

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



**Report on Use of Force by the  
Washington, D.C.  
Metropolitan Police Department  
2020**

## KEY FINDINGS SUMMARY

- MPD officers reported discharging their firearms at nine people and three dogs in 2020; two people were fatally injured in these incidents
- UFRB reviewed thirteen neck restraint cases in 2020, which took place in 2018, 2019, and 2020 respectively
- Reported use of force incidents decreased by 22% from 2019 to 2020; the number of uses of force decreased by 19% from 2019 to 2020
- The number of officers who reported using force decreased by 10% in 2020; roughly 30% of MPD officers reported using force in 2020
- 66 Officers reported using force five times or more in 2020; 7 officers reported using force 10 times or more
- Subjects reportedly assaulted officers in 25% of reported use of force incidents in 2020
- 21% of uses of force involved subjects who were reportedly armed with some type of weapon in 2020; 15% of uses of force involved subjects who were reportedly armed with a firearm
- Subjects in 26% of incidents were reportedly under the influence of alcohol or drugs or reportedly exhibited signs of mental illness
- The Fifth, Sixth, and Seventh Districts reported the most uses of force in 2020, each accounting for 18% to 21% of uses of force
- The five Police Service Areas with the most reported uses of force were in the Fifth, Sixth, and Seventh Districts
- OPC made eight recommendations in its 2017 Use of Force Report and three recommendations in 2018. As of December 2020, MPD has fully implemented six of OPC's recommendations, partially implemented three, and not implemented two.

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## MESSAGE FROM THE EXECUTIVE DIRECTOR

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

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

- Officers discharged their firearms at nine human subjects in 2020 and resulted in two fatalities
- The total number of reported use of force incidents decreased by 22% over the previous year
- Subjects were reportedly armed with some type of weapon in 21% of reported uses of force, with 15% involving a subject armed with a firearm
- Officer use of force was reported most in the Fifth, Sixth, and Seventh Districts, which together accounted for 59% of all reported use of force incidents
- 91% of all reported use of force subjects were black community members
- Takedowns and control holds were the most common types of force used in 2020, accounting for 64% of all uses of force

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

Sincerely,

*Michael G. Tobin*

Michael G. Tobin

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# INTRODUCTION

## Report Overview

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

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

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

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

## Metropolitan Police Department

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

MPD maintains a police force of approximately 3,841 sworn officers, along with a non-sworn support staff of approximately 601 personnel.<sup>5</sup> MPD is therefore the tenth-largest metropolitan police force in the United States in terms of the number of officers.<sup>6</sup> MPD's service area is divided into seven police districts, along with various special divisions including a Special Operations Division, a Narcotics and Special Investigations Division, and a Crime Investigations Division.

1: "Neighborhood Engagement Achieves Results Act of 2015." Available: <https://lims.dccouncil.us/Legislation/B21-0360>

2: "Report on Use of Force by the Washington, D.C. Metropolitan Police Department Fiscal Year 2017." D.C. Office of Police Complaints; 23 January 2018. Available: <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%2017%20Final.pdf>

3: "Report on Use of Force by the Washington, D.C. Metropolitan Police Department Fiscal Year 2018." D.C. Office of Police Complaints; 3 March 2019." Available: [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018\\_Final\\_1.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf)

4: For the purposes of this report, subjects were categorized as exhibiting signs of mental illness if the responding officer(s) explicitly reported suspecting the subject(s) of being mentally ill; if the officer(s) mentioned completing a Form FD-12 (Application for Emergency Hospitalization) for the subject; or if the officer(s) described the subject as being suicidal. For more information on Forms FD-12 and MPD policies regarding subjects suspected of being mentally ill, see GO-OPS-308.04, "Interacting with Mental Health Consumers," available: [https://go.mpdconline.com/GO/GO\\_308\\_04.pdf](https://go.mpdconline.com/GO/GO_308_04.pdf)

5: Numbers of 2020 MPD sworn officers and non-sworn support staff are based on the December 2020 reports OPC received from MPD

6: Information gathered from: <https://cjsjobs.com/largest-police-departments/>

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# INTRODUCTION

MPD officers receive more than 600,000 calls for service per year, resulting in more than 30,000 reported crimes per year in the District, with MPD officers conducting between 30,652 and 34,007 arrests.<sup>7</sup>

## Office of Police Complaints

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

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

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

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

7: The data is based on the 2015 to 2019 statistics in MPD's Annual Reports: "Metropolitan Police Department Annual Report 2016", Metropolitan Police Department, 29 December 2017, available: [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202016\\_lowres.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202016_lowres.pdf); "Metropolitan Police Department Annual Report 2018", Metropolitan Police Department, 28 December 2019, available: [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202018\\_lowres\\_0.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202018_lowres_0.pdf); "Metropolitan Police Department Annual Report 2019", Metropolitan Police Department, 1 April 2020, available: [https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202019\\_lowres.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/MPD%20Annual%20Report%202019_lowres.pdf)



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# INTRODUCTION

## Police Complaints Board

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

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

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

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

## Police Complaints Board Members

The current PCB includes the following members:

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



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

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

**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),

8: To see the emergency legislation please visit: [https://code.dccouncil.us/dc/council/acts/23-437.html#%C2%A7105\(a\)](https://code.dccouncil.us/dc/council/acts/23-437.html#%C2%A7105(a)) section 105



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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.

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

Ms. Strang is a consistent advocate for the LGBTQ community in the District of Columbia. She has served as an officer for the Gertrude Stein Democratic Club, a board member for Gays and Lesbians Opposing Violence, and a co-facilitator for the D.C. LGBT Center Job Club. Ms. Strang was also awarded the 2015 Engendered Spirit Award by Capital Pride as recognition for the work she has done in the community. Currently, she is the 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. She was reappointed on February 25, 2020 for a term ending January 12, 2023.

**Commander Morgan Kane** currently serves as the Commander of the First District for the Metropolitan Police Department (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, lieutenant, and captain; Commander Kane has also been assigned to the Office of Organizational Development, the Office of Homeland Security and Counterterrorism, 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. Commander Kane was awarded the Bureau Employee of the Year for the Executive Office of the Chief of Police for 2010. Additionally, while serving as an Assistant District Commander in the Fifth District in 2013, she was recognized as Captain of the Year.

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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. Commander Kane 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.

**Jeff H. Tignor** is a lawyer at the Federal Communications Commission focusing on rules and regulations affecting wireless broadband providers. Mr. Tignor is also an Advisor on Law and Technology to the Charles Hamilton Houston Institute for Race & Justice at Harvard Law School. Mr. Tignor has over 15 years of experience working on wireless broadband issues and consumer protection, including three years leading a division of 85 plus staff members resolving consumer complaints.

Mr. Tignor is also the former Chairman of Advisory Neighborhood Commission (ANC) 4B. He was elected as the ANC Commissioner for ANC 4B-08 in November 2002 and served as the Chairman of ANC 4B during 2003 and 2004, often working on issues affecting public safety.



Mr. Tignor graduated from Harvard with an AB in Government in 1996 and from the Duke University School of Law in 1999. He moved to Washington, D.C. to live in his grandfather's former home in Ward 4, where he still lives today with his wife, Kemi, and son, Henry. Someone in the Tignor family has been living in Washington, D.C. continually, as far as he knows, since just after the Civil War.

Mr. Tignor was appointed by Mayor Muriel Bowser on November 15, 2018, and confirmed by the Council for a term ending January 12, 2021. He continues to serve until reappointed or until a successor can be appointed.

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## MPD Reporting System

All use of force data used in this report was provided by MPD. Per MPD's General Order RAR 901.07 "Use of Force"<sup>9</sup> officers were required to complete UFIRs or RIFs anytime they used force other than forcible handcuffing of a resistant subject.<sup>10,11</sup> For use of force reporting through 2017, officers completed hard copies of UFIRs and RIFs, and the information from those forms was then entered into PPMS by the officer, their supervisor, or an administrator. Upon OPC's recommendation, in December 2017 MPD indicated they were beginning to capture all use of force data electronically. On January 2, 2018, MPD issued Executive Order 18-001, requiring that all UFIRs and RIFs be completed electronically in PPMS.<sup>12</sup> The requirement that officers complete all FIRs electronically in PPMS added new data reporting capabilities in 2018.<sup>13</sup>

As of January 1, 2020, MPD's use of force reporting now consists of one format: Force Incident Report (FIR), the form officers complete following any use of force. Previously, MPD officers completed: (1) the Use of Force Incident Report forms (UFIRs, MPD form 901-e) and (2) the Reportable Incident Forms (RIFs, MPD form 901-g). RIFs were a less comprehensive form, which, according to MPD's General Order RAR 901.07 "Use of Force," are substituted for UFIRs for two particular types of force: (1) when an officer points a firearm at a subject but no other force is used and no injuries are sustained; or (2) when an officer uses a tactical takedown, no other force is used, and the

subject is not injured and does not complain of pain or injury. As of January 1, 2020, all uses of force are reported in one form, the FIR. The information from the FIRs is stored in MPD's Personnel Performance Management System (PPMS). PPMS is MPD's electronic database for tracking adverse incidents and personnel performance, and is used for predictive analysis of officer performance, including misconduct or other at-risk behavior. PPMS is also used for performance evaluations and performance improvement plans.<sup>14</sup>

## July 2019 PPMS Enhancement

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

1. Many of the UFIRs/RIFs completed in 2018 were missing data in essential fields such as type of force used and level of subject behavior. To resolve this problem, OPC recommended that MPD make these essential fields on UFIRs/RIFs required fields in 2018.<sup>15</sup> According to MPD, 91 out of the 99 fields on UFIR/RIF became mandatory after the July 2019 enhancement.<sup>16</sup> Without filling out the mandatory fields, officers would not be able to complete a UFIR/RIF. This change significantly improved MPD data collection process and the missing essential data.

9: Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 3 November 2017. Available: [https://go.mpdonline.com/GO/GO\\_901\\_07.pdf](https://go.mpdonline.com/GO/GO_901_07.pdf)

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

11: The rules for reporting uses of force are further defined in two special orders: SO-10-14: "Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)." Metropolitan Police Department; 1 October 2010. Available: [https://go.mpdonline.com/GO/SO\\_10\\_14.pdf](https://go.mpdonline.com/GO/SO_10_14.pdf); and SO-06-06: "Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h)." Metropolitan Police Department; 7 April 2006. Available: <https://go.mpdonline.com/GO/SO-06-06.pdf>

12: Metropolitan Police Department Executive Order 18.001: "New Online Use of Force Incident Report (UFIR) and Reportable Incident Form (RIF) in the Personnel Performance Management System." Metropolitan Police Department; 2 January 2018. Available: [https://go.mpdonline.com/GO/EO\\_18\\_001.pdf](https://go.mpdonline.com/GO/EO_18_001.pdf)

13: For more information regarding the 2018 changes see the 2019 Use of Force Report [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202019\\_FINAL.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202019_FINAL.pdf)

14: For more information regarding PPMS please visit [https://go.mpdonline.com/GO/GO\\_120\\_28.pdf](https://go.mpdonline.com/GO/GO_120_28.pdf)

15: See OPC's recommendation 5A in the 2018 Use of Force Report [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018\\_Final\\_1.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf)

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2. According to MPD, prior to the July 2019 enhancement, if an officer had reported using different types of force on different subjects in one use of force incident, PPMS would indicate that the officer used all the types of force against all the subjects. For example, if an officer used three types of force against three subjects (e.g., an officer uses hand controls to subject A, ASP to subject B, and OC spray to subject C), the data in PPMS would show that the officer used all three types of force on all three subjects.<sup>17</sup> This was a significant data inaccuracy and the July 2019 enhancement resolved this problem for newly entered data. If a use of force incident occurred after the July 2019 enhancement with an officer using the same three types of force against three subjects, PPMS would show that the officer used hand controls against the Subject A, ASP against Subject B, and OC spray against Subject C.

3. Three answer choices for the Specific Type of Force Used field within the UFIR form were added: (1) ASP-arm extraction, (2) canine bites(s), and (3) shield. OPC therefore incorporated these new types of force to the new use of force hierarchy. See Appendix B on page 52 for more discussion about the three types of force and the use of force hierarchy.

## January 2020 Enhancement

On December 31, 2019, MPD issued Executive Order EO-19-009, “Force Incident Report.” The executive order stated its purpose was to “announce that effective January 1, 2020, the force incident report (FIR) shall replace the PD Form 901e [Use of Force Incident Report (UFIR)] and the PD Form 901g [Reportable Incident Form (RIF)] in the Personnel Performance Management System (PPMS).”<sup>18</sup>

This enhancement required that the arrest information of the subject against whom force was used be

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

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

See Appendix A on page 48 for the updated FIR after MPD’s January 2020 enhancement.

## Data Collection and Scope

The scope of this report includes all types of uses of force involving MPD officers, all MPD divisions, and all MPD officer ranks. The data collection process for this report involved receiving three types of data from MPD: (1) PPMS data in an Excel spreadsheet, (2) FIRs in PDF form, and, (3) the exported FIRs electronic data completed by officers in an Excel spreadsheet for closed use of force cases.<sup>19</sup> This year, MPD exported the data from the

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

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

18: This Executive Order is Available at: [https://go.mpdconline.com/GO/EO\\_19\\_009.pdf](https://go.mpdconline.com/GO/EO_19_009.pdf)

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



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# INTRODUCTION

electronically completed FIRs and provided that data to OPC. OPC did not need to manually enter the data from the majority of FIR PDFs to create a consistent dataset. Most of the data that needed to be entered involved the impairment status of the subject against whom force was used.

OPC also conducted an audit of the FIR PDFs against the electronically exported data to ensure consistency. Specifically, OPC first randomly selected a quantitatively sufficient number of FIRs from the 1,821 FIR PDFs MPD provided to OPC.<sup>20</sup> OPC then manually compared the randomly selected FIR PDF data to the PPMS spreadsheet.<sup>21</sup> The audit showed data inconsistencies for the following fields:<sup>22</sup>

1. Officers' element and assignment on the Excel sheet did not match the FIR
2. Subject visible injuries not exported to the Excel sheet
3. Subject impairment not exported to the Excel sheet
4. Height and weight are misreported (ex: 0 was reported for height and weight)

While OPC received the UFIR/RIF PDFs monthly and received PPMS data quarterly from MPD in 2018, it did not receive the 2019 use of force data until February 2020. Further, OPC did not receive the totality of the 2020 use of force data until February 2021. OPC also did not receive all the PDFs to finalize the use of force report until March 19, 2021.

