

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

# Annual Report 2018





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## MESSAGE FROM THE EXECUTIVE DIRECTOR

The mission of the Office of Police Complaints (OPC) and its community-based board, the Police Complaints Board (PCB), is to improve community trust through effective civilian oversight of law enforcement. In the District of Columbia, we work to improve community trust by holding police officers accountable for misconduct with an effective community-member complaint program and by providing a reliable system of police policy review.

As an independent agency, OPC impartially investigates complaints of police misconduct, offers mediation of appropriate complaints, and refers officers to individual training improvement programs in the Metropolitan Police Department (MPD) and District of Columbia Housing Authority Police Department (DCHAPD). OPC also monitors First Amendment assemblies for compliance with the constitutional right to peaceably protest, and in conjunction with the PCB, we issue policy recommendations when a pattern of conduct in need of improvement is identified through review of complaints received, review of best practices around the country, or data analysis.

Starting in FY18, we now review and publicly report on all MPD use of force incidents, providing an unprecedented review of police operations. Our inaugural use of force report was published earlier in FY18 and represents more efforts to inform the community of how our police department performs its mission. This public report was accomplished through the collaboration and hard work of all of our staff, stakeholders, Council members, and community groups.

Our primary task is to investigate complaints of police misconduct. FY18 continued a two-year trend of the highest number of complaints filed in the history of the agency, and far surpassing any previous years. The 78% increase in complaints over the past two years resulted in a tremendous increase in work flow, yet we maintained an average investigation completion time of just 104 days. In FY16, we made it easier than ever to file a complaint with the introduction of our web form and electronic filing, and this was our primary source of complaints in FY18. Customer service is our highest priority, and the hard work of our investigators continued to serve our community well, without sacrificing the timely, fair and thorough investigations that Washingtonians have come to expect from us.

Body-worn cameras have been fully deployed to MPD patrol officers for nearly two years. The program has revolutionized the way we do our job. Our investigators can gather evidence and make determinations much more accurately and quickly, with immediate access to all MPD body-worn camera footage. Having direct and immediate access to BWC footage has made our agency one of the leaders in the nation among oversight entities, and we can be proud that the District of Columbia is setting the standard for investigation of police misconduct complaints.

As we move forward in this time of heightened scrutiny of police practices, OPC will continue to work diligently to provide a bridge for our community and police to work together to improve trust and public safety.

Sincerely,

*Michael G. Tobin*

Michael G. Tobin

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# FY18 Key Findings Summary



**78% Increase**  
in complaints since FY16;  
record 780 complaints  
received in FY18



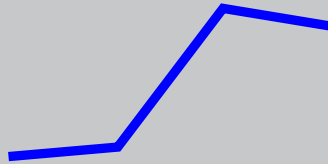
**The Police Foundation**  
completed its review and report of  
MPD's actions on Inauguration Day,  
as recommended by OPC in FY17



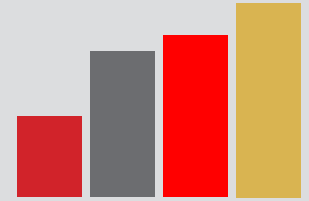
**29% of Complaints**  
were referrals from MPD and  
DCHAPD in FY18



**43% of Complaints**  
received through online  
complaint form in FY18



**3% Decrease**  
in contacts, with 1,819  
received in FY18



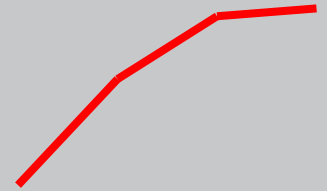
**92% of Officers**  
cooperated with OPC  
investigations; only 8% initially  
failed to cooperate in FY18



**Cases with BWC**  
resulted in fewer withdrawals and  
failure-to-cooperate dismissals  
than cases without BWC



**32% of Cases**  
contained some form of BWC  
non-compliance



**87% of Investigations**  
closed within 6 months,  
compared to 43% in FY14

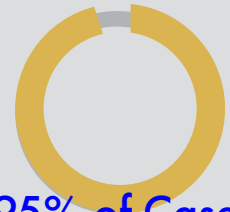
**Mediation Improved  
Officer Attitudes**  
the public understands what it is like  
to be a DC police officer

Before  
Mediation: 8%

After  
Mediation: 20%



**5 Policy Recommendations**  
published in FY18;  
recommendations on language  
access, BWC viewing, and outside  
employment



**95% of Cases**  
sent to complaint examiner  
had at least one allegation of  
misconduct sustained

**Inaugural Use of Force  
Report Published**  
force incidents increased by 56%  
since FY13

**Mediation Improved  
Complainant Attitudes**  
DC police conduct  
themselves professionally

Before  
Mediation: 32%

After  
Mediation: 49%



**@DistrictOPC**  
Twitter account was launched



# AGENCY OVERVIEW

## Mission and Function

The primary mission of the Office of Police Complaints (OPC) is to increase community trust in the police forces of the District of Columbia. By increasing community trust in our police forces our community will be safer. OPC increases community trust by providing a reliable complaint system that holds police officers accountable for misconduct.

The primary function 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 D.C. Housing Authority Police Department (DCHAPD). 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.

OPC also reviews police policies and practices to assist in ensuring the District police forces are using the best practices available, with a special emphasis on constitutional policing methods. These policy reviews often result in formal and informal recommendations for improvement. The policy recommendations may involve issues of training, procedures, supervision, or general police operations.

OPC's mission also includes helping bridge the gap in understanding that often exists between community members and our police forces. OPC's mediation program helps facilitate conversations to eliminate any misunderstandings between complainants and officers, while its community outreach programs include activities focused on both the public and police officers to improve mutual understanding and awareness throughout the District of Columbia.



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# AGENCY OVERVIEW

## Police Complaints Board

OPC is governed by the five-member Police Complaints Board (PCB). One member of the PCB must be a member of the Metropolitan Police Department, while the other four members must be residents of the District. PCB members are nominated to staggered three-year terms by the Mayor, and confirmed by the Council of the District of Columbia (the Council).

The PCB actively participates in the work of OPC, offering guidance on many issues affecting OPC's operations. The PCB is also charged with reviewing the executive director's determinations regarding the dismissal of complaints; making policy recommendations to the Mayor, the Council, MPD and DCHAPD, where appropriate, to improve police practices; and monitoring and evaluating MPD's handling of First Amendment assemblies and demonstrations held in the District. The current PCB includes the following members:

**Paul D. Ashton II**, appointed chair of the PCB on October 4, 2016, is the Development and Finance Manager for the Justice Policy Institute (JPI), a national nonprofit dedicated to criminal justice reform.



As Development and Finance Manager, Mr. Ashton manages JPI's organizational operations and fundraising. He has authored several publications at JPI, including: *Gaming the System*; *Rethinking the Blues*; *Moving Toward a Public Safety Paradigm*; *The Education of D.C.*; and *Fostering Change*.

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

Mr. Ashton received his bachelor's degree in Criminology from The Ohio State University and a master's degree in Criminology from the University of Delaware. He was appointed by Mayor Vince C. Gray and confirmed by the Council in October 2014, and sworn in on December 22, 2014. He was re-nominated by Mayor Muriel Bowser and appointed on June 28, 2016 for a new term ending January 12, 2019.

**Kurt Vorndran**, who served as chair of the PCB from January 2015 to October 2016, 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. He also 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.



In addition, Mr. Vorndran is treasurer of the Wanda Alston Foundation, a program for homeless LGBTQ youth. He received his bachelor's degree from the American University's School of Government and Public Administration and has taken graduate courses at American University and the University of the District of Columbia.

Mr. Vorndran was originally confirmed by the Council on December 6, 2005, and sworn in as the chair of the PCB on January 12, 2006. In 2011, he was re-nominated by Mayor Vincent Gray and confirmed by the Council, and sworn in on January 5, 2012 for a new term ending January 12, 2014. He continues to serve until reappointed or until a successor can be appointed.



## AGENCY OVERVIEW

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



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

She holds a bachelor's degree in Sociology and English Literature from S.U.N.Y. Geneseo as well as a master's degree in Teaching from Salisbury University. Ms. Strang was appointed by Mayor Muriel Bowser and confirmed by the Council on November 3, 2015 for a term ending on January 12, 2017. She was reappointed on May 2, 2017 for a term ending on January 12, 2020.

**Commander Morgan Kane** currently serves as the Commander of the First District for MPD. Located in the lower central portion of D.C., the First District is home to the city's business and political center. It includes some of our nation's most recognized and cherished landmarks, as well as some of the city's most interesting and diverse neighborhoods. She was appointed as the commander of the First District in August 2016.



Commander Kane joined MPD in December 1998, and began her career as a patrol officer in the First District following her training at the Metropolitan Police Academy. She was promoted to sergeant in 2004. Three short years later, in 2007, Commander Kane made lieutenant. In 2012, she was promoted to captain and became an inspector in 2014.

During her 20-year career with MPD, Commander Kane has worked in a variety of posts. In addition to patrol work as an officer, sergeant and captain, Commander Kane has also been assigned to the Office of Organizational Development, the Office of Homeland Security and Counter-Terrorism, and the Executive Office of the Chief of Police. She has received numerous awards throughout her career, including Achievement Medals, Commanding Officers Commendations, and the Police Service Area (PSA) Officer of the Year. Additionally, while serving as an Assistant District Commander in the Fifth District in 2013, she was recognized as Captain of the Year.

Commander Kane holds a bachelor's degree in Paralegal Studies from Marymount University as well as a master's degree in Public Administration from the University of the District of Columbia. She is also a resident of the First District. She was appointed by Mayor Muriel Bowser and confirmed by the Council on May 2, 2017 and sworn in on May 25, 2017. She was reappointed on December 5, 2017 for a term ending January 12, 2021.

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## AGENCY STAFF

### Personnel

OPC has a full-time staff of 23 talented and diverse employees. Seven of these positions were filled by employees with graduate degrees and five others possess a law degree. 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 this year, 119 college students and 59 law students have participated in the program.

**Michael G. Tobin** was appointed OPC's executive director on November 3, 2014. Prior to joining the agency, Mr. Tobin served as the executive director of the Milwaukee Fire and Police Commission, where he oversaw the Commission's work in a range of functions, including the implementation of police policies and procedures; conducting independent investigations of officer-involved shootings, deaths in custody, and misconduct allegations; ensuring police internal investigations are conducted appropriately; and providing mediation between community members and fire or police department employees.



Mr. Tobin began his career with the City of Milwaukee, Wisconsin, as a police officer and upon graduation from law school he joined the Milwaukee City Attorney's office as an assistant city attorney. There, he was a police legal advisor, guided internal affairs investigations, prosecuted police employees for misconduct, and represented the city's interests in police department matters for almost twenty years in state courts and administrative agencies. Mr. Tobin is also a former Army National Guard Colonel and combat veteran. In 2005, he was appointed Rule of Law Officer to manage the U.S. military program to reconstruct the civilian justice system nation-wide for the country of Afghanistan. Mr. Tobin received his bachelor's degree in criminal justice from the University of Wisconsin-Milwaukee and his law degree from the University of Wisconsin-Madison.

**Rochelle M. Howard** joined OPC as deputy director in February 2016. Prior to joining the agency, Ms. Howard served as the Deputy Assistant Inspector General for Inspections and Evaluations Division at the District of Columbia Office of the Inspector General (OIG). Ms. Howard's OIG experience also included work at the Department of Commerce Office of the Inspector General Investigation Division, and the Office of Personnel Management Office of the Inspector General Evaluation and Inspection Division.

Ms. Howard began her career serving in the U.S. Army JAG Corps for eight years, holding positions of prosecutor, defense attorney, and NATO Anti-Corruption Advisor to the Afghan Police. She served in six combat missions in Iraq, Afghanistan, and Africa as well as assignments to Yongsan, Korea, Fort Benning, Georgia, and Fort Meade, Maryland. Ms. Howard earned a law degree from the Widener University School of Law, a master's degree in business administration from the University of Maryland University College, and a Bachelor of Arts degree in sociology with a concentration in criminology and a minor in Spanish from Louisiana State University.

**Alicia J. Yass** joined OPC as legal counsel in July 2016. Ms. Yass came to the office from the American Constitution Society (ACS), a non-profit legal policy member organization, where she worked with lawyers across the country on issues such as access to justice, voting rights, and constitutional interpretation. Prior to ACS, Ms. Yass was a trial attorney for the U.S. Department of Justice, Criminal Division, Child Exploitation and Obscenity Section, and was co-assigned as a Special Assistant U.S. Attorney in the U.S. Attorney's Office for the Eastern District of Virginia. Ms. Yass received her bachelor's and master's degrees from George Washington University, and her law degree from New York University School of Law.

## AGENCY STAFF

**Mona G. Andrews**, OPC's chief investigator, joined the agency 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.

### Investigative Unit

OPC has an outstanding staff of civilian investigators who conduct and resolve investigations. By law, the investigators cannot have ever worked for either police department under OPC's jurisdiction. The Fiscal Year 2018 (FY18) staff of investigators and supervisory investigators had approximately 130 total years of combined investigative experience. The senior investigators and supervisory investigators each have more than 10 years of investigative experience, and some have more than 20 years of relevant experience.

Investigators attend a substantial amount of training and professional development. Each investigator participates in at least two MPD or DCHAPD ride-alongs with officers per year, and OPC sent three investigators to the National Association for Civilian Oversight of Law Enforcement's 2018 training conference in St. Petersburg, Florida, where they attended workshops and training sessions with other practitioners. All three investigators also participated as panelists at the conference.

### FY18 INVESTIGATIVE UNIT TRAINING

All investigative unit members attended:

- 11 subject matter and legal training sessions;
- 16 hours of MPD officer training at the MPD Academy, and four additional hours of MPD online officer training; and
- At least eight hours of ride-alongs with MPD or DCHAPD officers.

In addition:

- Several investigators attended either a four-day civilian oversight practitioner training, a four-day training on interviewing techniques, or a one or two-day specialized police training at the MPD Academy; and
- Several investigative unit members attended other professional development and management training.

### OPC staff members, alphabetically:

Investigator Hansel Aguilar  
Executive Assistant Stephanie Banks  
Investigator Chauntini Clark  
Public Affairs Specialist Nykisha Cleveland  
Senior Investigator Marke Cross  
Investigator Jeff Davis  
Research Analyst Matthew Graham  
Investigative Clerk Darlene Grant  
Senior Investigator Anthony Lawrence

Investigator Lindsey Murphy  
Investigator Susan Nembhard  
Investigations Manager Jessica Rau  
Staff Assistant Kimberly Ryan  
Investigations Manager Natasha Smith  
Receptionist Nydia Smith  
Investigator Danielle Sutton  
Investigator Ethan Trinh  
Program Coordinator Christopher Weber

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# COMPLAINT ACTIVITY

## Contacts and Complaints Received

OPC received 780 complaints in FY18, making FY18 the second consecutive year of receiving a record number of complaints. Although this is only seven more than the 773 complaints received in FY17, it is 78% more complaints than OPC received in FY16. It is also 30% more than the record number of complaints prior to FY17, which was 600 received in FY08.

