

# Annual Report 2014



**Government of the District of Columbia**

**Police Complaints Board**

**Office of Police Complaints**

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## EXECUTIVE SUMMARY

In Fiscal Year 2014, the Office of Police Complaints made significant progress in each of the agency's core functions – complaint resolution, policy recommendations, and community outreach. In addition, the agency expanded both the services offered to the public as well as the kinds of ways in which the agency helps to improve policing in the District.

This Fiscal Year 2014 Annual Report provides highlights of all of these accomplishments, plus data describing the kinds of complaints the agency works on, the implementation status of PCB's policy recommendations, and other details related to the agency's work.

Some of the highlights of the report include the following:

- The number of people who contacted OPC for service was 1,095. Of that number, 389 filed complaints of alleged police misconduct.
- These new complaints, combined with the 312 complaints that were already open at the beginning of the fiscal year, resulted in agency staff members working on 701 complaints during the year.
- The agency closed 442 complaints, and finished the year with 259 cases, which is 53 cases, or 17%, fewer than at the end of the year before.
- The agency mediated 37 complaints, 24 of which were successfully resolved.
- The agency conducted a pilot conciliation program, resolving five cases through voluntary conversations between officers and complainants.
- PCB issued two policy reports and sets of recommendations—"MPD Enforcement of the District's Window Tint Law," and "Enhancing Police Accountability through an Effective On-Body Camera Program for MPD Officers."
- OPC played an expanded role in policy review in the District, both by working with MPD on the development of a policy governing on-body cameras and by undertaking the selection of an independent expert to review MPD policies relating to sexual assaults.
- OPC conducted or participated in 24 outreach events, with at least two such presentations being conducted in each of the of the District's wards. The agency also made eight presentations at MPD's Training Academy to classes of new recruits.

As always, OPC welcomes feedback from the public, and urges the public to contact us at (202)-727-3838, use the "Ask the Director" function at [policecomplaints.dc.gov](http://policecomplaints.dc.gov), or write us at 1400 I St NW, Suite 700, Washington, DC 20005.

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## AGENCY OVERVIEW

### Agency Mission and Function

The Office of Police Complaints (OPC) and its governing body, the Police Complaints Board (PCB), were created by statute in 1999, and OPC opened to the public on January 8, 2001.

The mission of OPC is to receive, investigate, and resolve police misconduct complaints filed by the public against sworn officers of the Metropolitan Police Department (MPD) and the DC Housing Authority's Office of Public Safety (OPS). OPC has jurisdiction over complaints alleging six types of police officer misconduct: harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination and failure to identify.

The agency also conducts policy reviews and makes recommendations concerning improvements to both the status of the citizen complaint process as well as the two police departments' recruitment, training, evaluation, discipline, and supervision of police officers.

OPC's mission also includes increasing awareness throughout the District of Columbia about the agency's purpose, and the process for filing a police misconduct complaint against MPD and OPS officers.

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

### Agency Personnel

During Fiscal Year 2014, The Police Complaints Board was comprised of Iris Chavez and Kurt Vorndran, who both served as Chair for a portion of the year, and Assistant Chief Patrick A. Burke, Karl Fraser, and Dr. Margaret Moore.

OPC has a talented and diverse full-time staff of 22. During Fiscal Year 2014, ten of these positions were filled by employees with graduate or law degrees, five of whom are attorneys. The diversity of the office has generally mirrored the District's population. Taking into account all employees hired since the agency opened in 2001, the racial and ethnic composition of the workforce has been as follows: 44% African-American, 39.3% Caucasian, 13.1% Latino, 1.2% Asian, and 2.4% biracial.

In addition, since its establishment, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond. As of September 2014, 91 college students and 47 law students have participated in the program.

Information about the staff members and members of the Police Complaints Board can be found in Appendix H.

### Mission of OPC

The mission of OPC is to receive, investigate, and resolve police misconduct complaints filed by the public against sworn officers of the Metropolitan Police Department (MPD) and the DC Housing Authority's Office of Public Safety (OPS).

OPC has jurisdiction over complaints alleging six types of police officer misconduct:

- Harassment
- Inappropriate language or conduct
- Retaliation
- Unnecessary or excessive force
- Discrimination
- Failure to identify

## Contacts and Complaints Received

The number of people who contacted OPC for service was 1,095. Among that universe, 389 filed complaints alleging police misconduct. These numbers represent a 4.7 increase in overall contacts from last year's total of 1,046, and an 11.6 percent decrease in the number of actual complaints.

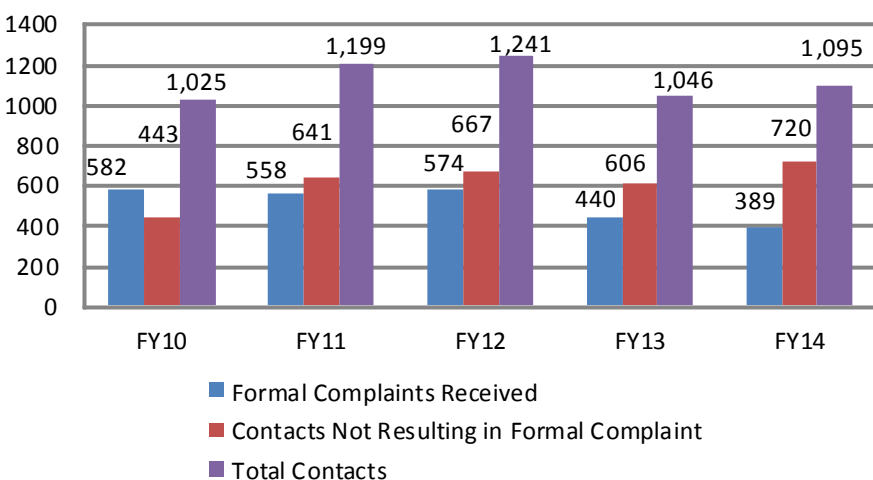
Since OPC opened in 2001, it has received nearly 13,000 contacts with potential complainants and has handled 6,124 complaints. Over the past five fiscal years, OPC has averaged 1,121 contacts and 509 complaints per year.

For each of the 389 complaints received in Fiscal Year 2014, agency staff members assessed whether it was filed timely and ensured that the conduct alleged and the officers were subject to OPC's jurisdiction. OPC referred 80 of the 389 complaints to MPD, 38 for being untimely and 42 for alleging conduct by MPD officers that was outside the agency's jurisdiction to investigate. Thirteen of the 389 complaints involved allegations regarding officers not employed by MPD or OPS, and were referred for appropriate action to law enforcement agencies not under OPC's jurisdiction. An additional 25 complaints were administratively closed, usually in cases where either the conduct was not engaged in by any law enforcement officer or where it occurred well outside the greater DC area. In all of these cases, the agency provided suggestions on how complainants could have their issues addressed, and where appropriate, the contact

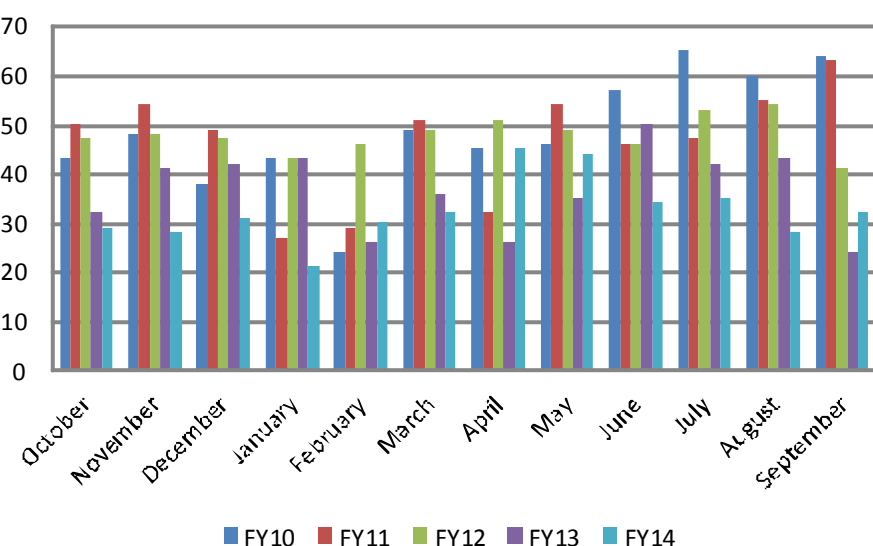
information needed to do so. The remaining 271 complaints required some type of resolution by the agency.

OPC collects and reports a significant amount of data regarding the kinds of allegations, the time and location of incidents that generate complaints, and demographic information about the complainants and officers. Interested readers can find this data presented in tables and charts in Appendices A through C.

**Chart A: Contacts and Complaints Received**



**Chart B: Complaints Received Per Month**



## COMPLAINT ACTIVITY

### OPC Workload

In addition to the 389 new complaints filed in Fiscal Year 2014, 312 additional complaints received before this period still required further work or investigation in order to be resolved by the agency. Taken together, these 701 cases represent the actual workload of the agency for the fiscal year.

During Fiscal Year 2014, the agency closed 442 of the 701 cases it worked on. Of the 442, 140 were closed by referral to another agency, complainant withdrawal, or administrative closure. Another 29 were successfully mediated or conciliated. The remaining 273 of those matters were resolved after a thorough investigation. See Table 1 for more information.

At the close of the fiscal year, 259 cases remained open. Their specific status at the fiscal year's end is reported in Table 2.

**Table 1: Disposition of Formal Complaints**

	FY10	FY11	FY12	FY13	FY14
<b>Criminal Convictions</b>	0	0	0	0	0
<b>Adjudicated</b>	10	7	14	21	8
<b>Dismissed</b>	265	328	321	259	265
<b>Successfully Mediated</b>	29	32	26	20	24
<b>Withdrawn by Complainant</b>	34	15	29	26	21
<b>Administrative Closures</b>	32	37	34	24	29
<b>Referred to MPD</b>	124	127	126	88	77
<b>Referred to Other Police Agency</b>	19	16	28	18	13
<b>Total Formal Complaints Closed During Fiscal Year</b>	<b>513</b>	<b>562</b>	<b>579*</b>	<b>456</b>	<b>442*</b>

**Table 2: Status of Pending Complaints at Each Fiscal Year End**

	FY10	FY11	FY12	FY13	FY14
<b>Assigned to Complaint Examiner</b>	4	6	5	3	0
<b>Referred for Mediation</b>	20	13	8	9	17
<b>Referred to U.S. Attorney's Office</b>	41	13	23	13	11
<b>Referred to PCB Member</b>	29	18	15	1	0
<b>Awaiting Subject Officer Objections or Assignment to Complaint Examiner</b>	1	4	0	2	0
<b>Under Investigation by OPC</b>	129	197	193	191	184
<b>Under Investigation / Report Drafted</b>	118	83	84	86	47
<b>Total Complaints Remaining Open at End of Fiscal Year</b>	<b>342</b>	<b>334</b>	<b>328</b>	<b>312*</b>	<b>259</b>

\*The three starred totals include closures by conciliation or cases on hold for conciliation. Because these categories do not exist evenly across the reported years' data, they are not that are not shown in the tables .

## Complaint Processing

For the vast majority of complaints received, OPC conducts an investigation. These investigations generally include some, if not all, of the following steps: interviewing the complainant and eye witnesses; collecting evidence; reviewing MPD documents; visiting the location of the incident; reviewing photographic or video evidence; identifying the officers; and interviewing the various witness and subject officers.

OPC investigations can be complex due to the number of witnesses who must be interviewed and the amount of other evidence that must be gathered and analyzed. The investigators conducted over 710 complaint-related interviews during Fiscal Year 2014. This included approximately 344 police officer and 367 citizen interviews. Consistent with OPC's policy of conducting certain witness interviews with two investigators present, a second investigator participated in approximately half of the interviews.

The agency resolved 273 complaints through investigation. Six of the 273 investigations required two reports each, as the agency formally dismissed some allegations and referred the remaining ones to a complaint examiner. In total, the agency produced 279 reports during Fiscal Year 2014.

OPC is fortunate to have an outstanding staff of civilian investigators who conducted and resolved these investigations. By law, these investigators cannot have ever worked for either police department under OPC's jurisdiction. The Fiscal Year 2014 staff of investigators and supervisory investigators had approximately 120 total years of combined investigative experience. The senior investigators and supervisory investigators each have over 10 years of investigative experience, and some have over 20 years of relevant experience.

### Fiscal Year 2014 Investigative Unit Training

To maintain and improve the quality of its investigators, OPC provides training in a variety of ways.

All investigative unit members attended:

- Seven subject matter and legal training sessions
- Approximately eight hours of MPD officer training at the MPD Academy
- At least 8 hours of ride-alongs with MPD officers.

In addition:

- Several investigators attended either a four-day civilian oversight practitioner training or four-day training on interviewing techniques.
- Unit supervisors each attended three to four days of management and leadership training
- Several investigative unit members attended other professional development training on topics including train-the-trainer, communication, and presentation skills.



## Officer Cooperation with OPC's Investigations

District law states that officers “shall cooperate fully with the Office in the investigation and adjudication of a complaint. Upon notification by the Executive Director that an [officer] has not cooperated as requested, the Police Chief shall cause appropriate disciplinary action to be instituted against the employee.” When OPC refers complaints to mediation, officers also must participate in good faith in the mediation process. Each time an officer fails to cooperate in the investigation or mediation process, OPC issues a discipline memorandum to MPD or OPS, which should result in the imposition of discipline by the relevant law enforcement agency in accordance with District law.

In Fiscal Year 2014, the agency sent 45 discipline memoranda to MPD and 2 memoranda to OPS.

The total of 47 instances of officers failing to appear or cooperate represents a 17.5 percent increase from last year's total of 40 such occurrences, and is the second lowest total in the past five years. See Table 3. When compared to the number of interviews conducted, however, the total number resulted in the second lowest approximate rate of compliance. See Table 4, which compares the number of failures to cooperate against the number of officer interviews conducted in each of the past five fiscal years. There are variables not accounted for in this chart. For example, the number of times officers appear for mediation is not included. Similarly, instances where an officer does not appear but had a valid reason for not doing so are not subtracted. Based on such factors, the “compliance rate” should be viewed as approximate. The table shows that overall compliance rates appear generally consistent from year to year. Although Fiscal Year 2010 seems to be

an exception, technical issues were preventing officers from receiving notifications to appear, and as described in Table 5 this resulted in an unusually high number of “unfounded” determinations.

Encouragingly, the percentage of instances that involved an officer refusing to cooperate with the investigative process, as compared to the number of failures to appear at the office for an interview or mediation, continued to drop. Another important improvement is that MPD sustained each allegation that an officer failed to provide a statement and has reported that the Department is moving forward with disciplinary proceedings.