OPC ultimately received a FIR for 1,842<sup>23</sup> reported uses of force, representing 92% of the total 2,011 reported uses of force in 2020. MPD did not provide OPC with PDFs for the remaining 169 reported uses of force. This percentage is lower than the 99% that OPC received in 2019, but higher than the 88% reported in 2018. OPC did not receive the PDFs for reported uses of force that are still considered open, pending investigation as of March 19, 2021. These open investigations represent 169 uses of force and 34 incidents. Nevertheless, OPC did receive the PPMS data of the 169 uses of force that were still open.

20: OPC manually audited 165 FIRs

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

22: Not all FIRs had these inconsistencies

23: 1,821 FIR PDFs represent 1,842 uses of force

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# USE OF FORCE OVERVIEW

## MPD's Definition of Use of Force

Police officers are given the authority to use physical force when appropriate. The type of force, and when it may be used, is governed by statutes, case law, departmental policy, and training. MPD defines the use of force as “any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer.”<sup>24</sup> This includes any type of force from hand controls or forcibly handcuffing a noncompliant subject to deadly force, such as discharging a firearm.

MPD's use of force General Order<sup>25</sup> explicitly states that “MPD members shall use the minimum amount of force that the objectively reasonable officer would use ... to effectively bring an incident or person under control.” This General Order also includes the Use of Force Framework, comprised of five levels of subject behavior and five levels of officer response (see Subject Behavior Categories and MPD Officer Force Response Categories on page 15).

Although the Use of Force Framework provides guidance on the appropriate level of force to be used in a given situation, MPD states it no longer encourages the Use of Force Framework as a continuum of sequential behaviors and responses. Rather, “the Use of Force Framework contains five categories of perceived threats and responses, all of which are fluid, dynamic, and non-sequential”<sup>26</sup> and can be used within the officer's individual discretion during an incident.

## Use of Force Training

The Metropolitan Police Department asserts they utilize a use of force framework which states in part that officers are to value and preserve the sanctity of human life at all times, especially when involved in a

situation that requires any type of force. Therefore, MPD officers shall use the minimum amount of force to bring an incident or person under control while keeping the public and the officers safe.<sup>27</sup> MPD's use of force training comprises numerous components including critical incident management, situational awareness, firearms training, de-escalation, scene management, and other topics.<sup>28</sup> MPD officers receive mandatory retraining every year to ensure officers are up to date on case law and policy updates. Every use of force is investigated thoroughly and impartially, with the Use of Force Review Board process informing academy training.

MPD states they operate under the fundamental expectation that use of force is only used proportionally to the threat faced and in a manner consistent with legal and agency policies. While many police academies teach use of force as a standalone block of instruction, MPD integrates these skills throughout the curriculum. The Metropolitan Police Academy (MPA) instills a police culture equipping officers with the skills they need to safely intervene before problems occur or escalate. Use of force training is woven into training topics in the context of safety and a means of last resort. For example, during training on how to handle calls regarding domestic violence, officers are primarily taught D.C. laws, civil rights, victims' rights, Constitutional law, and implicit bias. In this context, MPD teaches patrol tactics, pre-arrival, and on-scene tactical considerations all with the intention to reduce the need for the use of force. Training also encompasses emotional and mental health de-escalation techniques. In 2016, MPD changed the diagram of the use of force continuum from a triangle to a circular framework to visually highlight de-escalation.<sup>29</sup>

24: Metropolitan Police Department General Order RAR-901.07: “Use of Force.” Metropolitan Police Department; 3 November 2017. Available: [https://go.mpdconline.com/GO/GO\\_901\\_07.pdf](https://go.mpdconline.com/GO/GO_901_07.pdf)

25: MPD General Order RAR-901.07, Attachment B, Use of Force Framework

26: MPD correspondence to OPC, 22 November 2017

27: MPD's General Order RAR-901.07

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

29: For the information about the circular framework, see MPD General Order Go-RAR-901.07, Attachment A, Decision Making Model

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## USE OF FORCE OVERVIEW

At the MPA, Recruit Officers complete 80 hours of training in firearms. Because the majority of the recruits do not have prior experience with firearms, MPD's training curriculum is designed to provide sworn officers with the knowledge and skills necessary for safe, proper, and effective operation of police-issued equipment. It is the policy of the MPD to provide basic law enforcement service training that includes extensive de-escalation training. Officers receive firearm training during the basic recruit training and are required to recertify in firearms twice a year. MPD teaches de-escalation in various forms: communication techniques, mental evaluation and assessment, victim and suspect emotional understanding, and sensitivity.

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

MPD aims to teach communication, service, and conflict resolution so that use of force is a last resort. MPD states that in the rare instances when use of force is necessary to protect human life, officers are taught to render medical attention as soon as the scene is safe. As part of this mandate, all officers are also certified in Tactical Emergency Casualty Care.<sup>30</sup>

30: See the definition of Tactical Emergency Casualty Care at <http://www.c-tecc.org/about/faq>



# Subject Behavior and Prescribed Force Response

Subject Behavior Categories	MPD Officer Force Response Categories
<p><b>Cooperative/Compliant</b> – The subject responds in a positive way to an officer’s presence and is easily directed with verbal requests and commands. The subject who requires control or searching offers no resistance.</p>	<p>→ <b>Cooperative Controls</b> – Generally non-physical controls, including both verbal and non-verbal communication.</p>
<p><b>Passive Resistance</b> – The subject displays a low level of noncompliant resistance. The noncompliance is passive, and offers no physical or mechanical energy. The subject does not respond to an officer’s lawful request or commands and may be argumentative.</p>	<p>→ <b>Contact Controls</b> – Low-level mental and physical tactics to gain control and cooperation. Includes soft empty hand control and firm grip on the subject.</p>
<p><b>Active Resistance</b> – The subject is uncooperative and will not comply with the officer’s requests or comments. The subject exhibits physical and mechanical defiance, including evasive movements to defeat the officer’s attempt to control, including but not limited to, bracing, tensing, pushing, or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested.</p>	<p>→ <b>Compliance Techniques</b> – Actions that may induce pain or discomfort to an actively resisting subject until control is achieved, but will not generally cause an injury when used in accordance with MPD training and standards. Includes control holds, joint locks, OC spray, and solo or team tactical takedowns.</p>
<p><b>Assaultive</b> - The subject has gone beyond the level of simple non-cooperativeness, and is actively and aggressively resisting the officer’s attempt to arrest. The subject has demonstrated a lack of concern for the officer’s safety; however, the subject does not pose an immediate threat of death or serious bodily injury to the officer or others.</p>	<p>→ <b>Defensive Tactics</b> – Actions to forcibly render the subject into submission. Not likely or intended to cause death or serious physical injury, but meant to ensure the safety of officers and others. Includes ASP baton strikes, chemical agents, and electronic control devices (ECDs).</p>
<p><b>Threatening Serious Injury or Death</b> – The subject poses an immediate danger of death or serious physical injury to the officer or to another person, but not to themselves. The subject’s actions demonstrate their intent to inflict death or serious injury upon the officer or another person immediately.</p>	<p>→ <b>Deadly Force</b> – Any force likely to cause death or serious injury to the subject. Include but are not limited to the use of a firearm or a strike to the head with a hard object.</p>

# USE OF FORCE FINDINGS

## Number of Uses of Force

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

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

In 2020, there were 968 reported use of force incidents involving 2,011 reported uses of force by 1,098 officers. There are more uses of force than incidents or officers because many use of force incidents involve multiple officers using force and an officer may use force more than once per incident.<sup>31</sup>

## Use of Force Incidents

The number of reported use of force incidents increased considerably between 2015 and 2019, from 678 in 2015 to 1,246 in 2019. From 2015 to 2019, there was an 84% increase in use of force incidents. As shown in the Use of Force Incidents chart on the next page, there were 968 use of force incidents in 2020; which is less than the 1,246 incidents in 2019.<sup>32</sup> From 2019 to 2020 there was a 22% decrease in the number of use of force incidents.

## Uses of Force

Similar to the trend of the increase in reported use of force incidents, the number of reported uses of force increased until 2018, from 1,393 in 2015 to 2,873 in 2018. In 2019, however, the number decreased to 2,471, 14% less than 2018.<sup>33</sup> 2020 continued this trend with a 19% decrease in uses of force in 2020 as compared to 2019. In 2020 there were 2,011 uses of force.

## Officers Using Force

A total of 1,098 MPD officers reported using force in 2020, which is roughly 30% of all MPD officers.<sup>34</sup> This is a 10% decrease in the number of officers using force from 2019, and a 73% increase from 2013, when a total of 636 officers reported using force. In 2018, MPD reported the highest number of officers who reported using force since 2013.

Eighty-two percent of all officers who reported using force in 2020 reported doing so one or two times, while 12% of officers reported using force three or four times. Six percent of officers who used force reported doing so five times or more in 2020; of those, 1 officer reported using force 18 times in 2020. See chart Uses of Force Per Officer in 2020 on page 16.

The reported use of force incidents involving only one officer was the largest use of force incident group, reflecting 48% of the total incidents in 2020. This is the highest percentage since 2013. The percentage of incidents involving two officers in 2020 was 27%, which was the lowest since 2013. Incidents involving 3 or more officers comprised a quarter of all use of force incidents.

## Number of Officers Reporting Using Force Per Incident

	2017	2018	2019	2020
1 Officer	39%	35%	46%	48%
2 Officers	32%	34%	30%	27%
3 Officers	14%	15%	14%	12%
4 Officers	9%	8%	6%	8%
5+ Officers	7%	8%	5%	5%

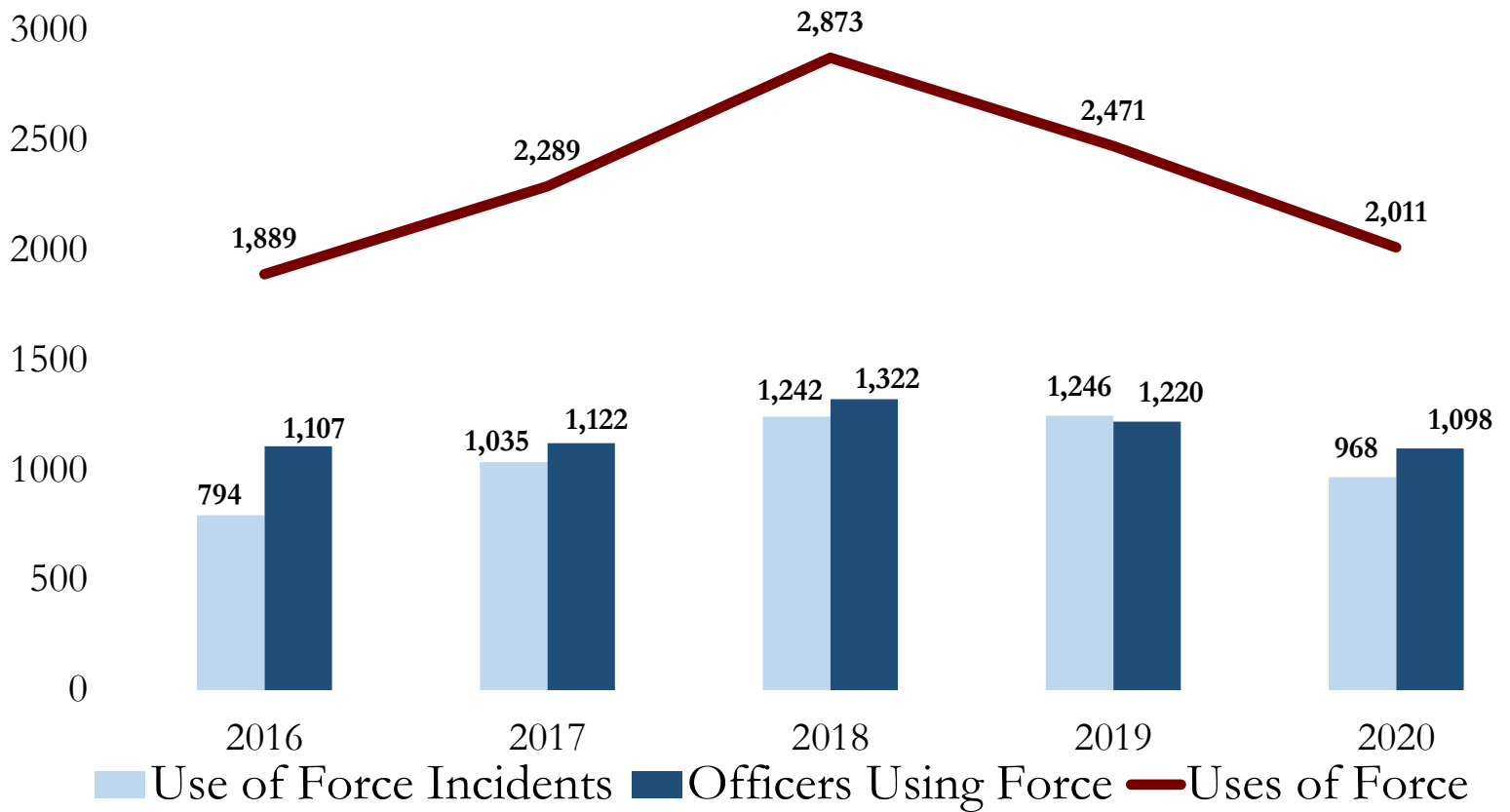
31: The uses of force discussed in this report include those reported in all FIRs. MPD does not consider the pointing of a firearm a use of force, but OPC does report the pointing of a firearm as a use of force

32: See page 12 of “Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018”, District of Columbia Officer of Police Complaints; 19 March 2019. Available: [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018\\_Final\\_1.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf)

33: “Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018”, District of Columbia Officer of Police Complaints; 19 March 2019. Available: [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018\\_Final\\_1.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf)

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

# Number of Uses of Force



2.6 Average use of force incidents per day in 2020

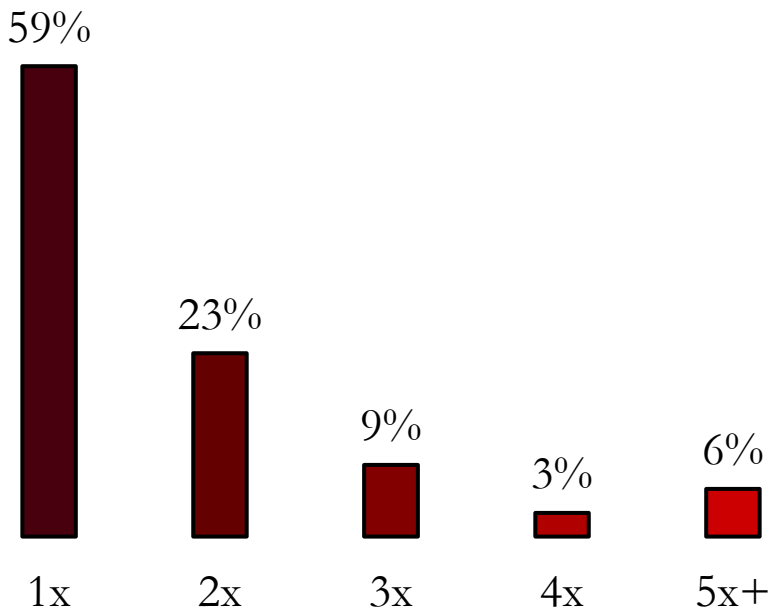
19% Decrease in uses of force in 2020

30% of MPD officers used force in 2020

# Officers Using Force

## Uses of Force Per Officer

82% of Officers who used force did so once or twice in 2020



Number of Officers	Times Officers Used Force
12	6
6	7
6	8
2	9
2	10
3	11
1	13
1	18

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## USE OF FORCE FINDINGS

### Subject Behavior in Force Incidents

MPD officers categorize subject behavior into five categories: cooperative/compliant;<sup>35,36</sup> passively resistant; actively resistant; assaultive; and threatening serious physical injury or death. Subject behavior can escalate and de-escalate over the course of a given encounter, and the highest level of subject behavior reported for each use of force is reported in this report. Officers' responses are categorized in five levels that correspond to MPD's five levels of subject behavior.<sup>37</sup>

From FIR data, most subjects in 2020 were reported by MPD as being actively resistant, accounting for 45% of subjects. The second most common subject behavior was assaultive, which accounted for 28% of subjects against whom officers reported using force in 2020.