OPC received 1,819 contacts from community members in FY18 – three percent fewer contacts than in FY17, but 26% more than in FY16. The decrease in FY18 is in part due to a change in OPC procedures; OPC no longer tracks most contacts regarding agencies outside of the District.

As in FY17, OPC attributes the continued increase in the number of complaints received to a variety of factors, including: (1) the launch of an online complaint submission form in the second half of FY16; (2) the additional complaints MPD now forwards to OPC in compliance with the Neighborhood Engagement Achieves Results Act of 2015 (NEAR Act); (3) the NEAR Act provision extending the time frame in which community members can file a complaint to 90 days; (4) individuals may be more willing to file a complaint knowing that it will be investigated by an independent agency under the NEAR Act; and (5) MPD outfitted all of its patrol officers with body worn cameras (BWCs) in FY17, and individuals may be more willing to file a complaint knowing there is now video evidence of most encounters. There also may be unidentified factors in MPD or DCHAPD operations that have increased officer behavior that is susceptible to generating a complaint.<sup>1</sup>

Some complaints filed with OPC are outside of the agency's jurisdiction, typically because the complaint concerns an officer or officers from departments other than MPD or DCHAPD; because the complaint was filed more than 90 days after the incident; or because the type

of complaint does not fall into one of the six categories of complaints that OPC has jurisdiction to investigate.<sup>2</sup> These complaints are administratively closed or referred to the appropriate agency. All other cases are investigated by OPC.

## Allegations Received

The 780 complaints OPC received in FY18 contained 1,675 allegations of misconduct against officers, 13% more than in FY17. Each complaint OPC receives contains one or more allegations against one or more officers, and OPC is authorized to investigate six categories of allegations: harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, and failure to identify. The percentage of allegations OPC receives in each allegation category is very similar year after year.

Harassment and language or conduct allegations were the most frequent types of allegations received by OPC in each of the last four fiscal years. Harassment typically accounts for about half of all allegations OPC receives, and language or conduct complaints account for about a quarter of all allegations, and this trend continued in FY18.

Allegations of officers failing to identify themselves and retaliation are the two least frequent complaint categories. Failure to identify generally accounts for less than five percent of allegations received per fiscal year, while retaliation accounts for less than one percent of allegations received per fiscal year, and these trends also continued in FY18.

The most frequent complaint in FY18 was for inappropriate officer demeanor or tone, in the language and conduct category, with 248 allegations. Allegations of harassment for issuing a bad ticket were the second most frequent complaint in FY18 with 107 allegations.

1: See page 14 for discussion of the effect of BWCs on OPC operations and investigations, and page 24 for discussion of the NEAR Act.  
2: OPC has jurisdiction to investigate allegations of harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, and failure to identify.



Hundreds of people contact OPC every year

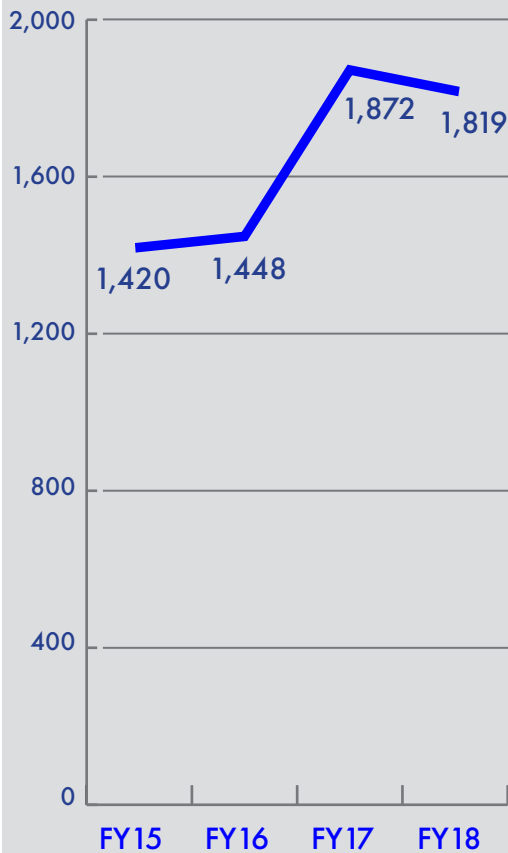


Of those who contact OPC each year, hundreds file formal complaints

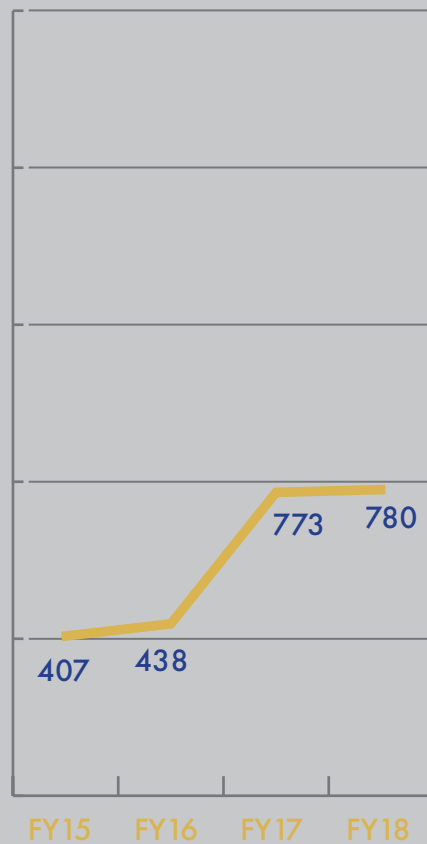


OPC determines jurisdiction, and initiates an investigation or refers the complaint to the appropriate entity

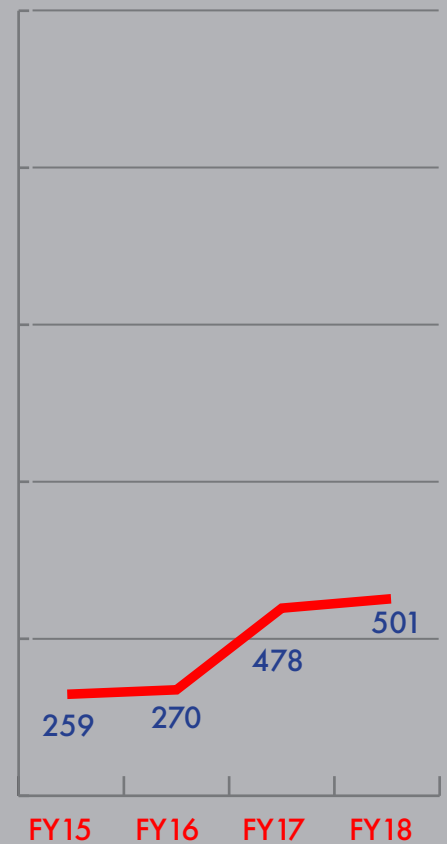
### Contacts Received



### Complaints Received



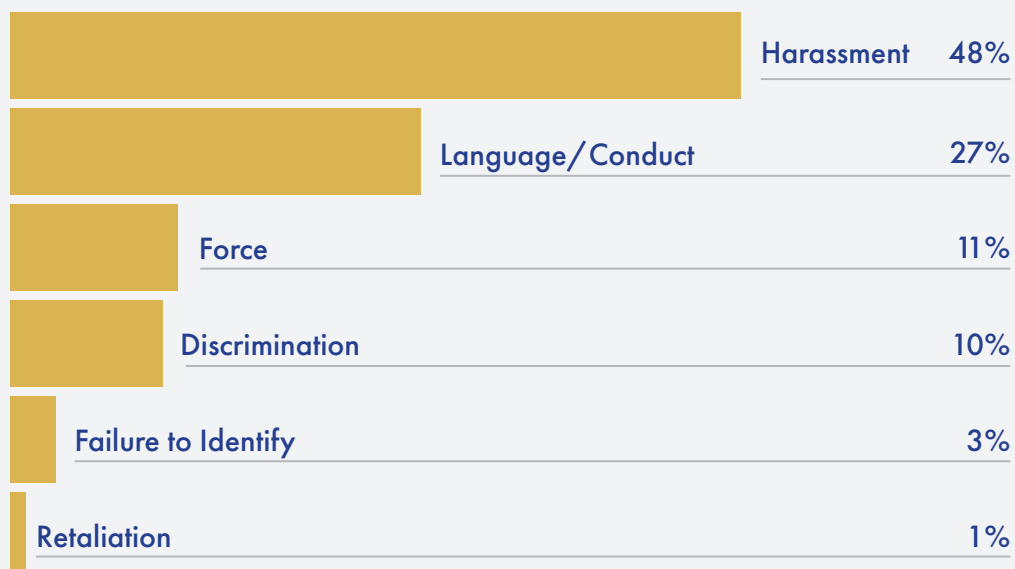
### Investigations Opened



## Allegations

1,675

The total number of allegations contained in the 780 complaints submitted in FY18. Each complaint submitted contains at least one allegation of officer misconduct.





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# COMPLAINT ACTIVITY

## Investigations Conducted

OPC opened 501 new investigations in FY18, more than in any other fiscal year since OPC's inception in 2001.<sup>3</sup> OPC also continued investigating 144 cases that were opened in FY17 and carried over into FY18. Between the 144 carryover cases and the 501 new cases, OPC investigated an unprecedented 645 cases in FY18, a 10% increase from FY17. Of these 645 cases, 132 were still open at the end of FY18, though only 24 were more than 180 days old.

Cases that are carried over from one fiscal year to the next are typically cases received late in the fiscal year; cases that OPC sends to the United States Attorney's Office to review for possible criminal prosecution;<sup>4</sup> or cases that are sent to a complaint examiner for review and determination of merits.

The number of carryover cases had been decreasing over the previous four years, from 312 in FY14 to a record low of 110 in FY17. In FY18, 144 cases were carried over from FY17. The increase in cases that carried over from FY17 into FY18 is an effect of the record number of complaints received in FY17.

OPC's investigations generally include some or all of the following steps: interviewing the complainant and witnesses; identifying and interviewing the officers; collecting evidence; reviewing MPD or DCHAPD documents; visiting the location of the incident; reviewing officers' BWC video; and reviewing any other photographic or video evidence. 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. In FY18, OPC investigators conducted more than 600 complaint-related interviews, including 424 community member interviews and 186 officer interviews.

## Failure to Cooperate

District law requires MPD and DCHAPD officers to cooperate fully with OPC investigations. Although officer cooperation has been consistently high in past years, there are usually around 10% of officers who don't initially cooperate with OPC.

Each time an MPD or DCHAPD officer fails to appear or fails to cooperate in the investigation or mediation process, OPC issues a discipline memorandum to their department, as required by District law. Absent extenuating circumstances, the department disciplines the officer, and the officer is then required to resume cooperation with OPC's investigation.

The rate of officers failing to cooperate with OPC has been decreasing since FY14, and that trend continued in FY18. OPC sent 13 discipline memoranda to MPD and one to DCHAPD in FY18. This represents eight percent of the 186 officers interviewed, the lowest rate of officers failing to cooperate with OPC since OPC began operating in 2001.

## Increased Investigative Efficiency

As in FY17, OPC has efficiently managed its caseload in FY18 despite the large number of complaints received. The average number of days between an investigation being opened and being completed has decreased from more than 350 days in FY15 to 104 days in FY18. Similarly, the percent of investigations closed within 180 days has increased from just over 40% in FY15 to 87% in FY18. At the end of FY18 there were only three cases still open from FY17.

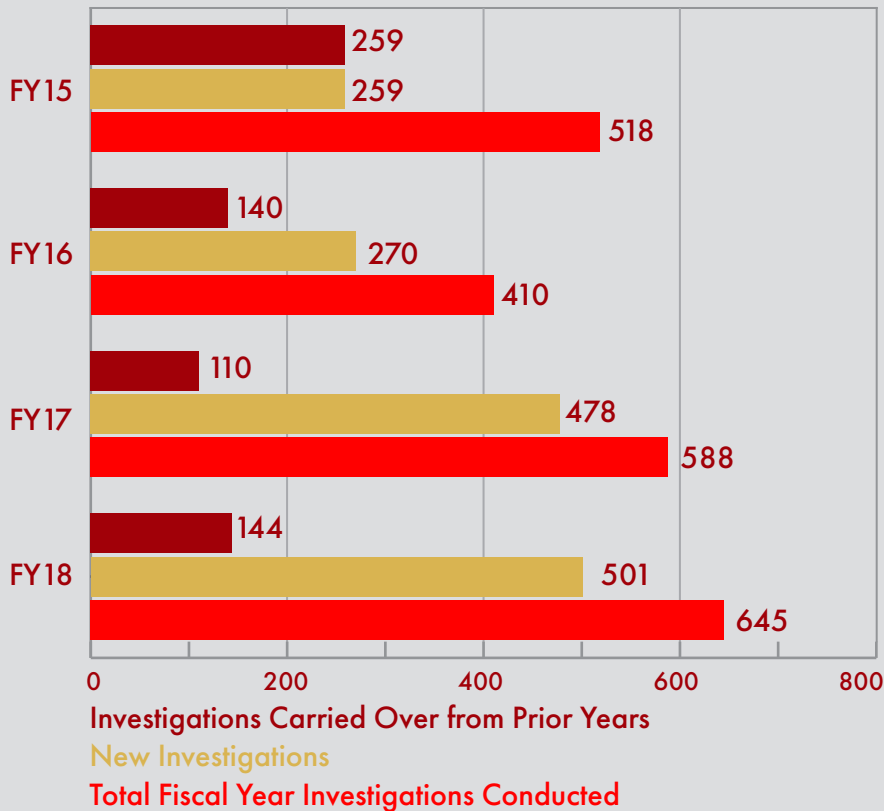
Increasing the speed and efficiency of investigations increases community members' trust in the civilian police oversight process. Better case processing and efficiency of civilian oversight investigations are important aspects of ensuring community members' complaints are addressed in a fair and independent forum.

3: Investigations include all complaints received except administrative closures and cases referred to other agencies due to jurisdiction.

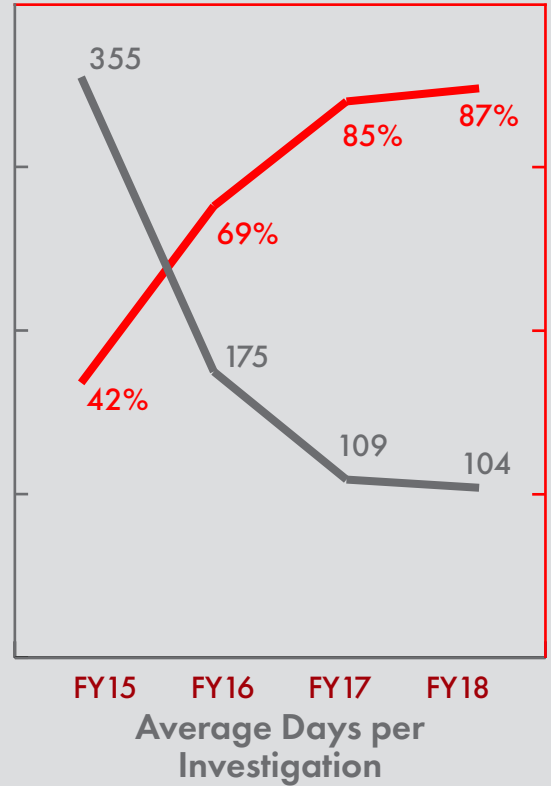
4: D.C. Code §5-1107(g)(2).