**Table 3: Basis for Failure to Cooperate Determinations**

	FY10	FY11	FY12	FY13	FY14
Officer failed to appear	81	45	40	35	43
Officer failed to provide a statement or mediate in good faith	3	13	24	5	4
<b>Total</b>	<b>84</b>	<b>58</b>	<b>64</b>	<b>40</b>	<b>47</b>

**Table 4: Failures to Cooperate vs. Interviews Completed**

	FY10	FY11	FY12	FY13	FY14
Total officer interviews conducted	460	498	538	356	344
Total OPC notifications issued	84	58	64	40	47
<b>Approximate Compliance Rate</b>	<b>82%</b>	<b>88%</b>	<b>88%</b>	<b>89%</b>	<b>86%</b>

## Officer Cooperation with OPC's Investigations (cont.)

The best indicator of MPD's commitment to ensuring officer cooperation is that MPD imposes progressively serious discipline for multiple failures to cooperate.

Of the 34 sustained cases of non-cooperation, 12 related to only five officers – two instances each for

three of the officers, and three instances for the remaining two officers. Four of the five officers received increases in the level of punishment for subsequent offences, and final discipline has not yet been imposed for the fifth officer.

**Table 5: Discipline for Failures to Cooperate**

	FY10	FY11	FY12	FY13	FY14
Sustained, 10 day suspension	-	1	-	-	-
Sustained, 5 day suspension	-	1	-	-	-
Sustained, 3 day suspension	-	1	-	-	-
Sustained, "Official Reprimand"	-	3	6	2	3
Sustained, "Letter of Prejudice"	1	10	9	3	3
Sustained, "Form 750" or "PD 750"	17	24	14	19	24
Sustained, letter of admonition	1	2	-	-	-
Sustained, "Form 62E"	-	2	2	-	-
Exonerated, other individual disciplined for failing to notify the officer	7	1	1	2	6
Exonerated, no reason provided	1	-	-	4	-
Exonerated, lack of notification	2	2	4	-	1
Exonerated, excused by MPD	6	4	3	2	6
Exonerated, "Article 13 labor agreement"	-	1	-	-	-
Exonerated, no declination letter from USAO	-	-	6	3	-
Unfounded	27	5	12	3	1
No action, officer no longer employed	5	1	-	-	-
Not reported or information incomplete	16	-	-	-	-
Pending	1	-	7	2	3
<b>Total OPC Notifications Issued</b>	<b>84</b>	<b>58</b>	<b>64</b>	<b>40</b>	<b>47</b>

### Complaint Examination

When an OPC investigation determines there is reasonable cause to believe misconduct has occurred, the agency refers the matter to a complaint examiner who adjudicates the merits of the allegations. OPC's pool of complaint examiners, or hearing officers, all of whom are distinguished attorneys living in the District of Columbia, have included individuals with backgrounds in private practice, government, non-profit organizations, and academia. Past complaint examiners have had continued success in their legal careers, with one complaint examiner appointed as a D.C. Superior Court magistrate judge in December 2013.

The complaint examiner may either make a determination of the merits based on the investigative report or require an evidentiary hearing. If a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OPC takes steps to ensure that complainants have counsel available to assist them at no cost during these hearings. For complainant representation, OPC has an arrangement with Arnold & Porter LLP, an internationally recognized Washington-based law firm with a demonstrated commitment to handling pro bono matters. During Fiscal Year 2014, Arnold & Porter attorneys provided 127 hours of pro bono services to OPC complainants.

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

In Fiscal Year 2014, a total of four complaints were referred to the complaint examination process. All four complaints were resolved during the fiscal year, as were an additional four complaints that had been referred to a complaint examiner in Fiscal Year 2013. Each of the eight complaints was resolved by the issuance of a merits determination, and an evidentiary hearing was conducted in two complaints. All eight decisions sustained at least one allegation of misconduct, resulting in a complaint examination sustained rate of 100%. Please note that this percentage reflects the number of complaints adjudicated by a complaint examiner that

were sustained, not a percentage of all complaints resolved by the agency.

Table 6 summarizes the decisions reached by complaint examiners during the past five fiscal years, and identifies both the number of each different outcome after referral to a complaint examiner as well as a percentages reflecting the frequency of the different adjudication outcomes.

Two examples of complaint examiner decisions are provided in Appendix F to illustrate the variety of issues addressed by complaint examination process.

One examiner sustained failure-to-identify and language or conduct allegations against an officer after conducting an evidentiary hearing. Another examiner sustained an allegation against an officer involving insulting, demeaning, or humiliating language by relying on OPC's investigative report and without conducting a hearing. OPC also posts all decisions on its webpage, at:

[policecomplaints.dc.gov/page/complaint-examiner-decisions](http://policecomplaints.dc.gov/page/complaint-examiner-decisions).

#### Complaint Examination Outcome Definitions

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

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

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

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

**Table 6: Complaint Examiner Decisions (FY10 to FY14)**

	FY10		FY11		FY12		FY13		FY14	
<b>Sustained</b>	9	81.8%	7	100%	12	92.9%	15	71.4%	8	100%
<b>Exonerated</b>	1	9.1%	--	--	1	7.1%	6	28.6%	--	--
<b>Insufficient Facts</b>	1	9.1%	--	--	--	--	--		--	--
<b>Unfounded</b>	--	--	--	--	--	--	--		--	--
<b>Conciliated</b>	--	--	--	--	1	N/A	--		--	--
<b>Dismissed</b>	--	--	--	--	1	N/A	--		--	--
<b>Withdrawn</b>	--	--	--	--	1	N/A	--		--	--
<b>Total</b>	11		7		16		21		8	

### Final Review Panels

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

In OPC complaint #12-0156, the complainant, a taxicab driver, alleged that an MPD officer used language or engaged in conduct that was insulting, demeaning, or humiliating by yelling at the complainant, subjecting him to unnecessary questioning, and throwing his documents into his cab during a traffic stop. The MPD officer, in his OPC interview and during his testimony at the complaint examination hearing, asserted that although he could not recall the incident, he did not stop any taxicabs in the area of the traffic stop. The complaint examiner held a hearing and sustained the language or conduct allegation against the officer, finding that the subject officer was, in fact, the officer who stopped the taxicab on the date of the incident and engaged in loud and discourteous conduct.

In September 2013, OPC forwarded the decision to MPD for imposition of discipline. In November 2013, the MPD police chief sent a letter to OPC requesting that a final review panel reconsider the complaint examiner’s merits determination. The police chief disagreed with the complaint examiner’s decision, asserting that there was not enough evidence introduced at the hearing that identified the officer as the person who engaged in the alleged conduct. OPC granted the police chief’s request, and a final review panel comprised of three different complaint examiners was convened to review the decision.

The panel upheld the complaint examiner’s sustained finding. The panel found that complaint examiner’s determination that the officer was the individual who engaged in the conduct was supported by the consistent testimony of the complainant and witness, and was not contradicted in any specific way by the testimony and exhibits of the subject officer. Panel members did not feel that the complaint examiner had clearly misapprehended the record with regard to the allegation under review. The merits determination was returned to MPD for the mandatory imposition of discipline. The officer ultimately received a PD 750.

## INVESTIGATIVE OUTCOMES

### Disciplinary Outcomes for Sustained Cases

For purposes of imposing discipline, OPC forwards all complaint examiner decisions that sustain at least one allegation of misconduct to the appropriate chief of police. Each law enforcement agency is required by law to inform OPC of the discipline imposed for sustained allegations in each citizen complaint.

Table 7 lists each of the adjudicated complaints in the order in which they were resolved, identifies the allegations in each complaint, and indicates the decision reached by the complaint examiner for each allegation category. It also lists the disciplinary determination for officer. In reporting discipline information, OPC attempts to obtain the final disposition of each matter and keep abreast of any developments that may affect the final disposition.

In last year's annual report, three sustained outcomes were described as pending disciplinary decisions – 11-0136, 09-0454, 12-0156. MPD subsequently reported that for 09-0454, the officer received a 10-day suspension, and for 12-0156, the officer received a PD 750. The third matter, 11-0136, was described in last year's annual report. MPD had requested a final review panel, but the request was not granted by OPC as it did not comply with the legal criteria for granting the request. MPD submitted a second deficient request, which OPC also denied. OPC explained the appropriate

standard for a final review panel to be granted, and asked MPD either to resubmit the request or to impose discipline. MPD did not resubmit a request, but reported to OPC that the disciplinary outcome was "Exonerated."

In addition to this rejection of a merits determination, MPD also appears to have rejected a merits determination in OPC Complaint No. 11-0548. MPD reported that the disciplinary outcome in that case was "No Discipline issued per COP." OPC sought clarification and was informed that no discipline was imposed because MPD found the officer's actions appropriate. OPC has sought further clarification on whether MPD rejected the merits determination, and will continue to report on this outcome in the future.

Table 8 contains a historical overview of discipline imposed pursuant to sustained decisions by complaint examiners. The table is organized, top to bottom, from the most serious sanctions to the least serious ones. The columns with totals comprise all discipline imposed based on merits determinations issued prior to Fiscal Year 2014, including the updates regarding the three cases from Fiscal Year 2013. OPC will continue to monitor and report on disciplinary outcomes to ensure the integrity of the disciplinary process and the District's police accountability system.

**"PD 750,"** - also known as a "Dereliction Report" - "a record of derelict performance in matters that have not reached a serious level of concern or impact, but which need to be brought to the attention of the member so that conduct can be modified to avoid future problems." It should describe the specific violation, identify measures needed to correct deficiency, and notify the officer that it may be considered in performance evaluations and when imposing progressive discipline. This form of discipline is the least severe formal discipline issued by MPD.

**"Letter of Prejudice"** - "a written notice to a member outlining the specific misconduct, and future consequence." It may also provide for: additional supervision; counseling; training; professional assistance; and a statement that such action shall be considered in performance evaluations, in deciding greater degrees of disciplinary action, and be used as a basis for an official reprimand or adverse action for any similar infraction within a two-year period. This form of discipline is the more severe than a PD 750.

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

Definitions from Metropolitan Police Department General Order 120.21, Disciplinary Procedures and Processes (April 13, 2006)

**Table 7: Complaint Examiner Decisions by Allegation and Disciplinary Outcomes (FY14)\***

Complaint Number	Harassment	Excessive Force	Language or Conduct	Failure to Identify	Retaliation	Discipline Determination
12-0090			Sustained			Official Reprimand
11-0014	Exonerated		Sustained			Official Reprimand
10-0003	Sustained					Letter of Prejudice
12-0156 FINAL REVIEW PANEL			Upheld			PD 750
11-0316			Sustained	Sustained		Letter of Prejudice
12-0146			Sustained			PD 750
11-0548 Subject Officer #1	Count 1 – Unfounded Count 2 - Insufficient Facts Count 3 - Unfounded	Unfounded	Unfounded		Sustained	MPD rejected merits determination, no discipline imposed
11-0548 Subject Officer #2			Unfounded			N/A
11-0507			Sustained			Letter of Prejudice
12-0385 Subject Officer #1				Sustained/ Exonerated		PD 750
12-0385 Subject Officer #2				Sustained/ Exonerated		PD 750

\*The category “Discrimination” was deleted from the table because no allegations in that category was adjudicated by complaint examiners in Fiscal Year 2014.

**Table 8: Historical Overview of Discipline for Sustained Complaints**

Discipline or Action Taken	Outcomes for cases sustained in FY14	Total FY09-FY13	Total FY03-FY13
Terminated			1
Resigned*			3
Demoted			1
30-Day Suspension		1	1
20-Day Suspension			6
18-Day Suspension		1	1
15-Day Suspension		1	7
11-Day Suspension			1
10-Day Suspension		5	17
5-Day Suspension			6
3-Day Suspension		2	10
2-Day Suspension		3	4
1-Day Suspension		1	1
Official Reprimand	2	15	29
Letter of Prejudice	3	7	9
Dereliction Report	4	9	9
Formal Counseling		2	15
Job Performance Documentation, or "62-E"		1	1
Unrelated Termination Prior To Discipline Being Imposed		2	2
Merits Determination Rejected	1	4	4
Pending			
<b>Total</b>	<b>10</b>	<b>54</b>	<b>127</b>

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



## Mediation

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

As a matter of policy, OPC does not refer complaints that allege physical injury resulting from an officer's use of excessive or unnecessary force. In addition, an officer may not mediate a complaint if, in the past 12 months, he or she has mediated a complaint alleging similar misconduct or has had a complaint sustained by OPC for similar misconduct.

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

of police officers who fail to either appear or participate in good faith in the mediation process.

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

### Mediation Survey Results

OPC asks individuals who participate in mediations to fill out an anonymous survey. The results of this survey are:

#### The mediator was:

- a. 71.9% Very Helpful
- b. 25.2 % Helpful
- c. 2.9 % Unhelpful

#### The mediation session was:

- a. 47.7% Very Satisfactory
- b. 40.3% Satisfactory
- c. 7.7% Unsatisfactory
- d. 4.4% Very Unsatisfactory

#### If you reached an agreement, do you consider it to be:

- a. 48.2% Very Fair
- b. 48.2% Fair
- c. 2.6% Unfair
- d. 1.1% Very Unfair

#### Did the mediation session change your opinion of the other party?

- a. 50.2% Feels more positive
- b. 41.5% No change in my opinion
- c. 8.4 Feels more negative

### FY 2014 Factual Overview

- 64 complaints referred for mediation
- 37 mediation sessions held
- 24 of the 37 mediations resulted in an agreement that resolved the complaint– a 65 percent success rate
- Mediations accounted for 8 percent of all cases resolved by the agency

### FY01 to FY14 Factual Overview

- 682 cases have been referred to mediation
- 430 mediation sessions occurred
- 314, or 73 percent, have been successful



### A Pilot Conciliation Program

OPC has statutory authority to conciliate cases. The process is similar to mediation, except OPC has the authority to compel parties to mediation, whereas conciliation is completely voluntary for both the complainant and the officer. OPC has successfully run a mediation program since early in the agency's history, and used that form of dispute resolution exclusively.

In Fiscal Year 2014, the agency conducted a pilot conciliation program. This program was developed in the prior fiscal year based on extensive research into the various ways oversight agencies similar to OPC use alternative dispute resolution (ADR). The program was distinct from mediation in several important ways, described below in Table 9.

OPC worked collaboratively with both MPD and the Fraternal Order of Police (FOP) to design the logistics and to resolve concerns about the program. Ultimately, both organizations agreed to help facilitate the pilot program, and agreed to a process described generally in the box below.

