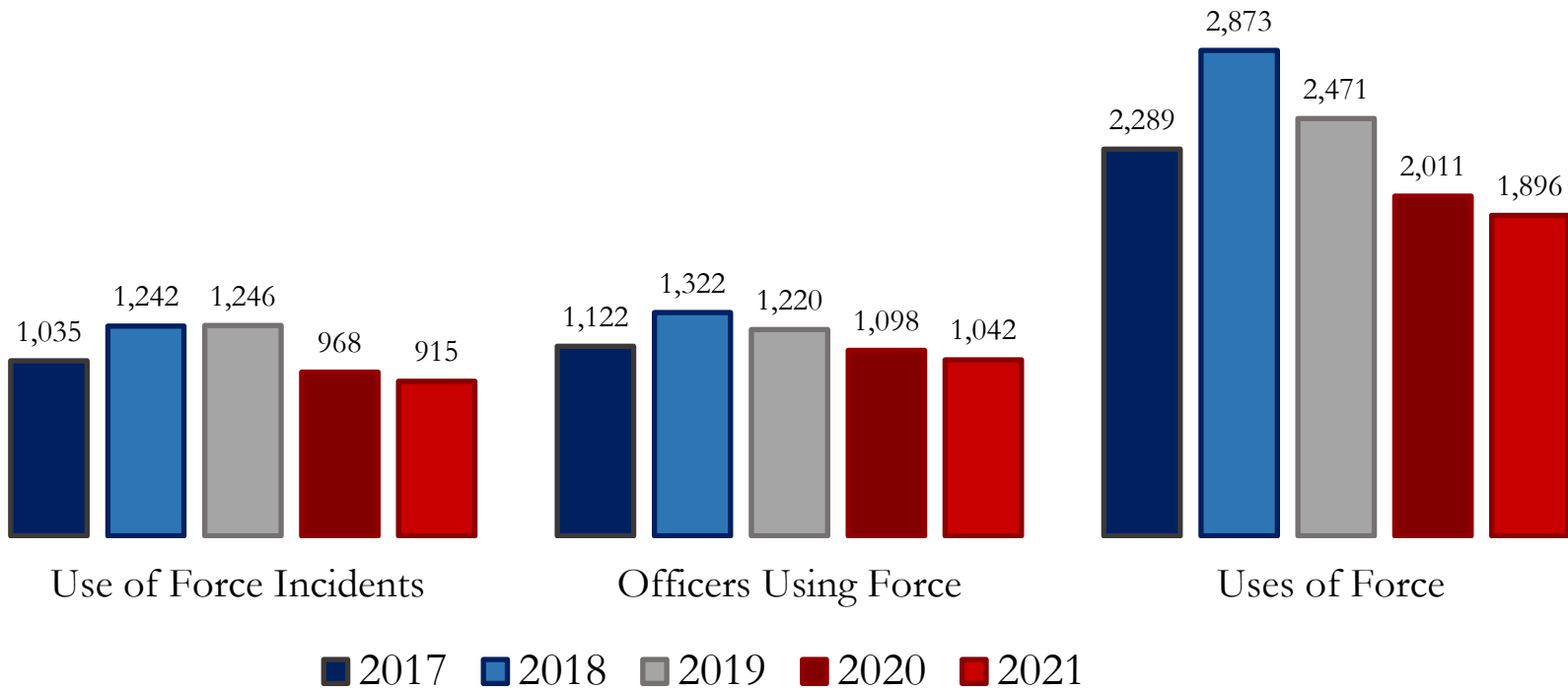
31: See page 12 of “Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018”, District of Columbia Officer of Police Complaints; 19 March 2019. Available [here](#)

32: “Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018”, District of Columbia Officer of Police Complaints; 19 March 2019. Available [here](#)

33: OPC no longer includes officer misconduct and non-MPD personnel uses of force (i.e., special police officer) in their use of force estimates. These accounted for 9 uses of force in 2020

34: This number does not include the civilians employed by MPD

# Number of Uses of Force



- Average 2.5 use of force incidents per day in 2021
- 6% Decrease in uses of force in 2021
- 29% of MPD officers used force in 2021



## Officers Using Force



Number of Officers	2018	2019	2020	2021
1	35%	46%	48%	61%
2	34%	30%	27%	20%
3	15%	14%	12%	10%
4	8%	6%	8%	4%
5+	8%	5%	5%	5%

Number of Officers	Times Officers Used Force
15	6
9	7
2	8
1	9
6	10
2	11
2	12

# USE OF FORCE FINDINGS

## Subject Behavior in Force Incidents

For this report OPC defers to the 5 categories of subject and officer behavior as shown on page 15. Subject behavior is broken down into five categories:<sup>35</sup> cooperative/compliant; passive resister; active resister; threatening assailant; and active assailant. Subject behavior can escalate and de-escalate over the course of a given encounter, and the highest level of subject behavior reported for each use of force is reported in this report. Officers' responses are categorized in five levels that correspond to MPD's five levels of subject behavior.<sup>36</sup> From FIR data, most subjects in 2021 were reported by MPD as being active resisters, accounting for 43% of subjects. The second most common subject behavior was threatening assailant, which accounted for 31% of subjects against whom officers reported using force in 2021.

Officers followed MPD's prescribed level of force<sup>37, 38</sup> in response to the subjects' behavior in 55% of reported uses of force in 2021. MPD's prescribed level of force is described in MPD's Use of Force Framework, in General Order RAR-901.07, "Use of Force." Officers used a lower level of force than prescribed in roughly 41% of the total reported uses of force in 2021.

Officers used a higher level of force than prescribed in 57 uses of force, or 4% of the total reported uses of force in 2021. Of the 57 instances of officers using a higher level of force than prescribed in 2021: 19 officers reported using hand controls, 23 officers reported using

tactical takedowns, 4 officers reported using OC spray, 5 officers reported using fist/knee strikes, 1 officer reported using control holds, 1 reported using ASP-arm extraction, 2 reported using an ASP-strike, and 2 officers reported firearm discharges.

## Officers Pointing Firearms at Subjects

MPD did not consider officers pointing their firearms at subjects a use of force, but now requires it be reported in a FIR. Officers reported pointing their firearms at subjects 381<sup>39, 40</sup> times in 2021, a 5% decrease over the 400 times officers reported pointing their firearms at subjects in 2020. Officers reported that the subjects were cooperative/compliant in 18%, passive resister in 9%, active resister, in 15%, threatening assailant in 3%, or active assailant in 54% of the reported uses of force involving officers who pointed their firearms at subjects in 2021.

## Armed Subjects in Uses of Force

Subjects were reportedly armed in 445 (24%) reported uses of force<sup>41</sup> in 2021, a 14% increase from the 391 armed subjects in reported uses of force in 2020. The most common type of weapon in 2021 was a firearm, which subjects were reported as possessing in 312 uses of force in 2021 (17%). Subjects were armed with knives in 81 reported uses of force (4%) in 2021, and with blunt weapons in 41 reported uses of force (2%). Subjects were armed with miscellaneous other weapons in 36 reported uses of force (2%) in 2021. These weapons included but were not limited to a BB gun, crossbow, and nail gun.

Officers pointed firearms at subjects in <b>20%</b> of uses of force	As of January 1, 2022 MPD considers officers pointing their firearms at subjects a use of force. It is now considered a deadly use of force.	Subjects were reportedly armed in <b>24%</b> of use of force incidents in 2021
----------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------

35: In the most recent General Order MPD did not include the cooperative/compliant subject behavior and officer response. However, compliant subject behavior was still reported in the FIRs so OPC includes it in this report. Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 1 January 2022. Available [here](#)

36: See page 15 for further discussion of the levels of subject behavior and officer response

37: Because there are still reported uses of force that are pending investigation, and MPD does not consider when the highest reported use of force was an officer pointing their firearm, OPC was only able to include 1,480 reported uses of force in this section

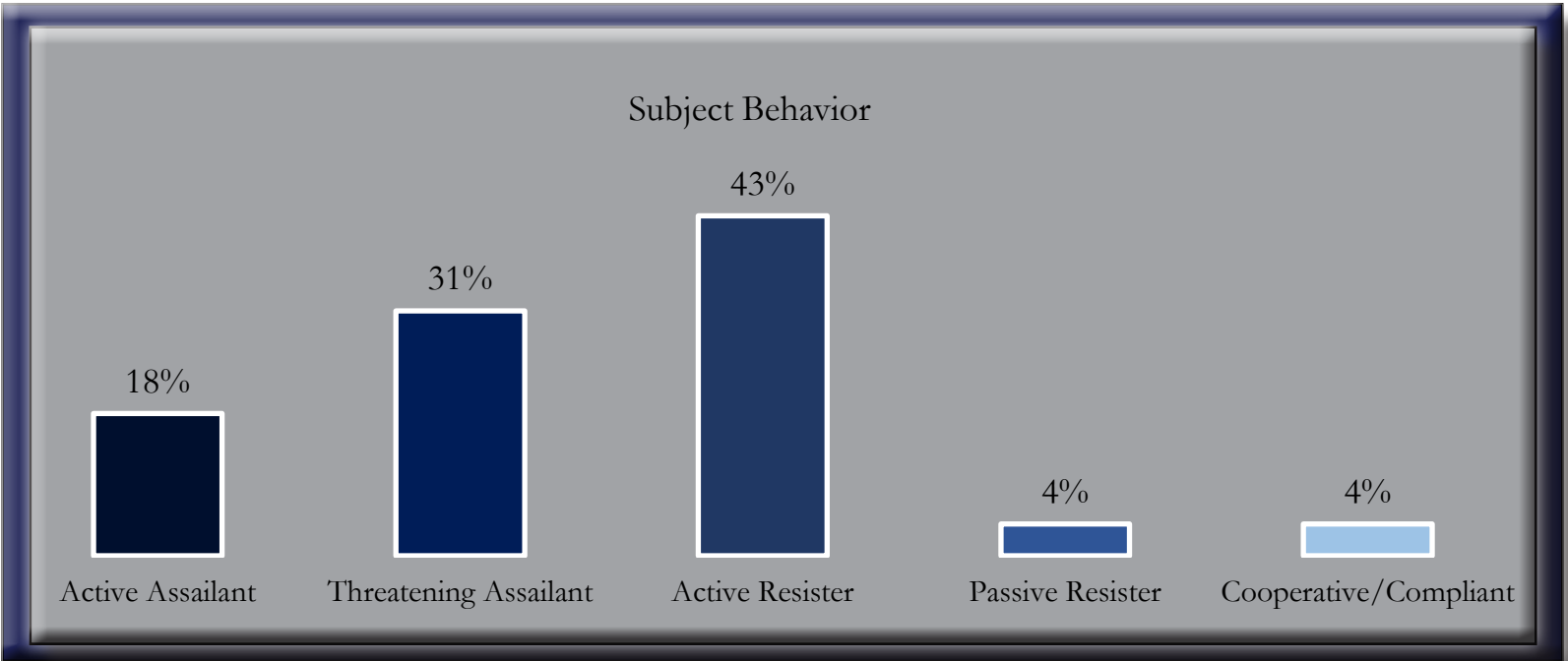
38: Because MPD does not consider an officer pointing their firearm as a use of force, it is not included in the table regarding the subjects' behavior and the officers' level of force

39: The number of instances of officers reportedly pointing their firearms only includes instances in which the pointing of a firearm was the highest level of force reported by the officer. This is because the data in this report are based on the highest level of force used in each use of force

40: Even with open cases, all officer force information is available to OPC so the total number of use of force incidents is 1,896 for this number

41: OPC did not have information regarding whether the subject was armed for the 62 open uses of force. Therefore, the number of uses of force used for this calculation was 1,834

# Subject Behavior and Level of Officer Force



Subject Behavior and Officer’s Level of Force

	Subject Cooperative/Compliant	Passive Resister	Active Resister	Threatening Assailant	Active Assailant
Contact Controls	--	--	<1%	<1%	<1%
Compliance Techniques	<1%	3%	49%	33%	6%
Defensive Tactics	--	--	<1%	4%	<1%
Deadly	<1%	--	--	<1%	<1%
Use of force was higher than the Use of Force Framework prescribed response: 4%		Use of force met the Use of Force Framework prescribed response: 55%		Use of force was lower than the Use of Force Framework prescribed response: 41%	

Subject Behavior when Officers Pointed Firearms at Subject in 2021

Cooperative/Compliant 18%



Passive Resister 9%



Active Resister 15%



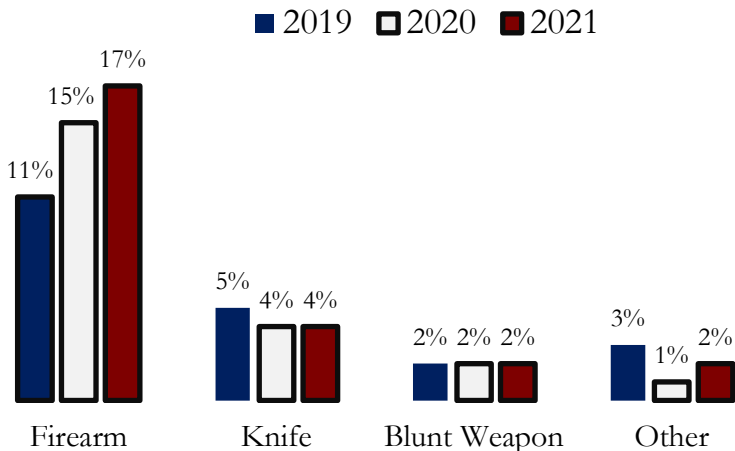
Threatening Assailant 3%



Active Assailant 54%



Subject Weapons





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## USE OF FORCE FINDINGS

### Types of Use of Force

Tactical takedowns were the most frequent type of force reported in 2021, accounting for 43% of uses of force. Control holds were the highest level of force used in 20% of reported uses of force.

The hierarchy of force<sup>42</sup> used in this report, from lowest to highest, is:

1. Control holds (including hand controls, firm grip, joint locks, pressure points, ASP controls, ASP-arm extraction, and handcuffing)
2. Tactical takedown
3. Firearm pointed
4. OC spray
5. Fist/knee strike, 40mm extended impact weapon (foam or sponge rounds), or shield
6. ASP strike, canine bite(s)
7. Taser/ECD
8. Firearm discharged

Firearms pointed at subjects were the highest level of force used in 22% of reported uses of force, while OC spray was the highest level of force used in 9% of reported uses of force in 2021. Fist or knee strikes/40mm extended impact weapons and shields were the highest level of force used in 4% of reported uses of force in 2021, and ASP strikes and canine bites were the highest level of force used in 1% of reported uses of force in 2021. Firearm discharges were the highest level of force used in 1% of reported uses of force in 2021. Tasers/ECDs were the highest level of force in roughly <1% of 2021 uses of force. Although all officers receive familiarity training with Tasers/ECDs, only sergeants are fully trained and equipped with Tasers/ECDs.

There were 21 intentional firearm discharge incidents in 2021: 20 incidents involving firearm discharges at people and 1 incident involving firearm discharges at animals. These 21 firearm discharge incidents account for 2% of reported uses of force in 2021, and is similar to 2020. For further discussion of the 2021 firearm discharge incidents, see page 31.

### Rate of Injuries in Use of Force Incidents

Officers reported receiving injuries in 11% of reported uses of force in 2021. Subject injuries were reported in 45% of uses of force<sup>43</sup> reported in 2021.

The injury rates for the same type of force categories in 2021 were similar to 2020.<sup>44</sup> The following percent of incidents resulted in reported subject injuries:

- 77%% of control holds;
- 71% of firearm discharges;
- 62% of fist/knee strikes/40mm extended impact weapons;
- 62% of ASP strikes;
- 51% of OC spray uses;
- 44% of tactical takedowns; and
- 25% of shield usage.