# FY18 Investigations

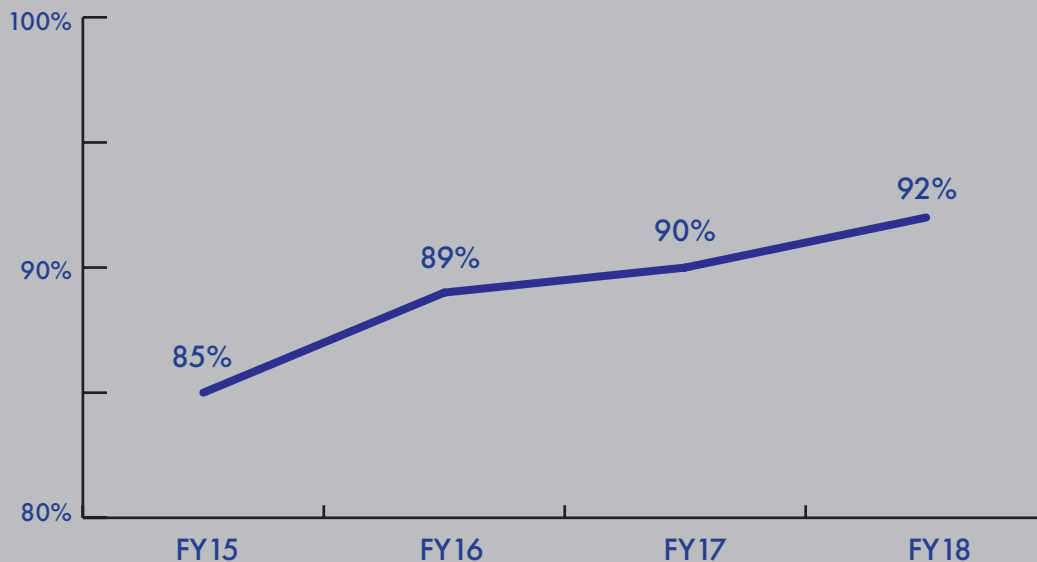
**Total Complaints Investigated**



**Percent of Investigations Completed within 180 Days**



**Percent of MPD and DCHAPD Officers Who Cooperated with OPC Investigation**



	FY15	FY16	FY17	FY18
Total officer interviews conducted	410	271	250	186
Total OPC notifications for failure to appear or cooperate	62	29	24	14
Compliance rate	85%	89%	90%	92%

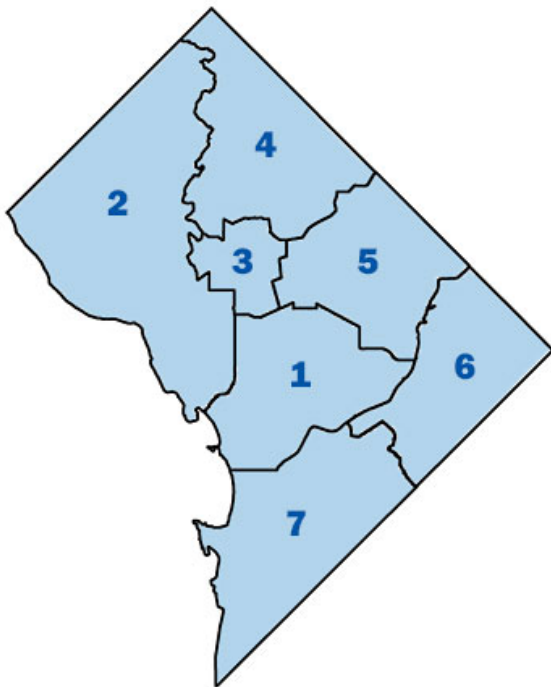
# COMPLAINT ACTIVITY

## Where Incidents Occurred

Complaints were relatively evenly distributed geographically in FY18. As in FY17, all seven police districts accounted for between 12% and 18% of complaints received in FY18.

There are no apparent patterns or trends in the portion of complaints per district over the last four years. The Second, Third, and Fourth Districts have fluctuated between 10% and 16% of complaints received per year since FY15. Complaints received from the Sixth District decreased from more than 20% in FY16 to 14% in FY17 and FY18. Complaints from the Seventh District decreased to six percent in FY16, but increased to 12% in FY17 and FY18.

MPD Districts



## Source of Complaints

The implementation of the NEAR Act and the launch of OPC's online complaint form changed how OPC receives the majority of its complaints. Prior to the NEAR Act and the online form, OPC received most complaints from walk-ins or through mail, e-mail, or fax. The NEAR Act now requires MPD to forward all complaints to OPC, essentially shifting the caseload of complaints previously investigated by MPD to OPC. This change resulted in an increase from an average of eight cases forwarded to OPC per fiscal year before FY17 to 202 cases forwarded to OPC in FY17 and 226 cases forwarded to OPC in FY18. These referrals partly explain the overall increase in complaints received by OPC in FY17 and FY18.

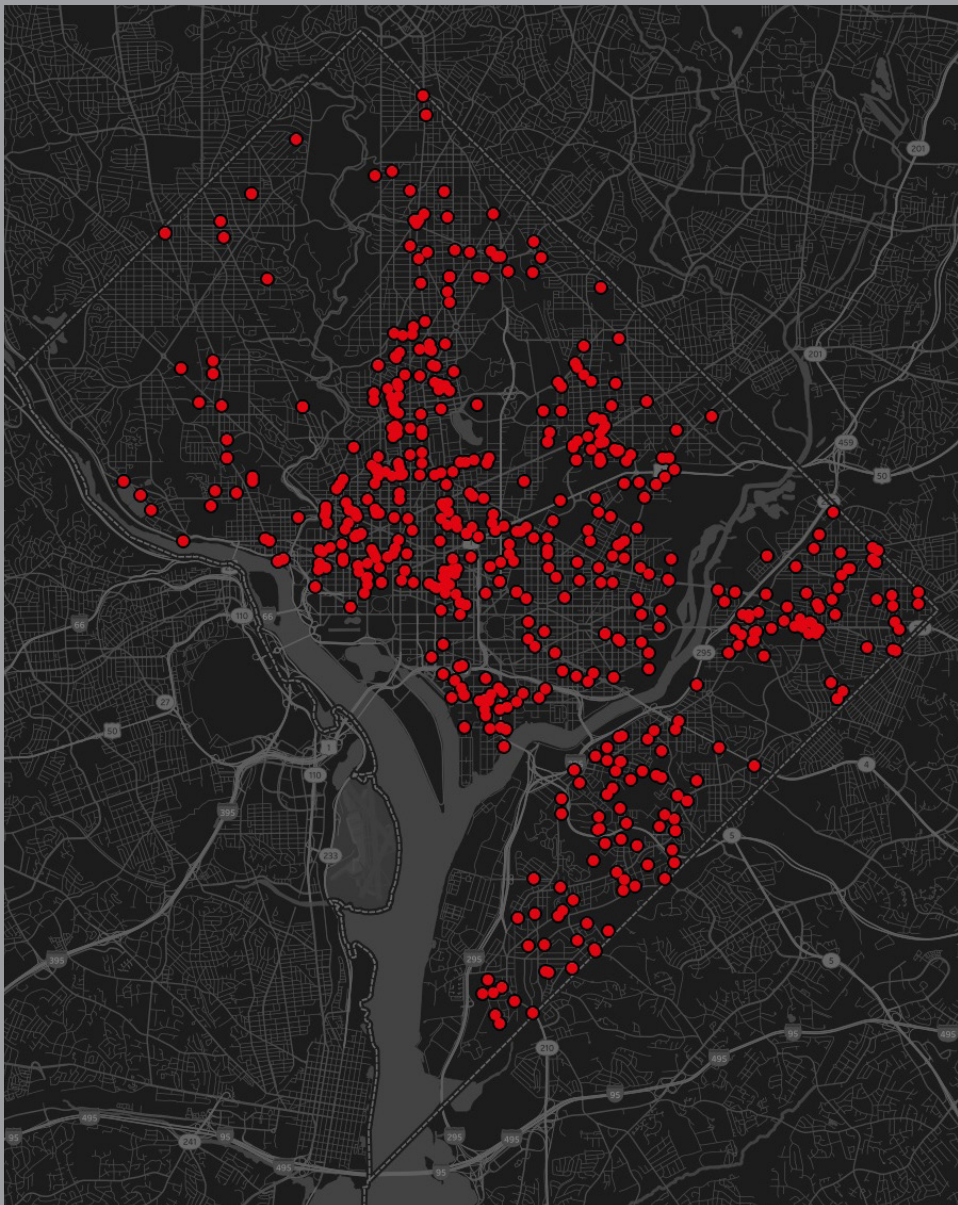
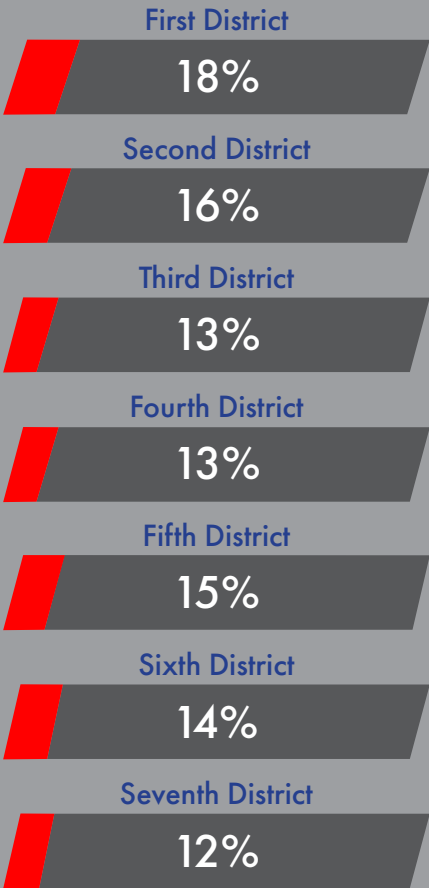
The online complaint submission form was launched in quarter three of FY16. By the beginning of FY17, the online complaint submission form was the primary source of complaint submissions, and accounted for 43% of complaints OPC received in FY18.

OPC also continues to receive complaints through fax, mail, e-mail, and walk-ins. The number of complaints submitted via fax has been decreasing over the past four fiscal years, while complaints submitted via U.S. mail increased slightly in FY18. Complaints submitted via email averaged seven per quarter in FY18. The number of walk-ins increased in FY18; OPC had consistently received around 100 walk-ins per year from FY14 through FY17, but received 135 walk-in complaints in FY18.

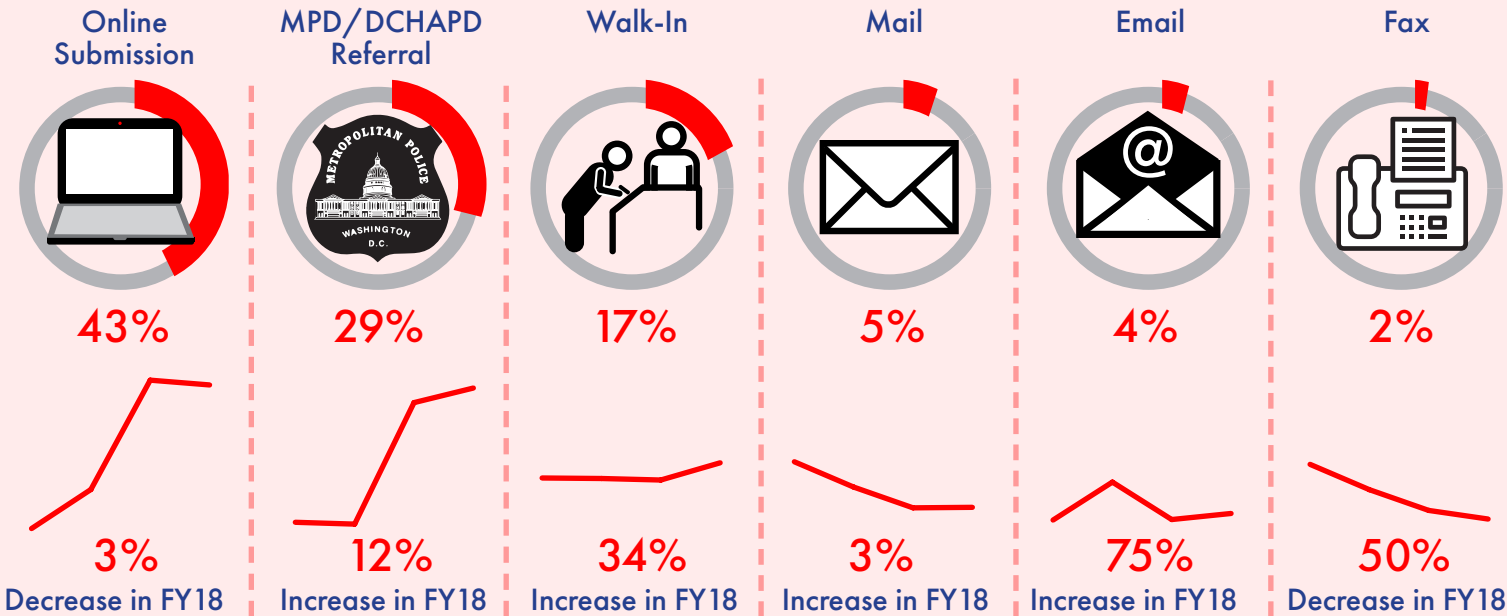
Where Complaint Incidents Occurred, FY15-FY18

District	1	2	3	4	5	6	7
FY15	20%	10%	16%	11%	14%	20%	9%
FY16	15%	16%	13%	15%	13%	22%	6%
FY17	18%	13%	15%	12%	18%	14%	12%
FY18	18%	16%	13%	13%	15%	14%	12%

# Where FY18 Complaint Incidents Occurred



## Source of Complaints





# COMPLAINT ACTIVITY

## Officer Demographics

A total of 826 officers received complaints in FY18, with 206 (25%) receiving more than one complaint. Forty-one officers received three complaints in FY18; 16 officers received four complaints in FY18; three officers received five complaints in FY18; and three officers received six complaints in FY18.

The demographics of MPD officers receiving complaints were similar in FY18 to previous years. Male officers are typically the subjects of more than 80% of complaints per year and were the subjects of 83% of complaints in FY18; female officers were the subjects of 17% of complaints received in FY18. As in previous years, black officers accounted for just under 50% of complaints, white officers accounted for around 40% of complaints, and Hispanic/Latino officers accounted for nine percent of complaints.

The age of officers receiving complaints was also similar in FY18 to FY17. Officers younger than 35 received 47% of complaints in FY18; officers 35 to 54 were the subjects of 48% of complaints in FY18; and officers 55 and older were the subjects of five percent of complaints in FY18.