Twenty cases were referred to conciliation, five of which were resolved through the process. Table 10 describes the outcomes of all 20 referrals. For an example of one such session, please see Appendix E.

Based on the positive feedback from participants and the successes observed in improving relationships between complainants and officers, OPC is exploring making this program permanent.

**Table 9: Mediation vs. Conciliation**

Mediation	Conciliation
Both parties required to participate	Both parties agree to participate
Occurs in person	Occurs over the telephone
Agreement must be reached during session or case will return to investigation	Agree in advance that the case will be resolved by the session if the parties participate in good faith
Case may return for investigation if no agreement reached	Case will not be returned for investigation
External mediators conduct the session	OPC staff member conducts the session
All complaints except force resulting in injury are eligible	All complaints except force resulting in injury are eligible, but generally less serious complaints than those sent to mediation

### Pilot Conciliation Program Steps

1. OPC referred a case to conciliation.
2. OPC contacted the complainant to offer the program.
3. If the complainant agreed to conciliation, OPC invited the officer to participate.
4. FOP would contact the officer, and encourage the officer to contact OPC to learn more about the process.
5. If the officer also agreed to conciliation, a mutually agreeable date and time would be scheduled between the parties.
6. MPD requested that the sessions only occur during normal business hours. Once a time was selected, MPD would check to make sure that the selected time was during the officer's tour of duty, and then informed the officer's supervisor that the officer was required to be available.
7. Each party would send OPC a signed agreement acknowledging that the session would be confidential and resolve the complaint.
8. If the session occurred, the complaint was resolved.

**Table 10: Conciliation Outcomes**

20	Total cases referred
5	Session occurred, resolving complaint
1	Session scheduled, complainant later withdrew complaint
1	Parties agreed but session could not be scheduled due to time conflicts
2	Parties agreed but session could not be scheduled due to lack of cooperation from complainant
6	Complainant declined participation
1	Officer declined participation after complainant agreed
3	Officer did not respond to invitation to participate
1	Referral rescinded by OPC after subsequent case review

### Overview

The statute creating the Police Complaints Board (PCB) authorizes it to “make recommendations, where appropriate, to the Mayor, the Council, and the Chief of Police concerning . . . those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.” This authority allows the agency to examine broader issues that lead to the abuse or misuse of police powers.

In Fiscal Year 2014, PCB issued two reports and sets of recommendations, which are discussed in more detail below. At the close of Fiscal Year 2014, PCB had issued 32 detailed reports and sets of recommendations for police reform. All of the policy recommendations, as well as information regarding the status of implementation of the suggestions, are currently available on OPC’s website.

### “MPD Enforcement of the District’s Window Tint Law”

On November 21, 2013, PCB issued a report and set of recommendations entitled, “MPD Enforcement of the District’s Window Tint Law.” From 2007 through 2012, OPC received 77 complaints from Washington, D.C., Maryland, and Virginia motorists regarding MPD’s enforcement of the District’s window tint law during traffic stops. Some of the complaints were from out-of-town motorists who complained about being stopped for violating the District’s window tint law when their vehicles were in compliance with their home states’ requirements. A small number of out-of-town drivers expressed concern over MPD officers’ refusal to accept state-issued waivers documenting that their vehicles were equipped with tinted windows to accommodate a medical condition. Several District and out-of-town motorists also alleged possible racial or geographic profiling by MPD officers.

Upon a closer examination of these complaints, PCB found that 97% of the complaints received were filed by African American motorists. All but one of the 77 complaints were based on traffic stops that occurred east of Rock Creek Park. In addition, PCB

found that the Department’s policies and training did not provide clear guidance to its officers about the procedures for enforcing the window tint law.

To address concerns about varying tint standards across the Washington, D.C., metropolitan area, medical documentation requirements, and police enforcement of the window tint law, the Police Complaints Board recommended that the Mayor direct the District Department of Motor Vehicles (DMV) to form a task force with MPD, OPC, and other District stakeholders to conduct a complete review of the law and propose amendments as necessary. The Board also recommended that MPD conduct an analysis of window tint citations issued by officers to determine if the patterns of disparities occur in a larger sample than OPC complaints represents and to reconvene the Department’s Fair and Inclusive Policing Task Force to provide input into the citation review. Finally, PCB urged MPD to issue new directives that provide better instruction to its officers regarding proper enforcement of the District’s window tint law.

### “Enhancing Police Accountability through an Effective On-Body Camera Program for MPD Officers”

On May 8, 2014, PCB issued a report and set of recommendations entitled, “Enhancing Police Accountability through an Effective On-Body Camera Program for MPD Officers.” The report recommended that MPD develop an effective on-body camera program for the District.

Prior to the issuance of PCB’s report, MPD announced its plans to implement a body-worn camera program, citing it as one of the Department’s top priorities. PCB approved of the development of the pilot program, and noted in its report that body-worn cameras could be used to resolve citizen complaints, train officers on proper police procedures, and help prevent negative police-citizen interactions. To assist in the program’s implementation, the Board recommended that MPD establish an advisory panel composed of representatives from OPC, MPD, the police union, federal and local prosecutors’ offices, the criminal

defense bar, and community organizations, among others. PCB urged MPD to use the proposed panel to assess the pilot program, and help develop a final policy if MPD decided to extend the program to the entire department. The Board also recommended that the District provide MPD with funding to conduct the pilot program and further expand the project.

### **Status Updates for Policy Recommendations**

In this year's report, details about any steps taken in response to specific PCB recommendations are included in Appendix G. The appendix has tables that list the specific recommendations made by the Board and the status of the implementation of those recommendations. The full reports are available on OPC's website. In addition, updates for the policy recommendations referenced in this section, as well as several others, can be easily accessed online as well.

### **Following Up on MPD On-Body Cameras**

Subsequent to the release of the report above, OPC volunteered to assist MPD in the development of the policy for the impending pilot program. MPD agreed and provided OPC with the opportunity to provide substantive feedback on three draft versions of the first pilot policy. OPC also used the opportunity to relay to MPD management the concerns that OPC had heard from various stakeholders in the District. The agency also continued to advocate for MPD to more broadly consult with the community and stakeholders interested in sharing input on the body-camera program.

OPC felt that the resulting policy was adequate for a pilot program, and that while additional improvements could be made, the policy was comprehensive and designed to ensure that the benefits described in the policy report above would be achieved. Agency staff members also attended academy training alongside officers who were assigned to the pilot program, and found that the training adequately expressed the importance of the program and the broad requirements of the policy

regarding when to activate the cameras and when to stop recording.

### **Selecting an Independent Expert to Assess MPD's Handling of Sexual Assaults**

On May 6, 2014, the District Council passed the Sexual Assault Victim's Rights Amendment Act of 2014 (SAVRAA). Among other significant reforms, the legislation mandated that an independent expert consultant review, assess, and propose changes to MPD's response to sexual assault. To ensure independence in the selection process, OPC was tasked with choosing the independent expert consultant with input from the Victim Assistance Network (VAN) and subject to final approval by the Office of Victim Services (OVS). The legislation was signed by the Mayor on June 5th, 2014, and submitted for Congressional review on June 10, 2014.

The legislation required that the consultant be retained by December 1, 2014. Anticipating that the Congressional review period would be too lengthy to allow a sufficient amount of time to begin the selection process after final enactment, OPC began work on the selection process after mayoral approval.

OPC solicited input from community stakeholders regarding the preferred qualifications of the independent expert consultant. To ensure its wide dispersal, OPC published this request for comment to its website and sent it to the Victim Assistance Network, OVS, and other potentially interested community members. OPC met with several representatives from community organizations, and received written responses from a number of interested parties. This guidance informed OPC's development of required selection criteria, and ensured that OPC made an informed decision when selecting the independent expert consultant.

OPC also consulted with OVS as it developed its request for applications and the corresponding description of the position. OPC provided feedback aimed at ensuring statutory compliance and attractiveness to qualified individuals, and advocated for a lengthy application period to ensure quality applications and proposals from a broad applicant pool. OVS adopted some of OPC's suggested changes and extended the deadline for applications. OPC

### **Selecting an Independent Expert to Assess MPD's Handling of Sexual Assaults (cont.)**

deferred to OVS on the text in recognition of OVS's final approval authority, but noted in doing so that OPC would reserve the right to establish its own selection criteria independent of the process developed by OVS. On August 15, 2014, OVS released its request for applications, advertising the opening and the criteria that OVS would use to assess the candidates for the position when asked to approve the candidate that OPC selects.

While awaiting applications, OPC considered the requirements of SAVRAA, and developed criteria that reflected the explicit and implicit skills and knowledge that the consultant would need to possess in order to adequately fulfill the tasks required by the legislation. OPC then considered OVS's selection criteria and the input solicited from interested stakeholders in the community to better inform the selection criteria. These selection criteria were fully developed and finalized before any applications were reviewed.

On October 3, 2014, shortly after the close of the reporting period this annual report pertains to, OVS forward to OPC all of the received applications, and honored OPC's request to not be informed of any preference by OVS. Applying the selection criteria it developed, OPC considered the merits of each of the candidates and determined that only one candidate possessed the expertise and skills required by SAVRAA. OPC interviewed the candidate and conducted an investigation into the candidate's background and prior work experience, including independent research and telephone conversations with references. Because the candidate's prior work experience had included substantial contact with community organizations and stakeholders working on sexual assault issues within the District of Columbia, including OVS and MPD, OPC conducted a second interview to discuss these relationships and to ensure that these prior contacts would not preclude an independent, neutral, and unbiased assessment.

On October 27, 2014, OPC selected Elisabeth Olds to serve as the independent expert consultant, and forwarded the candidate to OVS, which approved the selection.

### **OPC's Contributions to Oversight Nationwide**

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

NACOLE held its annual conference in Kansas City, Missouri in September 2014. The theme was "Building Community, Broadening Oversight." OPC Chief Investigator Mona Andrews conducted a session entitled, "Planning and Prioritizing Investigations" - a session that she had designed. The conference's anchor session, "Strategies to Address the Practice and Perception of Biased Policing" was developed, moderated, and presented by OPC Special Assistant Nicole Porter. Christian Klossner, the agency's deputy director, moderated a panel discussion relating to the development of on-body camera policy and also played a role in developing the conference as a whole by serving as a co-chair of the conference's planning committee and a member of NACOLE's Board of Directors.

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



## Community Outreach

In Fiscal Year 2014, OPC continued to focus its outreach efforts on working with youth, community organizations, neighborhood associations, social service providers, and government agencies. OPC conducted 33 outreach events, including at least two in each of the District's eight wards.

As part of the agency's outreach plan, OPC provided a training session for staff members at the District of Columbia Office of Human Rights (OHR) and the District Department of Public Works (DPW). The sessions focused on explaining OPC's complaint process to OHR and DPW front-line employees and providing them with information about OPC's mission and jurisdiction.

OPC also participated in OHR's "D.C. Government Speaks Your Language" Community Forum and Resource Fair, a multilingual community dialogue and resource event that connected non-English proficient and limited English proficient communities directly to government and community-based services. OPC provided brochures and complaint forms in six different languages and spoke with attendees about how to file a complaint.

The agency also participated for the first time in the H Street Festival, an annual event that celebrates the H Street community and neighborhood, and continued its regular participation in the annual Columbia Heights Day and D.C. Africa Festival.

In continuing with its outreach efforts to students, OPC conducted its Student Interactive Training (SIT) program at several District public and charter schools. This program centers on reducing the number of negative encounters between teens and the police, as well as educating them on knowing their constitutional rights through role-playing scenarios. OPC presented the SIT training at Paul Public Charter School, Ballou, H.D. Woodson, Luke C. Moore, Bell Multicultural, Wilson, School Without Walls, and Eastern Senior high schools.

Additionally, OPC reached out to youth who attended the 2nd Annual Smile Project DC 2014 Festival, a free back-to-school carnival for kids and

their families.

The agency also made presentations at the Gateway Civic Association community meeting in Ward 5 as well as to the Advisory Neighborhood Council 6B (Southeast Capitol Hill) Outreach & Constituent Services task force in Ward 6.

Beyond its targeted outreach, OPC attended a town hall meeting with the Metropolitan Police Department (MPD) and various LGBT community groups.

In addition, OPC trained several classes of new recruits at MPD's police academy, speaking about the mission and function of the agency.

## Media Coverage

OPC continued to gain media coverage throughout fiscal year 2014. The PCB's policy recommendation on body-worn cameras for MPD officers received an abundance of coverage from several media outlets, including *The Washington Post*, *The Washington City Paper*, *The Atlantic*, FOX5, NBC 4, WUSA 9, ABC7/ News Channel 8, WTOP 103.5, WAMU, WNEW 99.1, and DCist.com.

In addition, PCB's Acting Board Chair was a guest on HuffPost Live discussing the agency's body-worn camera policy recommendation. OPC's Deputy Director also spoke about body cameras while as guest on several radio stations, including: "The Daily Drum," a daily news program on WHUR-FM 96.3; a public affairs show on WPGC 95.5; "What's at Stake," a program on DC's Pacifica radio affiliate WPFW 89.3; and WNEW 99.1.

OPC was also cited in "What a Good Police Department Looks Like: Professional, Accountable, Transparent, Self-Monitoring," by Sam Walker. Mr. Walker, a widely known criminal justice policy expert, highlighted OPC's mediation program and policy recommendations in his publications as examples of programs and policies that exemplify effective external civilian oversight.