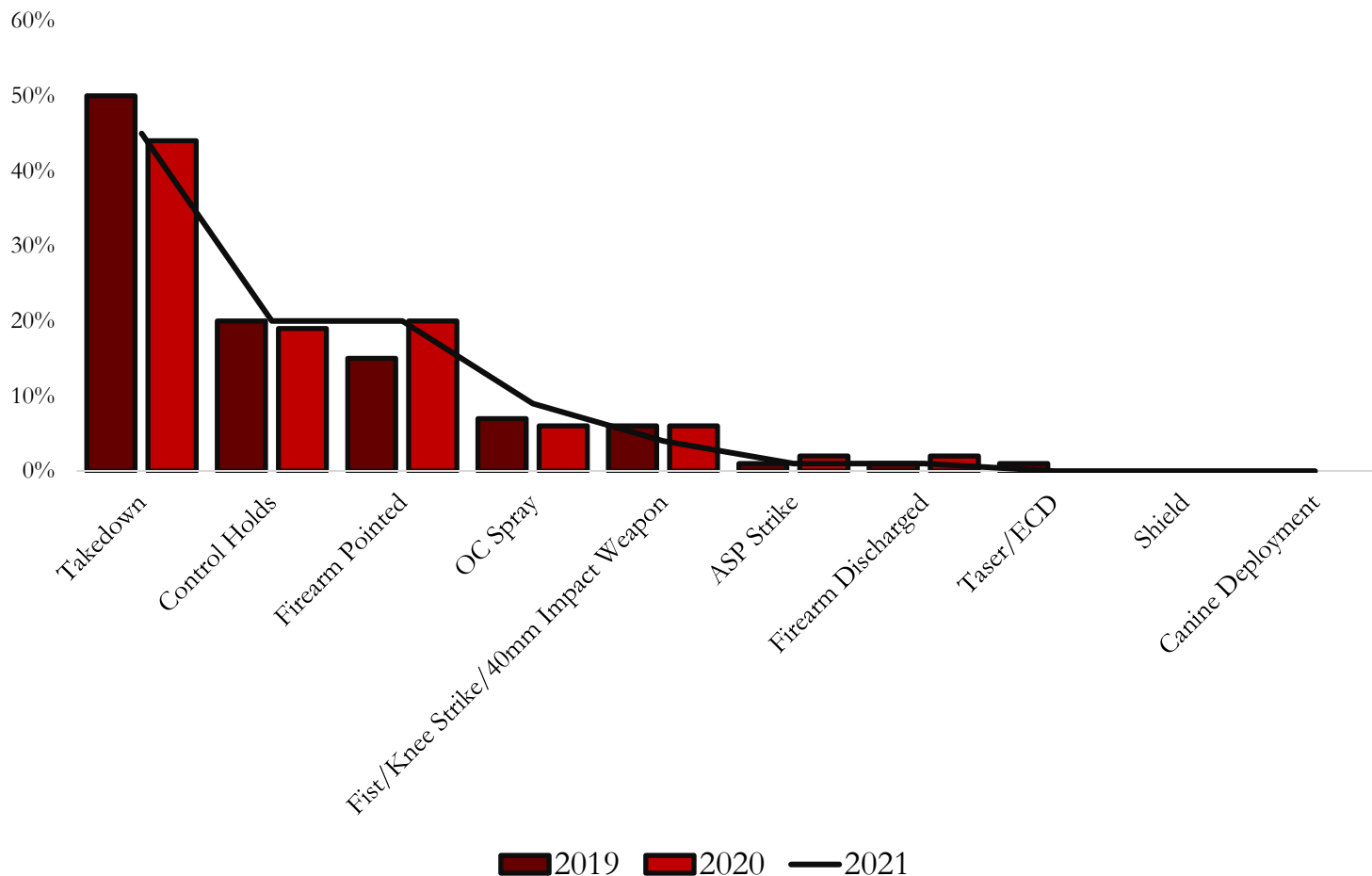
42: Not all cases had specific information regarding the specific use of force, therefore the number of uses of force used for this calculation was 1,878

43: Uses of force that are still considered open do not include information regarding officer or subject injury. Therefore, not all injuries from uses of force are included in the analysis. This includes firearm discharges

44: Reporting the injury rate by type of force used is complicated by a few factors. First, the injury rate reported here is based on the highest level of force used by each officer, but this may not be the type of force that caused the injury. Second, when multiple officers use force in a given incident, all of the officers may list an injury to the subject even if the injury resulted from only one of the officers' use of force. Third, the subject injury rate is based on complaint of injury by the subject rather than by officer or medical observation. Any subject, therefore, could claim injury or complain of pain, and it would be recorded as an injury. Despite these concerns, OPC determined that it was relevant to present the reported rate of injuries sustained based on each type of force used. Further, injuries are not known in open cases

# Level of Force and Injury Rate

Highest Level of Force Used in Each FIR



11% of 2021 uses of force resulted in a reported officer injury

**11%** Injury

**89%** No Injury

2% of Uses of Force Required an Officer to be Transported to the Hospital



45% of 2020 uses of force resulted in a reported subject injury

**45%** Injury

**55%** No Injury

18% Percent of Subjects had Visible Injuries

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# DEMOGRAPHICS

## Demographics of Officers Using Force

A total of 1,042 MPD officers reported using force in 2021, with 39% of those officers using force in more than one incident. This represents approximately 29% of all MPD officers using force in 2021. The demographics of officers who reported using force in 2021 were similar to the demographics of officers using force in 2020. In 2021 45% of officers who reported using force were Black (compared to 43% in 2020), 38% were White (41% in 2020), 12% were Hispanic (10% in 2020), and 6% were members of Other races and ethnicities (same as 2020). The demographics in 2021 were also similar to the demographics since 2014. In 2021 87% of officers who reported using force were men and 13% were women, similar to the gender demographics of 2020.

Compared to the overall population of MPD officers,<sup>45</sup> White officers, male officers, and younger officers reported using force in a disproportionately higher number of times:

- 34% of MPD's officers are White, but White officers accounted for 38% of officers who reported using force in 2021;
- 76% of MPD's officers are male, but male officers accounted for 87% of officers who reported using force in 2021; and
- 37% of MPD's officers are under 35 years of age, but these officers accounted for 56% of officers who reported using force in 2021.

Black officers and female officers used force in a disproportionately lower number of times:

- 51% of MPD's officers are Black, but Black officers accounted for 45% of officers who reported using force in 2021; and
- 24% of MPD officers are female, but female officers accounted for 13% of officers who reported using force in 2021.

## Demographics of Subjects of Force

Black community members made up 92% of the total subjects MPD reported using force against in 2021, while White community members made up 4% of the total subjects in 2021 and Hispanic community members made up 4% of the total subjects in 2021. Males were 86% of the total subjects MPD officers reported using force against in 2021,

while females were 14% of the total subjects in 2021.

Community members in their late teens and early 30s were more likely to be the subjects of reported uses of force, with 60% of the subjects between 18 and 34 years old in 2021. This was followed by community members 35 to 54 years old, younger than 18 years old, and 55 years old or older, who were 26%, 9%, and 5% of the total subjects, respectively.

Compared to overall District demographics,<sup>46</sup> Black community members, male community members, and younger community members were the subjects of reported uses of force in a disproportionately higher number of incidents:

- 46% of District residents are Black, but Black community members were 92% of the total subjects MPD officers reported using force against in 2021;
- 47% of District residents are male, but males were 86% of the total subjects MPD reported using force against in 2021; and
- 51% of District residents are less than 35 years old, but community members in this age range accounted for 69% of the total subjects MPD used force against in 2021

## Officer and Subject Demographic Pairings

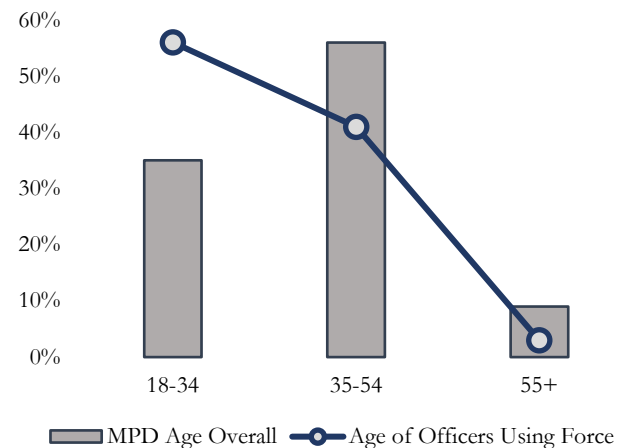
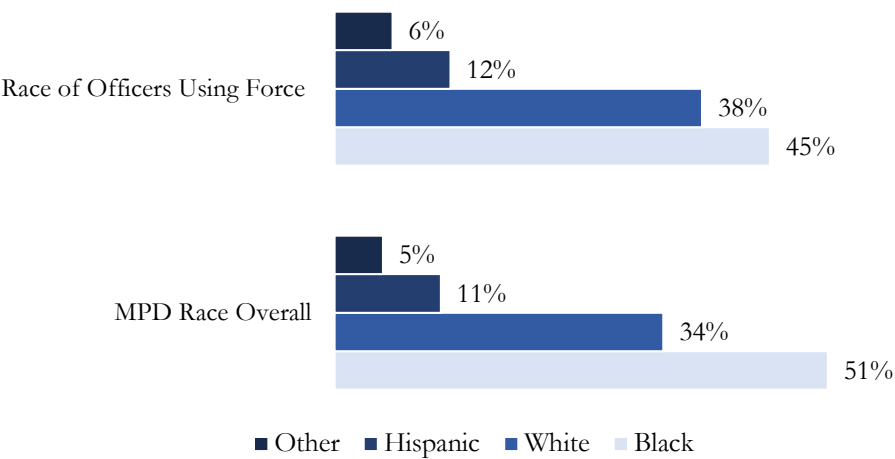
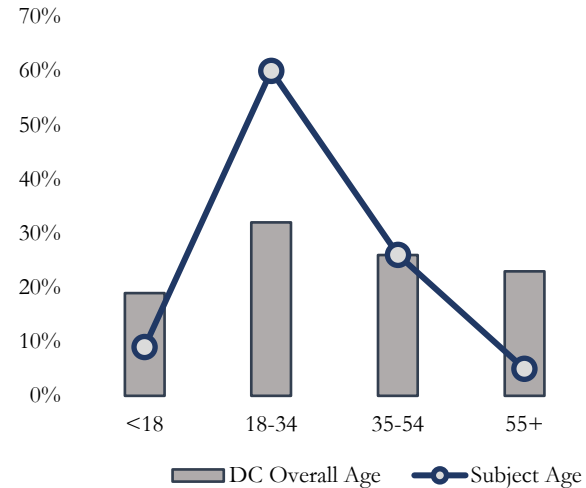
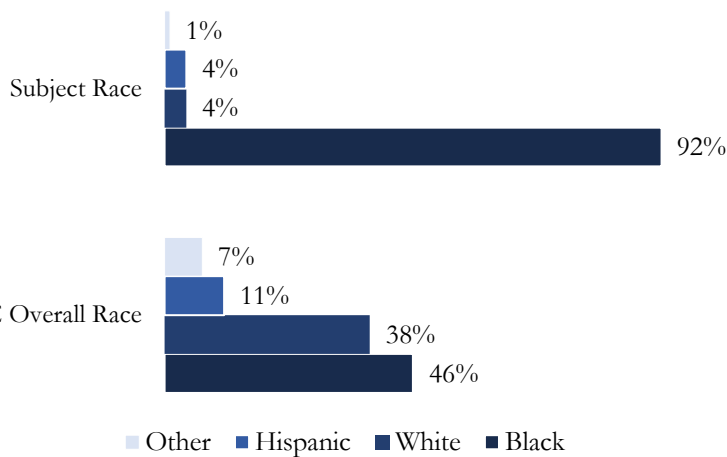
The most frequent officer-subject pairings were Black officers using force on Black subjects, which accounted for 40% of the total reported officer-subject pairings in 2021. Similarly, White officers using force on Black subjects accounted for 36% of reported officer-subject pairings in 2021, while Hispanic or officers of Other races and ethnicities using force against Black subjects accounted for 15% of reported officer-subject pairings in 2021.

White officers used force against White subjects in 2% of reported officer-subject pairings in 2021 and Black officers used force against White subjects in 2% of reported officer-subject pairings in 2021. Hispanic or Other officers used force against White subjects in 1% of reported officer-subject pairings in 2021 and Hispanic or officers of Other races and ethnicities used force against Hispanic or subjects of Other races and ethnicities in 1% of reported officer-subject pairings in 2021. Remaining percentages are White and Black officers using force against Hispanic and subjects of Other races and ethnicities.

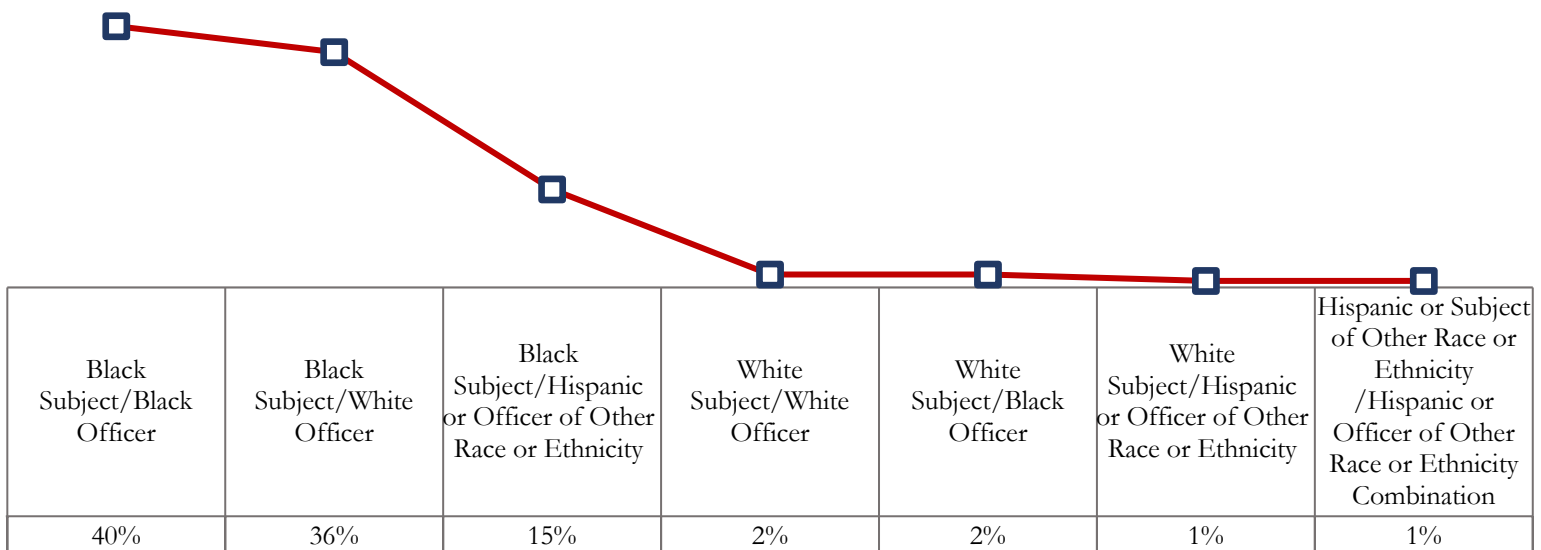
45: The number of 2021 MPD sworn officers is based on the December 2021 reports OPC received from MPD

46: D.C. demographics from the [Census](#) and [DC Health](#)

# 2021 Officer and Subject Demographics



## Subject and Officer Demographic Pairings



# CHARACTERISTICS OF OFFICERS AND SUBJECTS

## Ranks of Officers Using Force

MPD officers are promoted through a series of 12 ranks. The ranks officers can achieve, in ascending order of seniority, are; probationer, officer, master patrol officer, detective 2, detective 1, sergeant, lieutenant, captain, inspector, commander, assistant chief, and chief.

MPD officers who reported using force were on average of lower ranks. Probationers and officers comprised of 64% of MPD's sworn personnel, but accounted for 90% of the officers who reported using force in 2021. Probationers increased from 1% of officers who reported using force in 2013 to 11% in 2020. In 2021 probationers accounted for 10% of all officers who reported using force. In 2021 the number of officers who reported using force was 79%. Sergeants accounted for 7% of officers who reported using force in 2021. Master Patrol Officers, Detectives, and Lieutenants accounted for 4% of officers who reported using force in 2021.<sup>47</sup> Please see the graph on page 25 for more information.

## Years of Service and Age of Officers Using Force<sup>48</sup>

Officers who reported using force in 2021 were also on average younger and had fewer years of experience at MPD compared to the average age and years of service of officers for the districts to which they were assigned. Officers aged 28 had the highest amount of uses of force (75 officers) out of all ages. The median age of officers who used force in each district was 33, with a minimum age of 21 and a maximum age of 63. In regard to years of service, officers with 1 year of experience reported the highest number of uses of force (117

officers). The median years of service per district was 4 years with a minimum of 0 and a maximum of 37.