Compared to the department overall,<sup>5</sup> younger officers receive a proportionately higher number of complaints: officers younger than 35 make up one-third of officers but were the subjects of 47% of the complaints filed in FY18. Officers 35 and older received a proportionately smaller number of complaints: officers 35 and older make

up 60% of MPD’s officers but received less than half of all complaints filed in FY18.

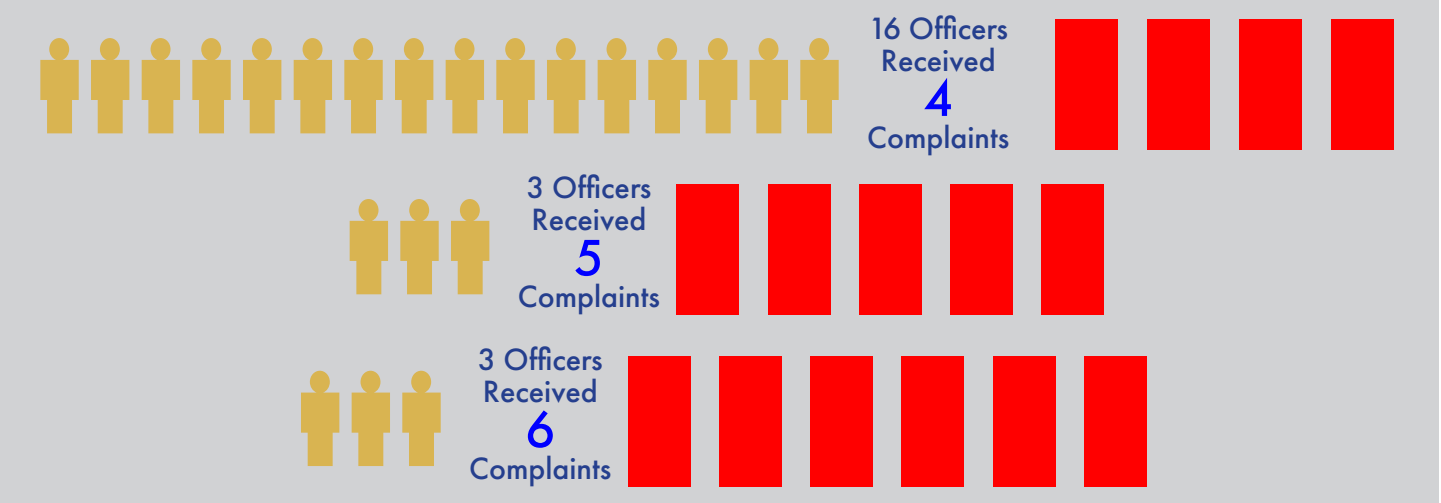
## Complainant Demographics

The demographics of complainants in FY18 were very similar to those of complainants in FY15 through FY17. Approximately 75% of complainants were black and approximately 52% were male in each of the last four fiscal years. Between 16% and 21% of complainants per year are white, while between four percent and eight percent are Hispanic/Latino.

Complainants were younger in FY17 than in previous years, and that trend continued in FY18. Complainants younger than 35 accounted for 41% of complainants in FY18, compared to 38% in FY17 and 31% in FY15 and FY16. Complainants aged 35 to 54 comprise 41% to 46% of complainants each fiscal year, and FY18 was no exception. Complainants aged 55 years and older decreased, from 24% in FY16 to 18% in FY18.<sup>6</sup>

## Complainant and Officer Demographic Pairings

The most frequent complainant-officer pairings were black complainants filing complaints against black officers, which accounted for 42% of complaints received. Black complainants filing complaints against white officers accounted for 35% of all complaints received. When white complainants filed complaints they did so most against black officers, though this accounted for only six percent of complaints filed.



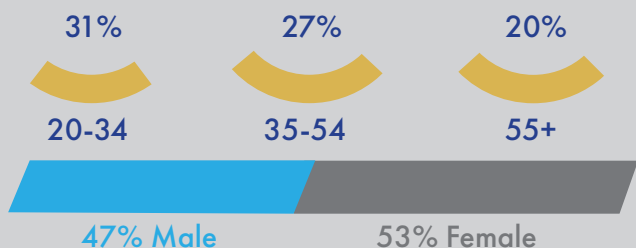
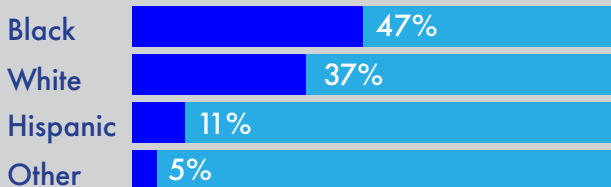
5: The overall department demographics include only MPD, and do not include DCHAPD.  
6: Overall District statistics are based on 2015 and 2016 Census projections. For more information see: [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml) and <https://www.census.gov/quickfacts/DC>.



# Officer and Complainant Demographics

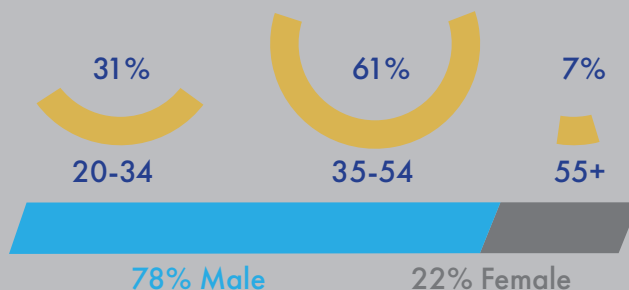
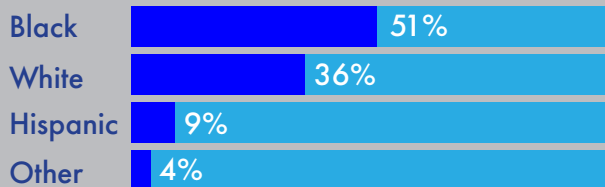
## DC Population

Population: **693,972**



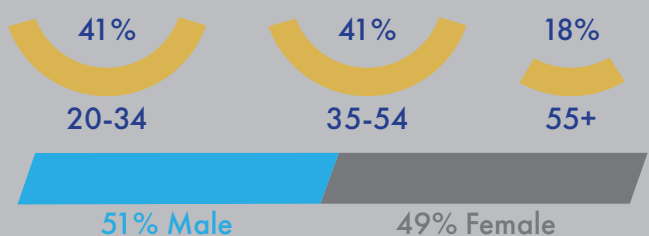
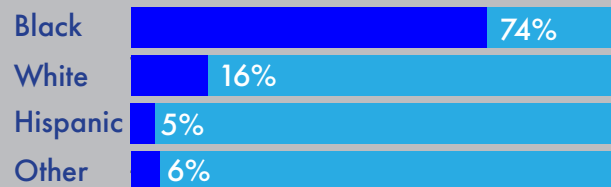
## MPD Overall

Sworn Officers: **3,802**



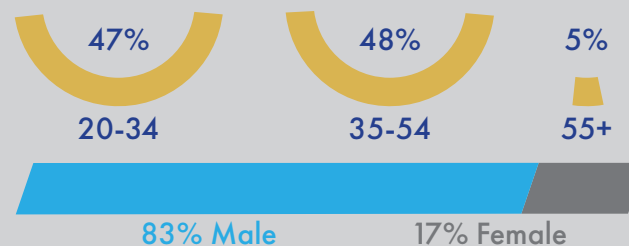
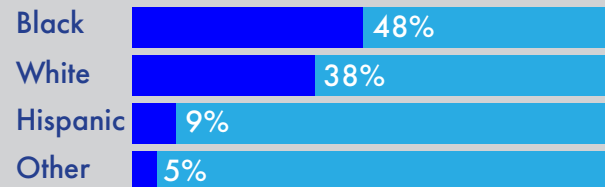
## FY18 Complainants

Number of Complainants: **691**



## FY18 Officers Receiving Complaints

Number of Officers Receiving Complaints: **826**

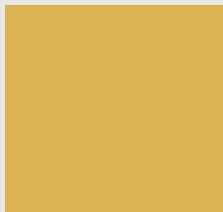


## Complainant and Officer Demographics

Black Complainant/  
White Officer:  
**35%**



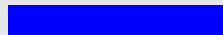
Black Complainant/  
Black Officer:  
**42%**



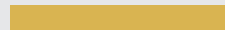
Black Complainant/  
Hispanic or Other  
Officer:  
**12%**



White Complainant/  
Black Officer:  
**6%**



White Complainant/  
White Officer:  
**5%**



White Complainant/  
Hispanic or Other  
Officer:  
**1%**



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# BODY-WORN CAMERAS

## Overview

MPD's BWCs had been fully deployed for almost a year by the start of FY18, and OPC in FY18 began to see the effect BWCs have on OPC operations and case outcomes. BWCs have changed the way investigations are conducted, and appeared in FY18 to affect case dispositions and complainant participation in the investigation process.

OPC has full access to all MPD BWC videos that are relevant to OPC complaints. OPC investigators therefore have direct access to BWC video without redaction or editing. As of FY18, DCHAPD had not implemented a body worn camera program.

## Impact of BWCs

The BWC footage appeared to have some effect on the outcomes of cases investigated. Cases closed in FY18 that had BWC footage resulted in fewer dismissals based on a lack of cooperation from the complainant and fewer withdrawals than cases without BWC footage. This was also true of cases closed in FY17.

This greater complainant cooperation may be a result of investigations taking less time with BWC video. Complainants may also have more confidence in pursuing their complaint knowing that BWC evidence of the incident exists. Additionally, with BWC evidence, investigators are able to more quickly determine whether allegations are credible, resulting in less time for investigations and fewer officer interviews.

In FY18, cases with BWC footage also resulted in more mediations, policy training referrals, adjudications, and dismissals based on merit. These differences are likely because OPC investigators are better able to determine the merits of allegations against officers when BWC footage is available.

One of OPC's statutory requirements is to make policy recommendations to MPD and DCHAPD to improve police practices. OPC's access to BWC video has greatly improved OPC's ability to identify patterns and practices that may be relevant to these recommendations. The availability and access to BWC footage that illustrates the actual actions and conduct of officers and complainants is a powerful accountability tool.

## Officer Compliance with BWC Policies

MPD policy requires officers to activate BWCs when an interaction with a community member is initiated, and are reminded by dispatch to activate their cameras when responding to calls for service.<sup>7</sup> Although MPD has reached full deployment of BWCs, there may not be video available for every case investigated by OPC. OPC investigators found relevant BWC video in 76% of cases investigated in FY18, an increase from 63% in FY17. In some cases, OPC was able to determine that the officer or officers involved had BWCs but did not activate them as required; in other cases it was not clear why there was no BWC footage.

In FY17, OPC began tracking officers' compliance with BWC usage policies for all cases OPC investigated. FY18 saw slight improvement in officers' adherence to the BWC policies, but there is still room for further improvement. In FY18, at least one officer failed to properly use their BWC in 20% of the cases OPC investigated by: (1) turning it on late, (2) turning it off early, (3) not turning it on at all, or (4) obstructing the camera.<sup>8,9,10</sup> At least one officer failed to notify the subjects that they were being recorded in at least 19% of the cases OPC investigated in FY18. A total of 32% of cases OPC investigated therefore included some form of BWC non-compliance, which is a slight decrease from the 34% of FY17 cases with BWC non-compliance.

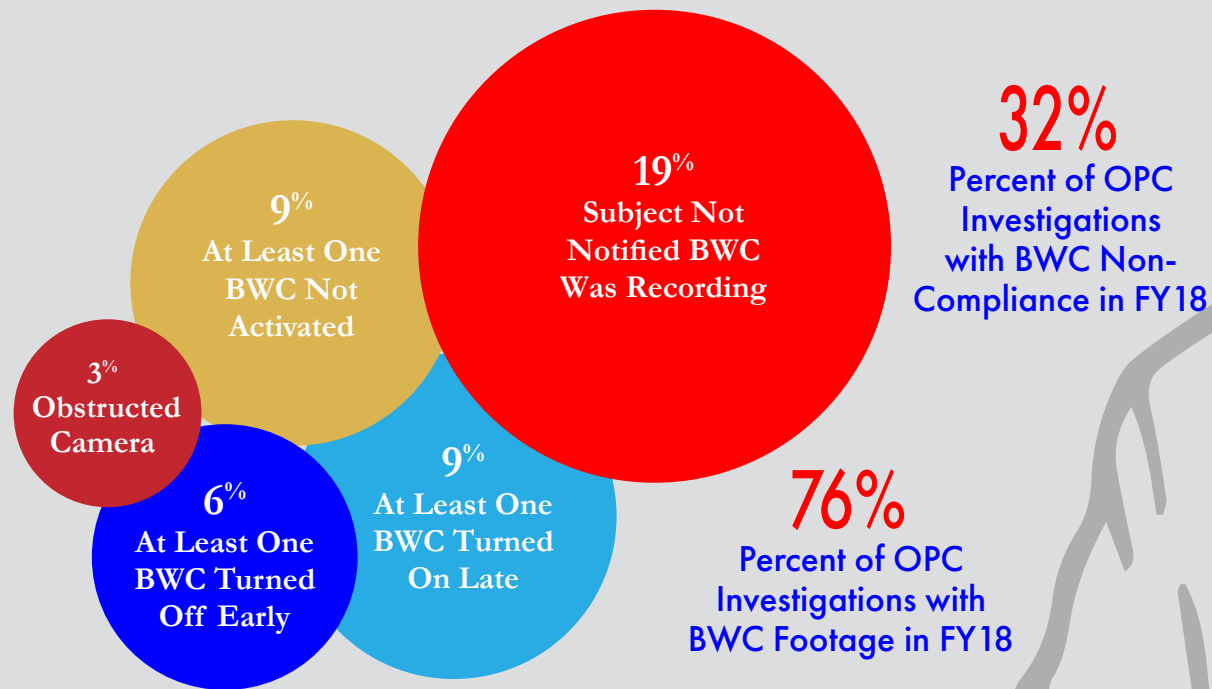
7: See MPD General Order SPT-302.13, "Body-Worn Camera Program," and Executive Order 16-009, "BWCs: New Activation Requirements and Policy Reminder."

8: See MPD GO SPT-302.13, "Body-Worn Camera Program."

9: OPC only viewed videos for incidents for which a community member complaint was received, and therefore the numbers reported here are not necessarily representative of MPD officers' BWC usage overall.