Officers followed MPD's prescribed level of force<sup>38,39</sup> in response to the subjects' behavior in 60% of reported uses of force in 2020. MPD's prescribed level of force is described in MPD's Use of Force Framework, in General Order RAR-901.07, "Use of Force." Officers used a lower level of force than prescribed in roughly 36% of the total reported uses of force in 2020.

Officers used a higher level of force than prescribed in 62 uses of force, or 4% of the total reported uses of force in 2020. This is lower than the 5% of total reported uses of force in 2019. Of the 62 instances of officers using a higher level of force than prescribed in 2020: 18 officers reported using control holds, 25 officers reported using tactical takedowns, 2 officers reported using OC spray, 8 officers reported using fist/knee strikes, 1 officer reported using ECD, 2 reported using their shield, and 6 officers reported firearm discharges.

### Officers Pointing Firearms at Subjects

MPD does not consider officers pointing their firearms at subjects a use of force, but does require it be reported in a FIR. Officers reported pointing their firearms at subjects 400<sup>40,41</sup> times in 2020, a 27% increase over the 316 times officers reported pointing their firearms at subjects in 2019. Officers reported that the subjects were cooperative/compliant, passively resistant, actively resistant, assaultive, or threatening serious physical injury or death in 17%, 8%, 12%, 3%, and 59%, respectively, of the reported uses of force involving officers who pointed their firearms at subjects in 2020.

### Armed Subjects in Uses of Force

Subjects were reportedly armed in 391 (21%) reported uses of force<sup>42</sup> in 2020, a 17% decrease from the 470 armed subjects in reported uses of force in 2019. The most common type of weapon in 2020 was a firearm, which subjects were reported as possessing in 271 uses of force in 2020 (15%). Subjects were armed with knives in 78 reported uses of force (4%) in 2020, and with blunt weapons in 35 reported uses of force (2%). Subjects were armed with miscellaneous other weapons in 23 reported uses of force (1%) in 2020. These weapons included but were not limited to a taser and pepper spray.

### Officers Using Force on Duty, in Uniform

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

35: "Compliant" is the old category name for "cooperative" in Metropolitan Police Department General Order RAR-901.07: "Use of Force, Metropolitan Police Department; 3 November 2017 (available at: [https://go.mpdconline.com/GO/GO\\_901\\_07.pdf](https://go.mpdconline.com/GO/GO_901_07.pdf)). See footnote 28 on page 15 for details

36: Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 3 November 2017. Available: [https://go.mpdconline.com/GO/GO\\_901\\_07.pdf](https://go.mpdconline.com/GO/GO_901_07.pdf)

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

38: Because there are still reported uses of force that are pending investigation, and MPD does not consider when the highest reported use of force was an officer pointing their firearm, OPC was only able to include 1,430 reported uses of force in this section

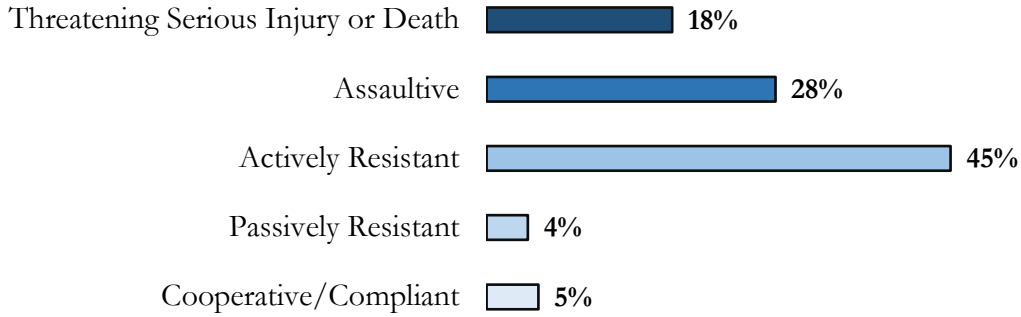
39: Because MPD does not consider an officer pointing their firearm as a use of force, it is not included in the table regarding the subjects' behavior and the officers' level of force

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

41: Even with open cases, all officer force information is available to OPC so the total number of use of force incidents is 2,011 for this number

42: OPC did not have information regarding whether the subject was armed for the 169 open uses of force. Therefore, the number of uses of force used for this calculation was 1,842

# Subject Behavior and Level of Officer Force



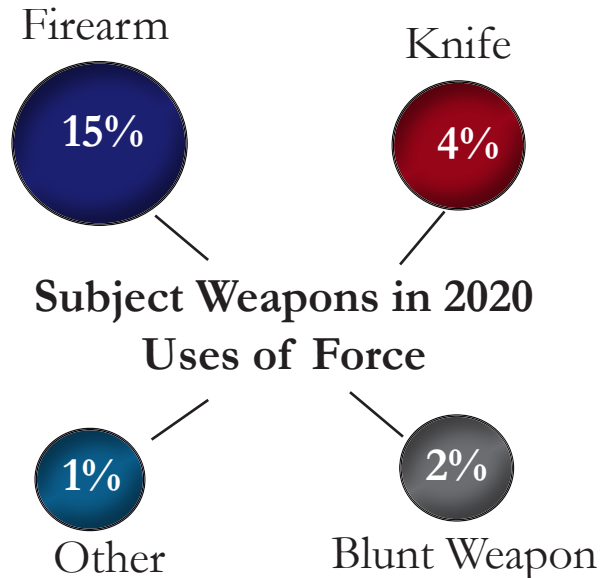
## Subject Behavior and Officer's Level of Force

	Subject Cooperative/Compliant	Passively Resistant	Actively Resistant	Assaultive-Physical Injury	Threatening Serious Injury or Death
Contact Controls	--	<1%	<1%	<1%	--
Compliance Techniques	<1%	3%	53%	28%	4%
Defensive Tactics	<1%	<1%	<1%	7%	3%
Deadly	<1%	--	--	<1%	<1%
Use of force was higher than the Use of Force Framework prescribed response: 4%		Use of force met the Use of Force Framework prescribed response: 60%		Use of force was lower than the Use of Force Framework prescribed response: 36%	

Officers pointed their firearms at subjects in <b>20%</b> of uses of force in 2020	MPD does not consider officers pointing their firearms at subjects a use of force, and it is therefore not included in the Use of Force Framework.	Subjects were reportedly armed in <b>21%</b> of use of force incidents in 2020
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## Subject Behavior in Reported Uses of Force with Officers Pointing Their Firearms at Subjects in 2020

- Cooperative/Compliant 17%
- Passively Resistant 8%
- Actively Resistant 12%
- Assaultive 3%
- Threatening Serious Injury or Death 59%





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# USE OF FORCE FINDINGS

## Types of Use of Force

Tactical takedowns were the most frequent type of force reported in 2020, accounting for 45% of uses of force. Control holds were the highest level of force used in 19% of reported uses of force.

The hierarchy of force<sup>43</sup> used in this report,<sup>44</sup> from lowest to highest, is:

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

Firearms pointed at subjects were the highest level of force used in 20% of reported uses of force, while OC spray was the highest level of force used in 6% of reported uses of force in 2020. Fist or knee strikes/40mm extended impact weapons were the highest level of force used in 6% of reported uses of force in 2020, and ASP strikes were the highest level of force used in 1% of reported uses of force in 2020. Firearm discharges were the highest level of force used in 2% of reported uses of force in 2020. Tasers/ECDs, police shield, and canine deployment were the highest level of force in roughly 1% of 2020 uses of force. Although all

officers receive familiarity training with Tasers/ECDs, only sergeants are fully trained and equipped with Tasers/ECDs.

There were 12 intentional firearm discharge incidents in 2020: 9 incidents involving firearm discharges at people and 3 incidents involving firearm discharges at animals (3 dogs). These 12 firearm discharge incidents account for less than 1% of reported uses of force in 2020, and is similar to 2019. For further discussion of the 2020 firearm discharge incidents, see page 32.

## Rate of Injuries in Use of Force Incidents

Officers reported receiving injuries in 10% of reported uses of force in 2020. Subject injuries were reported in 42% of uses of force reported in 2020.

The injury rates for the same type of force categories in 2020 were different from 2019.<sup>45</sup> The following percent of incidents resulted in reported subject injuries:

- 100% of canine deployment;
- 83% of Taser/ECD uses;
- 72% of control holds;
- 56% of fist/knee strikes/40mm extended impact weapons;
- 51% of OC spray uses;
- 45% of tactical takedowns;
- 40% of ASP strikes;
- 38% of firearm discharges; and
- 25% of shield usage.

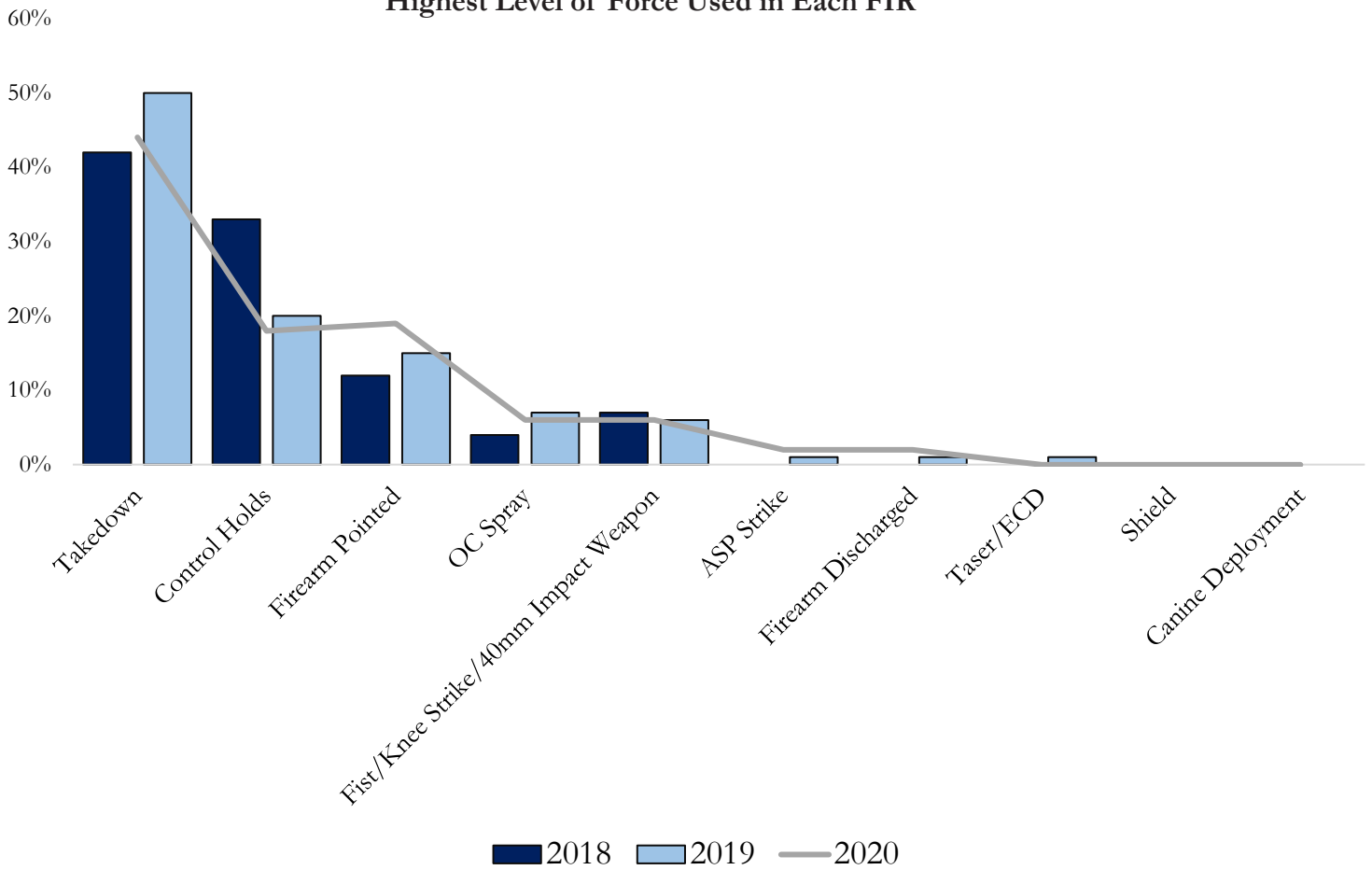
43: Even with open cases, all officer force information is available to OPC so the total number of use of force incidents is 2,011 for this section

44: MPD added three answer choices for the field Specific Type of Force Used on UFIRs through the July 2019 enhancement: ASP-arm extraction, shield, and canine bite(s). OPC accordingly added the three types of force to the use of force hierarchy in 2019. For more discussion about the use of force hierarchy, see Appendix B on page 53

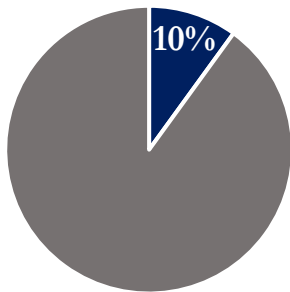
45: Reporting the injury rate by type of force used is complicated by a few factors. First, the injury rate reported here is based on the highest level of force used by each officer, but this may not be the type of force that caused the injury. Second, when multiple officers use force in a given incident,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

# Level of Force and Injury Rate

Highest Level of Force Used in Each FIR



Percent of Uses of Force Resulting in Officer Injury

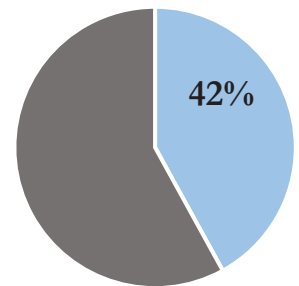


10% of 2020 uses of force resulted in a reported officer injury

One Percent of Uses of Force Required an Officer to be Transported to the Hospital

19 Percent of Subjects had Visible Injuries

Percent of Uses of Force Resulting in Subject Injury



42% of 2020 uses of force resulted in a reported subject injury



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## DEMOGRAPHICS

### Demographics of Officers Using Force

A total of 1,098 MPD officers reported using force in 2020, with 450 (41%) of those officers using force in more than one incident. This represents approximately 30% of all MPD officers using force in 2020. The demographics of officers who reported using force in 2020 were similar to the demographics of officers using force in 2019. In 2020 43% of officers who reported using force were Black (compared to 44% in 2019), 41% were White (the same as 2019), 10% were Hispanic (same as in 2019), and 6% were members of Other races and ethnicities (same as 2019). The demographics in 2020 were also similar to the demographics since 2014. In 2020 88% of officers who reported using force were men and 12% were women, mirroring the gender demographics of 2019.