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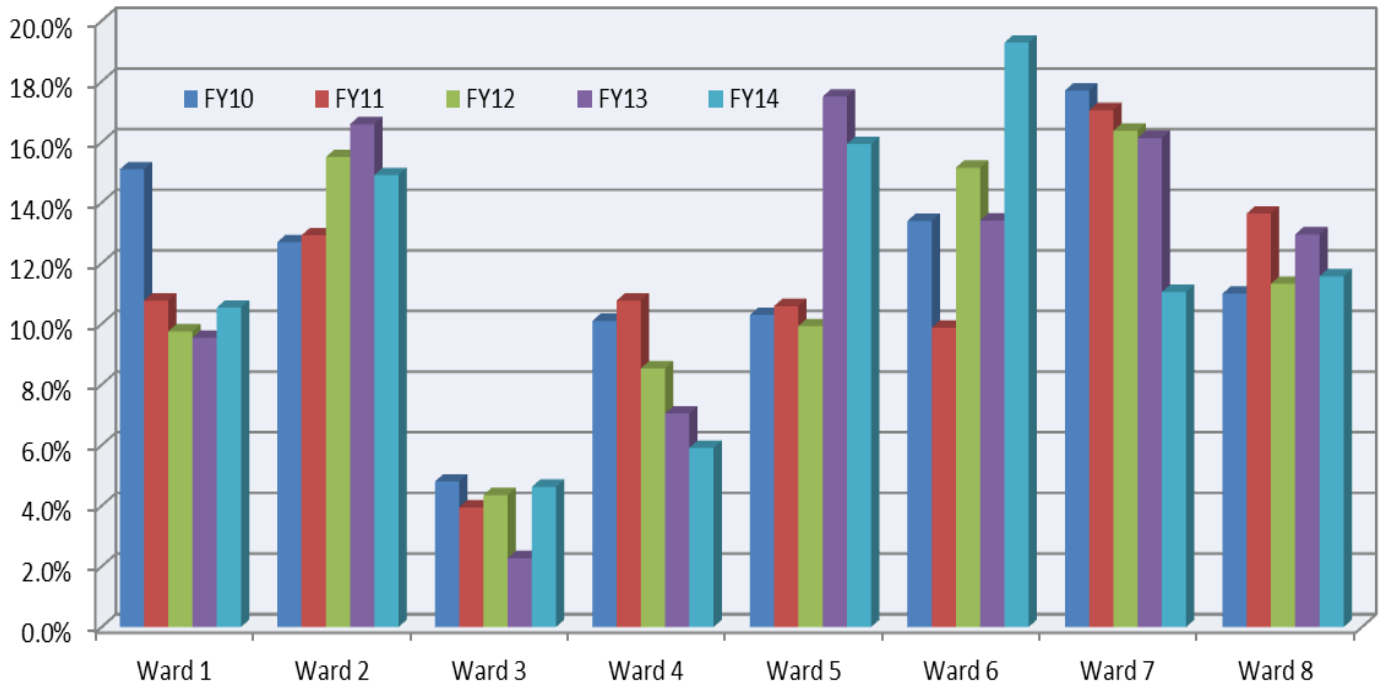
# APPENDICES

## APPENDIX A: CHARACTERISTICS OF COMPLAINTS

**Table 11: Complaints by City Ward**

	FY10		FY11		FY12		FY13		FY14	
<b>Ward 1</b>	88	15.1%	60	10.8%	56	9.8%	42	9.5%	41	10.5%
<b>Ward 2</b>	74	12.7%	72	12.9%	89	15.5%	73	16.6%	58	14.9%
<b>Ward 3</b>	28	4.8%	22	3.9%	25	4.4%	10	2.3%	18	4.6%
<b>Ward 4</b>	59	10.1%	60	10.8%	49	8.5%	31	7.0%	23	5.9%
<b>Ward 5</b>	60	10.3%	59	10.6%	57	9.9%	77	17.5%	62	15.9%
<b>Ward 6</b>	78	13.4%	55	9.9%	87	15.2%	59	13.4%	75	19.3%
<b>Ward 7</b>	103	17.7%	95	17.1%	94	16.4%	71	16.1%	43	11.1%
<b>Ward 8</b>	64	11.0%	76	13.6%	65	11.3%	57	13.0%	45	11.6%
<b>Unidentified / Not in D.C.</b>	28	4.8%	58	10.4%	52	9.1%	20	4.5%	24	6.2%
<b>Total</b>	<b>582</b>		<b>557</b>		<b>574</b>		<b>440</b>		<b>389</b>	

**Chart C: Complaints by City Ward (as a Percentage)**



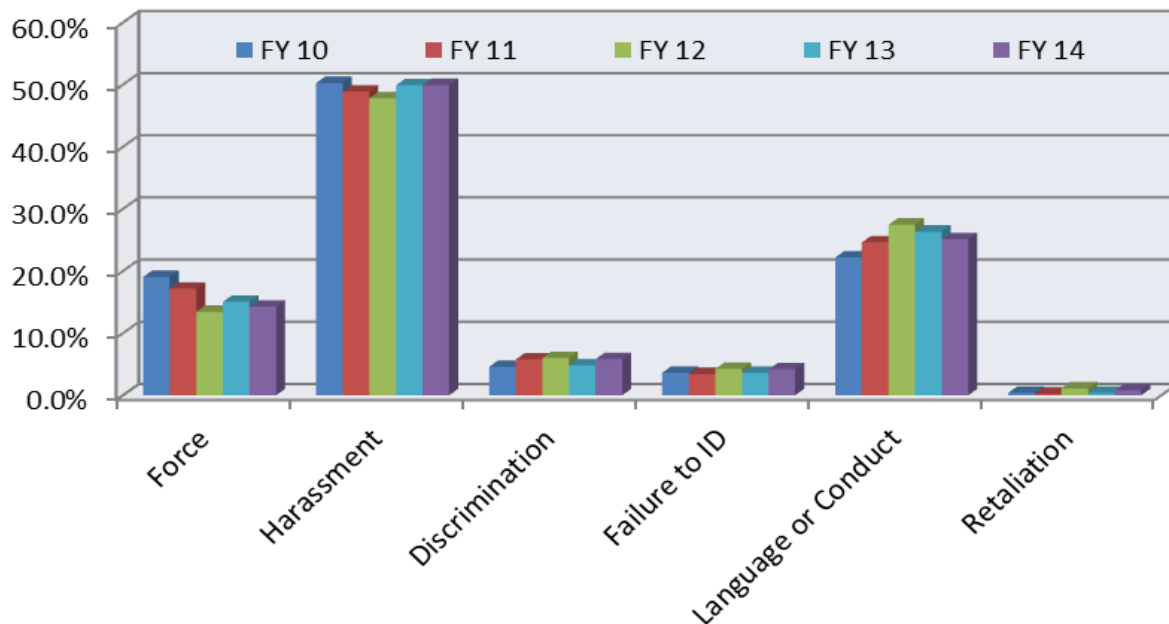


## APPENDIX B: COMPLAINT ALLEGATIONS

**Table 12: Allegations in Complaints by Category**

Allegation Category	FY 10		FY 11		FY 12		FY 13		FY 14	
Force	353	19.0%	280	17.1%	206	13.4%	172	15.0%	147	14.2%
Harassment	932	50.2%	799	48.9%	733	47.8%	570	49.9%	515	49.9%
Discrimination	85	4.6%	94	5.7%	92	6.0%	55	4.8%	60	5.8%
Failure to ID	67	3.6%	56	3.4%	65	4.2%	41	3.6%	43	4.2%
Language or Conduct	411	22.2%	402	24.6%	421	27.4%	301	26.3%	259	25.1%
Retaliation	7	0.4%	4	0.2%	17	1.1%	4	0.3%	8	0.8%
<b>Total Allegations Within OPC's Jurisdiction</b>	<b>1855</b>		<b>1635</b>		<b>1534</b>		<b>1143</b>		<b>1032</b>	
<b>Total Complaints</b>	<b>582</b>		<b>558</b>		<b>574</b>		<b>440</b>		<b>389</b>	

**Chart D: Allegations in Complaints by Percentage**



## APPENDIX B: COMPLAINT ALLEGATIONS

**Table 13: Specific Allegations of Force**

Force Subcategories	FY10		FY11		FY12		FY13		FY14	
ASP: all types	6	1.7%	2	0.7%	4	1.9%	5	2.9%	0	0.0%
Canine	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Chokehold	7	2.0%	7	2.5%	10	4.9%	6	3.5%	7	4.8%
Forcible handcuffing	19	5.4%	20	7.1%	21	10.2%	6	3.5%	6	4.1%
Gun: drawn, but not pointed	9	2.5%	7	2.5%	2	1.0%	1	0.6%	4	2.7%
Gun: fired	10	2.8%	1	0.4%	0	0.0%	0	0.0%	0	0.0%
Gun: pointed at person	28	7.9%	13	4.6%	7	3.4%	6	3.5%	7	4.8%
Handcuffs too tight	40	11.3%	33	11.8%	11	5.3%	20	11.6%	11	7.5%
OC spray	9	2.5%	3	1.1%	6	2.9%	4	2.3%	1	0.7%
Push or pull with impact	106	30.0%	88	31.4%	68	33.0%	41	23.8%	41	27.9%
Push or pull without impact	52	14.7%	50	17.9%	43	20.9%	36	20.9%	32	21.8%
Strike: kick	15	4.2%	9	3.2%	4	1.9%	7	4.1%	5	3.4%
Strike: with officer's body	5	1.4%	7	2.5%	2	1.0%	5	2.9%	5	3.4%
Strike: punch	18	5.1%	9	3.2%	9	4.4%	10	5.8%	10	6.8%
Strike: while handcuffed	3	0.8%	6	2.1%	4	1.9%	5	2.9%	0	0.0%
Strike: with object	8	2.3%	1	0.4%	2	1.0%	6	3.5%	3	2.0%
Vehicle	2	0.6%	0	0.0%	2	1.0%	3	1.7%	1	0.7%
Other	16	3.7%	24	8.6%	11	5.3%	11	6.4%	14	9.5%
<b>Total Force Allegations</b>	<b>353</b>		<b>280</b>		<b>206</b>		<b>172</b>		<b>147</b>	

**Table 14: Specific Allegations of Harassment**

Harassment Subcategories	FY10		FY11		FY12		FY13		FY14	
Bad ticket	84	9.0%	96	12.0%	99	13.5%	85	14.9%	76	14.8%
Contact	52	5.6%	62	7.8%	67	9.1%	28	4.9%	14	2.7%
Entry (no search)	19	2.0%	21	2.6%	10	1.4%	5	0.9%	7	1.4%
Frisk	10	1.1%	8	1.0%	4	0.5%	6	1.1%	3	0.6%
Gun: touch holstered weapon	12	1.3%	1	0.1%	8	1.1%	5	0.9%	14	2.7%
Intimidation	42	4.5%	19	2.4%	40	5.5%	18	3.2%	23	4.5%
Mishandling property	63	6.8%	50	6.3%	52	7.1%	22	3.9%	36	7.0%
Move along order	10	1.1%	6	0.8%	17	2.3%	11	1.9%	14	2.7%
Prolonged detention	37	4.0%	15	1.9%	9	1.2%	9	1.6%	10	1.9%
Property damage	10	1.1%	10	1.3%	12	1.6%	9	1.6%	13	2.5%
Refusing medical treatment	4	0.4%	3	0.4%	5	0.7%	3	0.5%	7	1.4%
Search: belongings	10	1.1%	9	1.1%	7	1.0%	2	0.4%	7	1.4%
Search: car	42	4.5%	39	4.9%	20	2.7%	21	3.7%	16	3.1%
Search: home	38	4.1%	22	2.8%	17	2.3%	15	2.6%	7	1.4%
Search: person	47	5.0%	27	3.4%	18	2.5%	21	3.7%	17	3.3%
Search: strip or invasive	10	1.1%	13	1.6%	5	0.7%	5	0.9%	3	0.6%
Stop: bicycle	8	0.9%	1	0.1%	1	0.1%	1	0.2%	1	0.2%
Stop: pedestrian	53	5.7%	39	4.9%	37	5.0%	25	4.4%	13	2.5%
Stop: vehicle/traffic	95	10.2%	78	9.8%	76	10.4%	77	13.5%	61	11.8%
Threat	100	10.7%	84	10.5%	110	15.0%	74	13.0%	59	11.5%
Unlawful arrest	157	16.8%	133	16.6%	84	11.5%	76	13.3%	81	15.7%
Other	29	3.1%	63	7.9%	35	4.8%	52	9.1%	33	6.4%
<b>Total Harassment Allegations</b>	<b>932</b>		<b>799</b>		<b>733</b>		<b>570</b>		<b>515</b>	

## APPENDIX B: COMPLAINT ALLEGATIONS

**Table 15: Specific Allegations of Discrimination**

Discrimination Subcategories	FY10		FY11		FY12		FY13		FY14	
Age	3	3.8%	1	1.1%	3	3.3%	1	1.8%	2	3.3%
Color	2	2.5%	2	2.1%	1	1.1%	2	3.6%	2	3.3%
Disability	0	0.0%	3	3.2%	2	2.2%	3	5.5%	2	3.3%
Language	1	1.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
National Origin	7	8.8%	5	5.3%	7	7.6%	6	10.9%	3	5.0%
Personal Appearance	13	16.3%	1	1.1%	6	6.5%	2	3.6%	2	3.3%
Physical Handicap	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Place of Residence or Business	4	5.0%	0	0.0%	5	5.4%	2	3.6%	4	6.7%
Political Affiliation	0	0.0%	0	0.0%	1	1.1%	0	0.0%	0	0.0%
Race	42	52.5%	64	68.1%	47	51.1%	28	50.9%	30	50.0%
Religion	0	0.0%	1	1.1%	2	2.2%	2	3.6%	3	5.0%
Sex	3	3.8%	3	3.2%	1	1.1%	5	9.1%	5	8.3%
Sexual Orientation	2	2.5%	5	5.3%	2	2.2%	2	3.6%	3	5.0%
Source of Income	3	3.8%	2	2.1%	1	1.1%	0	0.0%	0	0.0%
Other	5	6.3%	7	7.4%	14	15.2%	2	3.6%	4	6.7%
<b>Total Discrimination Allegations</b>	<b>80</b>		<b>94</b>		<b>92</b>		<b>55</b>		<b>60</b>	

**Table 16: Specific Allegations of Failure to Identify**

Failure to Identify Subcategories	FY10		FY11		FY12		FY13		FY114	
Display name and badge	4	6.0%	4	7.1%	14	21.5%	2	4.9%	8	18.6%
Provide name and badge	63	94.0%	50	89.3%	50	76.9%	36	87.8%	33	76.7%
Other	0	0.0%	2	3.6%	1	1.5%	3	7.3%	2	4.7%
<b>Total Allegations</b>	<b>67</b>		<b>56</b>		<b>65</b>		<b>41</b>		<b>43</b>	

## APPENDIX B: COMPLAINT ALLEGATIONS

**Table 17: Specific Allegations of Language and Conduct**

Language and Conduct Subcategories	FY10		FY11		FY12		FY13		FY14	
Demeanor or tone	198	48.2%	203	50.5%	198	47.0%	126	41.9%	123	47.5%
Gesture or action	19	4.6%	36	9.0%	54	12.8%	52	17.3%	52	20.1%
Other language	74	18.0%	62	15.4%	52	12.4%	28	9.3%	29	11.2%
Profanity	94	22.9%	77	19.2%	67	15.9%	49	16.3%	34	13.1%
Racial/Ethnic slur	9	2.2%	7	1.7%	13	3.1%	3	1.0%	4	1.5%
Other	17	4.1%	17	4.2%	37	8.8%	43	14.3%	17	6.6%
<b>Total Language and Conduct Allegations</b>	<b>411</b>		<b>402</b>		<b>421</b>		<b>301</b>		<b>259</b>	