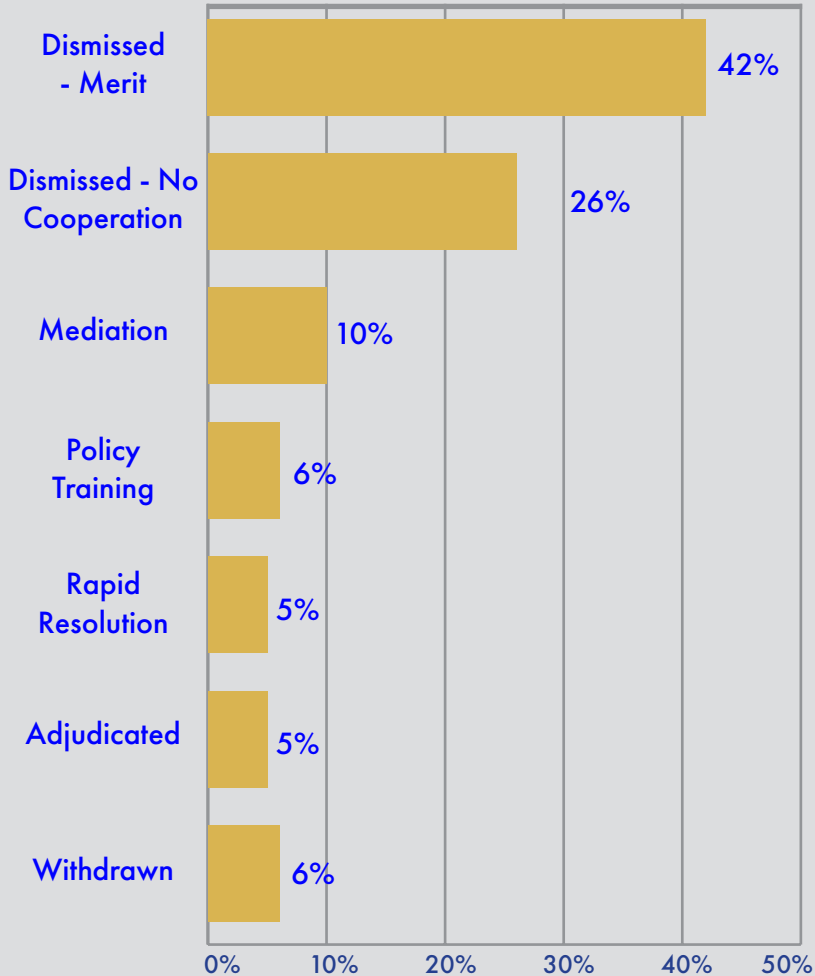
10: OPC considers an obstructed camera non-compliance when it appears that the officer should have been aware of and could have prevented the obstruction, such as the officer's hand or jacket covering the camera.

# FY18 Body-Worn Camera Trends

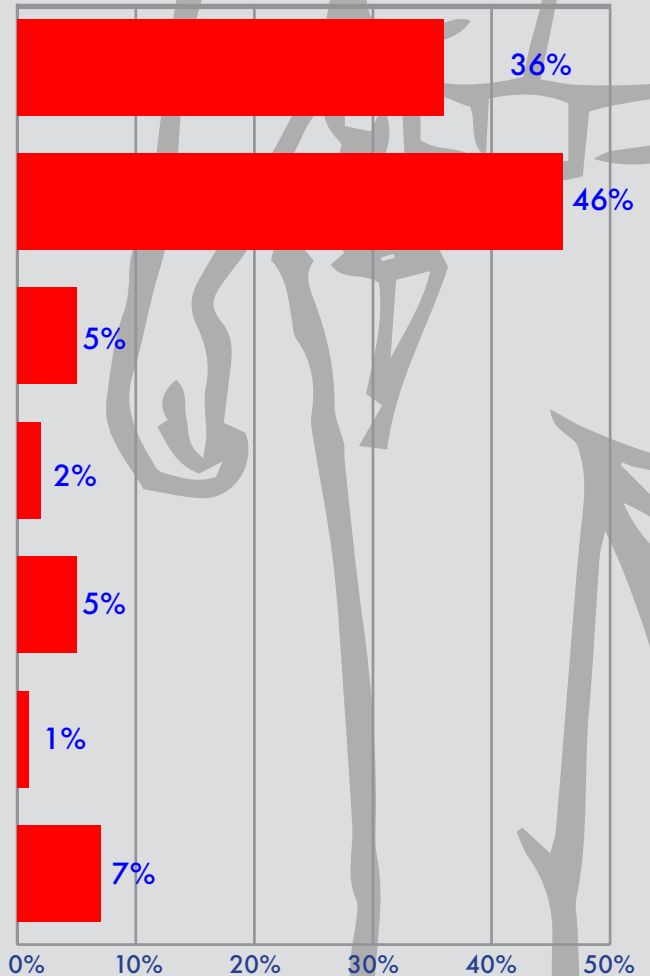


## FY18 Case Dispositions and Body Worn Cameras

Cases with BWC



Cases without BWC



# COMPLAINTS RECEIVED BY MONTH AND QUARTER

## Overview

There was very little difference in the number of complaints OPC received by month or by quarter in FY18. Each month in FY18 accounted for between six percent and 10% of all complaints received, and each quarter OPC received between 188 and 201 complaints.

OPC received the fewest complaints in FY18 in August, with 50 complaints received. OPC received the most complaints in September, with 75 complaints received.

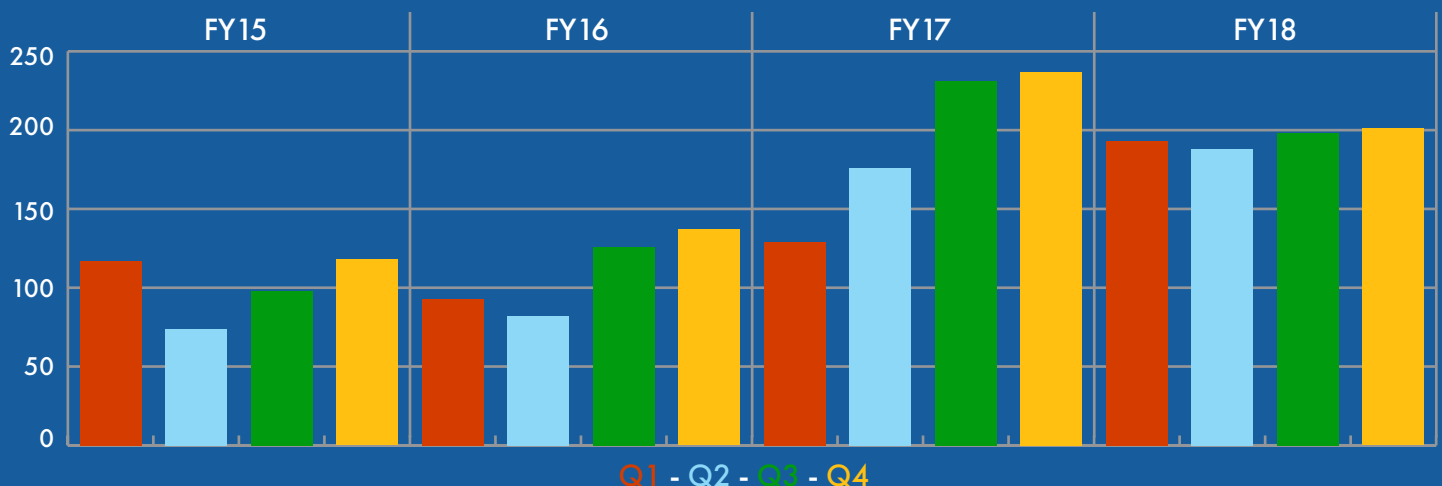
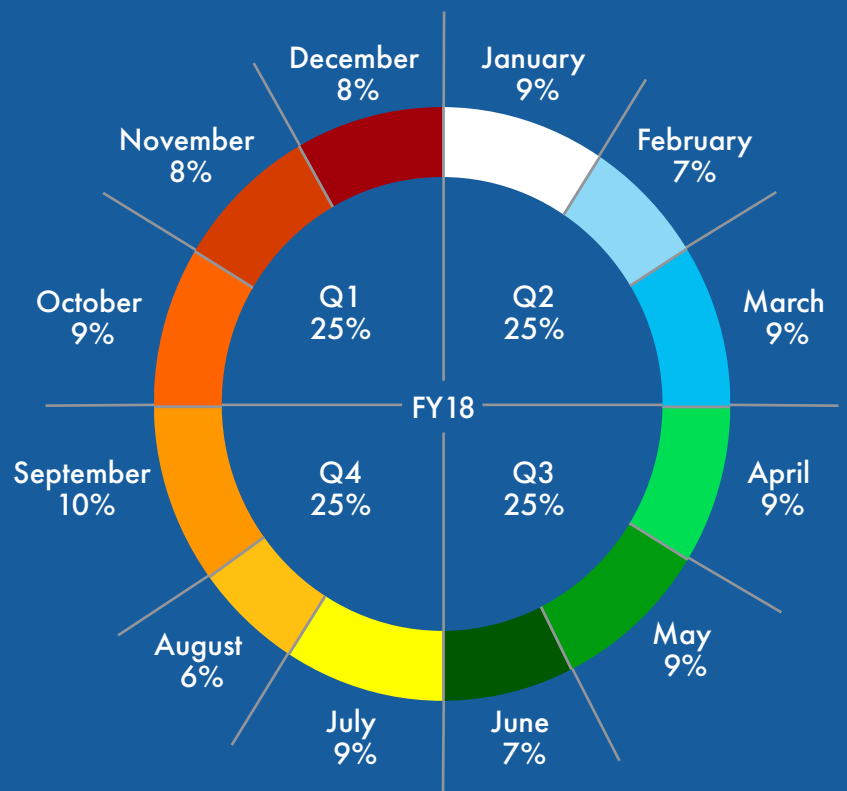
Despite this variation, quarter four – comprising July, August, and September – was OPC's busiest quarter of FY18, with 201 complaints received. OPC received the fewest complaints in the second quarter – comprising January, February and March.

FY18 was the first year in which OPC received more than 150 complaints in each quarter. OPC did not receive 150 complaints in any single quarter in FY15 or FY16, or in the first quarter of FY17.

## Complaints Received by Month and Quarter

OPC received more complaints in **September** than in any other month in FY18, with 75 complaints received

OPC received the most complaints in **Q4** of FY18, with 201 complaints received



# INVESTIGATIVE OUTCOMES

## Overview

OPC has four primary disposition types - adjudication, mediation, policy training/rapid resolution referral, and dismissal. Cases may be dismissed due to a lack of cooperation from the complainant or because OPC has found that the allegation(s) lacks merit. Cases may also be withdrawn by the complainant. These disposition types are discussed in more detail on pages 18 through 22.

## Case Dispositions

OPC closed 507 investigations in FY18. The percent of cases dismissed based on merit continued to decrease, from more than 60% in FY15 to 39% in FY18. Dismissals due to the complainant not cooperating with the investigation or with the mediation process, however, continued to increase, from less than 20% in FY15 and FY16 to 31% of case dispositions in FY18.

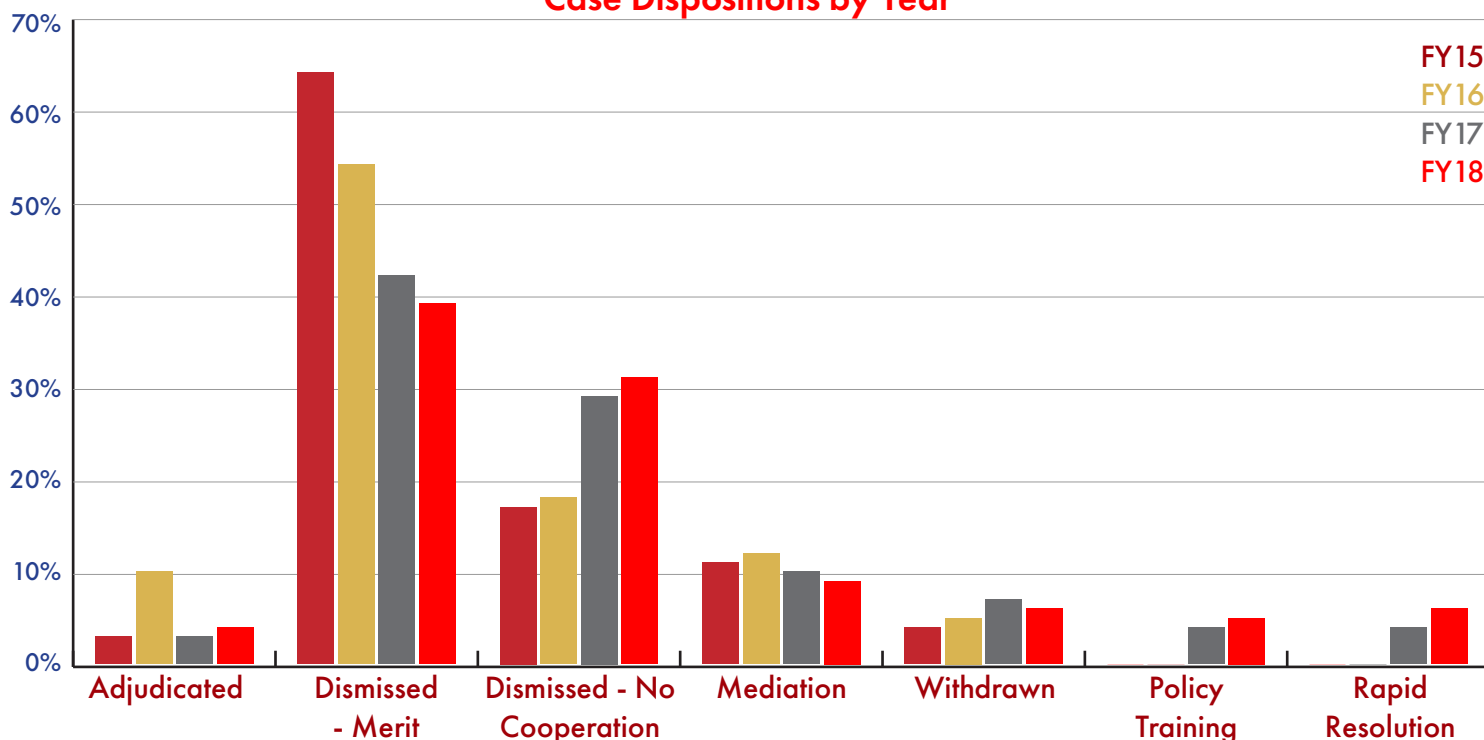
The number of adjudications decreased from 30 in FY16 to 14 in FY17, but increased to 22 in FY18. Adjudications

accounted for four percent of case dispositions in FY18. Cases that are adjudicated are referred to an independent complaint examiner, who assesses the merits and sustains or exonerates each allegation.

The proportions of cases closed through complainant withdrawals and mediations have been fairly consistent since FY15. Withdrawn cases typically account for between four and seven percent of cases closed, and FY18 was no different, with six percent withdrawn. Mediations have accounted for between nine percent and 12% of cases closed per fiscal year since FY15.

FY18 was only the third year in which OPC used policy training referrals and only the second year in which it used rapid resolution referrals, but together these accounted for more than 10% of the cases closed in FY18. For more information about policy training and rapid resolution referrals, see page 22.

Case Dispositions by Year





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# INVESTIGATIVE OUTCOMES

## 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 resident attorneys in the District of Columbia, have included individuals with backgrounds in private practice, government, non-profit organizations, and academia.

The complaint examiner may either make a determination of the merits based on the investigative report and its supporting materials 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 currently has an arrangement with Arnold & Porter LLP, an internationally recognized Washington-based law firm with a demonstrated commitment to handling pro bono matters. Generally, officers are represented by attorneys or representatives provided to them by the police union, the Fraternal Order of Police (FOP).