Compared to the overall population of MPD officers,<sup>46</sup> White officers, male officers, and younger officers reported using force in a disproportionately higher number of times:

- 34% of MPD's officers are White, but White officers accounted for 41% of officers who reported using force in 2020;
- 77% of MPD's officers are male, but male officers accounted for 88% of officers who reported using force in 2020; and
- 35% of MPD's officers are under 35 years of age, but these officers accounted for 51% of officers who reported using force in 2020.

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

- 51% of MPD's officers are Black, but Black officers accounted for 43% of officers who reported using force in 2020; and
- 23% of MPD officers are female, but female officers accounted for 12% of officers who reported using force in 2020.

### Demographics of Subjects of Force

Black community members made up 91% of the total subjects MPD reported using force against in 2020, while White community members made up 3% of the total subjects in 2020 and Hispanic community members made up 5% of the total subjects in 2020. Males were 87% of

the total subjects MPD officers reported using force against in 2020, while females were 13% of the total subjects in 2020. Community members in their late teens and early 30s were more likely to be the subjects of reported uses of force, with 63% of the subjects between 18 and 34 years old in 2020. This was followed by community members 35 to 54 years old, younger than 18 years old, and 55 years old or older, who were 27%, 7%, and 3% of the total subjects, respectively.

Compared to overall District demographics,<sup>47</sup> Black community members, male community members, and younger community members were the subjects of reported uses of force in a disproportionately higher number of incidents:

- 43% of District residents are Black, but Black community members were 91% of the total subjects MPD officers reported using force against in 2020;
- 48% of District residents are male, but males were 87% of the total subjects MPD reported using force against in 2020; and
- 51% of District residents are less than 35 years old, but community members in this age range accounted for 70% of the total subjects MPD used force against in 2020.

### Officer and Subject Demographic Pairings

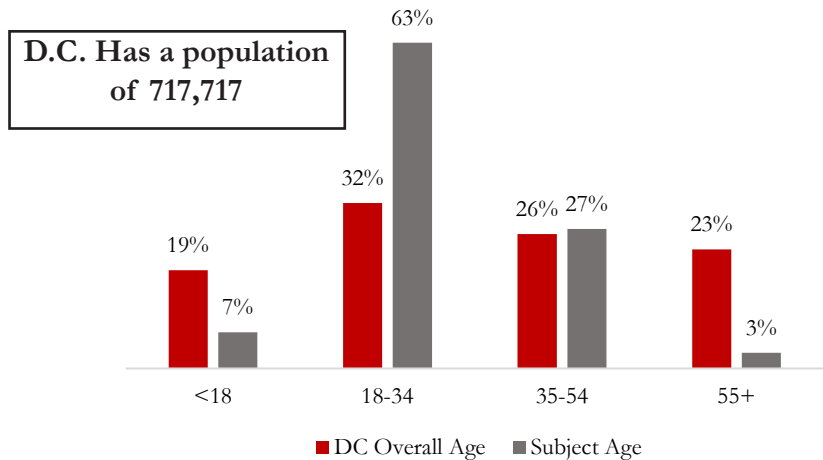
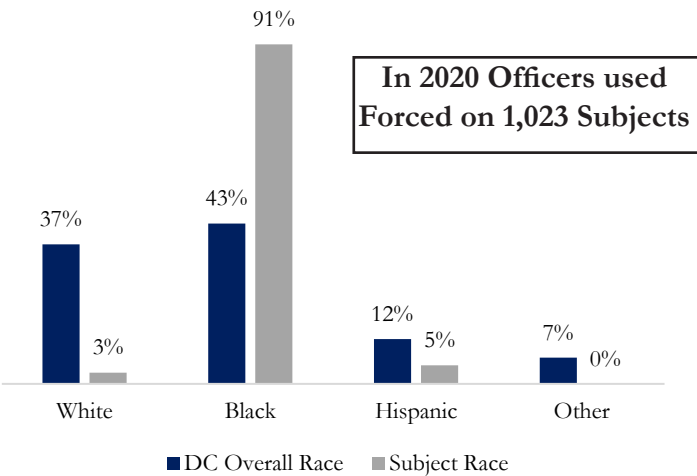
The most frequent officer-subject pairings were White officers using force on Black subjects, which accounted for 38% of the total reported officer-subject pairings in 2020. Similarly, Black officers using force on Black subjects accounted for 37% of reported officer-subject pairings in 2020, while Hispanic or officers of Other races and ethnicities using force against Black subjects accounted for 14% of reported officer-subject pairings in 2020.

White officers used force against White subjects in 5% of reported officer-subject pairings in 2020 and Black officers used force against White subjects in 3% of reported officer-subject pairings in 2020. Hispanic or Other officers used force against White subjects in 1% of reported officer-subject pairings in 2020 and Hispanic or officers of Other races and ethnicities used force against Hispanic or subjects of Other races and ethnicities in 1% of reported officer-subject pairings in 2020. Remaining percentages are White and Black officers using force against Hispanic and subjects of Other races and ethnicities.

46: The number of 2020 MPD sworn officers is based on the December 2020 reports OPC received from MPD

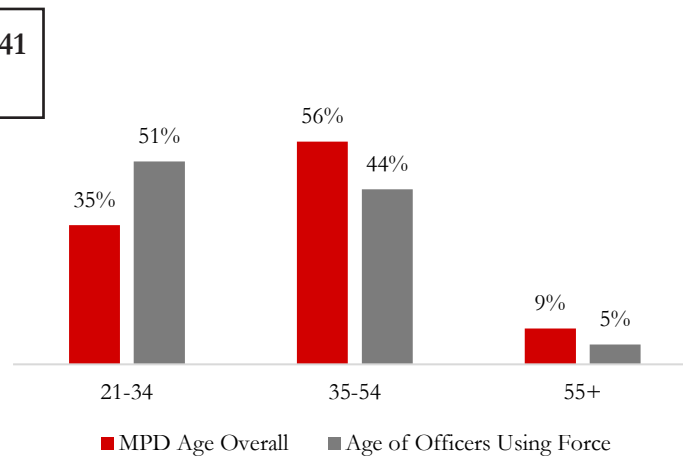
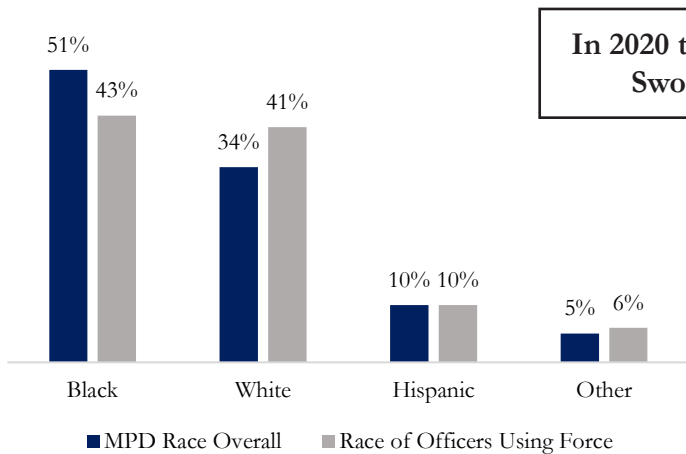
47: D.C. demographics from <https://www.dchealthmatters.org/demographicdata>

# 2020 Officer and Subject Demographics

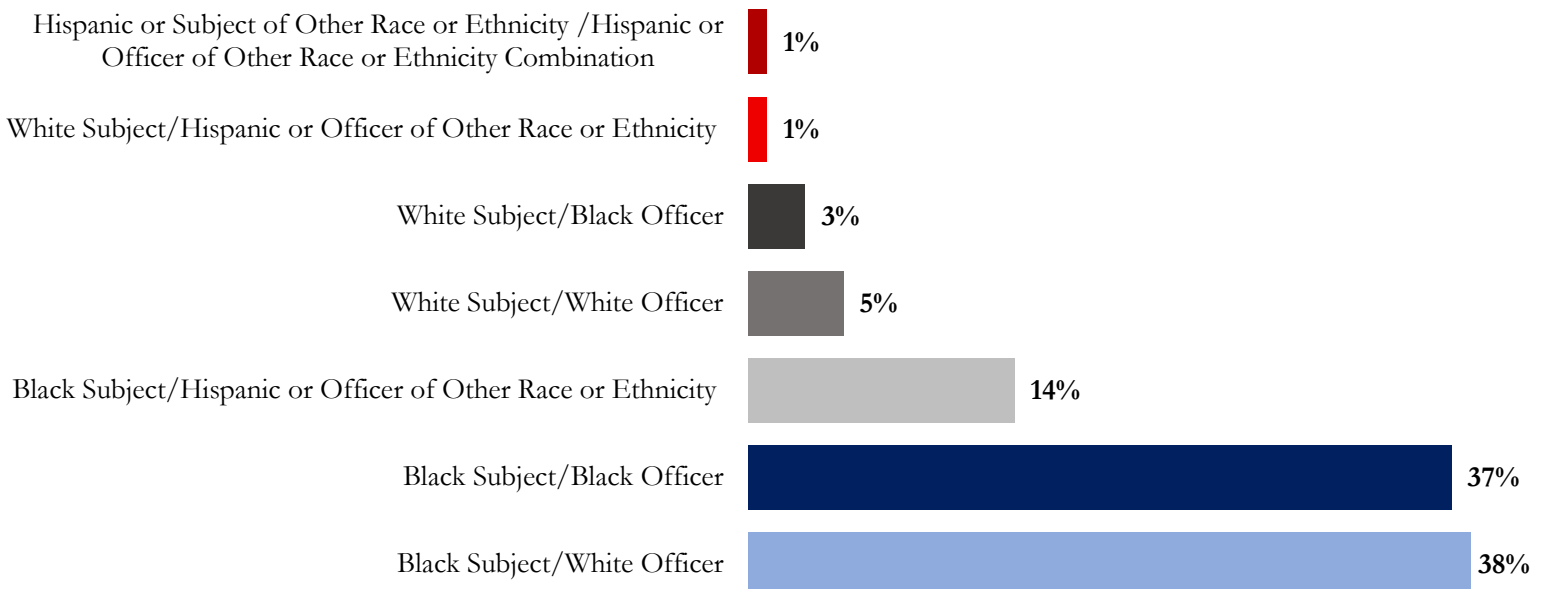


Complainant Gender	DC Gender Overall
87% Men	48% Men
13% Women	52% Women

Gender of Officers Using Force	MPD Gender Overall
88% Men	77% Men
12% Women	23% Women



## Subject and Officer Demographic Pairings



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# CHARACTERISTICS OF OFFICERS AND SUBJECTS

## Ranks of Officers Using Force

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

MPD officers who reported using force were on average of lower ranks. Probationers and officers comprised of 72% of MPD's sworn personnel, but accounted for 89% of the officers who reported using force in 2020. Probationers increased from 1% of officers who reported using force in 2013 to 14% in 2019. In 2020 probationers accounted for 11% of all officers who reported using force, which is a 3% decrease from 2019. The number of officers who reported using force has remained between 75% and 80% since 2013. In 2020 the number of officers who reported using force was 78%. Sergeants accounted for 8% of officers who reported using force in 2020, which is the same as 2019. Master Patrol Officers, Detectives, and Lieutenants each accounted for 1% of officers who reported using force in 2020.<sup>48</sup> Compared to 2019, there were fewer probationers who used force and more officers who used force in 2020. Please see the table on page 26 for more information.

## Years of Service and Age of Officers Using Force<sup>49</sup>

Officers who reported using force in 2020 were also on average younger and had fewer years of experience at MPD compared to the average age and years of service of officers for the districts to which they were assigned. Officers aged 28 had the highest amount of uses of force (67) out of all ages. The median age of officers who used force in each district was 34, with a minimum age of 21 and a maximum age of 63. In regard to years of service, officers with 2 years of experience reported the highest number of uses of force (130). The median years of service per district was 6 years with a minimum of 0 and a maximum of 38.

## Subjects Impaired or Assaulting Officers

MPD officers record when subjects commit an assault on a police officer (APO). They also record when subjects are under the influence of drugs or alcohol, or are exhibiting signs of mental illness.<sup>50</sup>

Officers reported that subjects assaulted officers in 233 use of force incidents, 25% of the total use of force incidents in 2020, a 32% decrease from the 344 incidents with subject assaulting officers in 2019. Officers also reported that subjects appeared to be under the influence of drugs or alcohol or appeared to be exhibiting signs of mental illness in 243 incidents, 26% of the total use of force incidents in 2020. This is an 8% increase from the 226 use of incidents with subjects appearing to be under the influence of drugs or alcohol or exhibiting signs of mental illness in 2019.