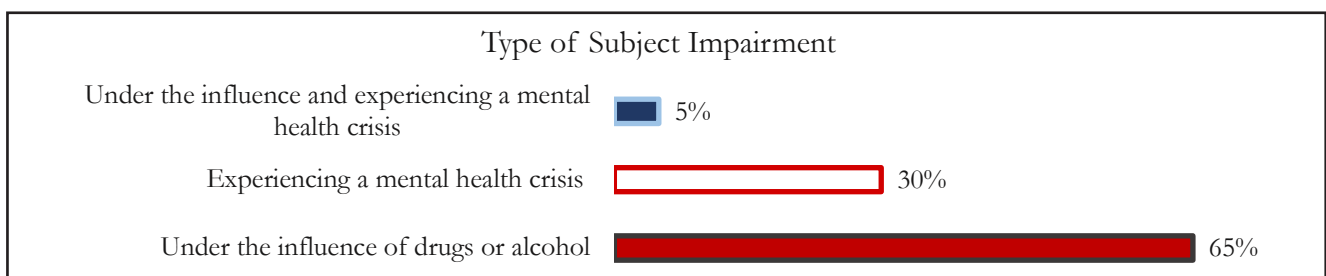
## Subjects Impaired or Assaulting Officers

MPD officers record when subjects commit an assault on a police officer (APO). They also record when subjects are under the influence of drugs or alcohol, or are exhibiting signs of mental illness.<sup>49</sup>

Officers reported that subjects assaulted officers in 269 use of force incidents, 30% of the total use of force incidents in 2021, a 15% increase from the 233 incidents with subject assaulting officers in 2020. Officers also reported that subjects appeared to be under the influence of drugs or alcohol or appeared to be exhibiting signs of mental illness in 263 incidents, 30% of the total use of force incidents in 2021. This is a 9% increase from the 243 use of incidents with subjects appearing to be under the influence of drugs or alcohol or exhibiting signs of mental illness in 2020.

In 172 of the 574 uses of force where officers were assaulted by a subject (30%) officers reported an APO by subjects who appeared to be under the influence of drugs or alcohol or who appeared to be exhibiting signs of mental illness.<sup>50</sup>

When officers encountered subjects they believed were under the influence of drugs or alcohol or exhibiting signs of mental illness, officers used hand controls and tactical takedowns, the two lowest levels of force, in 78% of incidents in 2021. Other types of force used in 2021 were pointing firearms (9%), OC spray (9%), fist/knee strikes (4%), and ASP strikes (<1%).



47: Please see the graph on page 25 regarding the ranks of officers using force

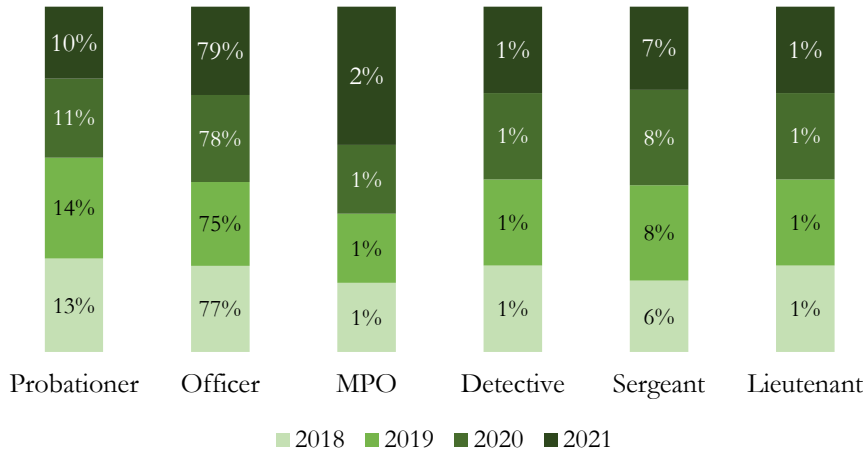
48: There cases where the officers' birthdate and starting date are not available

49: This section reports on 887 incidents because 28 incidents are still open and OPC does not receive the information regarding the subjects' impairment until the case is closed

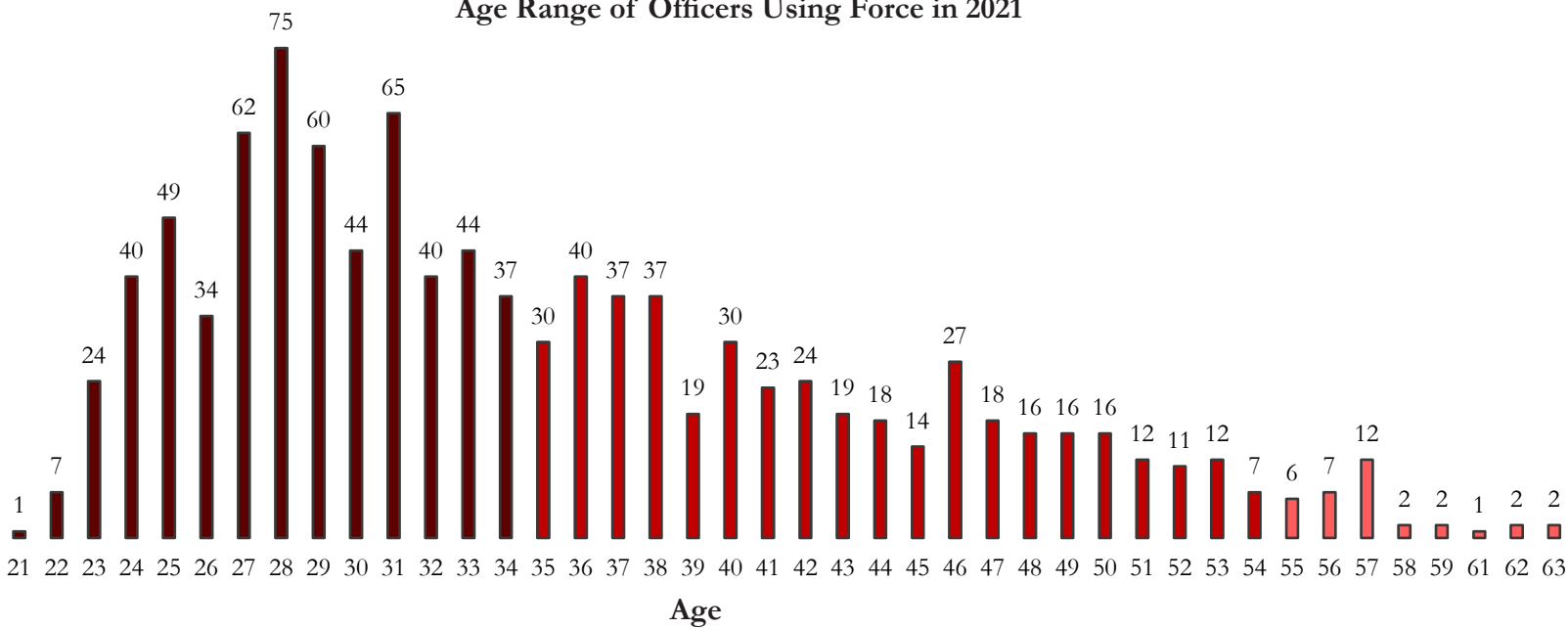
50: In 2019 MPD made it mandatory for officers to report on the subjects' possible impairment

# Officer Characteristics

## Rank of Officers who Reported Using Force



## Age Range of Officers Using Force in 2021



## Officer Years of Service in 2021





# USE OF FORCE BY DISTRICT

## Overview

MPD divides D.C. into seven service districts, and has a number of special divisions, including the Harbor Patrol and Criminal Interdiction Unit.

The Seventh, Sixth, and Fifth Districts had the greatest proportion of reported use of force incidents in 2021, as they did in 2017, 2018, 2019, and 2020. In 2016, the First District and Fifth District had the greatest proportion of reported use of force incidents.

The Fifth District includes neighborhoods such as Brookland, Ivy City, Trinidad, and Woodbridge; the Sixth District covers the northeast half of the District that is east of the Anacostia and Potomac rivers; and the Seventh District covers the southeast half of the city east of the Anacostia and Potomac rivers. The First District includes the National Mall, the downtown business district, and the Southwest Waterfront.

The Second District regularly has the lowest proportion of reported use of force incidents, with 6% to 8% per year, followed by the Fourth District, with 9% to 12% per year. The Second District covers the northwest section of the city, including neighborhoods such as

Chevy Chase, Cleveland Park, Georgetown, and Foggy Bottom. The Fourth District covers the upper northwest portion of the District, including the Fort Totten, Takoma, and Petworth neighborhoods.

The proportion of incidents occurring in the Third District was at its highest in 2019 with 16% of all incidents occurring in the Third District. This then decreased by 3% to 13% in 2020 (15% in 2021). The Third District includes Adams Morgan, Dupont Circle, Logan Circle, and Columbia Heights.

MPD further divides the seven districts into 57 Police Service Areas (PSAs), to which officers are assigned. The five PSAs with the most reported uses of force accounted for 22% of all uses of force in 2021 – more than one out of every five uses of force. This percentage is the same as in 2020.

The five PSAs with the most reported uses of force in 2021 were in the Third, Fifth, Sixth, and Seventh Districts – PSAs 507, 305, 506, 603, and 702. Out of these five PSAs, 506 and 507 were also among the five PSAs with the most reported uses of force in 2020.

**PSA 507: 44 use of force incidents**

**PSA 506: 42 use of force incidents**

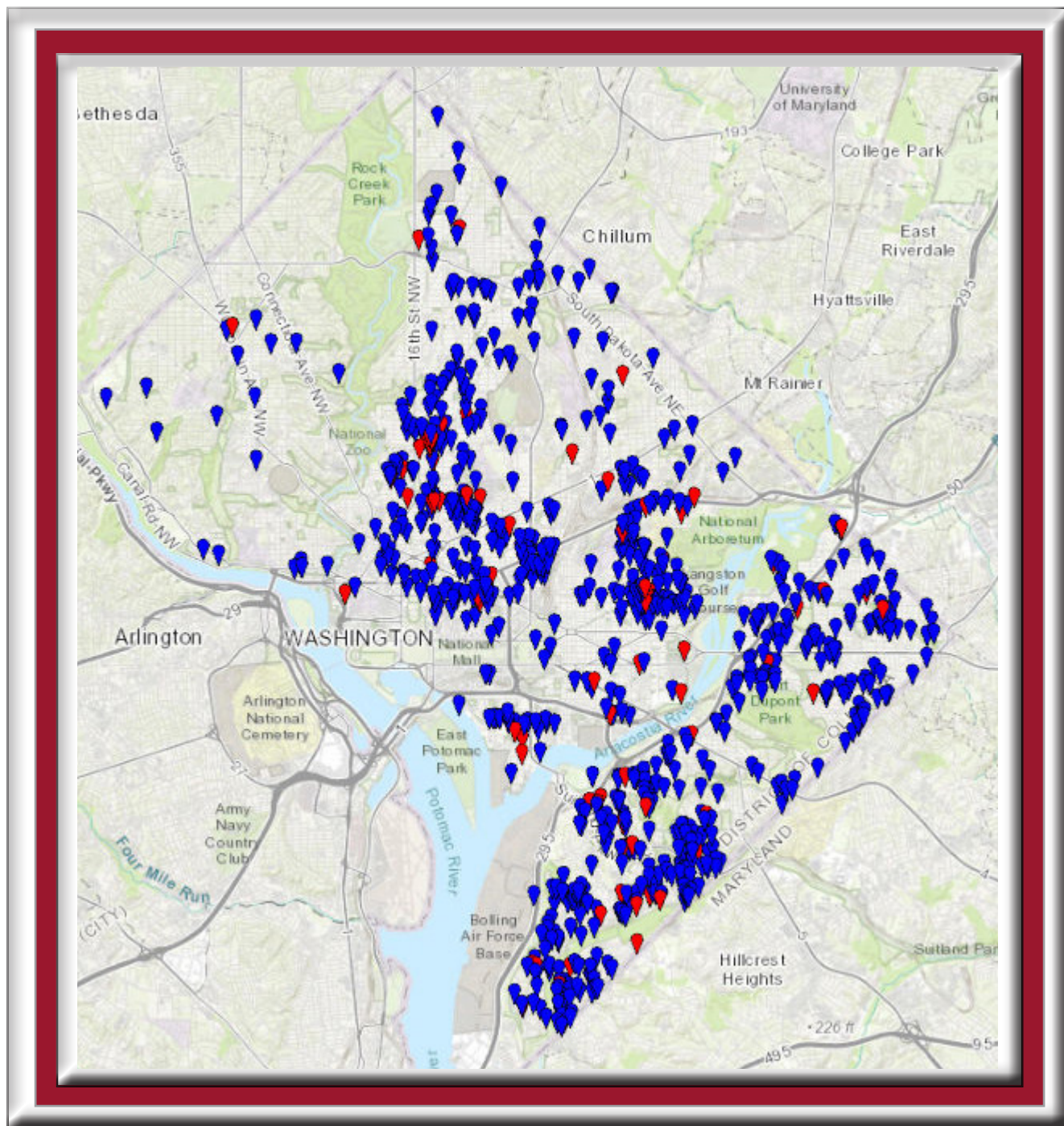
**Sixth District: 169 use of force incidents**

**Seventh District: 228 use of force incidents**

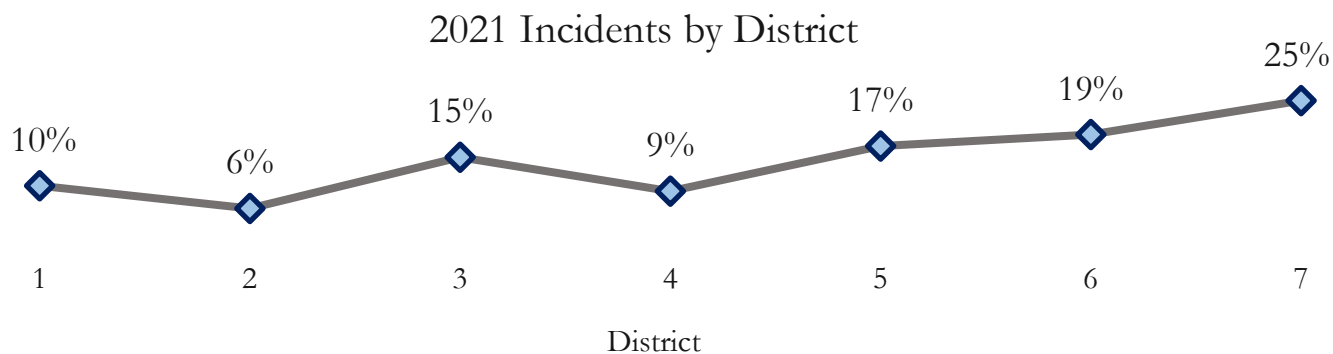
## Use of Force Incidents by District

	District 1	District 2	District 3	District 4	District 5	District 6	District 7
2018	11%	6%	12%	11%	20%	19%	20%
2019	10%	8%	16%	12%	18%	17%	20%
2020	10%	8%	13%	10%	18%	20%	21%
2021	10%	6%	15%	9%	17%	19%	25%

# Where 2021 Use of Force Incidents Occurred



The above map depicts the locations of the use of force incidents in 2021. The blue icons represent a location that had only 1 use of force incident and the red indicates that the location had more than 1 use of force incident. As the map depicts, there are few use of force incidents in the northwest quadrant of the district.



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# 2021 CENSUS TRACTS

## Overview

In this 2021 Use of Force Report OPC included the census tracts where use of force incidents occurred. This section will discuss what census tracts are, as well as demographic information compiled from the census tracts.

Census tracts in the United States are geographic areas described by the Census as “small, relatively permanent statistical subdivisions of a county or statistically equivalent entity...” with the purpose being “to provide a stable set of geographic units for presentation of statistical data.” For more information please see this Census glossary [site](#).

For the purpose of this report, census tracts were used to compile demographic data for the location of where use of force incidents occurred. Specifically, census tracts were used to identify the racial and ethnic make-up, as well as the poverty rate. This was done to identify any patterns in the areas where force is used.

There are a few important factors to note regarding this data. First, not all use of force incidents in 2021 had addresses that were easily identifiable and therefore were not included in the analysis (26 incidents did not have an easily identifiable census tract). Additionally, when officers use force it is not always a static scene. Meaning, when multiple officers are using force in one incident they may be using force at different addresses. This can lead to an incident having more than one census tract in which force was used. In this analysis the multiple census tracts in one use of force incident were included (60 use of force incidents had more than one census tract involved).