**Table 18: Specific Allegations of Retaliation**

Retaliation	FY10	FY11	FY12	FY13	FY14
<b>Total</b>	<b>7</b>	<b>4</b>	<b>17</b>	<b>4</b>	<b>8</b>

## APPENDIX B: COMPLAINT ALLEGATIONS

### Time of Incidents Leading to Complaints

	FY10		FY11		FY12		FY13		FY14	
<b>Midnight-00:59</b>	7	1.2%	3	0.5%	14	2.4%	9	2.0%	6	1.5%
<b>1:00-1:59</b>	25	4.3%	13	2.3%	17	3.0%	13	3.0%	14	3.6%
<b>2:00-2:59</b>	19	3.3%	13	2.3%	10	1.7%	15	3.4%	6	1.5%
<b>3:00-3:59</b>	22	3.8%	7	1.3%	13	2.3%	10	2.3%	7	1.8%
<b>4:00-4:59</b>	4	0.7%	4	0.7%	4	0.7%	3	0.7%	5	1.3%
<b>5:00-5:59</b>	5	0.9%	8	1.4%	9	1.6%	7	1.6%	6	1.5%
<b>6:00-6:59</b>	0	0.0%	6	1.1%	5	0.9%	7	1.6%	4	1.0%
<b>7:00-7:59</b>	18	3.1%	15	2.7%	11	1.9%	13	3.0%	10	2.6%
<b>8:00-8:59</b>	19	3.3%	21	3.8%	26	4.5%	15	3.4%	7	1.8%
<b>9:00-9:59</b>	22	3.8%	16	2.9%	21	3.7%	15	3.4%	11	2.8%
<b>10:00-10:59</b>	13	2.2%	19	3.4%	18	3.1%	10	2.3%	16	4.1%
<b>11:00-11:59</b>	11	1.9%	22	3.9%	19	3.3%	18	4.1%	13	3.3%
<b>Noon-12:59</b>	31	5.3%	23	4.1%	15	2.6%	26	5.9%	12	3.1%
<b>13:00-13:59</b>	24	4.1%	25	4.5%	22	3.8%	9	2.0%	18	4.6%
<b>14:00-14:59</b>	18	3.1%	16	2.9%	30	5.2%	16	3.6%	15	3.9%
<b>15:00-15:59</b>	23	4.0%	28	5.0%	27	4.7%	20	4.5%	18	4.6%
<b>16:00-16:59</b>	39	6.7%	30	5.4%	35	6.1%	18	4.1%	22	5.7%
<b>17:00-17:59</b>	34	5.8%	48	8.6%	43	7.5%	37	8.4%	18	4.6%
<b>18:00-18:59</b>	44	7.6%	38	6.8%	38	6.6%	31	7.0%	30	7.7%
<b>19:00-19:59</b>	45	7.7%	34	6.1%	41	7.1%	20	4.5%	34	8.7%
<b>20:00-20:59</b>	29	5.0%	25	4.5%	23	4.0%	15	3.4%	22	5.7%
<b>21:00-21:59</b>	30	5.2%	35	6.3%	23	4.0%	20	4.5%	11	2.8%
<b>22:00-22:59</b>	22	3.8%	22	3.9%	19	3.3%	22	5.0%	13	3.3%
<b>23:00-23:59</b>	24	4.1%	23	4.1%	28	4.9%	22	5.0%	26	6.7%
<b>Unknown</b>	54	9.3%	63	11.3%	63	11.0%	49	11.1%	45	11.6%
<b>Total</b>	<b>582</b>		<b>557</b>		<b>574</b>		<b>440</b>		<b>389</b>	

## APPENDIX C: COMPLAINANT AND OFFICER CHARACTERISTICS

**Table 20: Complainant Race or National Origin**

	FY10		FY11		FY12		FY13		FY14		District Population*
<b>African-American</b>	421	78.7%	399	76.9%	381	75.9%	307	76.9%	274	76.8%	49.5%
<b>White</b>	71	13.3%	80	15.4%	79	15.7%	60	15.0%	61	17.1%	43.4%
<b>Latino</b>	21	3.9%	26	5.0%	13	2.6%	14	3.5%	11	3.1%	10.1%
<b>Asian</b>	11	2.1%	3	0.6%	12	2.4%	6	1.5%	6	1.7%	3.9%
<b>Middle Eastern</b>	2	0.4%	4	0.8%	0	0.0%	0	0.0%	0	0.0%	N/A
<b>Native American</b>	0	0.0%	2	0.4%	1	0.2%	3	0.8%	1	0.3%	0.6%
<b>Multiracial / Other</b>	9	1.7%	7	1.3%	16	3.2%	9	2.3%	4	1.1%	2.7%
<b>Unreported</b>	47		36		72		41		32		
<b>Total</b>	<b>582</b>		<b>557</b>		<b>574</b>		<b>440</b>		<b>389</b>		

**Table 21: Complainant Gender**

	FY10		FY11		FY12		FY13		FY14		District Population*
<b>Male</b>	303	52.1%	293	52.6%	315	54.9%	240	54.5%	208	53.5%	47.4%
<b>Female</b>	279	47.9%	264	47.4%	259	45.1%	200	45.5%	181	46.5%	52.6%
<b>Total</b>	<b>582</b>		<b>557</b>		<b>574</b>		<b>440</b>		<b>389</b>		

**Table 22: Complainant Age**

	FY10		FY11		FY12		FY13		FY14		District Population
<b>Under 15</b>	--	0.0%	1	0.2%	1	0.2%	0	0.0%	0	0.0%	14.9%
<b>15-24</b>	52	10.4%	44	8.1%	34	6.3%	27	6.5%	32	8.3%	14.9%
<b>25-34</b>	129	25.7%	151	27.8%	138	25.7%	119	28.7%	97	25.3%	22.6%
<b>35-44</b>	124	24.7%	131	24.1%	122	22.7%	101	24.4%	89	23.2%	13.9%
<b>45-54</b>	126	25.1%	126	23.2%	151	28.1%	79	19.1%	80	20.8%	11.8%
<b>55-64</b>	51	10.2%	67	12.3%	63	11.7%	64	15.5%	70	18.2%	10.6%
<b>65 +</b>	20	4.0%	24	4.4%	29	5.4%	24	5.8%	16	4.2%	11.4%
<b>Unreported</b>	48		38		36		26		5		
<b>Total</b>	<b>550</b>		<b>582</b>		<b>574</b>		<b>440</b>		<b>389</b>		

\*The "District Population" data were obtained from the United States Census Bureau, District of Columbia State and County Quick-facts, found at <http://quickfacts.census.gov/qfd/states/11/11001.html>, and from Annual Estimates of the Resident Population for Selected Age Groups by Sex for the United States, States, Counties, and Puerto Rico Commonwealth and Municipios: April 1, 2010 to July 1, 2013, which can be found at <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

Table 23: Number of Complainants Who Filed Multiple Complaints

	FY10	FY11	FY12	FY13	FY13
2 Complaints	21	28	18	17	9
3 Complaints	4	2	3	4	1
4 Complaints	1	--	1	2	2
5 Complaints	2	2	--	--	--
6-10 Complaints	--	1	4	--	--
11+ Complaints	--	--	1	--	--

Table 24: Complainant Race or National Origin with “Unique Complainant”\* Information

	FY10	FY10 Unique	FY11	FY11 Unique	FY12	FY12 Unique	FY13	FY13 Unique	FY14	FY14 Unique
African-American	421	387	399	372	381	329	307	282	274	259
White	71	70	80	67	79	68	60	56	61	60
Latino	21	21	26	24	13	11	14	14	11	11
Asian	11	10	3	3	12	12	6	6	6	6
Middle Eastern	2	2	4	4	0	0	0	0	0	0
Native American	0	0	2	2	1	1	3	3	1	1
Multiracial/Other	9	8	7	6	16	15	9	8	4	4
Unreported	47	46	36	34	72	64	41	40	32	31
Total	582	544	557	512	574	500	440	409	389	372

Table 25: Complainant Gender with “Unique Complainant”\* Information

	FY10	FY10 Unique	FY11	FY11 Unique	FY12	FY12 Unique	FY13	FY13 Unique	FY14	FY14 Unique
Male	303	274	293	270	315	272	238	222	208	197
Female	279	270	264	242	259	228	199	187	181	175
Total	582	544	557	512	574	500	437	409	389	372

\*In this section, it should be noted that data regarding complainant characteristics reflects the information for each complaint, not eliminating duplicates of complainants who filed multiple complaints during the year. In these two tables, however, OPC eliminated duplicate characteristics, and presents this information in the columns labeled “unique complainants.”



## APPENDIX C: COMPLAINANT AND OFFICER CHARACTERISTICS

**Table 26: Subject Officer Race or National Origin**

	FY10		FY11		FY12		FY13		FY14		Entire MPD Force*	
<b>African American</b>	293	46.0%	290	46.2%	298	46.4%	246	46.9%	208	46.4%	2238	57.1%
<b>White</b>	275	43.2%	264	42.0%	288	44.9%	232	44.3%	191	42.6%	32	32.0%
<b>Latino</b>	48	7.5%	52	8.3%	33	5.1%	31	5.9%	23	5.1%	280	7.2%
<b>Asian</b>	21	3.3%	20	3.2%	17	2.6%	14	2.7%	17	3.8%	99	2.5%
<b>Other</b>	0	0.0%	2	0.3%	6	0.9%	1	0.2%	9	2.0%	47	1.2%
<b>Unidentified</b>	225		185		242		167		155		92	
<b>Total</b>	<b>1080</b>		<b>862</b>		<b>813</b>		<b>691</b>		<b>603</b>		<b>4008</b>	

**Table 27: Subject Officer Gender**

	FY10		FY11		FY12		FY13		FY14		Entire MPD Force*	
<b>Male</b>	552	86.6%	555	86.7%	565	85.2%	447	83.9%	394	86.4%	3109	77.6%
<b>Female</b>	85	13.4%	85	13.3%	98	14.8%	86	16.1%	62	13.6%	899	22.4%
<b>Unidentified</b>	225		173		221		158		147			
<b>Total</b>	<b>862</b>		<b>813</b>		<b>884</b>		<b>691</b>		<b>603</b>		<b>4008</b>	

\* The “Entire MPD Force” data included in this section were obtained from the official MPD roster of October 19, 2013. On that date, MPD had 4008 sworn members, and the data reflect the breakdown of those officers as reported by MPD. Readers should note that although OPS subject officers are included in the subject officer characteristics data, they are not included in the “Entire MPD Force” data.

## APPENDIX C: COMPLAINANT AND OFFICER CHARACTERISTICS

**Table 28: Subject Officer Rank**

	FY10		FY11		FY12		FY13		FY14		Entire MPD Force*	
<b>Chief</b>	--	--	--	--	2	0.3%	4	0.8%	1	0.2%	1	0.0%
<b>Assistant Chief</b>	1	0.2%	1	0.2%	1	0.2%	1	0.2%	--	--	7	0.2%
<b>Commander</b>	--	--	1	0.2%	1	0.2%	4	0.8%	--	--	14	0.3%
<b>Inspector</b>	--	--	2	0.3%	-	-	0	0.0%	--	--	12	0.3%
<b>Captain</b>	1	0.2%	3	0.5%	1	0.2%	3	0.6%	1	0.2%	42	1.0%
<b>Lieutenant</b>	9	1.4%	7	1.1%	9	1.4%	7	1.3%	8	1.8%	128	3.2%
<b>Sergeant</b>	36	5.7%	36	5.6%	53	8.0%	48	9.0%	48	10.5%	417	10.4%
<b>Detective</b>	15	2.3%	24	3.8%	38	5.7%	16	3.0%	12	2.6%	315	7.9%
<b>Investigator</b>	1	0.2%	1	0.2%	1	0.2%	2	0.4%	3	0.7%	0	0.0%
<b>Master Patrol Officer</b>	25	3.9%	21	3.3%	26	3.9%	21	3.9%	16	3.5%	87	2.2%
<b>Officer</b>	548	86.2%	544	85.0%	531	80.1%	426	80.1%	367	80.5%	2985	74.5%
<b>Unidentified</b>	226		173		221		159		147			
<b>Total</b>	<b>862</b>		<b>813</b>		<b>884</b>		<b>691</b>		<b>603</b>		<b>4008</b>	

**Table 29: Subject Officer Assignment**

	FY10		FY11		FY12		FY13		FY14	
<b>First District (1D)</b>	88	13.8%	70	11.4%	66	10.0%	83	15.6%	80	17.5%
<b>Second District (2D)</b>	50	7.8%	48	7.8%	64	9.7%	38	7.1%	32	7.0%
<b>Third District (3D)</b>	134	21.0%	102	16.6%	86	13.0%	76	14.3%	64	14.0%
<b>Fourth District (4D)</b>	76	11.9%	69	11.2%	70	10.6%	47	8.8%	43	9.4%
<b>Fifth District (5D)</b>	51	8.0%	70	11.4%	63	9.5%	74	13.9%	77	16.9%
<b>Sixth District (6D)</b>	112	17.6%	135	21.9%	165	25.0%	107	20.1%	71	15.6%
<b>Seventh District (7D)</b>	78	12.2%	67	10.9%	78	11.8%	51	9.6%	47	10.3%
<b>Other</b>	45	7.1%	47	7.6%	58	8.8%	56	10.5%	40	8.8%
<b>D.C. Housing Authority</b>	3	0.5%	8	1.3%	11	1.7%	1	0.2%	2	0.4%
<b>Unidentified</b>	225		197		223		158		147	
<b>Total</b>	<b>862</b>		<b>813</b>		<b>884</b>		<b>691</b>		<b>603</b>	

\* The "Entire MPD Force" data included in this section were obtained from the official MPD roster of October 19, 2013. On that date, MPD had 4008 sworn members, and the data reflect the breakdown of those officers as reported by MPD. Readers should note that although OPS subject officers are included in the subject officer characteristics data, they are not included in the "Entire MPD Force" data.