In 79 of the 233 incidents where officers were assaulted by a subject (34% or 8% of all incidents) officers reported an APO by subjects who appeared to be under the influence of drugs or alcohol or who appeared to be exhibiting signs of mental illness.<sup>51</sup>

When officers encountered subjects they believed were under the influence of drugs or alcohol or exhibiting signs of mental illness, officers used hand controls and tactical takedowns, the two lowest levels of force, in 71% of incidents in 2020. Other types of force used in 2020 were pointing firearms, fist/knee strikes, OC spray, ASP strikes, and Tasers/ECDs/firearm discharge in 13%, 7%, 5%, 3%, and 1% of incidents, respectively. There was an 11% increase in the usage of hand controls and takedowns, while there was also an 11% increase in the usage of pointing firearms at subjects who are impaired or experiencing mental health crisis from 2019.

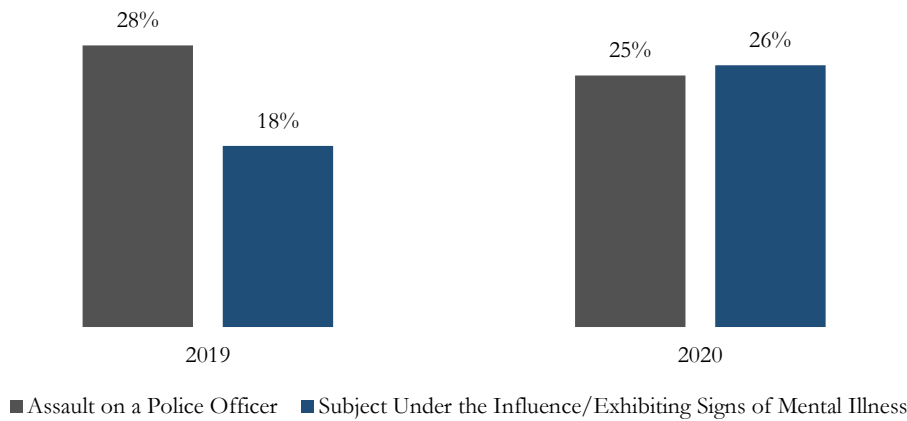
48: Please see the table on page 26 regarding the ranks of officers using force

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

50: This section reports on 934 incidents because 34 incidents are still open and OPC does not receive the information regarding the subjects' impairment until the case is closed

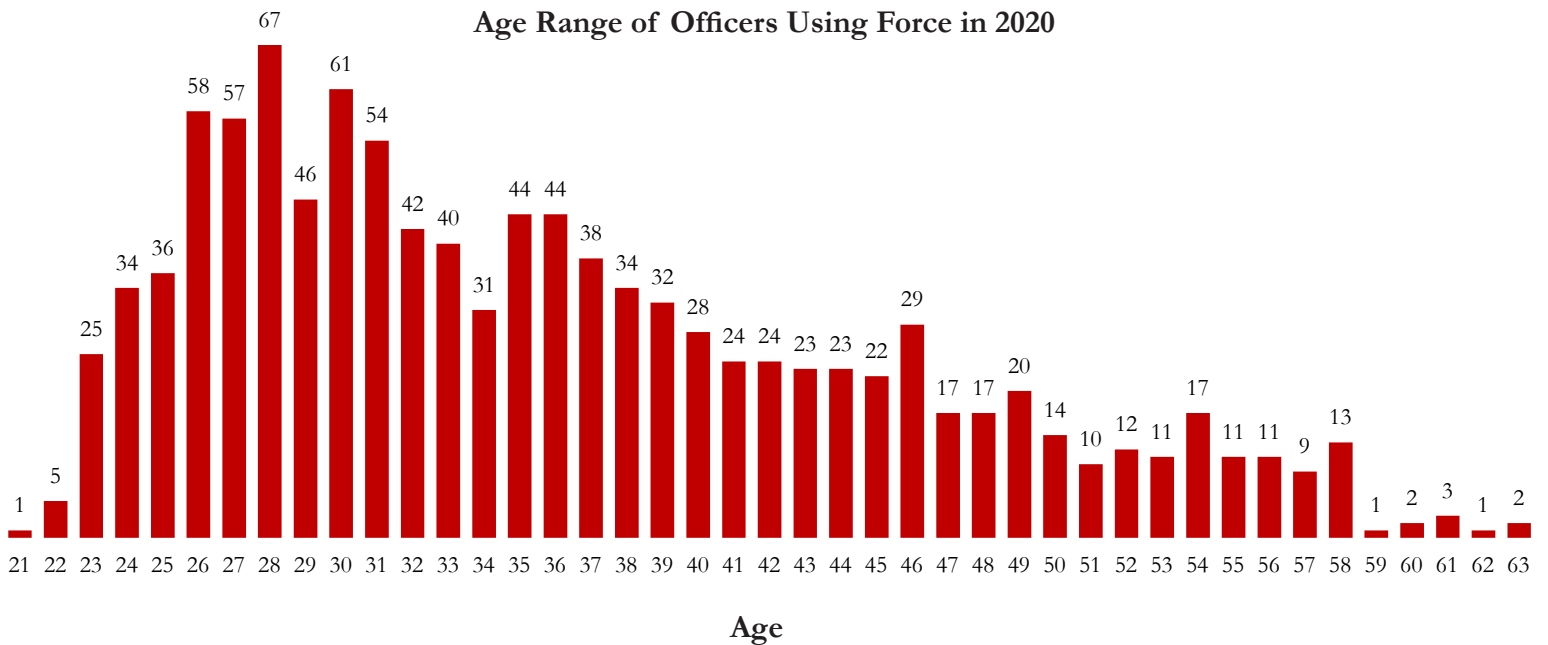
51: In 2019 MPD made it mandatory for officers to report on the subjects' possible impairment, which may explain the increase in the number of subjects who were reported as impaired

# Subject Behavior and Officer Characteristics



- Among the subjects impaired:
- 64% were under the influence of drugs or alcohol
  - 24% were experiencing a mental health crisis
  - 12% were under the influence and experiencing a mental health crisis

### Age Range of Officers Using Force in 2020



### Officer Years of Service in 2020



# USE OF FORCE BY DISTRICT

## Overview

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

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

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

The Second District regularly has the lowest proportion of reported use of force incidents, with 6% to 8% per year, followed by the Fourth District, with 10% to 12% per year. The Second District covers the northwest section of the city, including neighborhoods such as Chevy Chase, Cleveland Park, Georgetown, and Foggy Bottom. The Fourth District covers the upper northwest portion of the District, including the Fort Totten, Takoma, and Petworth neighborhoods.

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

MPD further divides the seven districts into 57 Police Service Areas (PSAs), to which officers are assigned. The five PSAs with the most reported uses of force accounted for 22% of all uses of force in 2020 – more than one out of every five uses of force. This percentage is higher than the 12% of uses of force that occurred in the five PSAs with the most reported uses of force in 2019, which was also more than one of every eight uses of force.

The five PSAs with the most reported uses of force in 2020 were in the Fifth, Sixth, and Seventh Districts – PSAs 706, 602, 704, 506, and 507. Out of these five PSAs, 506 was also among the five PSAs with the most reported uses of force in 2019.

**PSA 507: 43 use of force incidents**

**PSA 602: 40 use of force incidents**

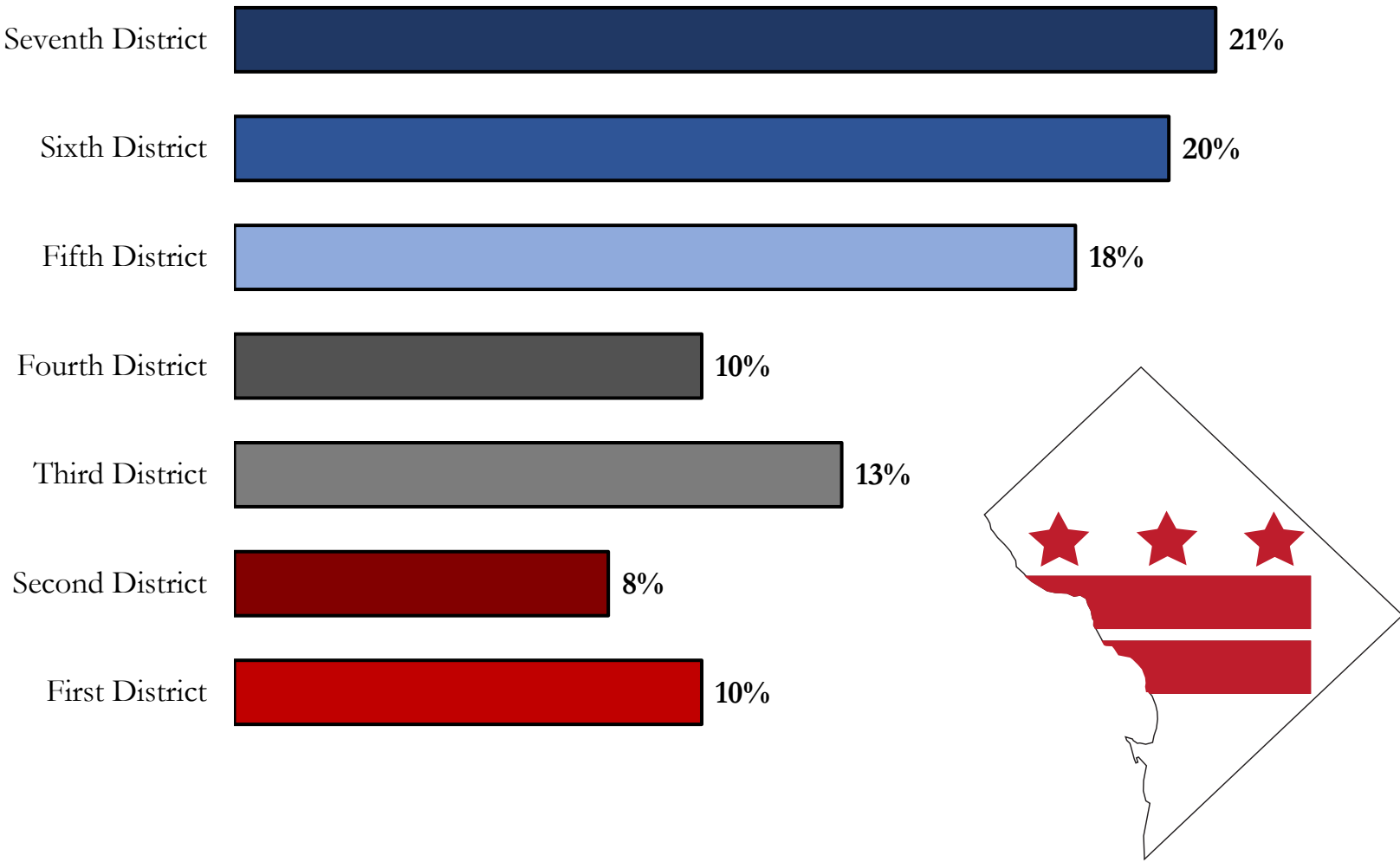
**Sixth District: 191 use of force incidents**

**Seventh District: 198 use of force incidents**

## Use of Force Incidents by District

	District 1	District 2	District 3	District 4	District 5	District 6	District 7
2017	14%	7%	13%	10%	20%	16%	20%
2018	11%	6%	12%	11%	20%	19%	20%
2019	10%	8%	16%	12%	18%	17%	20%
2020	10%	8%	13%	10%	18%	20%	21%

# Where 2020 Use of Force Incidents Occurred



## Rank of Officers who Reported Using Force

Rank	2017	2018	2019	2020
Probationer	10%	13%	14%	11%
Officer	80%	77%	75%	78%
Master Patrol Officer	1%	1%	1%	1%
Detective	1%	1%	1%	1%
Sergeant	7%	6%	8%	8%
Lieutenant	1%	1%	1%	1%



# SERIOUS USE OF FORCE INCIDENTS

## Use of Force Review Board

MPD maintains a Use of Force Review Board (UFRB), which has existed in its current form since 1999. The purpose of the UFRB is to review all use of force investigations conducted by the Internal Affairs Division (IAD);<sup>52</sup> all firearm discharges at subjects, including animals; all vehicle pursuits resulting in a fatality; and any other chain of command investigations forwarded to the UFRB by the assistant chief or the Internal Affairs Bureau (IAB).<sup>53</sup> General Order RAR-901-09, which established the UFRB, mandates that the UFRB review certain types of force and vehicular pursuits, as described above.

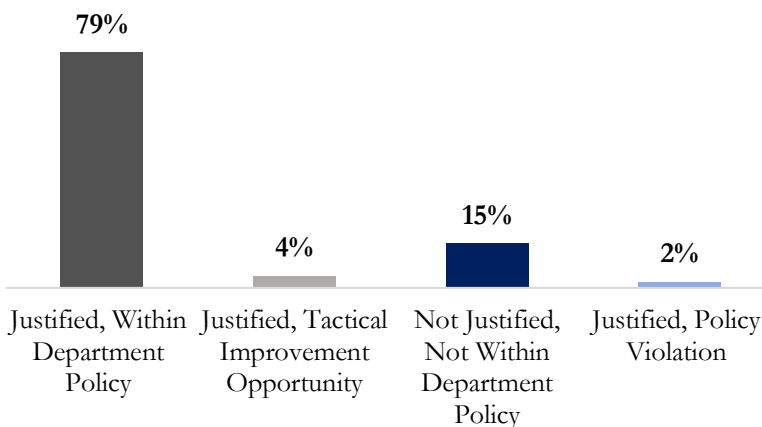
Originally, MPD’s UFRB General Order required that the UFRB be composed of seven MPD officials – including an assistant chief, five commanding officials of various departments, and one commander or inspector – and two non-MPD members: OPC’s executive director, and one member from the Fraternal Order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

In July 2020, the D.C. Counsel passed emergency legislation that changed the composition of the board and the length of service for certain members. The

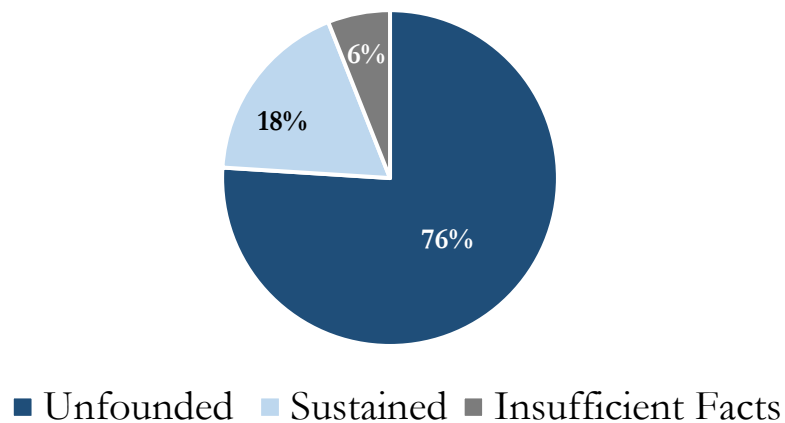
UFRB will now have 13 voting members. The new voting members will include three civilian members appointed by the Mayor: 1) One who has personally experienced use of force by law enforcement; 2) One who is a member of the D.C. Bar and is in good standing; and 3) One D.C. community member who is a resident. There will also be two additional civilian members who will be appointed by the council: 1) One member will have subject matter expertise in criminal justice policy; and 2) One member will have subject matter expertise in law enforcement oversight and the use of force. These 5 civilian members also must not have any current or previous affiliation to law enforcement. The last additional voting member will be the Executive Director of the Office of Police Complaints.<sup>54</sup> The Mayor also has the discretion to include non-voting members to the board.<sup>55</sup>

The UFRB categorizes its reviews into different types of cases. These include serious uses of force, allegations of excessive force, vehicle pursuits, electronic control device (ECD) deployment, and neck restraints, among others. It also categorizes some instances as policy violations. The UFRB considers any violation of MPD’s directives as a policy violation.