According to the U.S. Census Bureau in 2020 D.C. now had 206 census tracts throughout the district. In 2021 there was at least 1 use of force incident in 168 of the 206 census tracts. Therefore, 82% of all census tracts in D.C. had at least 1 use of force incident occur within its boundaries. In regard to the racial and ethnic make-up of the census tracts it was found that 43%

of all use of force incidents occurred in census tracts that had a demographic make-up of 81-100% Black community members. Specifically, 20% occurred in census tracts 81-90% Black and 23.5% occurred in census tracts that were 91-100% Black. Furthermore, about 70% of 2021 use of force incidents occurred in census tracts that were 51-100% Black. The findings also illustrated that 47% of Black subjects had force used against them in census tracts that were 81-100% Black. These results illustrate how MPD is using force in predominately Black neighborhoods and against predominately Black community members.

Due to the COVID-19 pandemic, the Census Bureau was unable to release their American Community Survey (ACS) economic data by census tract in 2020. Thus, for the purposes of this report OPC used the 2019 ACS poverty levels based on the 2010 census tracts. Census tracts changed in 2020 due to population changes and the changes included splitting one census tract into two because of population increases. Therefore, using the 2010 census tracts is a viable option due to the data constraints.

In 2010 there were 179 census tracts in D.C. and in 2021 there was a use of force incident in 153 or 85% of the census tracts. In 2021 the poverty rate for D.C. was 15%, meaning 15% of all D.C. residents lived under the poverty line. The overall average poverty level where use of force incidents occurred in 2021 was 23%, which is higher than D.C.'s overall. Additionally, the average Black poverty level among use of force incidents in 2021 was 29% while White poverty was 12%. This illustrates that not only are the majority of MPD's uses of force against Black community members, but they also occur in majority Black neighborhoods where, on average, there are higher rates of poverty than D.C.'s overall average.



# SERIOUS USE OF FORCE INCIDENTS

## Use of Force Review Board

MPD maintains a Use of Force Review Board (UFRB), which has existed in its current form since 1999. The purpose of the UFRB is to review all use of force investigations conducted by the Internal Affairs Division (IAD);<sup>51</sup> all firearm discharges at subjects, including animals; all vehicle pursuits resulting in a fatality; and any other chain of command investigations forwarded to the UFRB by the assistant chief or the Internal Affairs Bureau (IAB).<sup>52</sup> General Order RAR-901-09, which established the UFRB, mandates that the UFRB review certain types of force and vehicular pursuits, as described above.

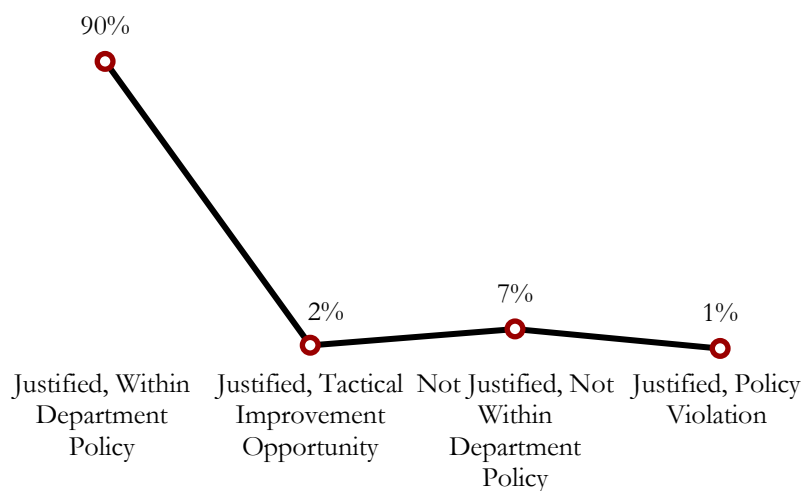
Originally, MPD's UFRB General Order required that the UFRB be composed of seven MPD officials – including an assistant chief, five commanding officials of various departments, and one commander or inspector – and two non-MPD members: OPC's executive director, and one member from the Fraternal Order of Police. Only the seven MPD members had voting power.

In July 2020, the D.C. Counsel passed emergency legislation that changed the composition of the board and the length of service for certain members. The UFRB will now have 13 voting members. The new voting members will include three civilian members

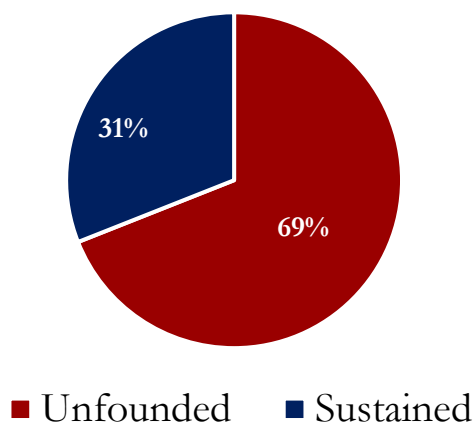
appointed by the Mayor; 1) One who has personally experienced use of force by law enforcement; 2) One who is a member of the D.C. Bar and is in good standing; and 3) One D.C. community member who is a resident. There will also be two additional civilian members who will be appointed by the council: 1) One member will have subject matter expertise in criminal justice policy; and 2) One member will have subject matter expertise in law enforcement oversight and the use of force. These 5 civilian members also must not have any current or previous affiliation to law enforcement. The last additional voting member will be the Executive Director of the Office of Police Complaints.<sup>53</sup> The Mayor also has the discretion to include non-voting members to the board.<sup>54</sup>

The UFRB categorizes its reviews into different types of cases. These include serious uses of force, allegations of excessive force, vehicle pursuits, electronic control device (ECD) deployment, and neck restraints, among others. It also categorizes some instances as policy violations. The UFRB considers any violation of MPD's directives as a policy violation. In reviewing use of force investigations, the UFRB has five primary considerations of whether the use of force was:

1) justified; 2) not justified; 3) compliant with department policy; 4) not compliant with department policy; or 5) a tactical improvement opportunity. Most excessive force



2021 UFRB Excessive Force Determinations



51: The IAD is a sub-unit of the IAB, and is responsible for handling complaints against MPD personnel and investigating lethal and nonlethal uses of force. The IAB also contains the Court Liaison Division and the Equal Employment Opportunity Investigations Division. For more information see this [site](#)

52: Metropolitan Police Department General Order RAR-901-07: "Use of Force." Metropolitan Police Department; 1 January 2022. Available [here](#)

53: The Executive Director of OPC has had UFRB voting powers since July 2020

54: Members without voting powers voice their opinions and they are documented if they disagree with the UFRB's decision

# SERIOUS USE OF FORCE INCIDENTS

investigations are initiated by officers' supervisors, though some are initiated by a complaint. For allegations of excessive force or other misconduct, the UFRB determines whether the allegations are unfounded, sustained, exonerated, or whether there were insufficient facts to make a determination. For vehicle pursuits, the UFRB determines whether the pursuit was justified or not justified. The definitions for Use of Force and Excessive Use of Force disposition types are listed on page 29.

For each decision, the IAD investigator provides a recommended disposition, but the UFRB ultimately makes the final determination through a majority vote of the members. When the UFRB determines that the actions of an officer or officers did violate MPD policy, the case is referred to the director of the MPD Disciplinary Review Division, who then recommends the appropriate discipline to impose. Beyond reviewing individual cases, the UFRB may also make recommendations to the Chief of Police regarding use of force protocols, use of force investigation standards, and other policy and procedure revisions.

The UFRB convened 24 times and issued 558 determinations in 2021; compared to 26 meetings issuing 380 determinations in 2020, a 47% increase in determinations.

The 558 determinations in 2021 involved a total of 265 different officers. Of the 558 determinations:

- 509 (91%) were regarding uses of force;
- 13 (2%) were regarding allegations of excessive force; and
- 36 (6%) were for policy violations, 32 of which were sustained.

Ninety percent of the 509 use of force determinations in 2021 were considered Justified, Within Department Policy, while 2% were considered Justified, Tactical Improvement Opportunity. The UFRB determined that officers' actions in 37 of the 509 uses of force (7%) in 2021 were Not Justified, Not Within Department Policy. There were also two UFRB determinations of Justified, Policy Violation and 2 determinations of Unfounded.

Four of the 13 excessive force determinations (31%) in 2021 were Sustained, while 9 (69%) were considered Unfounded, and 0 (0%) were considered to have insufficient facts.

The UFRB concurred with the recommendations of the IAD investigator in 94% of the 558 determinations in 2021. In 4% of cases, the UFRB did not concur with the IAD's recommendations. The other 2% of allegations were not proposed by the IAD investigator but added by the UFRB.

## Use of Force Determinations

- **Justified, Within Departmental Policy:** A use of force is determined to be justified, and during the course of the incident the officer did not violate an MPD policy.
- **Justified, Policy Violation:** A use of force is determined to be justified, but during the course of the incident the officer violated an MPD policy.
- **Justified, Tactical Improvement Opportunity:** A use of force is determined to be justified; during the course of the incident no MPD policy violations occurred; and the investigation revealed tactical error(s) that could be addressed through non-disciplinary and tactical improvement endeavor(s).
- **Not Justified, Not Within Departmental Policy:** A use of force is determined to be not justified, and during the course of the incident the officer violated an MPD policy.

## Excessive Force and Other Misconduct Determinations

- **Unfounded:** The investigation determined there are no facts to support the assertion that the incident complained of actually occurred.
- **Sustained:** The investigation determined that the allegation is supported by a preponderance of the evidence to determine that the incident occurred, and the actions of the officer were improper.
- **Insufficient Facts:** The investigation determined there are insufficient facts to decide whether the alleged misconduct occurred.
- **Exonerated:** The investigation determined that a preponderance of the evidence showed that the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

# OFFICER-INVOLVED FIREARM DISCHARGES

## Overview

The highest level of force an officer can use is discharging their firearm. The summaries and data analysis in this section may help the community understand the circumstances of an officer-involved firearm discharge in a more transparent detailed context than provided to the public via media outlets. Tracking the specific circumstances of how, when, where, and why officers discharge their firearms is an important tool for any police department and the community they serve.

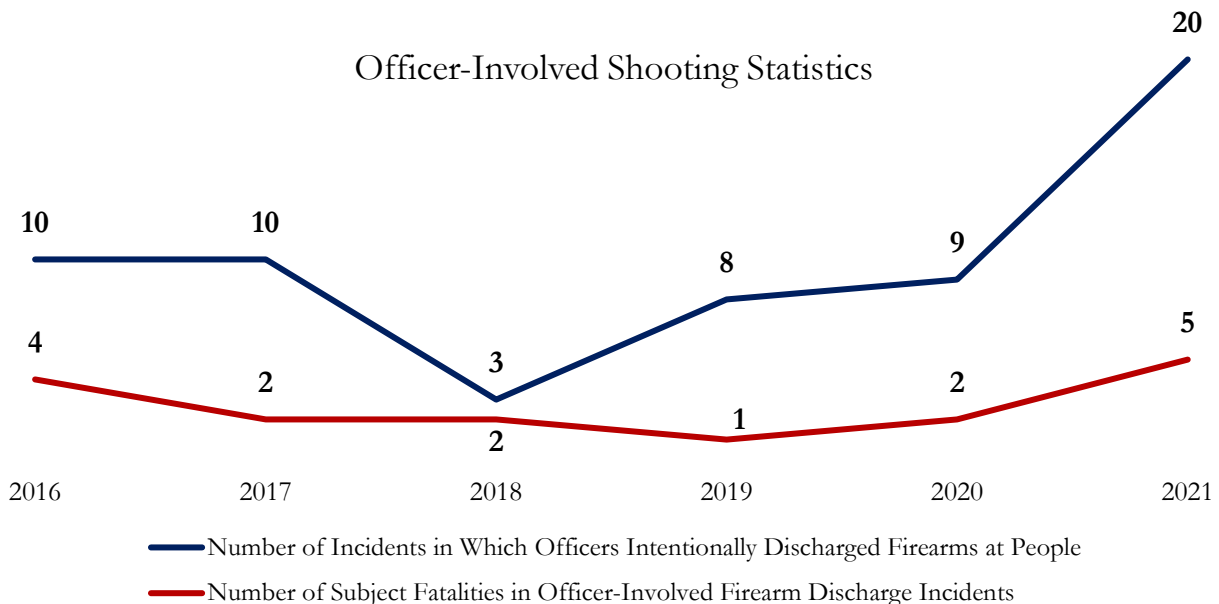
Data in this section is another opportunity for this report to increase community trust in the Metropolitan Police Department and allows MPD to better ensure that deadly force is the only appropriate and necessary option in every instance that it is utilized. All the information regarding firearm discharges in this report was provided by the UFRB and MPD.

In 2021, 24 MPD officers intentionally discharged their firearms in 21 incidents – 20 incidents at people and 1 incident at animals. The number of officer-involved firearm discharge incidents at people decreased from fifteen in 2015 to three in 2018. The number of incidents increased to eight in 2019 and then to nine in 2020. In 2021 that number increased to 20.

Out of all the twenty reported officer firearm discharge incidents<sup>55</sup> at people in 2021, one took place in the First District, one took place in the Second District, three took place in the Third District, five took place in the Fourth District, three took place in the Fifth District, three took place in the Sixth District, three took place in the Seventh District, and one took place in Virginia. Eighteen of the subjects fired at were Black males and two subjects fired at were White male.

## Fatal Officer-Involved Firearm Discharges

The twenty incidents in which officers discharged their firearms at people in 2021 involved 22 officers in total discharging their firearms. Five of the subjects at whom officers discharged their firearms in 2021 were fatally injured. Three of these subjects reportedly pointed their weapons at officers, one subject was armed with a hand gun, and one subject was resisting officers. Between 2014 and 2018, MPD officer-involved firearm discharges resulted in two to four reported fatalities each year. 2019 was the year with the lowest subject fatality caused by MPD officer firearm discharges since 2014. In 2020, 2 subjects were fatally injured from MPD firearm discharges and in 2021 this number increased to 5.



55: This report will not release the names of officers involved in shooting incidents. While D.C. Act 23-336, requires the Mayor to “publicly release the names and body-worn camera recordings of all officers who committed the officer-involved death or serious use of force,” this power and responsibility is vested specifically with the Mayor, not OPC. Further, this section of D.C. Act 23-336 is currently involved in pending litigation, see this [site](#)



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# OFFICER-INVOLVED FIREARM DISCHARGES

## Non-Fatal Officer-Involved Firearm Discharges

MPD officers discharged their firearms and caused subjects' non-fatal injuries in 11 incidents in 2021. In 6 incidents the subject pointed their weapon at officers, 1 subject had a BB gun in their possession, 2 subjects threatened officers with a knife, 1 subject discharged their firearms, and 1 subject was resisting officers. MPD officers discharged their firearms and missed the subjects in 4 intentional firearm discharge incidents in 2021. Between three and five people were non-fatally injured in officer-involved firearm discharge incidents per year from 2014 to 2017. In 2018, there were no non-fatal officer-involved firearm discharges; all firearm discharges by officers were either fatal or missed the subject. In 2019 and 2020 MPD officers discharged their firearms and caused subjects non-fatal injuries in four incidents.

## Negligent Firearm Discharges

Officers negligently discharged firearms in five incidents in 2021.<sup>56</sup>

- On January 19, 2021, at the 800 block of South Washington Street in Alexandria, officers observed an individual struggling with another individual inside of a vehicle. Officers believed the victim was being held against their will and when they attempted to stop the vehicle the driver fled. Once the car stopped an officer approached the vehicle and negligently discharged their firearm, which missed the subject. The UFRB concurred with IAD's recommendation that the firearm discharge was *Not Justified, Not Within Department Policy*.
- On April 7, 2021, an off-duty officer was cleaning their service weapon when they pulled the trigger and the firearm discharged a bullet. No one was injured and the officer requested the weapon be inspected for defects. MPD found this incident to be *Not Justified, Not Within Department Policy*.
- On July 23, 2021, an officer observed what they believed to be a drug transaction. The officer gave verbal commands to the subject to not resist arrest. The subject continued to resist and a struggle ensued.

During this struggle the subject kept reaching for a firearm. As the officer was attempting to disarm the subject, the firearm was discharged. MPD *Exonerated* the officer for this incident.