In FY18, a total of 22 complaints went through the complaint examination process, resulting in 20 merits determination decisions.<sup>11</sup> Evidentiary hearings were held for two cases closed in FY18, 16-0344 and 17-0246. All but one of the 20 decisions issued sustained at least one allegation of misconduct, resulting in a complaint examination sustain rate of 95%.<sup>12</sup>

OPC also posts all complaint examiner decisions on its website at: [www.policecomplaints.dc.gov/page/complaint-examiner-decisions](http://www.policecomplaints.dc.gov/page/complaint-examiner-decisions).

## Final Review Panels

The statute governing OPC<sup>13</sup> allows the chiefs of police

of MPD and DCHAPD to appeal complaint examiner decisions. If the chief of police 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.<sup>14</sup> The final review panel then determines whether the original decision should be upheld using the same standard.

There were two Final Review Panels conducted in FY18. The first, for complaint 16-0429, upheld the sustained allegation from the original complaint examination. The second, for complaints 17-0276 and 17-0359, upheld two sustained allegations from the original complaint examination against one officer, and reversed seven other allegations against three officers.

## Disciplinary Outcomes for Sustained Cases

OPC cannot recommend or determine the type of discipline to be imposed when allegations are sustained by complaint examiners. OPC forwards all complaint examiner decisions that sustain at least one allegation of misconduct to the appropriate chief of police to impose discipline. MPD and DCHAPD are required by statute to inform OPC of the discipline imposed for sustained allegations in each complaint.<sup>15</sup>

In FY18, MPD chose to impose discipline of an 11-day suspension without pay in one case;<sup>16</sup> a one-day leave forfeiture in one case; an official reprimand in one case; a dereliction of duty report (PD 750) in three cases; and education-based development in four cases. Discipline is pending in the other 10 cases with a sustained complaint examiner or final review panel decision from FY18.

For a list of cases with sustained allegations in FY18 and the discipline imposed in those cases, see Appendix B on page 35.

11: Two of the cases involved two related complaints. When OPC receives multiple complaints for a single incident, it often combines these into a single “linked” case, and investigates all of the allegations contained in the linked complaints as a single case.

12: The sustain rate reflects the percentage of decisions adjudicated by a complaint examiner that were sustained. It does not reflect the percentage of all complaints resolved by OPC that were sustained.

13: D.C. Code § 5-1104.

14: D.C. Code § 5-1112(c).

15: D.C. Code § 5-1112(e).

16: The discipline listed here and on page 35 represent the most severe discipline imposed for each case.

# INVESTIGATIVE OUTCOMES

## Education-Based Development

When an allegation of misconduct is sustained by a complaint examiner or upheld by a final review panel, MPD is statutorily required to impose discipline. MPD defines education-based development as “an alternative to discipline.” MPD used education-based development instead of discipline in two of 85 cases requiring discipline between FY09 and FY16; 11 of 14 cases in FY17; and four of the 10 FY18 cases for which discipline had been imposed by the end of the fiscal year. There were still 10 FY18 cases that were sustained by a complaint examiner

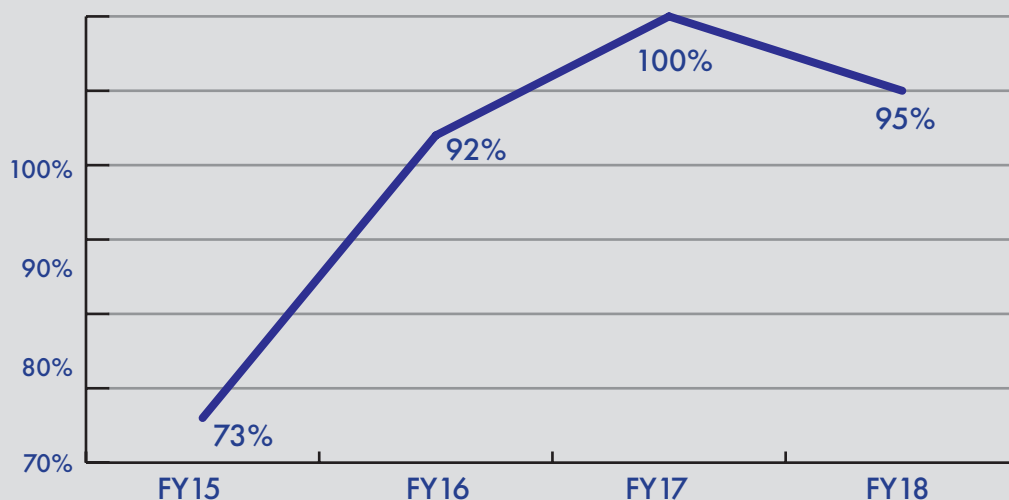
for which discipline had not yet been imposed by the end of the fiscal year.

When OPC’s executive director determines that training is appropriate rather than discipline, it refers the case to MPD for policy training rather than referring it to a complaint examiner. The NEAR Act provided OPC with the authority to refer cases for policy training in FY16 Q3, and OPC has since referred 46 cases to MPD for policy training.

## Discipline Imposed for Sustained Complaints

Discipline or Action Taken	Total FY09-FY16	Outcome for cases sustained in FY17	Outcome for cases sustained in FY18
Suspension Without Pay 11 Days or More	4	-	1
Suspension Without Pay 1 to 10 Days	18	1	-
1-Day Leave Forfeiture	3	-	1
Official Reprimand	25	1	1
Letter of Prejudice	10	1	-
Derelection Report (PD 750)	15	-	3
Formal Counseling	2	-	-
Education-Based Development	2	11	4
Merits Determination Rejected/ No Action Taken	6	-	-

## Percent of Decisions in Which Complaint Examiner Sustained Misconduct Allegations



**19 of 20**  
Cases referred to a complaint examiner in FY18 had at least one allegation of misconduct sustained

# INVESTIGATIVE OUTCOMES

## Mediation

Mediation is a very important program OPC employs to directly impact community trust in the District police forces at the individual level. The mediation program is used as a direct tool to help foster better community trust in the District police forces and allows community members and officers to have a mediator-facilitated conversation that fosters better rapport in future interactions.

Mediation allows the complainant and the officer to civilly discuss the apparent misunderstanding that led to the complainant's decision to file a complaint. OPC screens all cases for mediation regardless of merit and discusses the option of mediation with the complainant, explaining the goals of the program prior to any mediation referral. This year, OPC has added procedural steps into the mediation referral process that introduce the complainant to the mediator assigned to their case before the mediation is scheduled.

Over the past year, OPC has made great efforts to educate the nation, District community, MPD, and DCHAPD about the benefits of its nationally recognized mediation program. Due to this recognition, the National Association for Civilian Oversight of Law Enforcement asked OPC to present a national webinar entitled "Strategies for Successful Mediations." Over 100 representatives of cities throughout the nation registered to attend this webinar. OPC has also consulted with several cities throughout the nation to assist in building or rebuilding their mediation programs.

## Mediation Survey Responses

An important part of OPC's mediation program includes participant surveys immediately before and after the mediation session. OPC is proud to report that 100% of officers and 85% of complainants surveyed after a completed mediation session in FY18 said that the mediator was helpful. Similarly, 85% of officers agreed that mediation is a fair forum in which to discuss the allegations made by the complainant.

In April 2017, OPC revised its surveys to include questions of officer and complainant attitudes toward each other. In FY18, mediation led to improvements in officer attitudes toward the public and in complainant attitudes toward the police. The percent of officers who said they believed the public understands what it is like to be a D.C. police officer increased from just eight percent before mediation to 20% after mediation – a 12% increase.

Similarly, the percent of complainants who said they believe officers conduct themselves professionally increased from 32% before mediation to 49% after mediation – a 17% increase.

Improving officer-community member relations is the mission of OPC and the goal of OPC's mediation program, and these attitudinal changes indicate that the mediation program is an effective tool in pursuing that goal.

### In General, the Public Understands What it is Like to be a DC Police Officer

Before  
Mediation: 8%

After  
Mediation: 20%

**12%** Improvement in officer attitudes toward community members

### DC Police Conduct Themselves Professionally

Before  
Mediation: 32%

After  
Mediation: 49%

**17%** Improvement in community member attitudes toward police

# Mediation

## Mediation Process

1

Investigators review all cases to determine whether the parties might benefit from mediation.

2

If investigators determine mediation may be beneficial, they discuss the option of mediation with the complainant.

3

The case is referred to a mediation contractor.

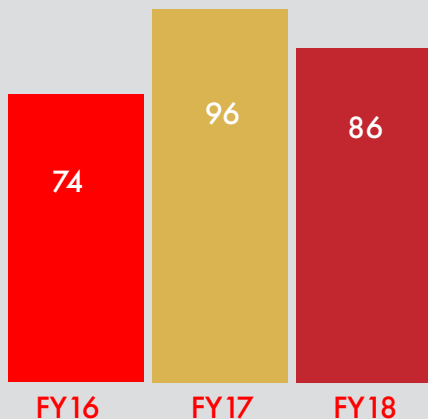
4

The mediator coordinates a time for the mediation. Parties are required to participate in good faith.

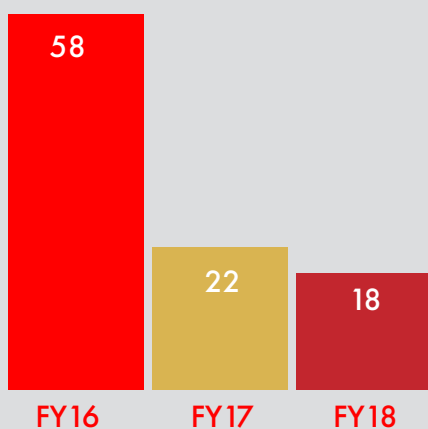
5

During the mediation both the complainant and officer will discuss their perspective of the incident and how it made them feel. If both parties are satisfied, they sign a mediation resolution agreement and the case is closed. If unresolved, the case is returned to the investigator and the investigation resumes.

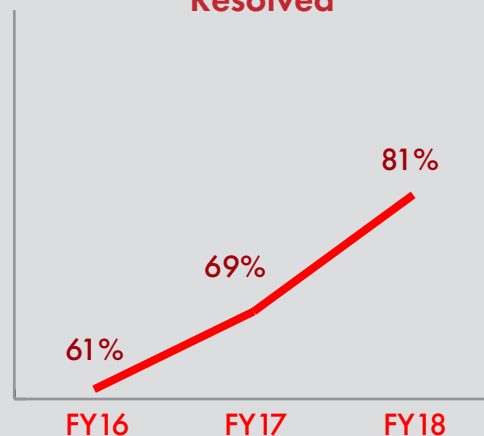
## Number of Cases Referred to Mediation



## Average Days Between Referral and Mediation



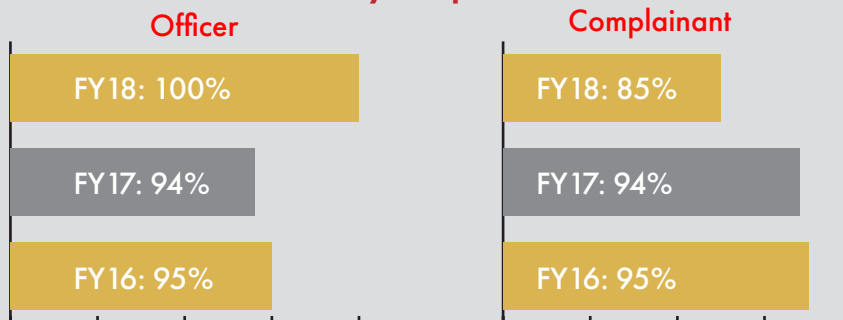
## Percent of Mediations Resolved



## Percent of Investigations Resolved Through Mediation



## Mediator was Helpful or Very Helpful



## Mediation is a Fair Forum to Discuss the Issue (Officer Agree/Strongly Agree)



# INVESTIGATIVE OUTCOMES

## Policy Training Referrals

Under the NEAR Act, which became law in June of 2016, OPC gained two new types of disposition: policy training referrals and rapid resolutions.

OPC refers cases to MPD or DCHAPD for policy training when OPC finds that the officer does appear to have violated an MPD/DCHAPD policy or general order, but determines that the best correction is for the officer to receive additional training. In order to refer cases for policy training, OPC must determine that the officer likely violated an MPD/DCHAPD policy or general order. Therefore, unlike rapid resolution referrals and mediations, policy training referral cases are fully investigated before referral, with OPC investigators interviewing officers and subjects, reviewing BWC footage, and conducting any other investigation necessary. In this sense, policy training referrals most closely resemble cases sent to complaint examiners for adjudication. The difference is that before the complaint is sent to complaint examination, OPC's investigative supervisors and executive director determine that the best correction is for the officer to receive policy training rather than discipline.

When OPC determines that policy training is the appropriate correction, it must notify MPD or DCHAPD of: 1) the allegations; 2) the rationale for policy training; and, 3) the type of policy training OPC thinks would be most appropriate. The department then notifies OPC when the training has been completed, and the case is closed.

One policy training referral was completed in FY16. In FY17, MPD completed 19 of the 23 policy training referrals OPC sent in FY16 and FY17, with MPD taking an average of 52 days to complete each training. In FY18, MPD completed all but one of the 26 policy training referrals it received from OPC.

MPD sends most policy training referrals to the Metropolitan Police Academy (MPA), where the training sessions are conducted. An added benefit of this process is that not only are policy and general order violations being addressed and corrected with the individual officer(s) against whom the complaint was filed, but MPA training staff are also able to use the referred cases to apply training and policy updates Department-wide when deemed appropriate.

## Rapid Resolution Referrals

When OPC receives a complaint but determines that there was no misconduct, OPC can refer the case to MPD for rapid resolution, in which an MPD supervisor will typically contact the complainant to discuss the incident and clarify MPD's policies.

OPC did not send any cases for rapid resolution in FY16. In FY17, OPC sent 19 cases for rapid resolution, and in FY18 it sent 29 cases – 53% more than in FY17.

## Rapid Resolution Example

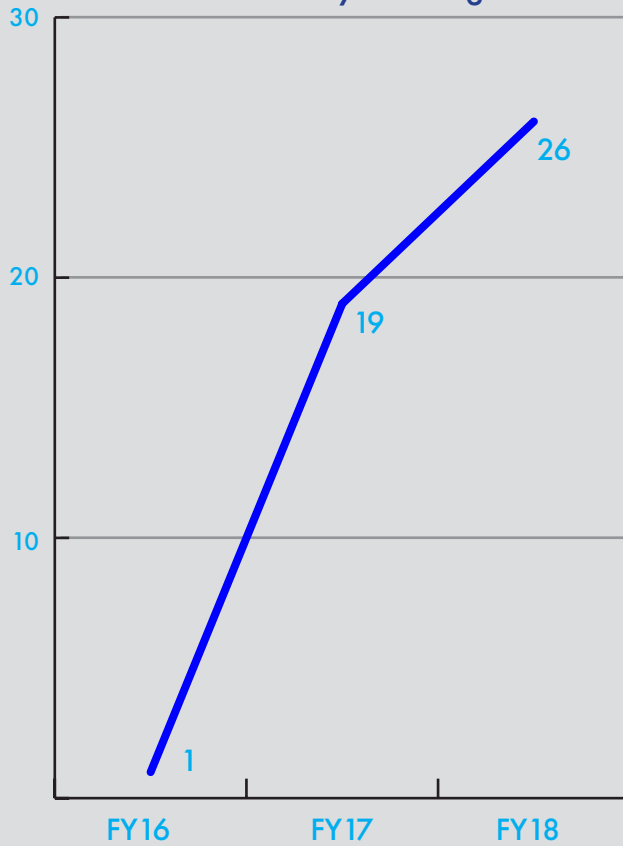
In January 2018, a complainant alleged that she witnessed officers harass three teenagers by stopping them, handcuffing them, and frisking and searching them at an after-school program in which the minors were participants. The complainant also alleged that the officers used unnecessary force because one officer unholstered their firearm. OPC began an initial investigation of the incident and considered referring it to mediation.