2020 UFRB Use of Force Determinations



2020 UFRB Excessive Force Determinations



52: The IAD is a sub-unit of the IAB, and is responsible for handling complaints against MPD personnel and investigating lethal and nonlethal uses of force. The IAB also contains the Court Liaison Division and the Equal Employment Opportunity Investigations Division. For more information see: <https://mpdc.dc.gov/iab>

53: Metropolitan Police Department General Order RAR-901-09: “Use of Force Review Board.” Metropolitan Police Department; 30 March 2016. Available: [https://go.mpdconline.com/GO/GO\\_901\\_09.pdf](https://go.mpdconline.com/GO/GO_901_09.pdf)

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

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



# SERIOUS USE OF FORCE INCIDENTS

In reviewing use of force investigations, the UFRB has five primary considerations of whether the use of force was:

1) justified; 2) not justified; 3) compliant with department policy; 4) not compliant with department policy; or 5) a tactical improvement opportunity. Most excessive force investigations are initiated by officers' supervisors, though some are initiated by a complaint. For allegations of excessive force or other misconduct, the UFRB determines whether the allegations are unfounded, sustained, exonerated, or whether there were insufficient facts to make a determination. For vehicle pursuits, the UFRB determines whether the pursuit was justified or not justified. The definitions for Use of Force and Excessive Use of Force disposition types are listed on page 28.

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

The UFRB convened 26 times and issued 380 determinations in 2020; compared to 28 meetings issuing 254 determinations in 2019, a 50% increase in determinations.

The 380 determinations in 2020 involved a total of 189 different officers. Of the 380 determinations:

- 299 (79%) were regarding uses of force;
- 34 (9%) were regarding allegations of excessive force; and
- 47 (12%) were for policy violations, 44 of which were sustained.

Seventy-nine percent of the 299 use of force determinations in 2020 were considered Justified, Within Department Policy, while 4% were considered Justified, Tactical Improvement Opportunity. The UFRB determined that officers' actions in 46 of the 299 uses of force (15%) in 2020 were Not Justified, Not Within Department Policy. There were also four UFRB determinations of Justified, Policy Violation and two determinations of Unfounded.

Six of the 34 excessive force determinations (18%) in 2020 were Sustained, while twenty-six (76%) were considered Unfounded, and 2 (6%) were considered to have insufficient facts.

The UFRB concurred with the recommendations of the IAD investigator in 90% of the 380 determinations in 2020. In 8% of cases, the UFRB did not concur with the IAD's recommendations. The other 2% of allegations were not proposed by the IAD investigator but added by the UFRB.

## Use of Force Determinations

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

## Excessive Force and Other Misconduct Determinations

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

# OFFICER-INVOLVED FIREARM DISCHARGES

## Overview

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

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

In 2020, 24 MPD officers intentionally discharged their firearms in 12 incidents – nine incidents at people and three incidents at animals. The number of officer-involved firearm discharge incidents at people decreased from fifteen in 2015 to three in 2018. The number of incidents increased to eight in 2019 and then to nine in 2020.

Out of all the nine reported officer firearm discharge incidents<sup>56</sup> at people in 2020, three took place in the Sixth District, three took place in the Seventh District, one took place in the First District, one took place in the Fourth District, and one took place in Virginia. All the firearm discharges at people happened outdoors. Eight of the subjects fired at were Black males and one subject fired at was a White male.

## Fatal Officer-Involved Firearm Discharges

The nine incidents in which officers discharged their firearms at nine people in 2020 involved 21 officers in total

Officer-Involved Shooting Statistics



56: This report will not release the names of officers involved in shooting incidents. While D.C. Act 23-336, requires the Mayor to “publicly release the names and body-worn camera recordings of all officers who committed the officer-involved death or serious use of force,” this power and responsibility is vested specifically with the Mayor, not OPC. Further, this section of D.C. Act 23-336 is currently involved in pending litigation, see [https://www.washingtonpost.com/local/public-safety/dc-judge-denies-police-union-request-to-block-districts-decision-to-make-public-body-camera-footage-identity-of-officers-who-use-serious-force/2020/08/13/b5bbec14-dd8c-11ea-809e-b8be57ba616e\\_story.html](https://www.washingtonpost.com/local/public-safety/dc-judge-denies-police-union-request-to-block-districts-decision-to-make-public-body-camera-footage-identity-of-officers-who-use-serious-force/2020/08/13/b5bbec14-dd8c-11ea-809e-b8be57ba616e_story.html)

# OFFICER-INVOLVED FIREARM DISCHARGES

discharging their firearms. Two of the subjects at whom officers discharged their firearms in 2020 were fatally injured. These subjects reportedly pointed their handgun at officers. Between 2014 and 2018, MPD officer-involved firearm discharges resulted in two to four reported fatalities each year. 2019 was the year with the lowest subject fatality caused by MPD officer firearm discharges since 2014.

## Non-Fatal Officer-Involved Firearm Discharges

MPD officers discharged their firearms and caused subjects' non-fatal injuries in four incidents in 2020. In all four of the incidents, the subjects discharged their firearms. MPD officers discharged their firearms and missed the subjects in three intentional firearm discharge incidents in 2020. Between three and five people were non-fatally injured in officer-involved firearm discharge incidents per year from 2014 to 2017. In 2018, there were no non-fatal officer-involved firearm discharges; all firearm discharges by officers were either fatal or missed the subject. In 2019 MPD officers discharged their firearms and caused subjects non-fatal injuries in four incidents.

## Negligent Firearm Discharges

Officers negligently discharged firearms in six incidents in 2020.

- On January 3, 2020, an MPD property technician conducted an inventory of firearms located at the Evidence Control Division at 17 DC Village Lane SW. The technician examined a firearm and believed that it was not real. He pulled the trigger and it discharged. No one was injured because of the firearm discharge.
- On March 3, 2020, at approximately 1600 hours, an MPD officer was at the Sixth Police District when he pulled his patrol rifle from its rifle bag, a cell phone charge cable became entangled in the trigger causing the rifle to discharge. No one was injured as a result of the discharge.
- On June 18, 2020, an MPD member was involved in the execution of a search warrant on the 3300 block of Dubois Place SE. The officer was attempting to open a door on the premises while carrying his MPD issued weapon when it discharged. No injuries were reported by any persons as a result of the discharge.

## 2020 Officer-Involved Firearm Discharges at Human Subjects

Type	District	# Officers	Officer Injuries	Subject Gender	Subject Race	Threat
Injury	4D	11	None	Male	Black	Discharged weapon at officer
Injury	1D	2	None	Male	Black	Discharged weapon at officer
Injury	6D	2	None	Male	Black	Discharged weapon at officer
Missed	7D	1	None	Male	Black	Discharged weapon at officer
Missed	6D	1	None	Male	Black	Possession of gun
Fatal	Virginia	1	None	Male	White	Pointed gun
Missed	7D	1	None	Male	Black	Pointed gun
Fatal	7D	1	None	Male	Black	Pointed gun
Injury	6D	1	None	Male	Black	Discharged weapon at officer

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## OFFICER-INVOLVED FIREARM DISCHARGES

- On September 12, 2020, an MPD investigator was in the detective's office of the Seventh District when she reached for her handcuffs which were adjacent to her department issued firearm. The weapon discharged. No persons were injured as a result of the discharge.
- On October 19, 2020, an off-duty MPD officer was jogging on a trail located at 4400 Shell Street Capital, Heights, MD. The officer was carrying his authorized off-duty weapon. While the officer was jogging, the weapon began to dislodge from the holster. The officer attempted to adjust the weapon and accidentally discharged it, striking himself in the leg. The officer was taken to an area hospital for medical treatment.
- On November 4, 2020, a uniformed member assigned to the Metropolitan Police Academy was attempting to disassemble an MPD firearm, but he failed to ensure the firearm was not loaded. He pulled the trigger and the firearm discharged. No persons were injured as a result of the discharge.

### Officer-Involved Firearm Discharges at Animals

Officers discharged firearms at three dogs in three incidents in 2020. In calendar years 2012 through 2020, MPD reported that officers discharged their weapons at animals in 3 to 18 incidents per year.

### Subject Behavior in Officer-Involved Firearm Discharges

MPD officers report the level of subject behavior in five categories: cooperative/compliant; passive resistance; active resistance; assaultive; and threatening serious injury or death (see page 14 for definitions and further description of these categories).

MPD officers discharged their service weapons at human or animal subjects in 12 incidents in 2020. OPC

received FIRs for seven of these 12 incidents. Of these PDFs, four documented officer-involved firearm discharges at human subjects, and three involved dogs. In the three of the four incidents of firearm discharges at people, the officers reported that the subjects were threatening serious injury or death. In one of the incidents the subject was reported as assaultive.<sup>57</sup> In each officer-involved firearm discharge at an animal, the dog was reported as threatening serious injury or death.

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

The following are brief summaries of the eight reported incidents of officers' intentional firearm discharges at ten people in 2019.

- On March 15, 2019, two officers responded to a report of an armed carjacking at the 1200 block of Mt. Olivet Road NE. The driver of the carjacked vehicle reportedly struck one officer and the other officer discharged one round, missing the subject. The alleged carjacked vehicle fled the scene. The UFRB concurred with IAD's recommendation that the firearm discharge was *Not Justified, Not Within Department Policy*.
- On April 21, 2019, an officer discharged their firearm at two subjects who were reportedly attempting to steal the wheels of the officer's privately owned vehicle parked in front of the officer's residence in Northeast DC. The officer was off-duty and was not wearing police uniform. The two subjects were reportedly not complying with the officer's order to show their hands and one of the subjects was perceived by the officer to have allegedly reached for a firearm. The officer discharged seven rounds with none striking the subjects. The UFRB concurred with IAD's recommendation that the firearm discharges were *Not Justified, Not Within Department Policy*.
- On June 23, 2019, officers conducted a traffic stop at the 500 block of Alabama Avenue SE and reportedly recovered a firearm magazine from the driver. The

57: In this incident the officer discharging their firearm would be considered a disproportionate response to the subject's level of resistance. See the table on page 15

58: The summaries are based on UFIRs, UFRB hearing Decision Action Sheets and the MPD shooting lists of 2018 and 2019 received on 10 February 2020, 6 April 2020, and 8 April 2020. The updated information is from all 2020 UFRB decisions provided by the Executive Director of OPC in February 2021



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## OFFICER-INVOLVED FIREARM DISCHARGES

driver was reportedly trying to reach toward their waistband in an attempt to retrieve a potential firearm. One of the officers discharged five rounds and struck the driver's shoulder. The driver fled the scene in the vehicle. The UFRB concurred with IAD's recommendation that the firearm discharges were *Not Justified, Not Within Department Policy*.

- On September 12, 2019, officers reportedly responded to a report of gun shots at the 400 block of 51st Street SE. The subject was naked and was discharging their handgun. The officers discharged their firearms at the subject and struck the subject multiple times injuring them. The subject was transported to a hospital and admitted. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.
- On September 16, 2019, a subject discharged their handgun at officers at the 2200 block of Savannah Terrace SE. The officers discharged their firearms in return, fatally injuring the subject. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*, and *Justified, Tactical Improvement Opportunity*
- On September 18, 2019, a subject reportedly discharged their handgun at an officer while being pursued by that officer at the 1600 block of Morris Road SE. The officer returned fire but missed the subject. The subject fled and was not apprehended. This case was still under investigation as of February 2021.
- On November 8, 2019, an officer reportedly observed two subjects pointing firearms at a victim at the 300 block of Anacostia Road SE. The officer discharged their firearm multiple times, striking both the subjects. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.
- On December 29, 2019, a subject reportedly disregarded officers' commands to drop his/her

firearm and surrender at the 100 block of 26th Street NE. The officers and subject discharged their firearms at each other and, the subject was non-fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.

### 2020 Summary of Officer-Involved Firearm Discharge Incidents<sup>59</sup>

- On February 13, 2020, officers reportedly responded to the sounds of gunshots at the 4200 block of 7th Street NW. A subject brandished a firearm and an officer discharged their firearm at the subject but missed. The subject subsequently fled and officers then discharged their weapons at the subject, who was non-fatally injured. This case was still under investigation as of February 2021.
- On February 13, 2020, officers reportedly responded to a shooting at the 700 block of 8th Street NW. At the scene the subject discharged their weapon at an officer and then fled. An officer responded by discharging their firearm at the fleeing subject. The subject was non-fatally injured in this incident. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.
- On May 18, 2020, at the 3800 block of Alabama Avenue SE officers were reportedly in pursuit of a subject who had just committed motor vehicle theft. During the pursuit the subject discharged their firearm at officers. Officers then returned fire while the subject fled and broke into a house, holding the occupants of the house at gunpoint. The subject then fled again, and an officer discharged their firearm at the subject, who was non-fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.
- On May 31, 2020, officers reportedly responded to the sound of gunshots at the 4400 block of Livingston Street SE. The subject was fleeing

59: These summaries are based on the summaries that are presented to the UFRB members

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## OFFICER-INVOLVED FIREARM DISCHARGES

the scene and simultaneously discharged their firearm at an officer. The officer then discharged their firearm in response. The subject was apprehended and was not injured due to gunshots. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.