- On October 22, 2021, an officer was dry firing their personal weapon in the restroom of their home when the firearm was negligently discharged. MPD *Sustained* the allegations against the officer for this incident.
- On December 14, 2021, officers were notified of a potential stolen vehicle. Officers identified the vehicle and approached the subjects in the vehicle. Once officers approached the vehicle the subjects put it in reverse and backed away. When this happened the officer was pulling their firearm out of their holster when they negligently pulled the trigger and discharged one round in to the pavement. MPD *Sustained* the allegations against the officer for this incident.

## Officer-Involved Firearm Discharges at Animals

Two officers discharged firearms at one dog in one incident in 2021. In calendar years 2012 through 2021, MPD reported that officers discharged their weapons at animals in 1 to 18 incidents per year.

## Subject Behavior in Officer-Involved Firearm Discharges

MPD officers report the level of subject behavior in five categories: cooperative/compliant; passive resistance; active resistance; assaultive; and threatening serious injury or death (see page 14 for definitions and further description of these categories). MPD officers discharged their service weapons at human or animal subjects in 21 incidents in 2021. OPC received FIRs for 10 of these 21 incidents. Of these PDFs, 9 documented officer-involved firearm discharges at human subjects, and 1 involved a dog. In 7 of the 9 incidents of firearm discharges at people, the officers reported that the subjects were active assailants. In one of the incidents the subject was reported as compliant and the last was classified as passive resister.<sup>57</sup> In the officer-involved firearm discharge at an animal, the dog was reported as an active assailant.

56: The last two negligent discharges in this section are not considered uses of force because they were not in the direction of any person nor did they hit anyone

57: In these incidents the officer discharging their firearm would be considered a disproportionate response to the subject's level of resistance. See the table on page 14. The incident where the subject was described as compliant was actually a negligent discharge in the direction of the subject and this incident occurred on January 19, 2021. The description of this incident can be found in the negligent discharge section.

## 2021 OFFICER-INVOLVED FIREARM DISCHARGES AT HUMAN SUBJECTS

Type	District	# Officers	Officer Injuries	Subject Gender	Subject Race	Threat
Fatal	1D	1	None	Male	Black	Pointed weapon at officer
Fatal	7D	1	None	Male	Black	DV kidnapping/ Pointed weapon at officer
Fatal	5D	1	None	Male	Black	Armed with handgun
Fatal	3D	1	None	Male	Black	Pointed weapon at officer
Fatal	7D	1	None	Male	Black	Resisting
Non-Fatal Injury	4D	1	None	Male	Black	Pointed weapon at officer
Non-Fatal Injury	3D	2	None	Male	Black	Committed armed robbery/ Possession of BB gun
Non-Fatal Injury	4D	1	None	Male	White	Committed homicide/Pointed weapon at member
Non-Fatal Injury	6D	2	None	Male	Black	DV attempt sexual assault/ Threaten with knife
Non-Fatal Injury	5D	1	None	Male	Black	Threatened member with knife
Non-Fatal Injury	6D	1	None	Male	Black	Discharged weapon at member
Non-Fatal Injury	4D	1	None	Male	Black	Pointed weapon at officer
Non-Fatal Injury	4D	1	None	Male	Black	Pointed weapon at officer
Non-Fatal Injury	3D	1	None	Male	Black	Pointed weapon at officer
Non-Fatal Injury	2D	1	None	Male	Black	Pointed weapon at officer
Non-Fatal Injury	4D	1	Yes	Male	Black	Resisting
Missed	Virginia	1	None	Male	Black	DV kidnapping
Missed	6D	1	None	Male	Black	DV ADW Gun/ Discharged weapon at member
Missed	5D	1	None	Male	White	Fleeing scene of a crime
Missed	7D	1	None	Male	Black	Pointed weapon at officer

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# 2021 OFFICER-INVOLVED FIREARM DISCHARGES AT HUMAN SUBJECTS

## Overview

In 2021 MPD provided more detailed information regarding firearm discharges at human subjects. Specifically, MPD provided this additional information; 1) number of rounds discharged; 2) number of rounds that struck the subject; 3) the number of rounds that missed the subject; 4) distance at which the rounds were fired; and 5) other information relevant to the rounds that were discharged. This information was provided in addition to the demographics of the officers and subjects, location of the incident, member injury, subject weapon, subject threat, and UFRB findings. What follows in this section is the discussion of the data MPD provided.

A total of 83 rounds were discharged by 22 officers at 20 subjects. Twenty-six of these rounds were determined to have struck a subject, while 39 missed. This translates to a 31% completion rate. There were also 18 rounds that were unaccounted for. MPD also stated for 3 firearm discharge incidents that an unknown number of rounds struck or missed the subject because MPD was unable to determine which officers' rounds struck the subject.

The median number of shots fired at a subject was 2.5, with a minimum of 1 and a maximum of 13. Furthermore, the average distance that officers

were shooting from was 19 feet. The minimum distance was 2 feet, while the maximum was 75 feet. In thirteen, or 65%, of the intentional firearm discharge incidents the subject was either armed with a firearm, pointed a firearm, or discharged a firearm at a MPD officer.

In regard to the fatal firearm discharges the average distance that the officer fired from was 11 feet. This is in comparison to 21 feet in non-fatal injury discharges and 23 feet in missed discharges. As such, with this limited data it appears as if fatal discharges are more likely to occur when the officer is closer to the subject. In fatal firearm discharges there was an average of 4 discharges, which is the same as non-fatal injury discharges. For those discharges that missed, on average, officers fired 3 shots.

Eighteen of the twenty-two MPD personnel who fired a weapon at subjects were officers, three were sergeants, and one was a lieutenant. Therefore, in 2021 officers were the most likely to be involved in a firearm discharge. Additionally, 7 years was on the force the average for officers who discharged their firearm at a subject while the average age was 33 years old. All 22 of the officers who discharged their firearm at a subject were male. Four percent of the officers were Asian or Pacific Islander, twenty-seven percent were Black, nine percent were Hispanic, and fifty-nine percent were White.

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# OFFICER-INVOLVED FIREARM DISCHARGES

## 2019 Summary of Officer-Involved Firearm Discharge Incidents-Updated<sup>58</sup>

- On September 18, 2019, a subject reportedly discharged their handgun at an officer while being pursued by that officer at the 1600 block of Morris Road SE. The officer returned fire but missed the subject. The subject fled and was not apprehended. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.

## 2020 Summary of Officer-Involved Firearm Discharge Incidents-Updated

- On February 13, 2020, officers reportedly responded to the sounds of gunshots at the 4200 block of 7th Street NW. A subject brandished a firearm, and an officer discharged their firearm at the subject but missed. The subject subsequently fled, and officers then discharged their weapons at the subject, who was non-fatally injured. The UFRB concurred with IAD's recommendations that 7 of the firearm discharges were *Justified, Within Department Policy*; 5 were *Justified, Tactical Improvement Opportunity*; and 1 was *Not Justified, Not Within Department Policy*.
- On June 29, 2020, at the 5210 block of E Street SE officers reportedly responded to a call for service for a man with a gun. The officers encountered the suspect, and one officer discharged their firearm at the suspect but did not strike them. The suspect was then apprehended. The UFRB concurred with IAD's recommendation that the firearm discharge was *Not Justified, Not Within Department Policy*.
- On September 1, 2020, officers responded to a call for shots fired in the 1500 block of Alabama Avenue SE. When the officers located the suspect, the suspect pointed their firearm at officers. One officer discharged their firearm at the suspect, who was not hit. The suspect was then apprehended. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.

- On September 2, 2020, MPD officers located a vehicle in the 200 block of Orange Street SE that was occupied by several suspects. A suspect in the vehicle then pointed their firearm at the officers. One officer discharged their firearm and struck the suspect, who was fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On September 18, 2020, an off-duty detective was in the 4200 block of Minnesota Avenue NE. When the detective exited their vehicle, a subject approached the vehicle with the intent of committing motor vehicle theft. The detective retrieved his MPD issued firearm and discharged it at the suspect, who was non-fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Policy Violation*. The UFRB also *Sustained* the policy violation recommended by the UFRB.

## 2021 Summary of Officer-Involved Firearm Discharge Incidents

- On January 2, 2021, at the 3300 block of Georgia Avenue NW an officer responded to a subject with a firearm. Once the subject was located, the officer gave commands for the subject to show their hands. The subject then pulled a firearm out of their coat and pointed it at the officer. The officer discharged their firearm and struck the subject, who was non-fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On February 5, 2021, at the 200 block of Florida Avenue NW officers responded to a call regarding an assault in progress. Once on the scene the complainant told the officers they had been assaulted and robbed by a suspect with a firearm. When the officers located the subject, the subject ran towards the officers with their hands in their jacket. The officers discharged their firearms

58: The summaries regarding officer-involved firearm discharges are based on FIRs, UFRB hearing Decision Action Sheets and the MPD shooting list



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## OFFICER-INVOLVED FIREARM DISCHARGES

striking the subject, who was non-fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.

- On February 19, 2021, at the 5900 block of Chillum Place SE officers responded to a call for a person who had been shot. Once on scene officers located the subject who had a shotgun. The subject began walking toward officers with their firearm pointed at officers. An officer then discharged their firearm at the subject, who was non-fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On February 23, 2021, at the intersection of 37th Street and Ridge Road SE officers responded to a metrobus for a person in need of medical attention. As they responded, the officers heard gunshots and went to investigate. They then observed a subject running towards them with a handgun, and the subject was firing at them. The officers then discharged their firearms, missing the subject. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On February 24, 2021, at the 300 block of 35th Street NE officers responded to a call regarding an attempted sexual assault. Once on scene the complainant told officers the subject was inside and armed with a knife. Attempts to de-escalate the situation and disarm the subject with a less-lethal weapon were unsuccessful. The subject then swung the knife towards officers and officers discharged their firearms, striking the subject, who was non-fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Tactical Improvement Opportunity*.
- On February 26, 2021, at the 900 block of New York Avenue NE an officer was working security at a retail establishment and was alerted to a theft. The officer attempted to stop the subject, but the subject fled in a vehicle. The officer discharged their MPD firearm, but missed. The UFRB concurred with IAD's recommendation that the firearm discharge was *Not Justified, Not Within Department Policy*.
- On February 26, 2021, at the 1600 block of New York Avenue NE officers observed an individual armed with a knife laying in traffic lanes. The subject ran towards officers. The officers discharged their firearms, non-fatally striking the subject. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On April 30, 2021, at the 1100 block of 4 Street SW officers responded to a call for a domestic assault in progress. Once officers approached the subject, the subject retrieved a hand-gun and pointed the weapon at officers. Officers discharged their firearms and fatally struck the subject. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On May 24, 2021, at the 1300 block of Alabama Avenue SE officers responded to a kidnapping in progress. Once on the scene officers declared a barricade and hours later officers confronted the subject and the complainant. The subject pointed an assault rifle at officers. Officers discharged their firearms and fatally struck the subject. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.
- On August 24, 2021, at the 1700 block of Minnesota Avenue SE an officer was approached by a community member who reported an individual using drugs in a nearby alley. The officer approached the subject and notified the subject they had to leave. The officer suspected the subject had a firearm and requested back up. The subject then retrieved a firearm and shot at the officer. The officer then discharged their firearm and non-fatally struck the subject. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On August 25, 2021, at the intersection of New York and Florida Avenue NE officers responded to an individual unresponsive behind the wheel of a vehicle. Once on the scene officers noticed the subject was armed with a handgun. The subject moved their vehicle forward once they became aware of the officers. An officer then discharged their firearm and fatally struck the subject. This case was still under investigation as of May 2022.

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## OFFICER-INVOLVED FIREARM DISCHARGES

- On August 31, 2021, at the 1400 block of V Street NW officers responded to a call regarding a subject armed with a shotgun. Once on scene officers made contact with the subject, who was repeatedly opening and closing the door to the residence. The subject then opened the door and pointed a rifle at officers. An officer discharged their firearm and fatally struck the subject. The assault rifle was found to be a replica. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On September 3, 2021, at the 6300 block of 9th Street NW officers responded to the sound of gunshots. Once on scene officers located a subject who was attempting to flee in a vehicle. A vehicle pursuit ensued and the subject's vehicle crashed and overturned. Once officers began attempting to remove the subject from the vehicle, the subject pointed a hand-gun at officers. An officer discharged their firearm, and the subject was non-fatally struck. This case was still under investigation as of May 2022.
- On October 5, 2021, at the Unit block of McDonald Place NE officers responded to a scene regarding an aggravated assault. The subject, who had shot a complainant with a BB gun, was also armed with a large knife. When officers attempted to deploy a less-lethal impact weapon, but the subject retrieved a handgun and barricaded themselves in the residence basement. Members of the Emergency Response Team (ERT) entered the basement and the subject fired at officers. A member of ERT discharged their firearm, striking the subject non-fatally. This case was still under investigation as of May 2022.
- On October 10, 2021, at the 800 block of S Street NW officers were patrolling an area known to have recent auto thefts. Officers witnessed what they believed to be an auto theft in progress. While officers were commanding the subject show their hands, a semi-automatic handgun was spotted in the subject's hands. The subject then pointed the firearm at officers, and an officer discharged their firearm at the subject, non-fatally injuring them. The UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Department Policy*.
- On October 18, 2021, at the 1300 block of Congress Street SE officers responded to a scene where the complainant was attempting to retrieve their belongings. Once on the scene a struggle ensued between the complainant and the subject. Once officers intervened, a struggle then started between officers and the subject. The subject was fatally shot, and no weapon was recovered from the scene. This case was still under investigation as of May 2022.
- On October 20, 2021, at the 1200 block of 28th Street NW an off-duty officer observed what they believed to be two armed suspects attempting to steal a vehicle. Gun fire was exchanged between the officer and the suspects. One subject sustained a non-fatal gunshot wound. This case was still under investigation as of May 2022.
- On October 22, 2021, at the 500 block of Kennedy Street NW officers responded to reports of an armed subject chasing another individual. Once the officers stopped the subject a struggle ensued, and an officer felt a gun on the subject's person. The subject was able to free themselves and get into a vehicle, which the officers attempted to remove the subject from. As this occurred an officer got into the back seat of the vehicle and the subject drove away. After the officer commanded the subject to stop the vehicle several times, the officer discharged their firearm and non-fatally injured the subject. This case was still under investigation as of May 2022.
- On November 27, 2021, at the 2300 block of Chester Street SE officers responded to a report of an aggravated assault and a subject with a gun. Once on the scene officers were confronted with a subject armed with an assault rifle. Officers commanded the subject to drop the weapon, and an officer discharged their weapon at the subject but missed. The subject then got into a vehicle to flee the scene, only to crash a few blocks away. The subject was located and arrested. This case was still under investigation as of May 2022.



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## NECK RESTRAINTS

### UFRB Determinations- Neck Restraints<sup>59</sup>

General Order 901.07 states that “Members shall not employ any form of neck restraint except when an imminent threat of death or serious physical injury exists, and no other option is available.”<sup>60</sup> In July 2020, Executive Order 20-044 redefined neck restraints as “the use of any body part or object to attempt to control or disable a person by applying pressure against the person’s neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or restricting their blood flow or breathing.”<sup>61, 62</sup>

- In 2021, UFRB issued 9 determinations regarding 5 neck restraint incidents that took place in 2019, 2020, and 2021, respectively. In these 5 incidents there were 8 neck restraints used. Of these neck restraints, all 8 were *Not Justified, Not Within Department Policy*. One of the 9 determinations was for a policy violation. The IAD’s recommendation was to *Sustain* the policy violation, but the UFRB disagreed and found the violation to be *Exonerated*.
- On June 7, 2019, an officer arrested a subject for unlawful entry. While at the Fourth District for processing the subject became aggressive with the officer and the subject lunged out of their chair towards the officer. The officer pushed the subject by the shoulder back into the chair. The subject began to stand again, and the officer placed their right hand on the subject’s neck and pushed the subject back into the chair. The officer had their hand on the subject’s neck for approximately 3 seconds. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On May 16, 2020, officers were called to the scene of an individual sleeping in a vehicle. Once officers approached the vehicle the subject woke up and exited the vehicle. Upon exiting the vehicle an officer attempted to grab the subject, who

was attempting to flee. The subject became agitated, and a struggle ensued until the subject was placed in handcuffs. While handcuffed the subject was still agitated and was acting aggressively toward the officer, which led to the officer using OC spray on the subject. During another takedown it appeared as if the officer’s right forearm was against the right side of the subject’s neck. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.