After discussing options with the complainant, OPC decided the best outcome would be to refer the complaint back to MPD for rapid resolution, with the recommendation that the involved officers and their supervisors meet with the complainant, subjects, and other witnesses at the after school program, “in order to discuss what occurred and how both sides can learn from the experience and improve communication going forward.”

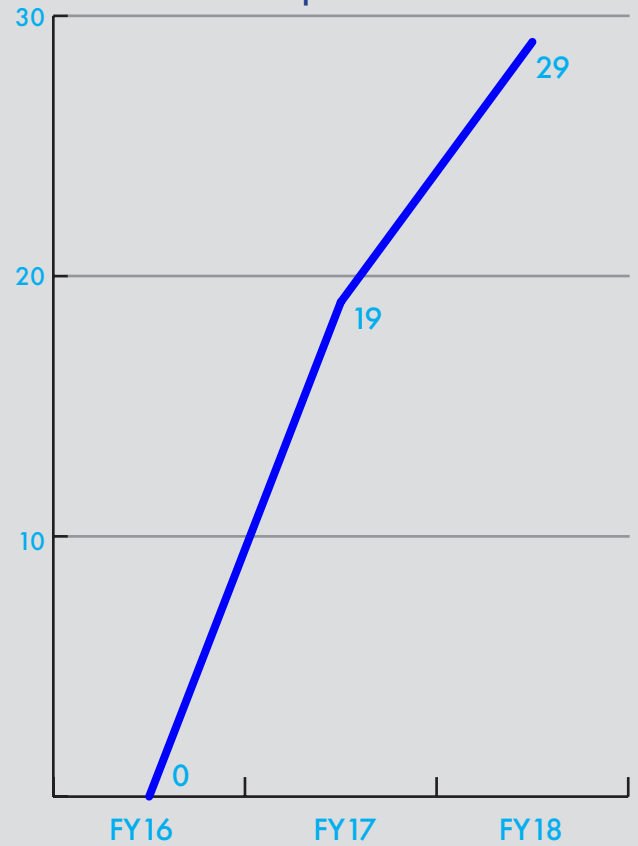


# Policy Training and Rapid Resolution

Number of Cases Referred for Policy Training

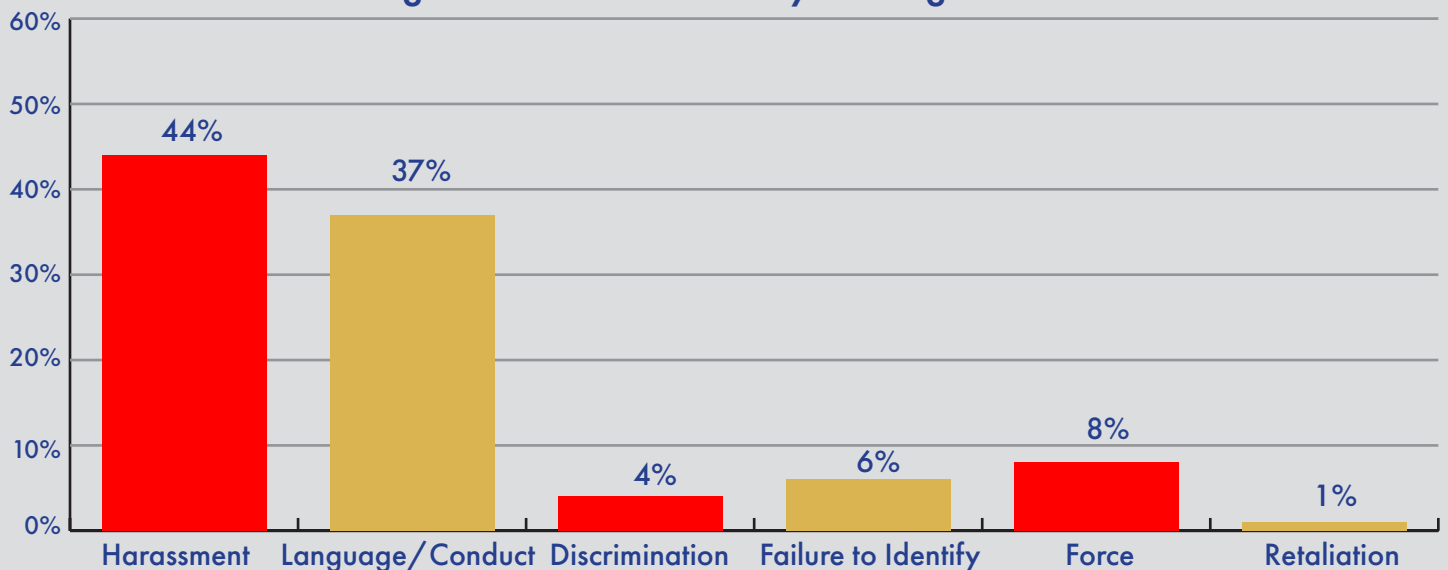


Number of Cases Referred for Rapid Resolution



MPD completed 25 of the 26 policy training referrals sent in FY18

Allegations Referred to Policy Training FY16-FY18



# NEAR ACT UPDATES

## NEAR Act Overview

On June 30, 2016, the NEAR Act became law in the District. Although OPC began implementing the provisions of the NEAR Act in FY16 and FY17, the law continues to impact OPC.

The NEAR Act enhanced OPC's monitoring and auditing functions and expanded the agency's authority to audit MPD and DCHAPD files regarding officer complaints and uses of force. The NEAR Act further designated OPC as the primary entity responsible for initial processing of MPD complaints, allowing OPC to better understand and report on community-police relations.

## Referrals from MPD and DCHAPD

The NEAR Act designated OPC as the agency responsible for receiving and reviewing all MPD and

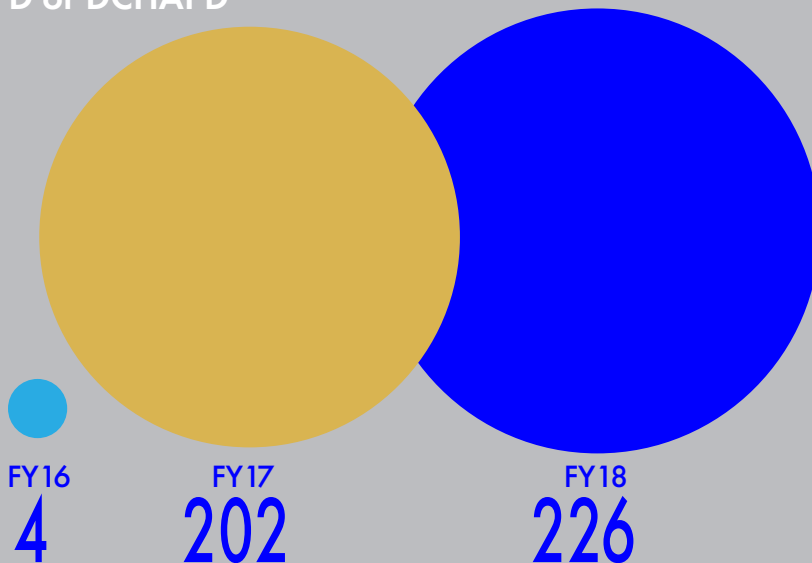
DCHAPD complaints. Since this change, the number of referrals from those agencies has increased substantially, from four complaints forwarded to OPC in FY16 to 202 complaints forwarded to OPC in FY17 and 226 in FY18.

## Longer Filing Period

The NEAR Act also expanded the time a complainant has to file a complaint from 45 days to 90 days following an incident. From FY14 through FY16 OPC received an average of 30 complaints per fiscal year between 45 and 90 days after an incident had occurred, and OPC was not able to investigate these cases because they were outside of the 45-day window. In FY18, OPC received 53 complaints 45 to 90 days after the incident had occurred, and OPC now has the jurisdiction to investigate these complaints.

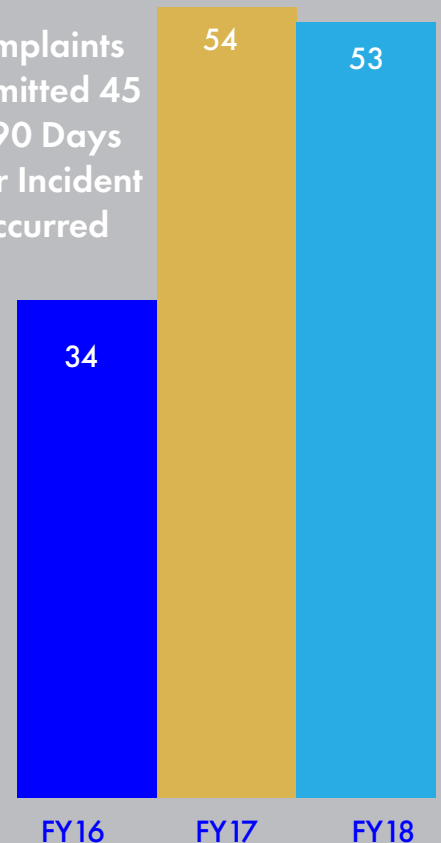
## NEAR Act Updates

Complaints Referred to OPC from MPD or DCHAPD



12% Increase in MPD/DCHAPD Referrals in FY18

Complaints Submitted 45 to 90 Days After Incident Occurred



56% Increase in Complaints Submitted 45 to 90 Days After an Incident Since FY16

# TECHNOLOGY UPDATES

## Overview

In FY18, OPC pursued several opportunities to re-evaluate its use of technology in investigations to further promote awareness of, and the community's access to, its services and activities.

First, OPC launched its Twitter account, @DistrictOPC, to increase its social media presence. OPC uses social media to announce First Amendment Protest Monitoring activities, which allows the community to know exactly where OPC staff will be during these events, in addition to the community having the ability to alert OPC of events that are happening during our monitoring. The agency also highlights its community outreach activities, and provides information on reports issued by OPC and the PCB through its Twitter and Facebook accounts.

Second, in OPC's effort to provide the most efficient and timely investigations, the agency consulted with information technology vendors to consider automated processes that would help minimize the administrative burden of the repeated tasks from case to case, while also expediting tedious tasks as the agency manages its ever-increasing complaint volume. After review, OPC implemented two new automated technologies that

investigators now use for heightened efficiency: (1) a software tool that allows complainants to schedule their initial interview online directly with their assigned investigator. This is extremely helpful in cases in which the complaint is received electronically through OPC's online complaint form. The investigator can communicate and schedule the initial complainant interview through the same forum initiated by the complainant. The complainant chooses their interview time based on the software's display of the investigator's schedule and the complainant will receive email and text reminders of the date they have chosen; (2) software that transcribes the recording of investigation interviews and produces a very accurate summary of the interview within minutes. This tool allows investigators to save one to two hours on average per interview summarizing the investigation interviews, helping to minimize the administrative burden of OPC's continuously increasing case volume.

OPC will continue to find ways to improve the community's trust in the District police forces by providing fair, thorough and independent civilian oversight of law enforcement while remaining fiscally responsible. Both software tools have a minimum impact on OPC's operating budget.

## FY18 Technology Updates

- Launched OPC Twitter
- Adopted Interview Transcription Service
- Began allowing complainants to schedule interviews online

## OPC on Social Media



On Facebook at:

**Facebook.com/  
OfficeOfPoliceComplaints**



On Twitter at:

**@DistrictOPC**

# POLICY REVIEW AND RECOMMENDATIONS

## Overview

The statute creating the PCB authorizes it to make recommendations to the Mayor, the Council, and the chiefs of MPD and DCHAPD in any areas affecting police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.<sup>17</sup>

The PCB issues policy recommendations that address large-scale concerns about District law enforcement policies, training, or supervision. In addition, the PCB issues policy reports that address substantive or procedural law enforcement matters, which, if corrected, could greatly improve community trust in the police. In FY18, the PCB issued five policy reports and recommendations, discussed in more detail below. At the close of FY18, PCB had issued a total of 49 detailed reports and recommendations for police reform since its inception in 2001. All of the reports and recommendations are currently available on OPC's website.

### 1) “Implementation Update on the Reports and Recommendations of the Police Complaints Board”

This report reviewed the five reports and 21 separate recommendations made in FY15 and FY16 to the Council, MPD, and/or DCHAPD. OPC found that of the 21 recommendations, 13 had been fully implemented, six were partially implemented, and three had not been implemented.

### 2) “Officers Parking and Towing Vehicles”

This report examined the issue of private vehicles being parked by MPD officers, or towed in a manner that was

inconsistent with General Order 303.03: Tow Crane Operation and Enforcement, and/or resulted in adverse consequences for the complainant, such as ticketing, theft, and towing. The report highlighted some examples of the issue and examined what might be causing these problems to occur.

### 3) “MPD Language Access”

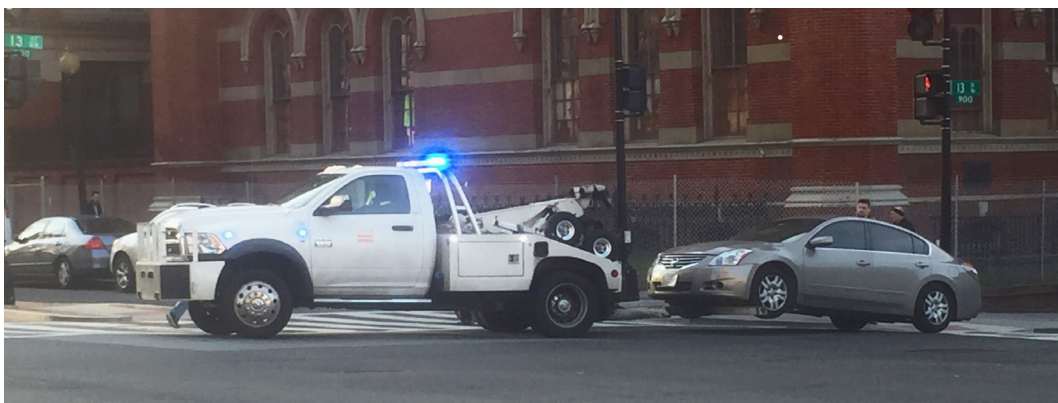
This report highlighted some examples of interactions with MPD officers in which community members with limited or no English proficiency (LEP/NEP) were not offered services in a manner that complies with MPD's directives. The report then examined what can be done to further improve the services provided by MPD to those with LEP/NEP.