- On June 29, 2020, at the 5210 Block of E Street SE officers reportedly responded to a call for service for a man with a gun. The officers encountered the suspect and one officer discharged their firearm at the suspect but did not strike them. The suspect was then apprehended. This case was still under investigation as of February 2021.
- On July 10, 2020, an off duty MPD sergeant was in his home in Virginia and went outside to investigate a commotion outside of his residence. He grabbed his firearm and confronted a suspect who began to point their firearm at the off-duty officer. The off-duty officer then discharged his firearm and struck the subject, who was fatally injured. The UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Department Policy*.
- On September 1, 2020, officers responded to a call for shots fired in the 1500 block of Alabama Avenue SE. When the officers located the suspect, the suspect pointed their firearm at officers. One officer discharged their firearm at the suspect, who was not hit. The suspect was then apprehended. This case was still under investigation as of February 2021.
- On September 2, 2020, MPD officers located a vehicle in the 200 block of Orange Street SE that was occupied by several suspects. A suspect in the vehicle then pointed their firearm at the officers. One officer discharged their firearm and struck the suspect, who was fatally injured. This case was still under investigation as of February 2021.
- On September 18, 2020, an off-duty detective was in the 4200 block of Minnesota Avenue NE. When the detective exited their vehicle, a subject approached the vehicle with the intent of committing motor vehicle theft. The detective retrieved his MPD issued firearm and discharged it at the suspect, who was non-fatally injured. This case was still under investigation as of February 2021.

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# NECK RESTRAINTS

## UFRB Determinations- Neck Restraints<sup>60</sup>

General Order 901.07 states that “Members shall not employ any form of neck restraint except when an imminent threat of death or serious physical injury exists, and no other option is available.”<sup>61</sup> In July 2020, Executive Order 20-044 redefined neck restraints as “the use of any body part or object to attempt to control or disable a person by applying pressure against the person’s neck, including the trachea or carotid artery, with the purpose, intent, or effect of controlling or restricting the person’s movement or restricting their blood flow or breathing.”<sup>62, 63</sup>

- In 2020, UFRB issued 18 determinations regarding 13 neck restraint incidents taking place in 2018, 2019, and 2020 respectively. In these 13 incidents there were 15 neck restraints used. Of these neck restraints, 13 out of the 15 were *Not Justified, Not Within Department Policy*. Two neck restraints were determined to be *Unfounded*. Three of the 18 determinations were for policy violations, all of which were *Sustained*.
- On July 13, 2018, an officer got into an altercation with a subject while ordering food at an establishment. Minutes later and outside, the subject threw an object at the officer, and the object hit the officer’s helmet. The officer then engaged with the subject and the officer placed their hand on the subject’s throat for 10 seconds. The subject was then arrested and taken into custody. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*. The UFRB *Sustained* this incident as a policy violation.
- On July 18, 2018, an officer notified an individual that they were barred from a specific establishment. After this, an argument ensued and the subject became aggressive with the officer. The subject approached the officer with their left hand in their left pants pocket and the officer believed he was going to be assaulted. The officer then pressed the subject against the wall with their left hand pressed against the front area of the subject’s neck. The subject struggled to breathe and eventually officers were able to place the subject in handcuffs. The UFRB found the uses of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On August 7, 2019, two individuals began an altercation on the 2200 block of Adams Place NE. Officers who initially responded arrested the subject and called for assistance. Once additional officers arrived, a further altercation ensued between the subject and an officer and the subject was taken to the emergency room for treatment. This altercation continued at the hospital and resulted in the officer placing the subject in a neck restraint. The subject remained handcuffed for the entirety of the event. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On September 11, 2019, officers reportedly responded to an ongoing altercation between two individuals. One subject became combative and one officer performed a solo takedown, but the subject was able to regain the advantage over the officer. Another officer placed his right hand on the front left jugular area of the subject’s neck for roughly 7 to 8 seconds. After this, the subject was compliant and was transported to Washington Hospital Center and was later released back to MPD custody. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On September 27, 2019, a subject was arrested for assault and was transported to the First District for processing. Once there, an altercation ensued between the subject and officers. At one point the subject became agitated and an officer proceeded to place his hand on the subject’s throat and performed a takedown with their hand still on the subject’s throat. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On September 25, 2019, officers responded to a report of a robbery near the 1600 block of C Street SE. A witness/victim on scene reported their bag was stolen. Canine units located the subject suspected of robbery in a shed on the 1500 block of C Street SE. The subject was arrested and transported to the First District station for processing. Once at the station the subject became agitated and broke away. An officer performed a solo

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

61: For more information please visit: [https://go.mpdonline.com/GO/GO\\_901\\_07.pdf](https://go.mpdonline.com/GO/GO_901_07.pdf)

62: Executive Order EO-20-044. Available: [https://go.mpdonline.com/GO/EO\\_20\\_044.pdf](https://go.mpdonline.com/GO/EO_20_044.pdf)

63: For more information on neck restraints please visit: <https://code.dccouncil.us/dc/council/code/sections/5-125.03.html>



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## NECK RESTRAINTS

takedown of the subject and placed the subject in a neck restraint. The allegation of the use of a neck restraint was determined to be *Unfounded*. The UFRB changed this determination from IAD's determination of *Not Justified, Not Within Department Policy*.

- On November 9, 2019, officers reportedly responded to a domestic assault near the 4200 block of 14th Street NW. Once on scene the subject became aggressive toward officers and attempted to assault one of the officers. The officers performed a takedown of the subject and while on the floor face down the subject became agitated. In response an officer placed their right hand on the subjects' neck to restrict movement. The officer then removed their hand and a second struggle ensued and eventually officers were able to handcuff the subject. The subject was transported to Washington Hospital Center and then released into police custody at the Fourth District. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On April 15, 2020, officers reportedly responded to a call for assistance at the 3300 block of 17th Street NW. The subject was shoplifting and became agitated with officers. Officers handcuffed the subject and the subject was still agitated and combative. An officer conducted a solo takedown, during which a knife fell out of the subject's pockets. The struggle continued and the subject attempted to spit at and bite the officer. The officer then placed his right hand on the front jugular area of the subject's neck, and their left hand on their forehead. Officers were able to take the subject into custody without further incident. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*.
- On March 25, 2020, officers reportedly responded to a subject stealing from cars. Officers located the subject and the subject fled from the area. An officer was able to approach the subject from behind and tackle the subject to the ground. Once on the ground, the officer grabbed the subject's neck and held on for approximately 8 seconds. The subject broke free and struggled while officers attempted to handcuff the subject. The officer then pressed their forearm against the front of the subject's neck for approximately 4 seconds. The subject complained of chest pain. Criminal charges were not filed against the subject and the subject was eventually released from police custody on scene. The UFRB found the uses of the neck restraints to be *Not Justified, Not Within Department Policy*.
- On May 24, 2020, an extremely intoxicated subject was arrested for Simple Assault and Threats to Kidnap or Injure a Person. The subject was taken to the Fourth District station and during processing the subject became agitated and a struggle ensued. The officer then grabbed the front of the subject's neck for approximately 3 seconds before letting go. The subject was not injured and did not want to file a complaint. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*. The UFRB also added a policy violation and this violation was *Sustained*.
- On June 22, 2020, Mayor Bowser ordered that the tent encampment be cleared from Black Lives Matter (BLM) plaza. During this time, a struggle ensued between the group of civilians and the police. An individual began taking the water bottles off several officers' mountain bikes. The subject then approached another officer and began to behave aggressively toward the officer. The officer conducted a takedown and the subject was placed in handcuffs without incident. The UFRB found the allegation of the use of a neck restraint to be *Unfounded*.
- On October 3, 2020, officers reported to the scene of an assault. Once on scene, the two subjects continued to fight as officers attempted to stop the struggle. A struggle ensued between an officer and a subject and the subject became agitated. The officer then placed their hand on the front neck of the subject for approximately 5 seconds. The subject was eventually transported to the hospital. The UFRB found the use of the neck restraint to be *Not Justified, Not Within Department Policy*. The policy violation was also *Sustained*.

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# ELECTRONIC CONTROL DEVICE (ECD) DEPLOYMENTS

## Overview

In 2020, the UFRB made 19 determinations regarding ECD deployments in 7 cases. The final determinations the UFRB made are listed below:

- Eight ECD deployments were determined *Justified, Within Department Policy*;
- Six were determined *Not Justified, Not Within Department Policy*;
- Three were determined *Sustained*;
- One was determined *Justified, Tactical Improvement Opportunity*; and
- One was determined *Justified, Policy Violation*

The UFRB disagreed with 5 out of the 19 recommendations by IAD and therefore changed the original decisions by IAD. These are listed below:

- Two were changed from *Justified, Policy Violation* to *Not Justified, Not Within Department Policy*
- Two were changed from *Justified, Tactical Improvement Opportunity* to *Justified, Within Department Policy*
- One was changed from *Justified, Policy Violation* to *Justified, Within Department Policy*

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# RECOMMENDATIONS

## Overview

In its FY17 and 2018 Use of Force Reports, OPC made eight and three recommendations, respectively, while expanding an FY17 recommendation in 2018, for MPD to improve its use of force policies, reporting, and data collection. The following is an overview of the progress MPD has made on the recommendations, from both OPC's and MPD's perspectives. OPC's review process included requests to MPD to determine the status of the recommendations. Therefore, the statuses of these recommendations are current as of the date this report was issued. OPC also considered its own observations and experiences in producing this 2020 Use of Force Report to determine the extent to which the recommendations had been implemented.

Only included in this report is the correspondence between OPC and MPD from 2019 and 2020. To find previous correspondence refer to the 2019 Use of Force Report<sup>64</sup>. Further, recommendations that have been fully implemented are not included in the updates. Refer to pages 45 and 46 for a table with a timeline of the recommendations and their implementation status.

## 2017 Recommendations Update<sup>65</sup>

Of the 8 recommendations OPC made in 2017<sup>66</sup>, MPD has:

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

### 1. MPD should create a single use of force General Order that combines all existing guidance into one document.

Status according to MPD as of May 2020

#### **AGREE IN PART, IN PROGRESS**

“We are in the process of combining our use of force and use of force investigations general orders as well as guidance on completing the force incident report (FIR) into one general order.”

#### **OPC Response:**

OPC considers this recommendation **not implemented**. OPC will review the revised General Order when it becomes available.

Status according to MPD as of February 2021

#### **IN PROGRESS**

“MPD is in the process of combining our general orders on use of force and use of force investigations into one general order that includes guidance on completing the force incident report (FIR).”

#### **OPC Response:**

OPC considers this recommendation **fully implemented**. Following the executive order “Force Incident Report” officers who use force are only required to complete a Force Incident Report (FIR). This is a single report that replaced the UFIR and the RIF.

64: For more detailed information on the recommendations and correspondence between MPD and OPC please see the 2019 Use of Force Report. Available: [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202019\\_FINAL.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202019_FINAL.pdf)

65: For more detailed information on the 2017 recommendations and correspondence between MPD and OPC please see the 2017 Use of Force Report. Available: <https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%2017%20Final.pdf>

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

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## RECOMMENDATIONS

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

Status according to MPD as of May 2020

#### AGREE, COMPLETE

“MPD implemented enhancements to PPMS in 2019 that allowed us to provide compiled force data electronically to the Office of Police Complaints (OPC), and we began providing that data to them at the end of the 2019.

#### **OPC Response:**

OPC considers this recommendation **partially implemented**. Based on MPD’s explanation, the use of force PPMS data MPD has provided to OPC in 2018 and 2019 in spreadsheets is based on MPD’s investigations regarding use of force incidents, not directly exported from the electronic version of UFIRs/RIFs. In February 2020, in addition to the PPMS data, MPD also provided the use of force data that was directly exported from UFIRs/RIFs in spreadsheet format. The spreadsheet contains the data of most of the fields on UFIRs/RIFs, which is a significant improvement from 2018. However, three issues, discussed below, need to be addressed before the implementation of this recommendation could be considered as fully completed.

- The Excel spreadsheet from MPD does not include the data of a few fields, including the number of subjects on whom force was used, whether the subject of force is unknown, and subject’s pre-existing condition.
- The data of at least 43 UFIRs/RIFs for the use of force incidents that MPD had finished investigations on were not included in the UFIR/RIF spreadsheet, and it is unclear why it is not included. If it is because PPMS could not export all the data, then the system should be fixed.
- There are inconsistencies between the UFIR/RIF data exported to the Excel spreadsheet and the data on the UFIR/RIF PDFs provided to OPC from MPD. There are 236 UFIRs/RIFs with data inconsistencies in the Specific Type of Force Used Field, representing 142 use of force incidents. While all the data inconsistencies in the Specific Type of Force Used field are for pre-July 2019 enhancement UFIRs/RIFs, considering the whole year of 2019, the data inconsistencies in this field remains an issue for 2019.

OPC will consider the recommendation fully implemented when (1) the spreadsheet containing the data directly exported from the electronic version of UFIRs/RIFs (FIRs as of 2020) includes all the fields on FIRs, (2) the spreadsheet containing the data directly exported from FIRs includes the data of all the FIRs of closed cases, and (3) the data of all the fields on the spreadsheet matches the data on FIRs.

Status according to MPD as of February 2021

#### AGREE, COMPLETE

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

#### **OPC Response:**

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

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## RECOMMENDATIONS

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

**Status according to MPD as of May 2020**

**AGREE, COMPLETE**

“Supervisors are required to conduct careful reviews of all reports they approve, including FIRs. MPD has also taken additional steps to ensure FIRs are complete by making certain fields on the form mandatory so they are not inadvertently skipped. Our Internal Affairs Division also reviews the forms to ensure they are complete upon receipt.”

**OPC Response:**

OPC considers this recommendation **partially implemented**. Making the majority of the fields on UFIRs/RIFs mandatory through the July 2019 PPMS enhancement significantly improved the issue of UFIRs/RIFs missing essential data, but the issue of data inaccuracy still exists. There were seven UFIRs/RIFs with no information regarding whether subjects had weapons; there were 6 UFIRs/RIFs where the subject was not reported to have a weapon, but a specific weapon was listed (i.e., firearm, blunt weapon, edge weapon, other weapon); and at least 89 force reports received by OPC (5%) were completed as UFIRs when, based on MPD’s own policies, they should have been completed as RIFs.