- On July 1, 2020, officers responded to an alarm call at an electronics store. Once there they were notified of a shoplifting at a department store nearby. The officers approached a subject with merchandise from the department store which reported the shoplifting. Once the officers attempted to remove the items of clothing from the subject’s hands, the subject became agitated and a struggle ensued. Using hand controls, the officers were able to handcuff the subject’s right hand and another struggle ensued. The officers delivered multiple straight strikes and during the struggle an officer administered several possible neck restraints and at one point applied a frontal neck restraint to the subject. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On December 27, 2020, an officer was assisting CPEP with a patient. While CPEP members were administering medication to the patient, he became agitated and attempted to bite the staff. During the struggle an MPD officer used a neck restraint. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*. There was also a policy violation that the UFRB *Sustained*.
- On February 27, 2021, officers were processing a subject who became agitated. A struggle between the subject and officer ensued and an MPD officer used a neck restraint. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.

59: Summaries are based on the summaries presented to the UFRB

60: For more information, please visit this [site](#)

61: Executive Order EO-20-044. Available [here](#)

62: For more information on neck restraints please visit this [site](#)

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# ELECTRONIC CONTROL DEVICE (ECD) DEPLOYMENTS

## Overview

In 2021, the UFRB made 6 determinations regarding ECD deployments in 5 cases. The final determinations the UFRB made are listed below:

- Four ECD deployments were determined *Justified, Within Department Policy*;
- Two were determined *Not Justified, Not Within Department Policy*;

In one incident officers received a call to “investigate the trouble.” During this investigation officers began struggling with a subject believed to be under the influence and eventually an officer deployed their ECD. This use was ruled to be *Not Justified, Not Within Department Policy*. In another incident officers approached a chaotic crowd and eventually noticed a subject armed with a knife. In order to subdue the subject an officer deployed their ECD. This was found to be *Justified, Within Department Policy*. In the next incident officers were called to a convenience store for two subjects struggling and in order to break up the fight an officer deployed their ECD. This was found to be *Justified, Within Department Policy*. The last two incidents involved officers at the Capitol on January 6, 2021. Once the Capitol was breached these officers deployed their ECD’s to keep the peace. These two incidents were found to be *Justified, Within Department Policy*.

## JANUARY 6, 2021

### Overview

On January 6, 2021, protestors breached the Capitol grounds and a struggle ensued between the protestors and police, leaving officers to use force against the protestors. Most of the officers on the scene were Capitol Police, however, there were a number of MPD officers who used force. For these uses of force the UFRB made 38 decisions regarding 5 use of force incidents from January 6, 2021, when protestors breached the Capitol grounds and building. 36 of these decisions were found to be *Justified, Within Department Policy* and 2 were found to be *Not Justified, Not Within Department Policy*. Two of these incidents involved members from MPD’s Civil Disturbance Unit (CDU). There were 29 determinations made regarding the CDU of force and all were determined to be *Justified, Within Department Policy*. Of these determinations 5 were regarding the use of OC spray, 1 was a tactical takedown, and the remaining were for a combination of mechanical force, physical force, and OC spray.

The remaining 9 UFRB determinations were regarding MPD officers who were part of a CDU but made decisions independently of a CDU commander. Seven of these decisions were found to be *Justified, Within Department Policy* and 2 were found to be *Not Justified, Not Within Department Policy*. The uses of force that were *Justified, Within Department Policy* consisted of two uses of a taser, two uses of the ASP baton strike, and three tactical takedowns. The two uses of force that were determined to be *Not Justified, Not Within Department Policy* were ASP baton strikes.



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## UFRB RECOMMENDATIONS TO MPD

The UFRB also makes recommendations based on the cases they review. In 2021 the UFRB made the following recommendations to MPD.

1. Tactical scene review at Metropolitan Police Academy (MPA): they made this recommendation 9 times.
2. Use of force refresher training at MPA
3. An officer negligently discharged their firearm while wearing an untucked buttoned-down shirt. The UFRB recommended MPA train detectives and plain clothes officers on drawing and firing their weapon while wearing plain clothes that covers the weapon.
4. An officer had a negligent discharge while clearing a weapon at the weapons safety barrel. The UFRB then recommended that MPA conduct firearms and safety training sessions.
5. There was an incident where officers investigated the sound of gunshots and were met with an armed subject and a gunfire was exchanged. The UFRB recommended that the MPA incorporate training that differentiates between an active shooter and a barricade incident, as well as how to transition between the two events.
6. There was a negligent discharge of a firearm where BWC footage may have been reviewed, thus in violation of MPD policy. The UFRB then recommended that Policy and Standard Division review General Order 302.12. Part IV, Section G, which states: The viewing of BWC recordings at the scene of an incident is prohibited. However, the UFRB feels that there may be times when viewing a BWC on the scene would be beneficial in aiding an investigation or a critical issue. The UFRB suggestion is that MPD review, and possibly implement specific times where the reviewing of BWC recordings on the scene can be permitted.
7. In November 2020 there was a First Amendment Assembly regarding the 2020 presidential election results where plain clothes officers were mistaken for protestors and pushed in crowd control. The UFRB recommended plain clothes officers working First Amendment Assemblies should have easy identifiers for uniformed MPD officers that CDU and SOD officers are made aware of prior to the event/detail. Also, during First Amendment Assemblies, CDU officials(s) should use some sort of amplification device to give loud and clear instructions to demonstrators.
8. There was an incident wherein a subject spit into an officer's eye. The UFRB then recommended that the Corporate Support Bureau evaluate the supply needs for spit face shields and that MPA is to identify any training that might be needed for members while wearing face shields.
9. On January 6th, when the Capitol was breached, there was a situation wherein MPD officers did not have munition. The UFRB is recommending/directing that the use of an ECD during the handling of First Amendment Assemblies and Mass Demonstrations be incorporated into the departments General Orders, Standard Operating Procedures (SOP), CDU trainings.
10. The UFRB had reviewed multiple uses of force conducted by Special Police Officers (SPO's). These reviews have highlighted that SPO's are not receiving appropriate level of training as it relates to use of force and MPD directives. SPOs have also acknowledged during their statements that they are unfamiliar with the rules and guidelines they have to follow. Therefore, the UFRB is recommending that all SPOs should receive mandatory increased training regarding using force, reporting force, and the importance of timely reporting when force is used. Review of these cases also illustrated that MPD officers and sergeants responding to the SPO use of force were not clear on the appropriate procedures when responding to a SPO use of force and the investigative steps. Therefore, the UFRB recommends that a roll call training be developed and presented to remind members of how to properly respond to these situations.
11. There was an incident where an officer assisted Comprehensive Psychiatric Emergency Program (CPEP) personnel in administering medication to an assaultive patient and a neck restraint was used. The UFRB recommended that MPD and DBH revise the current practice of transferring the custody of patients from MPD to CPEP personnel. The UFRB is recommending that transfer of patients occur in a secure area and not within the actual medical facility. MPD personnel should not be used to restrain subjects or assist with the administration of medication within mental health facilities, absent exigent circumstances.
12. There was an incident where officers were responding to an assault at a residence that later was determined to be an off-duty officer's residence. The UFRB is requesting that a policy change be looked at in reference to calls for



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## UFRB RECOMMENDATIONS TO MPD CONTINUED

service in regard to dispatcher sending an official to a residence if a known law enforcement officer is involved. A policy should also be developed that states a member must notify an official immediately if they believe a law enforcement officer is involved in any incident.

13. Members of the gun recovery unit (GRU) assisted another officer another officer who was attempting to apprehend a fleeing subject. Upon review of this incident, the UFRB recommended that GRU training curriculum be improved, applying to all current and future members. This updated training should include scenario-based examples that allow for follow-up discussions and review. At the conclusion of training members should be required to test and demonstrate that they fully understand and have retained what was taught. This training should also be used in Professional Development Training (PDT) for the members of the entire department. The training should include the following: 1) How to plan and execute for an undercover operation; 2) Fourth Amendment, relevant case law; 3) MPD policy and procedure as it pertains to contacts, stops, searches, and arrests; 4) Firearms recognition, narcotics recognition, narcotics field testing; 5) Obtaining Search and Arrest Warrants to include the execution and entry of those warrants; 6) Properly completing arrest paperwork; and 7) Courtroom testimony.
14. There was an incident where an officer utilized 4 neck restraints against a subject during the processing stage at a district station. The UFRB recommended that the MPA conduct roll call training and in person trainings with scenario-based practicals for all members, that include, de-escalation techniques, removing prisoners from cells, escorting prisoners within the cell block, while possessing prisoners and handcuffing.
15. There was an incident where an MPD officer removed the handcuffs from an agitated subject. The UFRB recommended MPD conduct an inspection and evaluation of all MPD cellblock cameras including audio and video equipment is conducted to ensure that the equipment is functioning properly, and the video quality is sufficient to aid in investigations. The UFRB recommended the MPA conduct in-person refresher scenario-based examples training for all members. The training should include: 1) Escorting prisoners within the cellblock area to include the unloading and loading of prisoners from transport vehicles; 2) Additional options, such as, maintaining the handcuffs on the prisoner while being searched and until the prisoner is calmed down or secured in a cell should be discussed; 3) Removing prisoners from cells; 4) Escorting prisoners within the cellblock, while processing prisoners and handcuffing; 5) De-escalation techniques while interacting with combative prisoners, including maintaining the handcuffs on an agitated prisoner until being secured in a cell or calmed down; 6) Searching Prisoners, with special attention to individuals wearing multiple layers of clothing; and 7) Cellblock Safety.
16. There was an incident where an officer used force on a subject who was handcuffed. The UFRB recommended the Policy and Standards Branch conduct a policy review of General Order 901.07 to address the following: 1) Provide additional clarity that not only should the minimum amount of force be used on handcuffed prisoners, but the all over provisions of General Order 901.07, also apply to Part IV, N. (e.g. defensive tactics may not be used on an active resisting suspect; the suspect must at least demonstrative assaultive behavior); and 2) Specifically, indicate which tactics fall under each level of the Member's Force Response in the Use of Force Framework (e.g. Strikes, ASP, 40mm. and ECD fall under the Defensive Tactics category)
17. There was an incident where an officer discharged their firearm at a subject. The UFRB recommended the MPA incorporate into future bi-annual firearms re-qualifications the items listed below. 1) The use of a flashlight while discharging a firearm in low-light situations into the course of fire; 2) The use of cover and concealment into live firearms training during each requalification; 3) The use of effective communication and directives under high stress situations with multiple officers on the scene.

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# OPC RECOMMENDATIONS

## Overview

In its FY17 and 2018 Use of Force Reports, OPC made eight and three recommendations, respectively, while expanding a FY17 recommendation in 2018, for MPD to improve its use of force policies, reporting, and data collection. In the 2019 Use of Force Report there were no new recommendations made. In the 2020 use of force report OPC made two recommendations, followed by one new recommendation in this report. The following is an overview of the progress MPD has made on the recommendations, from both OPC's and MPD's perspectives. OPC's review process included requests to MPD to determine the status of the recommendations. Therefore, the statuses of these recommendations are current as of the date this report was issued. OPC also considered its own observations and experiences in producing this 2021 Use of Force Report to determine the extent to which the recommendations had been implemented.

For simplicity purposes, only included in this report are the two most recent correspondences between OPC and MPD. To find previous correspondence please refer to the 2020, 2019, or 2018 Use of Force Reports<sup>63</sup>. Further, recommendations that have been fully implemented are not included in the updates. Refer to pages 50 and 51 for a table with a timeline of the recommendations and their implementation status.

## 2017 Recommendations Update<sup>64</sup>

Of the 8 recommendations OPC made in 2017<sup>65</sup>, MPD has:

- **Fully Implemented** four recommendations;
- **Partially implemented** three recommendation; and
- **Not implemented** one recommendation

### 1. MPD should collect all use of force data electronically.

Status according to MPD as of February 2021

#### AGREE, COMPLETE

“With the implementation of the FIR in January 2020, PPMS was modified to ensure all data fields from the FIR can be exported to a spreadsheet for sharing with OPC.”

#### OPC Response:

OPC considers this recommendation **partially implemented**. The Excel spreadsheet from MPD did not include the data regarding whether the subject was impaired or experiencing a mental health crisis at the time force was used. Information regarding whether or not the subject was impaired or suffering from a mental health crisis is imperative information. Without this information being exported from the PPMS system to excel, OPC must review each PDF and document from the section whether the subject was experiencing impairment or suffering from a mental health crisis. This decreases the efficiency of reporting uses of force. OPC will consider this fully implemented when all data from the PDFs are completely exported to the Excel document.

Status according to MPD as of March 2022

#### AGREE, COMPLETE

“The 2021 Excel spreadsheet provided to OPC included data regarding subject impairment and subjects experiencing a mental health crisis. This information will be included in the spreadsheet provided to OPC going forward.”

63: For more detailed information on the recommendations and correspondence between MPD and OPC please see the 2019 Use of Force Report. Available [here](#)

64: For more detailed information on the 2017 recommendations and correspondence between MPD and OPC please see the 2017 Use of Force Report. Available [here](#)

65: This also includes recommendation 5A that originated in the 2018, but is reported with the 2017 recommendations

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# OPC RECOMMENDATIONS

## OPC Response:

OPC considers this recommendation **partially implemented**. While MPD exported the information regarding subjects impairment or mental health crisis status in 2021, OPC noticed that the pre-existing injuries of the subject (injuries sustained prior to the use of force) on the FIR's were not exported to excel. OPC will consider this fully implemented when this relevant information is exported to the excel document.

## 2. MPD supervisors should carefully review all use of force reports prior to approving them for final submission.

Status according to MPD as of February 2021

### AGREE, COMPLETE

"This issue was resolved with the deployment of the FIR. The subject weapon field is now mandatory, and officers are required to select either "yes" or "no." If "yes" is selected, additional mandatory fields are available to describe the weapon type."

## OPC Response:

OPC considers this recommendation **partially implemented**. Some of the FIRs inaccurately reported the officers' start date, birth date, weight, and height. Further, the officers' assigned element and district at the time of the use of force in PPMS did not match the data reported in the FIR in 25% of FIRs. These are small details, but MPD should strive for the utmost accuracy in reporting. OPC will consider this fully implemented when there are no errors in the PDFs and PPMS.

Status according to MPD as of March 2022

### IN PROGRESS

MPD is working on modifications to PPMS (1) to ensure that date of birth and start date are automatically transferred as read-only fields from MPD's personnel system to the FIR/PPMS and (2) assignment information transferred to OPC quarterly matches the information captured on the FIR. MPD is also re-enforcing the need for supervisors to carefully review FIRs to ensure all information, including height and weight, are reported accurately.

## OPC Response:

OPC still considers this recommendation **partially implemented**. This is because there are discrepancies between the FIR data and the PPMS data. For example, the addresses of the use of force incident are not always consistent between the PPMS data and the FIR data. Additionally, the use of force used by the officer is not consistent between the PPMS data and the FIR data. OPC will consider this fully implemented when the FIRs and PPMS data match, or an explanation is given as to why there are discrepancies

## 3. MPD should clarify the definition of contact controls and report contact controls on UFIRs (FIRs).

Status according to MPD as of February 2021

### AGREE IN PART, IN PROGRESS

"MPD is in the process of combining our use of force and use of force investigations general orders. The order will clarify the types of force that are exceptions to the requirement to complete a FIR."

## OPC Response:

OPC considers this recommendation **not implemented**. OPC reviewed Executive Order 19-009 and there was no clarification with respect to the types of force that are exceptions to the requirement to complete a FIR. OPC will re-evaluate the implementation status of this recommendation when MPD issues a General or Executive Order regarding contact control definitions and reporting requirements.



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# OPC RECOMMENDATIONS

## Status according to MPD as of March 2022

“MPD’s revised use of force general order, GO-RAR-901.07, was issued on January 1, 2022. The order provides a definition for control holds (previously referred to as contact controls) in the use of force framework table on page 4. The order also specifies which types of force require completion of a FIR (see page 9, Part II.D.1-2). However, MPD continues to disagree that control holds should be reported on the FIR. Requiring a FIR anytime an officer has to put their hands on an arrestee (for example, to maintain custody to prevent escape or to escort an arrestee to a police car), when there is neither injury nor complaint of pain, would be an imprudent use of scarce and valuable resources, unnecessarily keeping patrol officers off the street.”