## APPENDIX C: COMPLAINANT AND OFFICER CHARACTERISTICS

**Table 30: Subject Officer Age**

	FY10		FY11		FY12		FY13		FY14		Entire MPD Force	
<b>23 and Under</b>	5	0.9%	9	1.4%	1	0.2%	3	0.6%	2	0.4%	22	0.5%
<b>24-26</b>	43	7.4%	51	8.1%	24	3.7%	29	5.5%	32	7.0%	171	4.3%
<b>27-29</b>	77	13.3%	92	14.6%	87	13.4%	66	12.4%	57	12.5%	274	6.8%
<b>30-32</b>	96	16.6%	99	15.7%	95	14.6%	71	13.3%	59	13.0%	359	9.0%
<b>33-35</b>	58	10.0%	61	9.7%	84	12.9%	50	9.4%	52	11.4%	333	8.3%
<b>36-38</b>	62	10.7%	51	8.1%	52	8.0%	46	8.6%	40	8.8%	278	6.9%
<b>39-41</b>	64	11.1%	54	8.5%	59	9.1%	57	10.7%	29	6.4%	317	7.9%
<b>42-44</b>	54	9.3%	78	12.3%	73	11.2%	48	9.0%	47	10.3%	401	10.0%
<b>45-47</b>	52	9.0%	75	11.9%	59	9.1%	53	10.0%	51	11.2%	587	14.6%
<b>48-50</b>	31	5.4%	33	5.2%	67	10.3%	56	10.5%	46	10.1%	580	14.5%
<b>51-53</b>	28	4.8%	21	3.3%	31	4.8%	28	5.3%	22	4.8%	395	9.9%
<b>Over 53</b>	9	1.6%	8	1.3%	18	2.8%	25	4.7%	18	4.0%	291	7.3%
<b>Unknown</b>	283		181		234		159		148			
<b>Total</b>	<b>862</b>		<b>813</b>		<b>884</b>		<b>691</b>		<b>603</b>		<b>4008</b>	

**Table 31: Subject Officer Years of Service**

Years of Service	FY10		FY11		FY12		FY13		FY14		Entire MPD Force	
<b>&lt; 3</b>	85	13.4%	97	15.3%	29	4.4%	34	6.4%	79	17.4%	473	11.8%
<b>3-5</b>	163	25.6%	179	28.1%	169	25.8%	99	18.6%	40	8.8%	182	4.5%
<b>6-8</b>	140	22.0%	92	14.5%	119	18.2%	107	20.1%	97	21.3%	524	13.1%
<b>9-11</b>	68	10.7%	77	12.1%	80	12.2%	61	11.5%	59	13.0%	416	10.4%
<b>12-14</b>	32	5.0%	25	3.9%	64	9.8%	57	10.7%	47	10.3%	407	10.2%
<b>15-17</b>	20	3.1%	17	2.7%	25	3.8%	28	5.3%	26	5.7%	287	7.2%
<b>18-20</b>	64	10.1%	52	8.2%	26	4.0%	18	3.4%	13	2.9%	165	4.1%
<b>21-23</b>	35	5.5%	59	9.3%	98	15.0%	76	14.3%	34	7.5%	295	7.4%
<b>24-26</b>	18	2.8%	29	4.6%	25	3.8%	38	7.1%	43	9.5%	917	22.9%
<b>27 &lt;</b>	11	1.7%	9	1.4%	19	2.9%	14	2.6%	17	3.7%	342	8.5%
<b>Unknown</b>	226		177		230		159		148			
<b>Total</b>	<b>862</b>		<b>813</b>		<b>884</b>		<b>691</b>		<b>603</b>		<b>4008</b>	

**Table 32: Number of Officers Who Were the Subject of Multiple Complaints**

	FY11	FY12	FY12	FY13	FY14*
<b>2 Complaints</b>	78	75	87	58	47
<b>3 Complaints</b>	18	18	13	12	4
<b>4 Complaints</b>	8	10	1	6	3
<b>5 Complaints</b>	4	4	5	1	--
<b>6 Complaints</b>	--	1	1	--	--
<b>8 Complaints</b>	1	--	--	--	--
<b>9 Complaints</b>	1	--	--	--	--
<b>10 Complaints</b>	1	--	--	--	--

**Table 33: Subject Officer Race or National Origin with “Unique Officer”\*\* Information**

	FY10	FY10 Unique	FY11	FY11 Unique	FY12	FY12 Unique	FY13	FY13 Unique	FY14	FY14 Unique
<b>African American</b>	293	228	290	228	298	245	246	206	208	186
<b>White</b>	275	180	264	180	288	215	232	175	191	159
<b>Latino</b>	48	32	52	28	33	26	31	25	23	22
<b>Asian</b>	21	17	20	14	17	15	14	14	17	13
<b>Other</b>	0	0	2	1	6	4	1	1	9	7
<b>Unidentified</b>	225	225	185	185	242	236	167	165	155	153
<b>Total</b>	<b>862</b>	<b>682</b>	<b>813</b>	<b>636</b>	<b>884</b>	<b>741</b>	<b>691</b>	<b>586</b>	<b>603</b>	<b>540</b>

\* For FY14, OPC changed the way these numbers are reported. Where multiple complaints were filed relating to the same incident, OPC now only counts that as one complaint against an officer for the purposes of this chart. In prior years, each complaint was counted separately. Prior years’ data could not be adjusted.

\*\* In this section, it should be noted that data regarding complainant characteristics reflects the information for each complaint, not eliminating duplicates of complainants who filed multiple complaints during the year. In these two tables, however, OPC eliminated duplicate characteristics, and presents this information in the columns labeled “unique complainants.”

**Table 34: Subject Officer Assignment with “Unique Officer” Information**

	<b>FY10</b>	<b>FY10 Unique</b>	<b>FY11</b>	<b>FY11 Unique</b>	<b>FY12</b>	<b>FY12 Unique</b>	<b>FY13</b>	<b>FY13 Unique</b>	<b>FY14</b>	<b>FY14 Unique</b>
<b>Male</b>	552	394	555	396	565	438	447	360	394	338
<b>Female</b>	85	63	85	67	98	82	86	68	62	54
<b>Unidentified</b>	225	225	173	173	221	221	158	158	147	147
<b>Total</b>	<b>862</b>	<b>682</b>	<b>813</b>	<b>636</b>	<b>884</b>	<b>741</b>	<b>691</b>	<b>586</b>	<b>603</b>	<b>539</b>

**Table 35: Subject Officer Assignment with “Unique Officer” Information**

	<b>FY10</b>	<b>FY10 Unique</b>	<b>FY11</b>	<b>FY11 Unique</b>	<b>FY12</b>	<b>FY12 Unique</b>	<b>FY13</b>	<b>FY13 Unique</b>	<b>FY14</b>	<b>FY14 Unique</b>
<b>First District (1D)</b>	88	74	70	53	66	57	83	64	80	64
<b>Second District (2D)</b>	50	38	48	38	64	48	38	33	32	27
<b>Third District (3D)</b>	134	76	102	70	86	64	76	56	64	52
<b>Fourth District (4D)</b>	76	55	69	48	70	55	47	43	43	38
<b>Fifth District (5D)</b>	51	39	70	52	63	50	74	61	77	62
<b>Sixth District (6D)</b>	112	77	135	85	165	116	107	83	71	63
<b>Seventh District (7D)</b>	78	64	67	53	78	70	51	41	47	44
<b>Other</b>	45	32	47	39	58	50	56	46	40	40
<b>D.C. Housing Authority</b>	3	2	8	8	11	8	1	1	2	2
<b>Unidentified</b>	225	225	197	189	223	223	158	158	147	147
<b>Total</b>	<b>862</b>	<b>682</b>	<b>813</b>	<b>635</b>	<b>884</b>	<b>741</b>	<b>691</b>	<b>586</b>	<b>603</b>	<b>539</b>

### Complaint Examination Examples

The following examples illustrate the types of complaints that were adjudicated in Fiscal Year 2014.

#### Example #1 – OPC #11-0316

The complainant, a woman residing in the District, alleged that as she was walking home, she saw two men sitting in a vehicle near her house. One man appeared to be unconscious while the other man appeared to be convulsing. The woman called 911 because she believed that the men needed medical attention. Before the ambulance arrived, the passenger of the vehicle woke up and put several items into a backpack. The passenger walked away from the scene, even though the complainant and another onlooker implored the passenger to stay. Shortly thereafter, an MPD officer showed up. The onlooker noticed that the passenger was nearby and requested that the officer speak to the passenger. According to the complainant, the officer yelled, “I don’t have to do anything you say. You can’t tell me what to do. I don’t have to go and talk to him.” By this time, the complainant’s boyfriend, as well as her landlord, had showed up. The complainant’s boyfriend asked the officer for her badge number. The officer replied, “I don’t have to give that to you. Why do you want it?” When the boyfriend responded that he had the right to know her identity, the officer replied, “You don’t know what the law is.” The officer then argued with the complainant’s boyfriend, landlord, and the onlooker, asserting that they were “ganging up on her.”

The complainant alleged that the MPD officer used language or engaged in conduct that was insulting, demeaning, or humiliating towards the complainant and the three other individuals present by yelling at and arguing with them. The complainant also alleged that the officer failed to provide her name and badge number upon request. Following completion of its investigation, OPC found reasonable cause to believe misconduct had occurred and referred the matter to a complaint examiner for a merits determination.

After conducting an evidentiary hearing, the complaint examiner sustained the language or conduct allegations regarding the officer’s actions against the complainant’s boyfriend and the onlooker, finding that the evidence presented demonstrated that the officer engaged in discourteous behavior. The complaint examiner also sustained the failure-to-identify allegation against the officer, crediting the testimony of eyewitnesses who asserted that the MPD officer refused to give her name and badge number.

#### Example #2 – OPC #11-0507

The complainant, a District resident, was walking in his neighborhood when he saw a young black male being arrested by MPD officers. Because of his concerns about improper police interactions with individuals in the area, the complainant decided to stop and record the arrest on his cell phone camera. As the man was recording the MPD officers, he heard one of the officers say, “These motherfuckers are soft up in here.” The complainant alleged that the MPD officer used language or engaged in conduct that was insulting, demeaning, or humiliating by using coarse language. Following completion of its investigation, OPC found reasonable cause to believe misconduct had occurred and referred the matter to a complaint examiner for a merits determination.

The complaint examiner issued a decision without holding an evidentiary hearing after determining that he had all the evidence necessary to resolve the complaint. After reviewing OPC’s report, which included the cell phone video, the complaint examiner sustained the language or conduct allegation against the officer, finding that the sound on the video recording was clear enough to determine that the officer had, in fact, used inappropriate language.

**Mediation Examples**

The following examples illustrate the types of complaints that OPC mediated in Fiscal Year 2014.

**Example #1**

The complainant filed a complaint with OPC alleging harassment as well as inappropriate language and conduct by the subject officer. According to the complainant, he went to the police station to obtain a temporary residential parking pass and had a negative interaction with the subject officer. The complainant had gone to the police station numerous times in the past to request a parking pass and had never experienced a problem obtaining the pass. On this occasion, however, the subject officer insisted that the complainant needed to provide two forms of identification and a utility bill to obtain the parking pass. When the complainant questioned the requirements, the subject officer pointed to a chart and said, “Read that.” The complainant felt the officer used a “mean,” “unprofessional,” and “unnecessary” tone. The complainant further alleged that the subject officer’s body language was “tense,” which intimidated the complainant.

During the mediation, the complainant explained to the subject officer that he had gone to the police station on numerous occasions to obtain a temporary residential parking pass and believed that he had brought the necessary documentation with him to the police station. The complainant then explained that the interaction between him and the subject officer deteriorated based on the officer’s response to his questioning the requirements. The complainant described feeling that the subject officer was trying to waste his time by asking him to do unnecessary things, providing as an example having to walk outside to make sure he had the correct license plate number for his vehicle. He explained that throughout his interaction with the subject officer, he felt that the subject officer was misinformed about the rules for obtaining a parking pass and was unnecessarily hostile.

After listening to the complainant, the subject officer explained that the rules for obtaining temporary residential parking passes vary by district, and that because of the differences, many citizens come to the police station confused about the requirements. The subject officer stated that he believed that he was being helpful by referring the complainant to the posted sign about temporary visitor parking passes. He explained that it was not his intention to waste the complainant’s time by asking the complainant to double check his license plate number, but that he was attempting to ensure that the complainant did not receive a parking ticket. He further explained that many people who obtain parking passes for vehicles that they have rented provide the wrong information and end up receiving parking tickets.

As a result of the mediation, the complainant and subject officer had a better understanding of each other’s perspectives, and reported that they felt more positive about each other. Both the complainant and subject officer agreed that the requirements for obtaining a temporary parking pass were confusing and that the sign posted in the police station could be clearer. The subject officer agreed to speak with a management official at the police station about the sign and try to change it to make it more user-friendly and straightforward. Additionally, the complainant and subject officer.

**Example #2**

The complainant contacted OPC stating that she received an unlawful parking ticket. Specifically, she stated that she parked her car in the 1800 block of Columbia Road, N.W., at 7:00 p.m. on a Saturday in a spot designated as a loading zone from Monday to Saturday, 9:00 a.m. to 4:00 p.m. The complainant alleged that when she returned to her car the next day, she found a ticket that was issued that day, even though the sign does not apply to Sundays. The complainant did not have any contact with the subject officer and submitted photos to OPC showing that she was legally parked according to the posted regulations. At the mediation, the complainant explained to the subject officer how upset she was when she received the ticket. It was not the amount of the ticket that bothered her as much as the fact that she knew she had parked legally. Additionally,

fighting the ticket at the DC Bureau of Traffic Adjudication (BTA) ended up being difficult. She described how much time it took for her to deal with the ticket and how inconvenient it was, given that she had made sure that she was legally parked. The complainant told the subject officer that she felt he was careless in writing the ticket and that he did not understand how complicated and time consuming it is for people to contest tickets. She expressed that in the future she hoped he would take a little more time before issuing a parking ticket to ensure that the car is, in fact, illegally parked.

When the subject officer had an opportunity to speak, he apologized profusely to the complainant. He acknowledged that he was wrong when he issued her vehicle the ticket. He stated that he misread the sign and that was what led him to write the ticket. He addressed her concern about taking more time to read the signs and stated that in the future he would do so. The subject officer agreed to write a letter to the complainant stating that he wrote the ticket in error for her to give to BTA to fight the ticket.

As a result of the mediation, the complainant was able to explain to the subject officer the consequences of issuing a parking ticket in error. The subject officer was able to apologize to the complainant and provide her with a written statement explaining that he wrote the ticket in error. The OPC mediation program allowed the subject officer and complainant the opportunity to sit down, discuss the issue, and create a mutually satisfactory agreement to resolve the complaint. Based on the experience both parties later reported that they felt more positive about each other.

### **Example #3**

The complainant alleged she was harassed when approximately ten MPD officers forced entry into her apartment in the early morning hours and woke her up. The complainant stated that the officers immediately realized that they had entered the wrong apartment. The complainant agreed to mediate her complaint with the sergeant who was the supervising official at the scene.