### 4) “Viewing Body-Worn Camera Footage On-Scene”

This report looked at the issue of viewing BWC footage on-scene through an Axon smartphone application, and ways that MPD can ensure members are following MPD's BWC written directives.

### 5) “MPD's Outside Employment Policies”

MPD allows uniformed officers to engage in part-time, outside employment contracts with local businesses. The report examined the MPD policies related to outside employment, and looked at ways to update them to promote transparency and accountability while ensuring that the laws of the District are enforced fairly and without bias by all MPD officers that choose to engage in outside employment.



17: D.C. Code § 5-1104(d).

# INDEPENDENT REVIEW OF MPD'S ACTIVITIES ON INAUGURATION WEEKEND

## Overview

The statute creating the PCB authorizes it to monitor and evaluate MPD's handling of and response to First Amendment assemblies.<sup>18</sup> While nearly every week there is some form of First Amendment assembly taking place in the District, OPC focuses resources on monitoring those assemblies that appear to have the largest numbers of attendees or where there are other issues that would possibly cause a need for law enforcement engagement. In FY18, OPC monitored several large events throughout the fiscal year, including the March for Our Lives and the Unite the Right Rally. However, at the assemblies observed this year, no police actions took place that warranted a report from the PCB.

In the PCB's protest monitoring report published on February 27, 2017 regarding MPD's handling of the 2017 Presidential Inauguration protest demonstrations, the PCB recommended that an independent consultant be appointed to investigate and examine all planning, procedures, and activities used by MPD on Inauguration Day 2017.

In FY18, the Police Foundation (PF) undertook and released a report on its independent review of MPD's interactions with protesters and demonstrators during the Presidential Inauguration on January 20, 2017.

Through data collection, research, interviews, and other review methods, the PF found that an overwhelming



majority of MPD officers and assisting officers interacted in a professional manner that aligned with the Department's policies during the protest demonstrations. However, when some demonstrators became violent, some MPD officers' actions were not in compliance with departmental policies and procedures or national best practices, particularly with respect to arrest procedures and the use of force.

The recommendations made by the PF aligned with those suggested in PCB's report "OPC's Monitoring of the Inauguration, January 20, 2017." While they recognized that MPD's policies and procedures adequately outline how to handle First Amendment assemblies, PF's review recommended that MPD, "... continue to develop and implement strategies and tactics that protect persons exercising their First Amendment rights, respond to criminal acts, and ensure the public's safety."

The full report is available [here](#).

The following summarizes the 12 findings the Police Foundation outlined in its review:

- Overall, MPD officers were respectful, professional and adequately balanced public safety concerns with maintaining assembly participants' First Amendment Rights, in accordance with the Standard Operating Procedure (SOP 16-01).
- In some cases when demonstrators became violent, officers deviated from SOP 16-01, failing to control crowds and stop destructive behavior. This contributed to a large number of First Amendment demonstrators arrested who were not directly involved in destructive or violent behavior.
- Deviation from SOP 16-01 was potentially caused by MPD resources becoming overwhelmed. This includes some officers feeling inadequately prepared to handle the

crowds, overworked and understaffed officers, and a lack of planning to efficiently process arrested individuals.

- Officers unfamiliar with the street grid and not supplied proper equipment to communicate with demonstrators contributed to difficulties in controlling some individuals who became violent, leading to the use of OC spray and sting ball grenades without required audible dispersal warnings.
- A combination of strained resources, unorganized work schedules and mass arrest numbers further clogged MPD resources, contributing to prolonged arrest processing time and overworked staff.
- While the majority of MPD officers adhered to SOP 16-01, on multiple occasions the policy was not followed by line officers and supervisors.

18: First Amendment assemblies are defined in D.C. Code § 5-333.02.



# INAUGURAL USE OF FORCE REPORT

## Overview

One of the requirements of the NEAR Act was that OPC produce an annual report on MPD's use of force. OPC published its inaugural "Report on Use of Force by the Washington, D.C. Metropolitan Police Department" on January 23, 2018.

To produce the report, OPC worked with MPD throughout FY17 and early FY18 to collect use of force data, which OPC then analyzed. Along with reporting use of force trends, the report included eight recommendations for how MPD could improve its use of force data collection and reporting.

## Use of Force Report Findings

The primary finding of OPC's use of force report was that the number of MPD use of force incidents has increased by 56% over the last five years, from 636 incidents in FY13 to 991 incidents in FY17. The number of officers using force per year also increased by 43% over the same time period.

The most common types of force used by officers were takedowns and hand controls - which together represented the highest level of force used in 60% of uses of force in FY17. The types of force used least by MPD officers were firearm discharges, Taser/ECDs, and ASP strikes, which accounted for less than three percent of officer uses of force each in FY17.

The most frequent officer-subject pairings were white officers using force on black subjects, accounting for 44% of MPD's uses of force in FY17. Eighty-eight percent of MPD personnel who used force were of the rank of either probationer or officer; these two ranks make up 70% of MPD's sworn personnel.

Fifty-five percent of officer uses of force occurred in just three of MPD's seven service districts - districts five, six, and seven.

OPC's use of force report also included an overview of officer-involved firearm discharge incidents. Twelve officers discharged their firearms in 10 incidents in FY17, resulting in three subject fatalities and five subject injuries. Of the five years of incidents reviewed, FY17 saw the lowest number of officer-involved firearm discharge incidents in a single year.

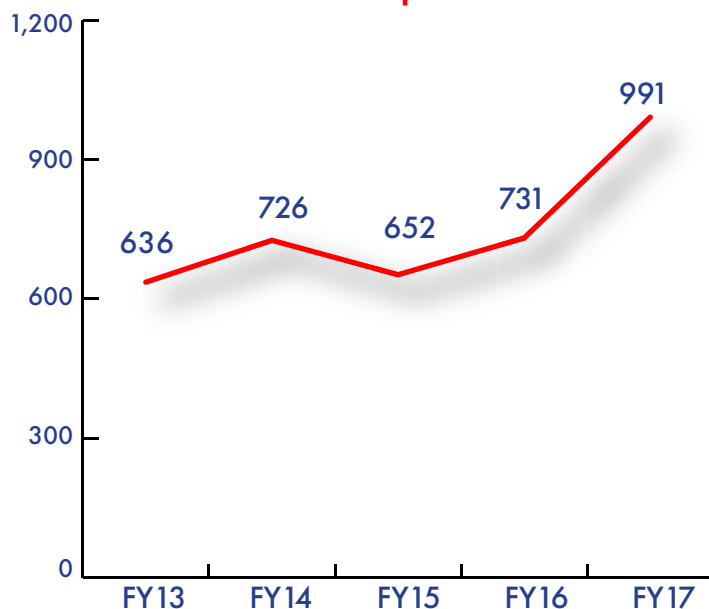
## Use of Force Recommendations

OPC's report included eight recommendations for MPD to improve its data collection and reporting practices. These included:

- Combining all use of force policies into a single, easy to find General Order;
- Streamlining from two different forms for two types of force incidents to a single form for all force incidents;
- Collecting all use of force data electronically;
- Ensuring all use of force forms are complete before supervisors approve them; and
- Resuming collection of detailed data from officer-involved firearm discharge incidents.

The full report can be found at: <https://policecomplaints.dc.gov/page/use-force-reports>.

**Number of Use of Force Incidents Reported Per Year**



# COMMUNITY OUTREACH

## Outreach Events

In FY18, OPC conducted and participated in more than 30 outreach events throughout the District of Columbia. The agency expanded its youth outreach by conducting its Student Interactive Training (SIT) program at various D.C. Department of Parks and Recreation Teen Career Summer Camps. OPC also participated in the D.C. Bar Communities 19th Annual Youth Law Fair and Howard University Department of Public Safety Annual Safety Awareness Fair.

The agency continued its outreach efforts with organizations that provide direct services to the District's Latino and immigrant population. OPC conducted information sessions for staff at Ayuda and Central American Resource Center.

Beyond the District, OPC conducted a Spanish language video presentation for Global Ties U.S. Police Professionalization Program with Mexico on how civilian oversight agencies operate to increase community trust in the police department. Global Ties U.S. is a partner of the U.S. Department of State that coordinates international exchange programs.

Additionally, OPC presented at various neighborhood association meetings, including LeDroit Park Resident Council and Advisory Neighborhood Council 3/4G meetings. The agency conducted information sessions for D.C. Public School counselors and American University Washington College of Law students. OPC also participated in Columbia Heights Day, Briya Public Charter School Know Your Rights Information Fair, and community service fairs hosted by the Washington English Center.

Additional outreach to students in FY18 included presenting OPC's SIT program at several D.C. public and charter high schools. The agency also participated in information fairs hosted by American University Washington College of Law, Georgetown Law, and the University of Maryland College Park.



OPC's Executive Director Michael G. Tobin served as a panelist for the D.C. Bar's D.C. Affairs Community program on how community activism is impacting policing in D.C. Deputy Director Rochelle Howard served as a panelist for the American Bar Association and OPC Legal Counsel Alicia Yass served as a panelist for the American University Washington College of Law.

## Community Partnership Program

OPC added four new community partners this fiscal year:

- DC SAFE
- Ayuda
- Central American Resource Center (CARECEN)
- Legal Aid Society of the District of Columbia

The purpose of the program is to collaborate with a wide range of community organizations, government agencies, social service providers, neighborhood associations, and advocacy groups to provide the public with greater access to information about OPC.<sup>19</sup> Additionally, OPC worked with four of its partners – Washington English Center, Briya Public Charter School, CARECEN, and the Latin American Youth Center – in developing a draft survey to assess the DC Latino community perception about police-community relations.

19: OPC's other community partners include: The American Civil Liberties Union of the Nation's Capital; American Friends Service Committee; Briya Public Charter School; Covenant House Washington; D.C. Anti-Violence Project; D.C. Public Library; Greater Washington Urban League; the Latin American Youth Center; the NAACP; Office on African Affairs; Office on Asian and Pacific Islander Affairs; Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs; Office of Human Rights; Office on Latino Affairs; Washington Area Bicyclist Association; Washington English Center; and the Washington Legal Clinic for the Homeless. Contact information for all partners can be found at: <https://policecomplaints.dc.gov/service/file-a-complaint>.

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# APPENDICES

## APPENDIX A: CIVILIAN COMPLAINTS

### Specific Allegations of Force

Force Subcategories	FY15	FY16	FY17	FY18
ASP: all types	3	4	3	1
Canine	0	0	0	0
Chokehold	8	2	3	3
Forcible handcuffing	7	11	6	11
Gun: drawn, but not pointed	13	5	1	5
Gun: fired	1	0	2	3
Gun: pointed at person	10	7	6	17
Handcuffs too tight	11	9	11	21
OC spray	3	5	5	1
Push or pull with impact	55	17	39	40
Push or pull without impact	50	25	37	46
Strike: kick	1	3	3	2
Strike: with officer's body	5	1	1	7
Strike: punch	10	4	7	11
Strike: while handcuffed	7	0	3	5
Strike: with object	1	5	1	1
Vehicle	2	1	5	2
Other	4	13	12	13
Total Force Allegations	191	112	145	189

## APPENDIX A: CIVILIAN COMPLAINTS

### Specific Allegations of Harassment

Harassment Subcategories	FY15	FY16	FY17	FY18
Bad ticket	69	78	90	107
Contact	22	13	23	33
Entry (no search)	16	11	15	13
Frisk	5	2	10	12
Gun: touch holstered weapon	8	7	8	10
Intimidation	37	24	54	63
Mishandling property	51	31	53	53
Move along order	21	22	19	20
Prolonged detention	19	11	4	18
Property damage	11	8	7	20
Refusing medical treatment	9	6	3	3
Search: belongings	6	0	6	7
Search: car	14	8	24	23
Search: home	11	11	4	18
Search: person	15	11	18	24
Search: strip or invasive	7	1	1	3
Stop: bicycle	2	0	2	0
Stop: pedestrian	35	14	33	42
Stop: vehicle/traffic	69	48	66	89
Stop: boat	2	0	0	0
Threat	77	51	81	77
Unlawful arrest	100	65	90	94
Other	55	58	80	82
Total Harassment Allegations	661	480	691	811



## APPENDIX A: CIVILIAN COMPLAINTS

### Specific Allegations of Discrimination

Discrimination Subcategories	FY15	FY16	FY17	FY18
Age	3	4	7	8
Color	3	1	8	5
Disability	2	1	7	4
Family Responsibilities	0	1	1	1
Language	0	0	0	0
Marital Status	0	2	1	1
National Origin	8	4	13	11
Personal Appearance	11	4	8	8
Physical Handicap	0	0	2	2
Place of Residence or Business	8	2	6	3
Political Affiliation	0	0	0	0
Race	59	41	74	79
Religion	1	1	1	1
Sex	14	8	9	14
Sexual Orientation	3	3	3	7
Source of Income	6	6	8	5
Other	6	2	3	10
Total Discrimination Allegations	124	80	151	159

## APPENDIX A: CIVILIAN COMPLAINTS

### Specific Allegations of Failure to Identify

Failure to Identify Subcategories	FY15	FY16	FY17	FY18
Display name and badge	1	9	10	7
Provide name and badge	33	31	43	46
Other	0	3	1	1
Total Allegations	34	43	54	54

### Specific Allegations of Language and Conduct

Language and Conduct Subcategories	FY15	FY16	FY17	FY18
Demeanor or tone	165	134	231	248
Gesture or action	66	41	95	88
Other language	63	27	57	36
Profanity	34	24	26	41
Racial/Ethnic slur	10	3	7	6
Other	7	10	5	29
Total Language and Conduct Allegations	345	239	421	448

### Specific Allegations of Retaliation

Retaliation	FY15	FY16	FY17	FY18
Total	11	14	16	14

## APPENDIX B: COMPLAINT EXAMINER DECISIONS

### Complaint Examiner Decisions by Allegation and Disciplinary Outcomes

Complaint Number	Harassment	Excessive Force	Language or Conduct	Failure to Identify	Retaliation	Discrimination	Discipline Determination
16-0344	Sustained						Education-Based Development
17-0397				Sustained			Education-Based Development
17-0246	Sustained						Pending
17-0655			Sustained				12-Day Suspended Without Pay
17-0578	Sustained			Unfounded			1-Day Leave Forfeiture, Education-Based Development
17-0604			Sustained				PD 750
17-0276 & 17-0359	Sustained						Education-Based Development
17-0619	Sustained						Official Reprimand
17-0102 & 17-0104	Sustained		Insufficient Facts				Pending
17-0243			Sustained				PD 750
17-0290	Sustained						PD 750
17-0388	Sustained						Education-Based Development
18-0221				Sustained			Pending
17-0425	Unfounded						Pending
18-0331	Sustained		Sustained				Pending
17-0750					Sustained		Pending
18-0058			Sustained				Pending
17-0615	Sustained						Pending
17-0673	Sustained						Pending
17-0381	Sustained			Sustained	Sustained		Pending



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

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