### OPC Response:

OPC considers this recommendation **partially implemented**. OPC was not recommending officer’s complete a FIR anytime they put their hands on an arrestee, just to define what contact controls are. In prior orders control holds and hand controls were used interchangeably, and in the order issued on January 1, 2022, MPD clarified that hand controls fall within the category of control holds. MPD also specified what types of force are included in control holds. OPC will monitor this recommendation over the next year through the use of force data. In the 2021 use of force data MPD officers were categorizing hand controls/control holds as compliance techniques and not as control holds. OPC will consider this complete when officers correctly categorize uses of force that are considered control holds.

## 4. MPD should resume collection of data from firearm discharge incidents.

### Status according to MPD as of February 2021

#### AGREE, COMPLETE

“The information requested on firearm discharges is not always extractable from the officer’s narrative, nor would that be the appropriate place to capture the information. Information reported by the officer at the scene of a firearm discharge is preliminary in nature, and the information sought by OPC (e.g., number of rounds that took effect, number of rounds that missed) is determined during the IAD investigation and documented in the final investigation. Adding this information to PPMS would require additional modifications to the system to allow the investigator to enter the information in discrete fields when the investigation is concluded. There are no plans to modify the system at this time. As previously communicated to OPC, we are happy to provide this information to OPC as needed to facilitate this report.”

### OPC Response:

OPC considers this recommendation **partially implemented**. OPC will consider this recommendation fully implemented once MPD provides OPC with information regarding the number of rounds fired, hit, and missed by officers for all firearm discharges. MPD can provide this information separately from the PPMS data and send it directly to OPC at the conclusion of each investigation. MPD can also provide this information when they send the data regarding officer-involved shootings.

## Status according to MPD as of March 2022

#### AGREE, COMPLETE

“MPD provided OPC with data regarding the number of rounds fired, hit, and missed by officers for 2021 firearm discharges on March 10, 2022, and MPD will continue to provide this information to OPC going forward.”

### OPC Response:

OPC considers this recommendation **fully implemented**. As of 2022 MPD was sending OPC detailed information regarding firearm discharges. OPC will continue to monitor the firearm discharge information MPD is sending.

## 5. MPD should require all officers to complete a UFIR immediately following a use of force incident.

### Status according to MPD as of February 2021

#### DISAGREE

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# OPC RECOMMENDATIONS

“MPD continues to disagree with this recommendation as outlined in our previous responses.”

## OPC Response:

OPC considers this recommendation **not implemented**. As stated previously, OPC continues to recommend that MPD require officers to complete some type of report immediately following all uses of force. This will better capture the officer’s perception and reaction to the situation that resulted in a use of force.

## Status according to MPD as of March 2022

### **DISAGREE**

“MPD continues to disagree with this recommendation as out-lined in our previous responses. MPD’s current policy governing the completion of UFIRs (now FIRs) was negotiated with and approved by the Department of Justice (DOJ) as part of our Memorandum of Agreement (MOA) on use of force. Officers cannot be compelled to provide a statement or complete a FIR until they receive a criminal declination from the Unites States Attorney’s Office or are issued a “Reverse Garrity” warning by the department. For the vast majority of use of force cases, we have a procedure for issuing Reverse Garrity when the force incident occurs so the FIR can be completed immediately. How-ever, in serious use of force cases that are under review for criminal prosecution by the United States Attorney’s Office, requiring the officer to provide a statement on the FIR immediately may compromise the criminal investigation.”

## OPC Response:

OPC considers this recommendation **not implemented**. OPC’s opinion remains that MPD officers should complete some type of report immediately following all uses of force. This will ensure officers are correctly describing the event and the subjects actions.

## 2018 Recommendations Update<sup>66</sup>

Of the three recommendations OPC made in 2018, MPD has:

- **Fully Implemented** two recommendations; and
- **Partially implemented** one recommendation

### 1. MPD should reduce the upward trend of use of force incidents.

This reporting period recorded an increase in the total number of reported use of force incidents of 20 percent over the previous calendar year. MPD should use the data presented in this report to inform their policy directives, training, and culture to identify potential causative factors for this increase and implement measures to prevent this upward trend from continuing in future reporting periods.

## Status according to MPD as of February 2021

### **IN PROGRESS**

MPD remains committed to promoting de-escalation and ensuring our officers only use force when objectively reasonable and proportional to the threat faced by the officer or others. We will continue to analyze any emerging trends identified internally as well as through OPC’s annual force report. We also continue to encourage OPC to include information on whether force used was justified. This additional context is critical to understanding whether MPD use of force is being used appropriately.

## OPC Response:

OPC considers this recommendation **partially implemented**. Between 2015 and 2019 we saw an 84% increase in the number of use of force incidents. Most of this increase occurred between 2015 and 2018. From 2018 to 2019 there was less than a 1% increase in use of force incidents. From 2019 to 2020 there was an 22% decrease in the number of use of

66: For more detailed information on the recommendations and correspondence between MPD and OPC please see the 2018 Use of Force Report. Available [here](#)

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## OPC RECOMMENDATIONS

force incidents. Regarding uses of force, there was a 106% increase between 2015 and 2018. Then between 2018 and 2019 there was a 14% decrease in uses of force, followed by a 19% decrease in uses of force between 2019 and 2020. Based on MPDs reported uses of force, there has been a two-year decrease, however, this was preceded by a steady increase in both the uses of force and use of force incidents. Even as there has been a decrease in the uses of force over the course of two years, that does not necessarily indicate an overall trend. Additionally, in those two years the MPD has also changed its use of force reporting practices twice. It is also possible that the physical distancing encouraged to limit the spread of COVID-19 has had an influence on the behavior of officers. MPD officers may be less likely to engage in physical interactions with subjects. There is supporting evidence. For instance, in 2020 there has been an 11% increase in the number of uses of force that involve an officer pointing a firearm at a subject. OPC will continue to monitor the trends in uses of force and will re-evaluate this recommendation in the 2021 Use of Force Report.

### Status according to MPD as of March 2022

#### AGREE IN PART, IN PROGRESS

“MPD remains committed to providing our officers with the training, tools, and support necessary to avoid the use of force and de-escalate situations whenever possible. While we are pleased that our use of force incidents have decreased again this year, we must also recognize that officers will, when lawful and appropriate, be in situations where it is necessary to use the minimum amount of force necessary to effectively bring an incident or person under control.

Also, as we have previously noted, the increase in use of force reports after 2015 highlighted in your latest findings is in large part attributable to MPD’s change in our use of force reporting policy in August 2016. Specifically, MPD added a requirement that officers complete a force report for all takedowns, regardless of whether there was injury or complaint of pain. As outlined in OPC’s last four use of force re-ports, almost half of all MPD’s force reports taken in the years since the policy change have listed takedowns as the highest level of force used. It is to be expected that our overall use of force numbers would increase based on the number of takedown force reports that are now completed.”

### OPC Response:

OPC considers this recommendation partially implemented. MPD stated that in August of 2016 MPD made it a requirement that officers file a FIR whenever a takedown occurs, regardless of injury or complaint of pain by the subject. They argue that this change has influenced the number of uses of force because once that change was made more officers reported takedowns. While OPC agrees this could be a contributing factor, there are data that suggest there could be other contributing factors. Specifically, in 2017 OPC received complete yearly UOF PDF’s dating back to 2013 that were used to compile complete UOF data. Preliminary analysis of the data illustrated that in 2013, prior to the policy change, 48% of the highest uses of force were takedowns, this number was 44% in 2014, 41% in 2015, and 46% in 2016. In 2017, after the policy change, this percentage was 45%, followed by 42% in 2018, 50% in 2019, and 45% in 2020. This suggests that takedowns have always represented roughly half of all uses of force, both before and after the policy change. Therefore, this policy change is unlikely to be the sole contributor to the increase in uses of force.

In 2021 there were 1,896 reported uses of force, which was a 6% decrease from 2020. This also means there was a 34% decrease in uses of force between 2018 and 2021. However, during this time there was also a 46% decrease in overall arrests made by MPD. With 70% of all closed uses of force in 2021 resulting in an arrest it is likely that use of force and arrests are closely linked. Furthermore, in March of 2020 the COVID-19 pandemic led to lockdowns and social distancing. This is likely to have translated to fewer interactions between MPD and community members in the District. So this also may have led to the decrease in uses of force rather than changes within MPD. The UFRB also made recommendations based on cases reviewed in 2021 that are relevant to working to reduce overall uses of force. While reviewing uses of force in 2021 the UFRB recommended MPD do tactical scene reviews at Metropolitan Police

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# OPC RECOMMENDATIONS

Academy (MPA) and conduct use of force refreshers. The UFRB also specified that Special Police Officers (SPO's) and the Gun Recovery Unit (GRU) are not receiving appropriate levels of use of force training and should all be retrained.

With this being said, OPC recognizes that the number of uses of force each year is not completely within MPD's control. There will always be scenarios in which officers will reasonably need to use force to ensure officer and community safety. This is a recommendation that will be continuously looked at in each subsequent Use of Force Report and the status may change based on trends in uses of force.

## 2020 Recommendations Update

Of the two recommendations OPC made in 2020, MPD has:

- **Fully implemented** one recommendation; and
- **Not implemented** one recommendation

### 1. MPD should work to reduce the racial disparities in the uses of force.

Since the inception of OPC's Use of Force Report, Black civilians in D.C. have made up 89% to 91% of all use of force victims. This occurs despite Black civilians comprising roughly 43% of all D.C. residents. Therefore, Black community members in D.C. are disproportionally represented in MPD's uses of force. White individuals in D.C. make up 37% of all community members, but only represent 3% of all uses of force. MPD should work to reduce this disparity. Based on the reported uses of force, both Black and White officers used roughly the same percentage of force on Black civilians, suggesting department wide racial bias.

MPD is the presiding police force over the nation's capital and therefore should strive to set an example for police departments across the nation. In Seattle, Black individuals comprised 30% of subjects against whom force was used despite the population of Black civilians in Seattle being 7%.<sup>67</sup> <sup>68</sup> Similarly, in Chicago Black individuals comprised 74% of subjects against whom force<sup>69</sup> was used despite the population of Black civilians in Chicago being 30%.<sup>70</sup> In 2019 the New York City Police Department Black civilians made up 56%<sup>71</sup> of all uses of force subjects and the population of Black civilians in New York City was 24%.<sup>72</sup> These are all similar to D.C.'s overrepresentation of Black individuals in uses of force and illustrate a pattern in U.S. cities where Black civilians are disproportionally represented in police uses of force.

This is an opportunity for MPD to set an example or model of best practices for other police departments across the nation. Specifically, MPD needs to work to reduce the racial disparities in their officers' uses of force. This blatant overrepresentation illustrates the systemic racism present in police departments, and particularly in regard to use of force. MPD needs to implement strong and more effective racial bias training for all employees and make it a specific goal to reduce racial disparities.

## Status according to MPD as of March 2022

### AGREE IN PART, IN PROGRESS

While we agree and are committed to continually working to reduce racial disparities in use of force, the myriad of complex social issues that contribute to these disparities extend beyond the ability of the police department to completely control. Unfortunately, the racial disparities identified in use of force are matched by other racial disparities experienced by some neighborhoods and members of our community. These include disparities in education, economic opportunities, as well as contacts with law enforcement, both as victims of violent crime and as offenders. Solving these

67: Information regarding race of the subjects against whom Seattle police used force is available [here](#)

68: Demographic data from Seattle is available [here](#)

69: Data available [here](#)

70: Chicago demographics available [here](#)

71: Data available [here](#)

72: New York demographic data available [here](#)



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## OPC RECOMMENDATIONS

issues will not be quick or easy, and will require a sustained commitment of resources by our partner agencies and by our community as a whole.

That being said, MPD is committed to doing our part in ensuring that our training, policies, and practices are free from bias. For example, last summer, we engaged with the Police Executive Research Forum (PERF) to conduct an independent organizational cultural assessment of all aspects of our department, from our internal procedures and policies to how we interact with the community, with a particular focus on building and reinforcing diversity, equity, and inclusion. We look forward to the results of that assessment and implementing any recommendations that will improve our agency. Additionally, MPD has launched a national search to hire a Chief Equity Officer for the Department, an important step to help ensure that, moving forward, the Department models the fair and inclusive values that we aspire to. This new position will be focused on ensuring that we are diligent about considering equity in everything we do as an agency, including how we interact with the community. While these efforts do not guarantee a reduction in the racial disparities we have seen in use of force, they are part of our ongoing commitment to ensuring that our officers and our department are free from discriminatory practices. We would also ask OPC to share any specific suggestions they have on achieving this recommendation or, based on their research, cities they are aware of that have achieved this goal.

### OPC Response:

OPC considers this recommendation **not implemented**. OPC agrees with MPD that the issue of racial disparities in uses of force is complex and cannot be fixed easily. However, policing is a pervasive and persistent contributor to racial disparities. It has been well documented that coming into contact with law enforcement can lead to negative outcomes.<sup>73</sup> Specifically, research indicates that individuals who have been arrested or incarcerated are more likely to have disadvantaged educational and economic outcomes. In 2021, 70% of MPD's closed uses of force resulted in an arrest. Furthermore, research illustrated that even police contact that does not result in an arrest can contribute to lower educational achievements.<sup>74</sup> This means that while use of force is not the only contributor to racial disparities in the District, MPD has a large role in its pervasiveness. In 2021 90% of all adult arrests were Black community members. It is unreasonable based on research on crime to assume that Black community members are committing 90% of all crime in the District. Additionally, in 2019 100% of the subjects involved in a MPD firearm discharge were Black, in 2020 this percentage was 89%, and in 2021 this percentage was 90%. According to 2021 addresses, 43% of all use of force incidents in 2021 occurred in census tracts that are 81-100% Black. These statistics illustrate that uses of force, and policing in general in the District appear to be biased towards Black community members.

MPD should investigate and evaluate the racial biases that are present within the department and held by individual officers. In December of 2021 two former employees, who are Black women, filed to sue MPD "alleging they were retaliated against for speaking out against racism and misconduct by White officers."<sup>75</sup> In February of 2022 it was reported that an MPD lieutenant was placed on leave due to accusations of being affiliated with white supremacist groups.<sup>76</sup> Further, in 2017 an officer was suspended for wearing a racist t-shirt, and as of May 2022 this officer was still employed by MPD.<sup>77</sup> These articles suggest that racial biases permeate MPD and likely influence the racial disparities in uses of force throughout the District.

While looking at potentially biased policies and hiring a Chief Equity Officer for the Department are steps toward reducing these racial disparities, MPD should look to all possible avenues to combat the racial biases potentially held by officers. MPD could work with institutes doing research on how to make changes in law enforcement. An example is the Vera Institute with their Redefining Public Safety Initiative. Additionally, MPD should continually conduct implicit

73: More information regarding the link between criminal justice contact and negative economic outcomes is well documented in The New Jim Crow: Mass Incarceration in the Age of Colorblindness (2010)

74: Article available [here](#)

75: Article available [here](#)

76: Article available [here](#)

77: Article Available [here](#)

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## OPC RECOMMENDATIONS

bias courses with their employees to identify any racial or ethnic prejudices. Being the main police force in the nation's capital, MPD should strive to set an example for police departments across the country in reducing racial disparities.

### **2. MPD should categorize an officer's pointing of a firearm at a subject as a use of force.**

Currently MPD does not consider pointing their firearms at subjects as a use of force, yet, in 2020, officers pointing their firearms at subjects comprised 20% of all uses of force, which is an 11% increase from 2019. While this could be an unintended side effect of COVID-19 and social distancing, there appears to have been a shift toward police officers pointing their firearms more often. It is important to consider officers pointing their firearms as a use of force because the subjects are essentially being threatened with a deadly weapon and the prospect of sustaining serious physical injury or potential death. In fact, this is an act that has been deemed so inherently dangerous that every jurisdiction in the nation has prohibited the act with laws that carry severe penalties.

In addition, other police departments also consider pointing of firearms as a use of force. The Seattle Police Department considers an officer pointing their firearm as a level one use of force, which is "Force that causes transitory pain or the complaint of transitory pain."<sup>78</sup> Further, the Los Angeles Police Department also requires officers to report incidents when they pointed their firearm at a subject and they provide those numbers in their use of force report.<sup>79</sup> OPC believes that MPD has an opportunity to become a model agency and set an example of national best practices with respect to reportable uses of force by adopting the suggestions in this report.

#### **Status according to MPD as of March 2022**

##### **AGREE, COMPLETE**

MPD issued an updated use of force general order, GO-RAR-901.07, on January 1, 2022. The revised order clarifies that the pointing of a weapon is a use of force that requires supervisory review (GO 901.07, pg. 9, Part II.D.1).