The complainant began by explaining to the subject officer how scared she was. The complainant stated that she was asleep when she heard a loud bang and then heard a number of people enter her apartment. She told the subject officer that she thought she was being robbed. In addition to feeling scared, the complainant was upset because her door was broken and it took some time to be replaced. As a result of her door being broken, she felt unsafe in her own home. Although her door was eventually fixed, the complainant explained to the subject officer how terrifying and upsetting the whole situation was for her.

The subject officer listened to the complainant, acknowledged that they entered the wrong apartment, and apologized for upsetting the complainant. The subject officer explained that they should have been better prepared and ensured that they entered the correct apartment. The subject officer stated that on the date that the officers entered her home, they were executing many search warrants and did not have as much time to prepare as they usually did. While explaining the circumstances surrounding the incident, he stated that he was not trying to make any excuses for the error, but rather wanted to help the complainant understand why the error happened in the first place. He also offered an apology from the officer who was the first to enter her apartment. According to the subject officer, the officer who entered her apartment first was very upset about making the mistake and felt terrible about distressing the complainant.

The complainant and subject officer were able to have a very productive conversation throughout the mediation. They were able to talk about what should have happened differently to avoid the error, and the subject officer found it very helpful to be able to sit down face to face with the complainant and offer an apology and address her concerns. Both the complainant and subject officer found the mediation to be very satisfactory.



### Conciliation Example

The following example illustrates the type of complaints that OPC conciliated in Fiscal Year 2014.

The complainant, a Caucasian man in his thirties, encountered the subject officer when he called for police assistance in the course of reporting a robbery. The complainant alleged that he had been coerced to take a large sum of money out of his bank account at the ATM. To report this as a robbery, he met the subject officer on the street at bank where the event occurred. While explaining the situation to the subject officer, the complainant felt dismissed. It was the complainant's perception that he was not taken seriously and that the officer was rude, dismissive, and reacting to him in an unprofessional manner.

During the conciliation, the subject officer explained that he had been doing a routine investigation into the complainant's allegations. In doing so, he had spoken to bank personnel in addition to the complainant. The officer also had to focus on the context around the alleged robbery, such as the actions of the complainant on the scene. The officer explained that he was analyzing the best way to handle the situation, and acknowledged that he did not take time to explain his actions to the complainant while on scene.

The officer expressed that his responsibility, as an officer of the law, is to leave people better than he finds them, and he recognized that this was not the case in his encounter with the complainant. He expressed that it was not his intention to make the complainant feel disregarded, and explained that officers often take for granted that the public understands their actions in the course of duty. He expressed that, in the future, he would push through the heat of the moment and ensure that people fully understand what is happening.

The complainant said he understood the officer's perspective and commented, "We're all human." At the conclusion of the session, the complainant acknowledged that at the time of his encounter with the officer, he was going through some tough times in his life. He talked about the steps he had taken to turn things around, and the officer congratulated the man on his recent successes.

Both men expressed gratitude for the opportunity to resolve this issue in a more personal and direct manner. The officer valued the chance to debrief about an incident while being removed from the stress of the immediate moment. The complainant felt recognition and respect from the officer during the course of their conciliation, and stated that this was exactly what he had hoped to achieve.

## Enhancing Police Accountability through an Effective On-Body Camera Program for MPD Officers May 8, 2014

Recommendation	Status
MPD should establish an advisory panel of District of Columbia stakeholders to assist in developing a policy for a body-worn camera pilot program. The panel should, at a minimum, include representatives from: MPD; the Office of Police Complaints (OPC); the Fraternal Order of Police (FOP); the Office of the United States Attorney for the District of Columbia (USAO); the District's Office of the Attorney General (OAG); the criminal defense bar; the American Civil Liberties Union (ACLU); and the Fair and Inclusive Policing Task Force.	<p><b>Adopted in part, and pending in part.</b></p> <p>The Department was able to move forward with a pilot program using money in the Department's FY 14 budget. In doing so, some of the particular recommendations are mooted.</p> <p>MPD has not yet convened an advisory panel. Nonetheless, MPD reports that it consulted with OPC, the U.S. Attorney's Office, the DC Office of the Attorney General, and Fraternal Order of Police during the development of MPD's pilot program also briefed councilmembers and staff, the ACLU, and the Public Defenders Service before launching the pilot.</p> <p>PCB continues to urge the Department to convene a stakeholder and community member advisory group to assist in the next stages of the program's development.</p>
The panel should also include members of MPD's Citizen Advisory Councils as well as representatives of groups from around the District who could provide insight into how a camera program would affect various segments of the public, including, among others, immigrants, non-English speakers, crime victims, and the LGBTQ population.	
With guidance from the advisory panel, MPD should develop a policy to govern a pilot program for body-worn cameras.	
The District government should provide MPD with the funding necessary to conduct the pilot program.	
Once the pilot program has been conducted, the advisory panel should review the program's efficacy, identify any concerns about processes or policies, and suggest changes and improvements.	
If the panel and MPD determine that the program is beneficial, the District government should provide the necessary funding for more widespread implementation across MPD.	
In the event that MPD decides to launch a pilot program prior to convening the recommended panel, it should be allowed to do so, but should permit OPC to provide real-time input and feedback to MPD as the expedited pilot program takes shape and is implemented. MPD should then convene the proposed panel as soon as practicable to help develop a final policy based on an assessment of the ongoing pilot program.	<p><b>Adopted in part, pending in part.</b> MPD permitted OPC to provide feedback on drafts of the program's policies, and adopted several of OPC's suggestions. OPC used the opportunity to not only provide its perspective to MPD, but also to relay concerns from community members and stakeholders.</p>

MPD Enforcement of the District's Window Tint Law  
November 21, 2013

Recommendation		Status
Review of the District's Window Tint Law	The Mayor should direct the DMV to form a task force with MPD, OPC, and other stakeholders, as appropriate, from within and outside the District government. The task force should conduct a complete review of the law — examining national and state tint standards, medical waiver requirements, police enforcement practices, and law enforcement safety issues — and propose amendments to the law as necessary.	<b>Pending.</b> These recommendations were not acted upon by the prior Mayor or Council. PCB encourages the new Mayor and Council to consider acting upon these recommendations.
	Consistent with Recommendation No. 1, DMV should reach out to and collaborate with relevant state officials from Maryland and Virginia with the goal of possibly adopting uniform window tint laws across the three jurisdictions.	
	Once Recommendation Nos. 1 and 2 have been carried out, the Mayor should work with the District Council to enact appropriate changes to the District's window tint law.	
Analysis of MPD Enforcement Data and Involvement of Fair and Inclusive Policing Task Force	MPD should conduct a review of its enforcement of the District's window tint law through an analysis of window tint citations issued from 2007 through 2012 and any related documentation. Using the incident address recorded on each ticket (or "Notice of Infraction"), MPD can analyze geographic trends in enforcement and compare the results to relevant benchmark data. In order to manage the approximately 10,880 window tint NOIs issued over the relevant time period, MPD should consider examining a sample set of tickets that is large enough to allow MPD to determine whether there are any patterns or trends in the entire pool of tickets.	<b>Not Adopted.</b> MPD has stated that it does not see the value in conducting such a study. MPD's explanation indicated that the Department does not collect race data on NOIs, that officers cannot see the race of drivers, and that it did not find the disparities reported by PCB persuasive.  PCB notes that none of these explanations touch on the Department's ability to look at the geographic disparities based on the address of the incident recorded on each ticket, or offer an explanation for the racial and geographic disparities reported by PCB.
	Based on its review of the data, MPD should fully examine the reasons for any possible racial, geographic, or other disparities in enforcement of the window tint law and consider whether there are any systemic issues relating to this area of traffic enforcement, or other areas of discretionary traffic enforcement.	
	MPD's Fair and Inclusive Policing Task Force should be reconvened to guide and provide input into the Department's review, as proposed here, of its practices concerning enforcement of the District's window tint law and other areas of discretionary traffic enforcement.	

## MPD Enforcement of the District's Window Tint Law (continued) November 21, 2013

New Police Procedures and Training	MPD should issue a new general order, including possibly issuing an interim special order pending the full implementation of Recommendation Nos. 1 - 3 above, in order to provide officers with clearer guidance when they are conducting traffic stops of vehicles with suspected improper window tint levels, whether or not any changes are made to the District's window tint law.	<b>Pending.</b> MPD reports that it is currently reviewing the special order regarding window tint enforcement for possible revision.
	The new general order (or interim special order) should incorporate feedback from the Fair and Inclusive Policing Task Force's input into MPD's review of its window tint enforcement practices, explicitly reminding sworn personnel of their constitutional duty to enforce the law in an unbiased manner.	
	Once the new general order (or interim special order) has been issued, MPD should conduct updated window tint enforcement training for recruits and incumbent officers.	

**Bicycle Safety and MPD Enforcement of the District's Biking Laws  
September 12, 2013**

Recommendation		Status
Review of MPD's rate of error in citing "riding abreast" violations	MPD officers should document the basis for riding abreast citations, as well as other bike-related citations, in the accompanying section for officer notes.	<b>Adopted in part.</b> MPD stated that it will continue to encourage officers to take notes on the ticket, but added that because the ticket section for officer notes is relatively small, officers may enter more detailed notes in the notebooks that they are required to keep and maintain for follow-up hearings.
	MPD supervisors should regularly review riding abreast citations to determine whether tickets are being issued improperly, and provide additional training to those offending officers or to the entire police force, as appropriate.	<b>Pending.</b> MPD stated that officers are already required to submit all Notices of Infractions (NOI) to their supervisors for review prior to submission. PCB notes, however, that this practice was not sufficient to avoid inaccurate issuances of citations in the past. As a result, this particular recommendation proposes that additional scrutiny be applied specifically to riding abreast tickets.
Assessment of MPD officer investigative practices in bike-motor vehicle crashes	MPD should include in crash reports narratives that detail the account provided by each party. Reports that provide a synopsis or state, "the investigation revealed . . ." and provide a brief summary should be discouraged.	<b>Adopted in part, not adopted in part.</b> MPD states that it instructs officers to record all witness statements and include the statements in the report. General Order 401.03 currently requires officers to conduct their investigation by "interviewing all involved [parties], recording all pertinent information in the narrative," but does not discourage officers from making only conclusory statements.
	For those reports where officers have to go to the hospital and take a statement after the end of their shifts, MPD should remind officers that a PD 252 should be completed and sent to the newly-created electronic mailbox.	<b>Adopted.</b> This recommendation was developed in response to MPD's rejection of an earlier PCB suggestion that the traffic crash report remain pending until all parties were interviewed. MPD reversed this rejection, and now requires that officers interview all parties prior to the report being finalized. This new requirement and the revised general order accomplish all that was intended by this recommendation. See update below for "Improving the Safety of Bicyclists and Enhancing Their Interactions with Metropolitan Police Department Officers."

**Bicycle Safety and MPD Enforcement of the District's Biking Laws (continued)**  
**September 12, 2013**

Assessment of MPD officer investigative practices in bike-motor vehicle crashes (continued)	For those crashes that are highly disputed and result in major injury to one of the parties, MPD should encourage officers to complete a PD 119.	<p><b>Not adopted.</b> MPD states it will not utilize the PD 119 to supplement its investigations in motor vehicle accidents involving bicyclists. The PD 252 is a supplemental document, and officers utilize this form to capture additional information that was not included in the original report, in these cases, the PD 10. Officers are required to include all relevant information in their reports. If there is disputed information, that will be captured in the original PD 10.</p>
	MPD should create an electronic mailbox for these PD 119s so that they can be easily stored and retrievable by the Department.	
MPD's implementation of PCB recommendations	MPD should provide a report to the District Council Public Safety Committee each year that includes, at a minimum, the following information: a) the number of riding abreast tickets and other bike-related citations issued by MPD officers, including citations given to motorists who park in bike lanes, and the steps taken by the Department to reduce errors in issuing tickets; b) the total number of bike-motor vehicle crash reports completed by MPD officers, the number of bike-motor vehicle crash reports where PD 252s or PD 119s were submitted, and the steps taken by MPD to ensure that officers are submitting supplemental information where warranted; and c) the number of complaints filed with MPD regarding its investigation of bike-motor vehicle crashes and the resolution of those complaints.	<p><b>Not adopted.</b> MPD states that it would comply with requests or mandates from the Council, but opposed the creation of an annual report, citing the improvements noted in PCB's report. MPD also noted that the relevant orders are on MPD's website at: <a href="http://mpdc.dc.gov/page/directives-public-release">mpdc.dc.gov/page/directives-public-release</a>.</p> <p>PCB notes that the revision of General Order 401.03 moots some of the specifics of these recommendations, and that it is designed to eliminate many of the concerns touched on in PCB's reports, but encourages to MPD can build trust in the strength of the new order by reviewing and publicly reporting on the order's effectiveness in ensuring thorough reports.</p>
	The report should also include as attachments actual copies of any directives, training materials, or other documents created to address the issues noted in a. and b. above.	
	MPD should consult with BAC and WABA in the development of the report's template and the areas to be covered.	