**Status according to MPD as of February 2021**

**AGREE, COMPLETE**

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

**OPC Response:**

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

**4. MPD should clarify the definition of contact controls and report contact controls on UFIRs (form 901-e).**

**Status according to MPD as of May 2020**

**AGREE IN PART, IN PROGRESS**

“We disagree with requiring a FIR for contact controls absent injury or complaint of pain. However, we will ensure that our updated policy clearly explains what types of force are included under contact controls.”

**OPC Response:**

OPC considers this recommendation **not implemented**. OPC has never recommended that MPD require the completion of UFIR/RIF and FIR for contact controls absent injury or complaint of pain. Instead, OPC recommended that MPD provide clear explanation regarding what type of force would be the exception for the requirement to complete UFIR. As FIR replaced UFIR and RIF in 2020, OPC will re-evaluate the implementation status of this recommendation when MPD’s updated policy is available for review.

**Status according to MPD as of February 2021**

**AGREE IN PART, IN PROGRESS**

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



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## RECOMMENDATIONS

### **OPC Response:**

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

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

**Status according to MPD as of May 2020**

#### **AGREE IN PART, COMPLETE**

“Our understanding is that the purpose of this recommendation is for OPC to have a data source for firearm discharges that includes information contained on the on-scene checklist (e.g., the number of rounds fired, the number of rounds that missed, and the number that took effect). However, information collected at the scene of the incident is preliminary in nature, and we have better sources for that data. Accordingly, MPD has discussed this issue with OPC, and we have agreed to provide data based on final investigations going forward.”

### **OPC Response:**

OPC considers this recommendation **partially implemented**. The spreadsheet containing MPD officers’ 2019 firearm discharge information indicates whether an officer hit or missed a subject for the incidents with completed MPD investigations. There are also no specific statistics reporting the number of rounds fired, hit, and missed by officers. For this recommendation to be considered fully implemented, OPC will need the specific numbers for, at the very least, the incidents involving completed MPD investigations.

**Status according to MPD as of February 2021**

#### **AGREE, COMPLETE**

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

### **OPC Response:**

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

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

**Status according to MPD as of May 2020**

#### **DISAGREE**

“MPD’s current policy governing the completion of UFIRs (now FIRs) was negotiated with and approved by the Department of Justice (DOJ), and has been MPD policy for almost fifteen years. Officers cannot be compelled to provide a statement until they receive a declination or are issued Reverse Garrity. For the majority of cases, we have a procedure for issuing Reverse Garrity when the force incident occurs so the FIR can be completed immediately. However,



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## RECOMMENDATIONS

in cases that are under review by the United States Attorney's Office (USAO), completion of the form may not occur until a declination is issued.”

**OPC Response:**

OPC considers this recommendation **not implemented**. OPC continues to recommend that MPD require officers to complete some type of report immediately following all uses of force.

**Status according to MPD as of February 2021**

**DISAGREE**

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

**OPC Response:**

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

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# RECOMMENDATIONS

## 2018 Recommendations Update<sup>67</sup>

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

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

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

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

#### Status according to MPD as of May 2020

##### AGREE IN PART, ONGOING

“MPD remains committed to providing our officers with the training, tools, and support necessary to limit the use of force and de-escalate situations whenever possible. MPD will continue to ensure use of force incidents are investigated thoroughly and impartially, and we will use our use of force data to analyze emerging trends. However, we must also recognize that officers will, when lawful and appropriate, be in situations where it is necessary to use the minimum amount of force necessary to effectively bring an incident or person under control. Additionally, looking at the raw number of use of force incidents, with no analysis of whether that force was justified provides an incomplete and misleading picture. We would encourage OPC to provide this additional context regarding use of force incidents in subsequent reports.”

#### OPC Response:

OPC considers this recommendation **not implemented**. While OPC considers the recommendation not implemented, it recognizes the much lower increase rate of use of force incidents. The number increased from 1,242 in 2018 to 1,246 in 2019, a less than 1% increase, compared to the 20% increase from 2017 to 2018. However, MPD states in their May 2020 response that they will “use our use of force data to analyze emerging trends (emphasis added).” OPC considers the independent nature of this report of MPD supplied data as a collaboration. As MPD has worked to implement our recommendations from our past reports, it is clear that MPD’s use of force data collection improvements support better trend analysis by OPC. We encourage MPD to continue not just analyzing their data but also the data analysis from this report as we believe they currently are doing so. When MPD completes the recommendations from our reports, OPC will have the information necessary to analyze the justification of force as MPD has requested of us.

#### Status according to MPD as of February 2021

##### IN PROGRESS

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

#### OPC Response:

OPC considers this recommendation **partially implemented**. Between 2015 and 2019 we saw an 84% increase in the

67: For more detailed information on the recommendations and correspondence between MPD and OPC please see the 2018 Use of Force Report. Available: [https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018\\_Final\\_1.pdf](https://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/UOF%20Report%202018_Final_1.pdf)

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## RECOMMENDATIONS

number of use of force incidents. Most of this increase occurred between 2015 and 2018. From 2018 to 2019 there was less than a 1% increase in use of force incidents. From 2019 to 2020 there was an 22% decrease in the number of use of force incidents. Regarding uses of force, there was a 106% increase between 2015 and 2018. Then between 2018 and 2019 there was a 14% decrease in uses of force, followed by a 19% decrease in uses of force between 2019 and 2020.

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

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# RECOMMENDATIONS

## 2020 Recommendations

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

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

MPD is the presiding police force over the nation's capital and therefore should strive to set an example for police departments across the nation. In Seattle, Black individuals comprised 30% of subjects against whom force was used despite the population of Black civilians in Seattle being 7%.<sup>68 69</sup> Similarly, in Chicago Black individuals comprised 74% of subjects against whom force<sup>70</sup> was used despite the population of Black civilians in Chicago being 30%.<sup>71</sup> In 2019 the New York City Police Department Black civilians made up 56%<sup>72</sup> of all uses of force subjects and the population of Black civilians in New York City was 24%.<sup>73</sup> These are all similar to D.C.'s overrepresentation of Black individuals in uses of force and illustrate a pattern in U.S. cities where Black civilians are disproportionately represented in police uses of force.

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

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

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

In addition, other police departments also consider pointing of firearms as a use of force. The Seattle Police Department considers an officer pointing their firearm as a level one use of force, which is "Force that causes transitory pain or the complaint of transitory pain."<sup>74</sup> Further, the Los Angeles Police Department also requires officers to report incidents when they pointed their firearm at a subject and they provide those numbers in their use of force report.<sup>75</sup> OPC believes that MPD has an opportunity to become a model agency and set an example of national best practices with respect to reportable uses of force by adopting the suggestions in this report.

68: Information regarding race of the subjects against whom Seattle police used force is available at: <https://data.seattle.gov/d/ppi5-g2bj/visualization>

69: Demographic data from Seattle is available at: <https://www.census.gov/quickfacts/seattlecitywashington>

70: Data available at: <https://home.chicagopolice.org/statistics-data/data-dashboards/use-of-force-dashboard/>

71: Chicago demographics available at: <https://www.census.gov/quickfacts/chicagocityillinois>

72: Data available at: <https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2019-2020-11-03.pdf>

73: New York demographic data available at: <https://www.census.gov/quickfacts/newyorkcitynewyork>

74: Information available at: <http://www.seattle.gov/police-manual/title-8---use-of-force/8050---use-of-force-definitions>

75: Information available at: [http://lapd-assets.lapdonline.org/assets/pdf/2019\\_uof\\_review.pdf](http://lapd-assets.lapdonline.org/assets/pdf/2019_uof_review.pdf)

## RECOMMENDATIONS

	Policy	Status as of 2018	Status as of 2019	Status as of 2020
<b>1</b>	MPD should create a single use of force General Order that combines all existing guidance into one document	Not Implemented	Not Implemented	Fully Implemented
<b>2</b>	MPD should eliminate the Reportable Incident Form (901-g)	Not Implemented	Fully Implemented	Fully Implemented
<b>3</b>	MPD should collect all use of force data electronically	Partially Implemented	Partially Implemented	Partially Implemented
<b>4</b>	MPD should increase the amount of information captured in the UFIR	Partially Implemented	Fully Implemented	Fully Implemented
<b>5</b>	MPD supervisors should carefully review all use of force reports prior to approving them for final submission	Partially Implemented	Partially Implemented	Fully Implemented
<b>5A</b>	New Recommendation: MPD should make essential fields of the UFIR/ RIF electronically mandatory	N/A	Fully Implemented	Fully Implemented
<b>6</b>	MPD should clarify the definition of contact controls and report contact controls on UFIRs (form 901-e)	Not Implemented	Not Implemented	Not Implemented

## RECOMMENDATIONS

	Policy	Status as of 2018	Status as of 2019	Status as of 2020
<b>7</b>	MPD should resume collection of data from firearm discharge incidents	Partially Implemented	Partially Implemented	Partially Implemented
<b>8</b>	MPD should require all officers to complete a UFIR immediately following a use of force incident	Not Implemented	Not Implemented	Not Implemented
<b>9</b>	MPD should correctly label fist strikes in PPMS	N/A	Fully Implemented	Fully Implemented
<b>10</b>	MPD should provide officers a training update reminding them that fist/knee strikes are not compliance techniques	N/A	Fully Implemented	Fully Implemented
<b>11</b>	MPD should reduce the upward trend of use of force incidents	N/A	Partially Implemented	Partially Implemented
<b>12</b>	Racial Disparity in Use of Force	N/	N/A	N/A
<b>13</b>	A Pointing of Firearm as Use of Force	N/A	N/A	N/A



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# APPENDICES

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**APPENDIX A: MPD REPORTABLE INCIDENT FORM**



# REPORTABLE INCIDENT FORM (RIF)



## A. REPORTING MEMBER

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

Supv. Ntfd Name	Supv. Ntfd Rank
-----------------	-----------------

On Scene Supv. Name	On Scene Supv. Rank
---------------------	---------------------

## B. EVENT INFORMATION

Incident Date	Incident Time	Date of Report	Time of Report
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CCN	District of Incident	PSA of Incident	Other Jurisdiction
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Street Address of Incident		
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Lighting Conditions	Ground Conditions
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## C. MEMBER'S INJURY

Member Injured or Complaint of Pain (If yes, Complete Member Injury Section)	
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Is Hospitalized?	
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**Body Injury:**

Observations	Complaints
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Photos Taken	Photos Stored at	If Other, specify location
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## D. SUBJECT INFORMATION

Total Number of persons and others that were used :

SUBJECT - 1			
Is Subject Unknown?		If yes, Age Range	
Name		Address	
DOB	Sex	Race/Ethnicity	SSN
Phone	Height	Weight	
SUBJECT'S ACTION & ACTIVITY			
Subject Activity		Other Subject Activity (if any)	
Subject Action			
FORCE INFORMATION (Used on Subject)			
Specific Type of Force used on Subject			
Type of Force used			FireArm Information
SUBJECT WEAPON INFORMATION			
Weapon	Firearm	Blunt Weapon	Edged Weapon
	Type:	Type:	Type:
	Firearm Recovered	Blunt Weapon Recovered	Edged Weapon Recovered
	Recovery Location	Recovery Location	Recovery Location
	Discharged		
Other Weapon	Other Weapon Type	Other Weapon Recovered	Other Weapon Recovery loc
SUBJECT INJURY			
Pre-Existing Injury/Condition (if any)			
<b>Subject Injured or Complaint of Pain (If Yes, complete subject injury section and PD-313)</b>			
Location of Injuries			
<b>Injuries:</b>			
Observations		Complaints	
Other Observations (if any)		Other Complaints (if any)	
Ambulance No	Medic No	Photos Taken	

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

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## APPENDIX B: HIERARCHY OF FORCE

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

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

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

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

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

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

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

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

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



## APPENDIX B: HIERARCHY OF FORCE

injury, but OC spray was more likely to induce pain. Similarly, of the types of force contained in level 4 of MPD's Use of Force Framework, Tasers/ECDs were ranked highest as their use was most likely to be associated with a subject's death.<sup>76,77</sup> ASP strikes were ranked next highest as they were the most likely to cause injury or serious injury, and fist or knee strikes were ranked next highest as they were less likely than ASP strikes to cause injury.

### MPD's Use of Force Framework:

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

### New Hierarchy

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

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

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

Level 1 of the new hierarchy contains all hand control techniques. These fall into levels 2 and 3 of MPD's Use of Force Framework. The other types of force in level 3 of MPD's Use of Force Framework make up levels 2 (takedown) and 4 (OC spray) of the new hierarchy. Between them is firearm pointed, which is not included in MPD's Use of Force Framework. The placement of firearm pointed on the new hierarchy was based on NYPD's ranking, where firearm pointed falls between "push to ground" and pepper spray.<sup>78</sup>

The types of force in level 4 of MPD's Use of Force Framework make up levels 4, 5, 6, and 7 of the new hierarchy.<sup>79,80</sup> Firearm discharges are considered the highest level of force on both hierarchies – level 5 of MPD's Use of Force Framework corresponds to level 8 of the new hierarchy.

76: "Reuters finds 1,005 deaths in U.S. involving Tasers, largest accounting to date." Reuters. 22 August 2017. Available: <https://www.reuters.com/article/us-axon-taser-toll/reuters-finds-1005-deaths-in-u-s-involving-tasers-largest-accounting-to-date-idUSKCN1B21AH>

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

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

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

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

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## APPENDIX B: HIERARCHY OF FORCE

In 2019, three new types of force were added to the new hierarchy by OPC, as the three types of force – ASP arm-extraction, shield, and canine bite(s) had been added to the answer choices for the Specific Type of Force Used field on UFIR.<sup>81</sup> ASP-arm extraction has been added to level 1 because it was considered a type of control holds. The use of a shield is considered as a defensive tactic based on MPD’s Use for Force Framework. While Defensive Tactics are level 4 in the Use of Force Framework, considering that the usage of a shield is unlikely to cause the type of injuries that are as serious as those caused by ASP strikes or canine bites, it has been added to level 5 of the hierarchy. Canine bite(s) has been added to level 6, considering the potential injury level it would cause the subjects of the bites. NYPD also categories both intentional strike with an object and canine bites at the same use of force level.<sup>82</sup>

81: As discussed on page 11, the three new types of force were added as new answer choices for the Specific Type of Force Used field on UFIR as part of MPD’s PPMS July 2019 enhancement

82: <https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf>





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