#### **OPC Response:**

OPC considers this recommendation **fully implemented**. On January 1, 2022, MPD updated their use of force general order to clarify that when officers point their weapon at or in the direction of another person they must complete a FIR prior to the end of their shift. Also, pointing of firearms is discussed in the deadly force section of the updated Use of Force General Order. Therefore, beginning in 2022 MPD considers an officer pointing their firearm at a subject to be deadly force.

## **2021 Recommendations**

### **1. MPD should work to reduce the racial disparities in where the use of force incidents occur.**

In the 2020 Use of Force Report OPC recommended that MPD work to reduce their racial disparities in uses of force because between 89-92% of all uses of force since 2017 have been against Black community members. Then in 2021 OPC identified the census tracts in which each use of force incident occurred. OPC did this to be able to identify any patterns in areas where uses of force are occurring. Racial disparities were also found in areas where MPD is using force in the District. Results illustrated that 43% of all use of force incidents in 2021 occurred in census tracts that were 81-100% Black. Additionally, 70% of all use of force incidents occurred in census tracts that were 51-100% Black. Furthermore, 47% of Black subjects had force used against them in census tracts that were 81-100% Black. This illustrates that most use of force incidents are occurring in majority Black neighborhoods and against Black community members. MPD should take steps to reduce this racial disparity by evaluating where they are policing and using force most often. Going forward this recommendation may be analyzed in conjunction with the previous recommendation about racial disparity more generally, depending on the actions that MPD takes.

78: Information available [here](#)

79: Information available [here](#)



## RECOMMENDATIONS

	Policy	Status as of 2019 Report	Status as of 2020 Report	Status as of 2021 Report
<b>1</b>	MPD should create a single use of force General Order that combines all existing guidance into one document	Not Implemented	Fully Implemented	Fully Implemented
<b>2</b>	MPD should eliminate the Reportable Incident Form (901-g)	Fully Implemented	Fully Implemented	Fully Implemented
<b>3</b>	MPD should collect all use of force data electronically	Partially Implemented	Partially Implemented	Partially Implemented
<b>4</b>	MPD should increase the amount of information captured in the UFIR	Fully Implemented	Fully Implemented	Fully Implemented
<b>5</b>	MPD supervisors should carefully review all use of force reports prior to approving them for final submission	Partially Implemented	Partially Implemented	Partially Implemented
<b>5A</b>	New Recommendation: MPD should make essential fields of the UFIR/ RIF electronically mandatory	Fully Implemented	Fully Implemented	Fully Implemented
<b>6</b>	MPD should clarify the definition of contact controls and report contact controls on UFIRs (form 901-e)	Not Implemented	Not Implemented	Partially Implemented

## RECOMMENDATIONS

	Policy	Status as of 2019 Report	Status as of 2020 Report	Status as of 2021 Report
<b>7</b>	MPD should resume collection of data from firearm discharge incidents	Partially Implemented	Partially Implemented	Fully Implemented
<b>8</b>	MPD should require all officers to complete a UFIR immediately following a use of force incident	Not Implemented	Not Implemented	Not Implemented
<b>9</b>	MPD should correctly label fist strikes in PPMS	Fully Implemented	Fully Implemented	Fully Implemented
<b>10</b>	MPD should provide officers a training update reminding them that fist/knee strikes are not compliance techniques	Fully Implemented	Fully Implemented	Fully Implemented
<b>11</b>	MPD should reduce the upward trend of use of force incidents	Partially Implemented	Partially Implemented	Partially Implemented
<b>12</b>	Racial Disparity in Use of Force	N/A	N/A	Not Implemented
<b>13</b>	A Pointing of Firearm as Use of Force	N/A	N/A	Fully Implemented
<b>14</b>	Racial Disparity in Location of Use of Force Incidents	N/A	N/A	N/A

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# APPENDICES

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## **APPENDIX A: MPD FORCE INCIDENT REPORT**



## FORCE INCIDENT REPORT (FIR)



### A. REPORTING MEMBER

IS Number	Officer name	Rank	Branch/District
Division	Sex	Race	Ethnicity
Height	Weight	Appointment Date	Duty Status
Uniform	Age		
Were you equipped with BWC		Is BWC activated?	
Supv. Notified	Date Notified	Time Notified	
Supv. Ntfd Name		Supv. Ntfd Rank	
On Scene Supv Name		On Scene Supv. Rank	

### B. FORCE INFORMATION


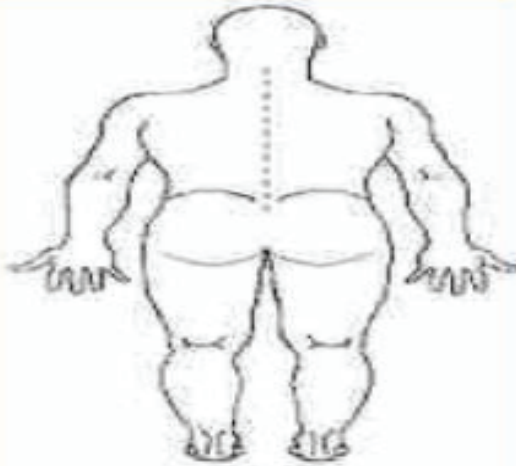
Incident Date	Incident Time	Date of Report	Time of Report
CCN	District of Incident	PSA of Incident	Other Jurisdiction
Street Address of Incident			
Lighting Conditions		Ground Conditions	

### C. MEMBER'S INJURY

Member Injured or Complaint of Pain (If yes, Complete Member Injury Section)

Any visible injuries? ☐ Is Hospitalized? ☐

#### MEMBER INJURY


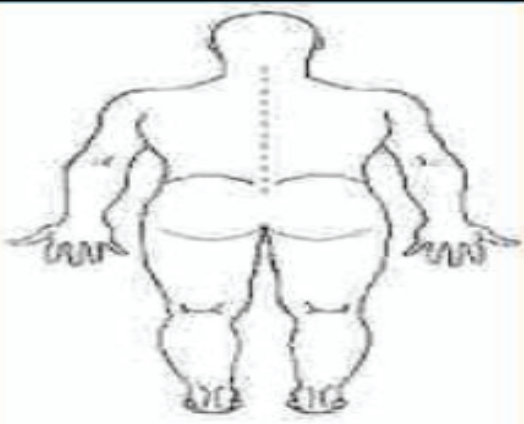
	
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Body Injury :Ear (s)

Observations	Complaints
Concussions	
Photos Taken	Photos Stored at



If Other, specify location			
<b>D. SUBJECT INFORMATION</b>			
Total Number of persons on whom force was used :			
<b>SUBJECT - 1</b>			
Is Subject Unknown?		If yes, Age Range	
Name		Address	
DOB	Sex	Race/Ethnicity	SSN
Phone	Height	Weight	
CCN	Arrest Number	Charges	
<b><u>SUBJECT'S ACTION &amp; ACTIVITY</u></b>			
Subject Activity		Other Subject Activity (If any)	
Subject Action			
Impairment			
<b><u>FORCE INFORMATION (Used on Subject)</u></b>			
Specific Type of Force used on Subject		If other specific type of force used,	
Category of Force		Firearm Information	
<b><u>SUBJECT WEAPON INFORMATION</u></b>			
Weapon	Firearm	Blunt Weapon	Edged Weapon
	Type:	Type:	Type:
	Recovered	Recovered	Recovered
	Recovery Location	Recovery Location	Recovery Location
	Discharged		
Other Weapon	Other Weapon Type	Other Weapon Recovered	Other Weapon Recovery loc
<b><u>SUBJECT INJURY</u></b>			
Injured or Complaint of Pain due to Force Incident?		Any visible Injuries?	
Pre-Existing Injury/Condition (if any)			

			
<b>Location of Injuries</b>			
Injuries :			
<b>Observations</b>		<b>Complaints</b>	
<b>Other Observations (if any)</b>		<b>Other Complaints (if any)</b>	
<b>Ambulance No</b>	<b>Medic No</b>	<b>Photos Taken</b>	

<b>E. OTHER MEMBER FORCE INFORMATION</b>		
Did any other members use force during this incident?		
<b>F. PROPERTY DAMAGE</b>		
Was the property damaged as the result of the Use of Force?		If Yes, Described below
<b>G. MEMBER NARRATIVE</b>		
<b>H. OTHER OBSERVATIONS NARRATIVE</b>		
<b>I. OTHER COMPLAINTS NARRATIVE</b>		
<b>H. REVIEW</b>		
<b>Member Signature</b>		<b>Date</b>
<b>Supervisor Signature</b>		<b>Date</b>
<b>Watch Commander Signature</b>		<b>Date</b>

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## APPENDIX B: HIERARCHY OF FORCE

In every use of force incident there may be a single type of force used or multiple types of force used by each officer. For reporting purposes, this report identifies the highest level of force used for each use of force. The hierarchy of force used in OPC's FY17 Use of Force Report was based largely on MPD's Use of Force ranking as listed on the UFIR form.

### **MPD UFIR Use of Force ranking:**

- (1) Handcuffs
- (2) Hand controls
- (3) Firm grip
- (4) Control holds
- (5) Joint locks
- (6) Pressure points
- (7) Fist strike
- (8) Takedown
- (9) OC spray
- (10) ASP – control
- (11) ASP-strike
- (12) Taser/ECD
- (13) 40mm extended impact weapon
- (14) Firearm pointed
- (15) Firearm discharged

### **MPD's Use of Force Framework:**

- (1) Cooperative Controls – Verbal and non-verbal communication
- (2) Contact Controls – Handcuffing, firm grip, hand controls
- (3) Compliance Techniques – Control holds, joint locks, takedowns, OC spray
- (4) Defensive Tactics – ASP strikes, fist strike, feet kick, 40mm extended impact weapon, Taser/ECD
- (5) Deadly Force – Firearm discharged

OPC evaluated MPD's UFIR Use of Force ranking with MPD's Use of Force Framework, as described in General Order 901-07, "Use of Force." While MPD's Use of Force Framework closely resembled MPD's UFIR Use of Force ranking, the latter does not appear to have been intended as a hierarchy, as there are instances where it does not match MPD's Use of Force Framework. In particular, on MPD's UFIR Use of Force ranking, fist strikes were ranked as a lower level of force than takedowns, which is different than MPD's Use of Force Framework; and ASP-control was ranked as a higher level of force than OC spray and fist strikes, which is different than MPD's Use of Force Framework. MPD did not provide the types of force in each category on the Use of Force Framework until late 2017, and so this discrepancy was not caught before the data was analyzed and the hierarchy published as shown above in OPC's FY17 Use of Force Report.

MPD does not consider pointing a firearm a use of force and therefore does not include it in its Use of Force Framework. On MPD's UFIR Use of Force ranking, firearm pointed was ranked as the second-highest type of force, which does not align with the ranking used by other police departments. NYPD, for example, considers pointing a firearm a higher type of force than a takedown, but lower than OC spray.

The Use of Force Framework also imposes no explicit hierarchy between different types of force at the same level. In particular, there is no explicit hierarchy between takedowns and OC spray (Use of Force Framework level 3), and there is no explicit hierarchy between ASP strikes, fist strikes, Taser/ECD use, and 40mm extended impact weapon (Use of Force Framework level 4).

After analyzing the information provided by MPD in 2017, a new hierarchy was developed in 2018 that follows MPD's Use of Force Framework, and extends the hierarchy to include firearm pointed and to impose an explicit hierarchy between force types that MPD groups together in the five Use of Force Framework categories. The differentiations between types of force in levels 3 and 4 of MPD's Use of Force Framework were based on the likelihood of the force to cause pain; the likelihood of the force to cause injury; and the likelihood of the force to cause serious injury or death. OC spray was therefore ranked higher than takedowns, as neither were likely to cause

## APPENDIX B: HIERARCHY OF FORCE

injury, but OC spray was more likely to induce pain. Similarly, of the types of force contained in level 4 of MPD's Use of Force Framework, Tasers/ECDs were ranked highest as their use was most likely to be associated with a subject's death.<sup>80, 81</sup> ASP strikes were ranked next highest as they were the most likely to cause injury or serious injury, and fist or knee strikes were ranked next highest as they were less likely than ASP strikes to cause injury.

### MPD's Use of Force Framework:

- (1) Cooperative Controls – Verbal and non-verbal communication
- (2) Contact Controls – Handcuffing, firm grip, hand controls
- (3) Compliance Techniques – Control holds, joint locks, takedowns, OC spray
- (4) Defensive Tactics – ASP strikes, fist strike, feet kick, 40mm extended impact weapon, Taser/ECD
- (5) Deadly Force – Firearm discharged

### New Hierarchy

- (1) Control holds (including hand controls, firm grip, joint locks, pressure points, ASP controls, ASP arm-extraction, and handcuffing)
- (2) Tactical takedown
- (3) Firearm pointed
- (4) OC spray
- (5) Fist/knee strike, 40mm extended impact weapon (foam or sponge rounds), or shield
- (6) ASP strike, canine bite(s)
- (7) Taser/ECD
- (8) Firearm discharged

The new hierarchy matches MPD's Use of Force Framework except:

- The new hierarchy does not include cooperative controls (Use of Force Framework level 1), as these are not physical uses of force and are not tracked by MPD;
- The new hierarchy groups all types of control holds together (level 1), rather than splitting them between two levels as on MPD's Use of Force Framework (levels 2 and 3);
- The new hierarchy does include firearm pointed (new hierarchy level 3); and
- The new hierarchy imposes an explicit hierarchy between takedowns and OC spray use; and between fist strikes, ASP strikes, and Tasers/ECDs.

Level 1 of the new hierarchy contains all hand control techniques. These fall into levels 2 and 3 of MPD's Use of Force Framework. The other types of force in level 3 of MPD's Use of Force Framework make up levels 2 (takedown) and 4 (OC spray) of the new hierarchy. Between them is firearm pointed, which is not included in MPD's Use of Force Framework. The placement of firearm pointed on the new hierarchy was based on NYPD's ranking, where firearm pointed falls between "push to ground" and pepper spray.<sup>82</sup>

The types of force in level 4 of MPD's Use of Force Framework make up levels 4, 5, 6, and 7 of the new hierarchy.<sup>83, 84</sup> Firearm discharges are considered the highest level of force on both hierarchies – level 5 of MPD's Use of Force Framework corresponds to level 8 of the new hierarchy.

80: "Reuters finds 1,005 deaths in U.S. involving Tasers, largest accounting to date." Reuters. 22 August 2017. Available [here](#)

81: Zipes, Douglas P. "Sudden Cardiac Arrest and Death Following Application of Shocks From a TASER Electronic Control Device." *Circulation*. 2012;125:2417–2422

82: Fryer Jr, R. G. (2016). An empirical analysis of racial differences in police use of force. NBER Working Papers 22399, National Bureau of Economic Research, Inc

83: Although fist and knee strikes and ASP strikes are both considered defensive techniques by MPD, there is an implied hierarchy in MPD's policies in that ASP strikes to the head are not allowed, while fist strikes to the head are used regularly by officers. Therefore, ASP strikes are placed higher on the hierarchy than fist or knee strikes

84: Extended impact weapon strikes are ranked with fist strikes in the new hierarchy. The reason for grouping these types of force is that extended impact weapons are not currently used often enough by MPD to warrant their own rank in the hierarchy. They were therefore placed with the most similar type of force from the same level in MPD's Use of Force Framework

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## APPENDIX B: HIERARCHY OF FORCE

In 2019, three new types of force were added to the new hierarchy by OPC, as the three types of force – ASP arm-extraction, shield, and canine bite(s) had been added to the answer choices for the Specific Type of Force Used field on UFIR.<sup>85</sup> ASP-arm extraction has been added to level 1 because it was considered a type of control holds. The use of a shield is considered as a defensive tactic based on MPD's Use for Force Framework. While Defensive Tactics are level 4 in the Use of Force Framework, considering that the usage of a shield is unlikely to cause the type of injuries that are as serious as those caused by ASP strikes or canine bites, it has been added to level 5 of the hierarchy. Canine bite(s) has been added to level 6, considering the potential injury level it would cause the subjects of the bites. NYPD also categories both intentional strike with an object and canine bites at the same use of force level.<sup>86</sup>

85: As discussed on page 10, the three new types of force were added as new answer choices for the Specific Type of Force Used field on UFIR as part of MPD's PPMS July 2019 enhancement

86: Report available [here](#)





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