**Warrantless Entries into Private Homes by MPD Officers**  
**June 12, 2013**

Recommendation	Status
<p>MPD should develop and distribute a general order on the subject of exigent circumstances. Similar to the policy statements in MPD's General Orders 702.3, which addresses obtaining and executing search warrants, and 304.19, which deals with seizures of recording devices, the new general order's policy statement should also state MPD's commitment to ensuring citizens' constitutional rights. MPD should also consider using, as a basis, the applicable sections of General Order 304.19 and the relevant policies of the police departments of Minneapolis, Seattle, and most notably, Tucson. As in Tucson, MPD should consider listing categories of exigencies and elements necessary to justify a search under each exception. The new general order should clearly define the conditions under which the member may enter a residence pursuant to exigent circumstances. Likewise, as in Seattle, MPD's new general order should possibly include a series of questions that officers should ask themselves prior to determining whether an exigency to enter and search exists. Courts consider such questions when assessing the propriety of warrantless searches based on exigent circumstances. The Department should also consider incorporating relevant sections of Special Order 86.01 into its new general order. In this new general order, as in MPD's General Order 304.19, the Department should also provide a definition of probable cause and explain the procedures for officers to follow when they have probable cause and when exigent circumstances exist. Finally, it is recommended that MPD also familiarize itself with relevant policies and procedures used by law enforcement agencies other than the ones discussed in this report. Being aware of good practices employed by other police departments will allow MPD continually to hone its general order on warrantless searches, ensuring that it stays timely and relevant.</p>	<p><b>Adopted in part, not adopted in part.</b> MPD reports that it revised General Order 702.3 (Search Warrants) and reissued it on December 23, 2013. The revised order includes a new section on warrantless searches as well as consent searches, and adopts PCB's proposal to incorporate relevant portions of Special Order 86.01, which was subsequently rescinded. MPD states that it reviewed policies from other jurisdictions and case law and believes that its officers now have the necessary guidance to be able to comply with the law with respect to consent searches and warrantless searches. MPD rejected PCB's recommendation to have a separate order on exigent circumstances containing clear definitions and questions that officers should ask themselves in order to make better determinations about whether such circumstances exist in a given situation.</p>
<p>MPD should develop and provide better training, both at the academy and in-service, on what constitutes exigent circumstances. In each of the four OPC complaints highlighted in this report, MPD officers believed that their warrantless entries or searches were justified and within the law. As evidenced by the two most recent Supreme Court cases from 2009 and 2011, the law with respect to exigent circumstances under the Fourth Amendment is being refined constantly. MPD would benefit from instructing its officers on this continuous evolution. Proper training on the subject will increase officer performance, limit civil liability for the District, and protect the public from unconstitutional searches. The police academy and in-service trainings should include lectures on the state of the law and incorporate videos and role-play scenarios that seek to replicate situations encountered by MPD officers. Real life scenarios, particularly fact patterns based on the OPC complaints discussed in this report, can be effective in teaching officers to serve the public better. MPD officers can keep further abreast of new developments in this area through email alerts and written handouts distributed at roll calls.</p>	<p><b>Adopted in part, pending in part.</b> MPD states that its policy for exigent circumstances, as outlined in the revised General Order 702.03, has been included in the 2014 Recruit Officer Training Program Curriculum and will be included in the curriculum for officer continuing education. The Department did not report on whether the training information would be presented in the manner recommended.</p>

**Warrantless Entries into Private Homes by MPD Officers (continued)**  
**June 12, 2013**

<p>MPD should appropriately discipline officers when they conduct warrantless entries or searches in the absence of exigent circumstances. In two of the four OPC complaints discussed in this report, MPD officers received written notices in their files as discipline for improperly entering a home. MPD should attempt to deter recurrences of unconstitutional policing by including along with any such notices a mandatory training component for offending officers, thereby increasing the prospects for full compliance with the Fourth Amendment in the future. In the event that an officer continues to engage in the same type of behavior, MPD should appropriately sanction the member using progressive discipline.</p>	<p><b>Adopted.</b> MPD states that it will continue to apply its current disciplinary measures to any infractions of the new warrantless search guidelines and committed to providing additional training for officers who commit unlawful warrantless searches.</p>
<p>MPD should require officers to document, in writing, a search or entry into a private residence based on exigent circumstances. As in Seattle, MPD should require officers to document entries made into private dwellings based on exigent circumstances. In addition, similar to the requirements in Minneapolis, such a practice, if adopted, should require officers to articulate the justification for the search or entry of a residence.</p>	<p><b>Adopted.</b> MPD's reissued General Order 702.03 contains a requirement that members who conduct warrantless searches of dwellings complete a PD Form 251 (Incident-Based Event Report), classify the event as a warrantless search, and document the justification for the search in the narrative.</p>



## APPENDIX G: POLICY RECOMMENDATION STATUS UPDATES

### Traffic Enforcement by Off-Duty Officers September 27, 2012

Recommendation	Status
<p>MPD should issue a revised and updated general order that clarifies when off-duty officers should conduct traffic stops. Currently, MPD's policy pertaining to traffic stops, General Order 303.1, must be read in conjunction with another directive to grasp its meaning fully. Additionally, because the language in both directives is somewhat confusing, officers may not completely understand the limitations placed on off-duty officers who conduct traffic stops. The revised policy should be reworded to clearly prohibit off-duty officers from engaging in traffic enforcement, except under narrow, limited circumstances. For example, General Order 303.1 could be revised to state definitively, in a single sentence, that traffic enforcement must be conducted by on-duty uniformed officers in marked Departmental vehicles, and that all other officers may take enforcement action only where the violation is so grave that it poses an immediate threat to others. Like the IACP concepts and issues paper, the revised policy should also give examples of the kinds of situations that warrant, and do not warrant, enforcement action by off-duty officers. In addition, tables similar to the ones included on page 3 of this report may help officers better conceptualize their obligations under the policy.</p>	<p><b>Pending.</b> MPD reported in January 2014 that it agreed that General Order 303.1 (Traffic Enforcement) could be clarified and that revisions concerning off-duty traffic stops were currently under internal review by the Department. The Department now reports that this review is still under way.</p>
<p>MPD should revise General Order 301.04 to state that uniformed off-duty officers operating take-home cruisers are allowed (as opposed to required) to engage in traffic enforcement. The directive should also stress that traffic enforcement action by non-uniformed officers operating take-home cruisers, whether on duty or not, should occur only under conditions set forth in revised general order 303.1. These revisions will make the two directives consistent with one another.</p>	<p><b>Pending.</b> Once edits to GO 303.01 (Traffic Enforcement) are finalized, General Order 301.04, which has been revised, will be finalized to ensure consistency between the two documents.</p>
<p>MPD should consider creating in a new policy, or including in an existing protocol, general standards of conduct for off-duty officers. The standards should stress that off-duty officers who are personally involved in the matter should not engage in enforcement, except under very limited circumstances. The policy should also provide examples of appropriate and inappropriate off-duty conduct.</p>	<p><b>Pending.</b> MPD reports that its current General Orders 201.26 (Duties, Responsibilities and Conduct of Members of the Department) and 201.36 (Metropolitan Police Department Sworn Law Enforcement Code of Ethics) provide instruction for off-duty conduct, but that the Department is currently reviewing those policies to identify any areas where additional guidance may be beneficial. The Department notes that it has been conducting initiatives aimed at curbing inappropriate off-duty conduct such as domestic violence and impaired driving. MPD also reports that on February 27, 2014, it issued Teletype # 02-091-14, Off-Duty Action, which provides additional actions required by members initiating Off-Duty Police Action. While this teletype provides that in most situations, off-duty officers who take police action (even when working outside employment) must report the action to the watch commander of the District the action is taken in, the teletype specifically excludes traffic enforcement.</p>
<p>MPD should institute record-keeping requirements for off-duty officers initiating contacts. Adding such requirements will add a level of scrutiny and accountability to contacts initiated by off-duty officers, and may possibly deter those officers from making inappropriate contacts.</p>	
<p>MPD should provide training on the Departmental policies and reporting requirements that are created to address these issues.</p>	<p><b>Pending:</b> MPD reports that it will provide training to officers on the updated policies as they are adopted.</p>

### **Improving the Safety of Bicyclists and Enhancing Their Interactions with Metropolitan Police Department Officers September 29, 2011**

In the Fiscal Year 2013 Annual Report, PCB reported that the recommendations included in this report were largely adopted, but that one recommendation had been rejected by MPD. PCB had suggested that traffic crash reports remain “pending” until all involved parties could be interviewed. MPD responded that it wanted the reports to be finalized by the end of shift and that additional interviews would be documented on a PD 252, or “Supplement to the Incident Based Event Report.”

A subsequent study by PCB, “Bicycle Safety and MPD Enforcement of the District’s Biking Laws,” reported that MPD had not been able to find any such PD 252s, that the problem was most likely due to the PD 252 being a paper form that is filed and stored separately from the electronically created and stored “Traffic Crash Report.” The Department stated it would fix this problem by creating a special email box for officers to submit the 252s.

On February 28, 2014, MPD has revisited this approach, and substantially adopted the above-described PCB recommendation. The Department issued a teletype (an interim order) outlining new procedures for traffic crash reporting. The new procedure required the submitted reports to be rejected by a supervisor if all involved parties had not been interviewed. The report would be returned to the original officer who was required to complete the report “as soon as possible.” In the event that an involved party could not be interviewed, the teletype required the reporting officer to describe why not in the narrative of the report.

MPD improved on this teletype through the January 14, 2015, issuance of a revised General Order 401.03. The revisions required that if the original reporting officer is not immediately available to complete a rejected report, the rejecting supervisor is required to assign another officer to complete the report. As a result, PCB considers its recommendation fully “Adopted.”

### The following individuals served as members of the Police Complaints Board during Fiscal Year 2014:

**Kurt Vorndran**, who served as the chair of the Board from the beginning of the Fiscal Year until April 7, 2014, is a legislative representative for the National Treasury Employees Union (NTEU). Prior to his work at NTEU, Mr. Vorndran served as a lobbyist for a variety of labor-oriented organizations, including the International Union of Electronic Workers, AFL-CIO (IUE), and the National Council of Senior Citizens. Mr. Vorndran served as the president of the Gertrude Stein Democratic Club from 2000 to 2003 and as an elected Advisory Neighborhood Committee (ANC) commissioner from 2001 to 2004. He is also treasurer of the Wanda Alston Foundation, a program for homeless LGBTQ youth. He received his undergraduate degree from the American University's School of Government and Public Administration and has taken graduate courses at American and the University of the District of Columbia. Mr. Vorndran was originally confirmed by the District Council on December 6, 2005, and sworn in as the chair of the Board on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2014. He continued to serve until reappointed or until a successor could be appointed.

**Iris Maria Chavez**, who became Chair on April 7, 2014, served during her tenure on the Board as assistant field director of the Education Trust, a research, analysis, and practice organization based in Washington, D.C., that promotes high academic achievement for all students at all levels – pre-kindergarten through college. In her role at the Education Trust, she oversees the organization's field and outreach operations. Previously, Ms. Chavez served as deputy director for education policy and outreach at the League of United Latin American Citizens (LULAC), where she oversaw state and federal education policy work. In this capacity, she worked to deepen LULAC's understanding of state and federal school reform, and expanded the relationships between the organization's grassroots education advocates and state and federal policymakers. Prior to LULAC, Ms. Chavez worked as a legislative associate for the Food Research and Action Center (FRAC), where she was a junior lobbyist giving advice on food assistance programs and federal-level governmental processes to the center's state and local network of organizations. Before working at FRAC, Ms. Chavez was employed at the Social IMPACT Research Center of Heartland Alliance for Human Rights and with the group Youth Guidance where she was a social worker in the Chicago Public Schools. Ms. Chavez holds a bachelor of arts degree in sociology, history, and African diaspora studies from Tulane University and a master of arts degree in social policy from the University of Chicago. Ms. Chavez was appointed by Mayor Vincent Gray and confirmed by the District Council in the fall of 2011, and was sworn in on January 5, 2012, for a term ending January 12, 2012. She was subsequently reappointed to a new term ending January 12, 2015.

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

Assistant Chief Burke has received a variety of MPD awards and commendations, including the Achievement

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

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

**Margaret A. Moore, PhD** is a leader in the field of corrections. She has more than 25 years of experience in the administration of both state and municipal prison and jail systems. She is the former director of the D.C. Department of Corrections (DOC). As director of DOC, Dr. Moore had executive oversight for a complex prison and jail system with more than 10,000 inmates, approximately 4,000 employees, and an annual operating budget of over \$225 million. Prior to coming to the District of Columbia, she was deputy secretary of the Pennsylvania Department of Corrections where she provided executive direction for prison operations within the central region of Pennsylvania. She is known for her track record of promoting women and African Americans into correctional leadership positions and continuously advocating for their advancement and representation at all levels of the corrections profession. During her tenure on the Board, Dr. Moore held the position of assistant professor in the Criminal Justice program of the Department of Criminal Justice, Sociology, and Social Work at the University of the District of Columbia. She was originally confirmed by the District Council on June 5, 2007, and sworn in on June 27, 2007. In 2011, she was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2013. She continued to serve until reappointed or a successor had been appointed.

**Karl M. Fraser**, is an associate director who oversees clinical oncology research at a pharmaceutical company in Rockville, Maryland. Mr. Fraser received his undergraduate degree in biology from Howard University and a master's degree in biotechnology from Johns Hopkins University. He has been active in his community, including serving as an elected ANC commissioner. Mr. Fraser was originally confirmed by the District Council on December 6, 2005, and sworn in on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2014. He continued to serve until July 30, 2014.

### **OPC Senior Staff during Fiscal Year 2014:**

**Philip K. Eure** served as the agency's executive director, assuming that role in 2000 after working as a senior attorney in the Civil Rights Division at the United States Department of Justice where he litigated on behalf of victims of employment discrimination. While at the Department, Mr. Eure was detailed to Port-au-Prince for a year as an adviser to the Government of Haiti on a project aimed at reforming the criminal justice system. From 2005 to 2012, Mr. Eure also sat on the board of the National Association for Civilian Oversight of Law

Enforcement (NACOLE), a non-profit organization that seeks to reduce police misconduct throughout the nation by working with communities and individuals to establish or improve independent police review mechanisms, and served as the organization's president for approximately two of those years. Mr. Eure has spoken at various forums in the District, around the country, and outside the United States on a wide range of police accountability issues. He received his undergraduate degree from Stanford University and his law degree from Harvard Law School. Mr. Eure served in this capacity until May 19, 2014, at which point he left the agency to become the first Inspector General of the New York Police Department.

**Christian J. Klossner** served during Fiscal Year as OPC's deputy director until May 19, 2014, after which he became the agency interim executive director. He joined the agency in September 2010 after serving as an assistant district attorney in the Office of the Special Narcotics Prosecutor of New York City and at the Office of the Bronx District Attorney. He also served as an adjunct professor of trial advocacy at Fordham University School of Law. Prior to attending law school, Mr. Klossner worked as a policy advocate and as a staff supervisor with the New York Public Interest Research Group, a not-for-profit advocacy organization focused on environmental, consumer, and government reform issues. In September 2013, Mr. Klossner was elected to the Board of Directors of the National Association for Civilian Oversight of Law Enforcement. He received his bachelor's degree from the State University of New York's University at Albany and his law degree from Fordham University School of Law.

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

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

### **Additional Fiscal Year 2014 OPC staff members, alphabetically by last name:**

Administrative Officer Stephanie Banks, Investigator Rebecca Beyer, Public Affairs Specialist Nykisha T. Cleveland, Paralegal Specialist Sarah Cordero, Senior Investigator Ora Darby, Receptionist Nydia Figueroa-Smith, Investigator Stephen Fox, Senior Investigator Denise Hatchell, Intake Clerk Dienna Howard, Senior Investigator Anthony Lawrence, Investigator Sergio Ledezma, Investigator Peter Mills, Investigator Jessica Rau, Investigator Crystal Rosa, Supervisory Investigator Robert Rowe, Staff Assistant Kimberly Ryan, Investigator Arturo Sanchez, Investigator KateLyn Smith, Supervisory Investigator Natasha Smith, and Investigator Catherine Twigg.

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