

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

FINDINGS OF FACT AND MERITS DETERMINATION

Complaint No.:	12-0090
Complainant:	COMPLAINANT
Subject Officer(s), Badge No., District:	SUBJECT OFFICER, Third District
Allegation 1:	Insulting, Demeaning, or Humiliating Language or Conduct
Complaint Examiner:	Ali Beydoun
Merits Determination Date:	October 15, 2013

Pursuant to D.C. Official Code § 5-1107(a), the Office of Police Complaints (OPC), formerly the Office of Citizen Complaint Review (OCCR), has the authority to adjudicate citizen complaints against members of the Metropolitan Police Department (MPD) that allege abuse or misuse of police powers by such members, as provided by that section. This complaint was timely filed in the proper form as required by § 5-1107, and the complaint has been referred to this Complaint Examiner to determine the merits of the complaint as provided by § 5-1111(e).

I. SUMMARY OF COMPLAINT ALLEGATIONS

COMPLAINANT filed a complaint with the Office of Police Complaints (OPC) on November 28, 2011. COMPLAINANT alleged that on November 23, 2011, SUBJECT OFFICER, Third District, used language or engaged in conduct towards him that was insulting, demeaning or humiliating by calling him a “drama queen.”¹

II. EVIDENTIARY HEARING

No evidentiary hearing was conducted regarding this complaint because, based on a review of OPC’s Report of Investigation, the objections submitted by SUBJECT OFFICER on September 6, 2013, and OPC’s response to the objections, the Complaint Examiner determined

¹ COMPLAINANT also alleged that SUBJECT OFFICER and two other officers, WITNESS OFFICER #1, Third District, and WITNESS OFFICER #2, Third District, harassed him when they stopped him and ordered him to step out of his vehicle without a lawful purpose. COMPLAINANT also alleged that SUBJECT OFFICER harassed him by “trash[ing]” his truck during the search of the vehicle. COMPLAINANT further alleged that SUBJECT OFFICER and WITNESS OFFICER #1 failed to provide identification when requested to do so by the complainant. Pursuant to D.C. Code § 5-1108 (1), on August 6, 2013, a member of the Police Complaints Board dismissed these allegations, concurring with the determination made by OPC’s executive director. Accordingly, only the language or conduct allegation for the improper name calling is at issue in this decision.

that the Report of Investigation presented no genuine issues of material fact in dispute that required a hearing. *See* D.C. Mun. Regs. tit. 6A, § 2116.3.

III. FINDINGS OF FACT

Based on a review of OPC's Report of Investigation, the objections submitted by SUBJECT OFFICER on September 6, 2013, and OPC's response to the objections, the Complaint Examiner finds the material facts regarding this complaint to be:

1. On November 23, 2011, COMPLAINANT was driving home in his car. After turning at the intersection at 2nd and W Streets, N.W., MPD officers in an unmarked police car activated its lights and siren and initiated a traffic stop of COMPLAINANT.
2. At the traffic stop, COMPLAINANT was told that the reason he was stopped was because he failed to properly stop at a stop sign. COMPLAINANT denied that he "ran a stop sign."
3. COMPLAINANT was asked to provide identification and was questioned by three MPD officers. Those officers are identified as SUBJECT OFFICER and two witness officers, WITNESS OFFICER #1 and WITNESS OFFICER #2.
4. During the traffic stop, COMPLAINANT stepped out of his car and continued to respond to the officers' questions.
5. COMPLAINANT was upset that he was being detained by the police officers and made verbal statements that he was concerned for his physical safety around the officers, including the assertion that the officers might be trying to "kill" him. COMPLAINANT repeatedly asked if he was safe.
6. During the traffic stop COMPLAINANT heard SUBJECT OFFICER call him a "drama queen."
7. WITNESS OFFICER #2 also heard SUBJECT OFFICER refer to COMPLAINANT as a "drama queen" while he was standing beside the officers.
8. In response to SUBJECT OFFICER'S calling him a "drama queen," COMPLAINANT asked SUBJECT OFFICER "did you just call me a queen, because I am not gay."
9. SUBJECT OFFICER explained that she called him a "drama queen" because he was being dramatic and that no one was trying to hurt him.
10. After about ten or twenty more minutes, the stop concluded and the officers left the scene.

IV. DISCUSSION

Pursuant to D.C. Official Code § 5-1107(a), “The Office [of Police Complaints] shall have the authority to receive and to . . . adjudicate a citizen complaint against a member or members of the MPD . . . that alleges abuse or misuse of police powers by such member or members.” Such allegations includes, among other things, use of language or conduct that is insulting, demeaning, or humiliating.

This case presents a single issue for determination. That is, whether SUBJECT OFFICER used language that was insulting, demeaning or humiliating to COMPLAINANT. As discussed below, the Complaint Examiner concludes that the subject officer violated D.C. Code § 5-1107(a) and MPD General Order 201.26 because she used language that was insulting, demeaning or humiliating towards the complainant.

According to MPD General Order 201.26, Part I, Section C, “All members of the department shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, remaining calm regardless of provocation to do otherwise Members shall refrain from harsh, violent, coarse, profane, sarcastic, or insolent language. Members shall not use terms or resort to name calling which might be interpreted as derogatory, disrespectful, or offensive to the dignity of any person.”

There does not appear to be any dispute that the term “drama queen” was used by SUBJECT OFFICER to refer to COMPLAINANT during the traffic stop. Both COMPLAINANT and WITNESS OFFICER #2 heard SUBJECT OFFICER using the term as a negative reference for the complainant. For this reason, the Complaint Examiner finds COMPLAINANT’S assertion that she used that insult as credible. SUBJECT OFFICER acknowledged using the words “drama queen” to refer to COMPLAINANT, although she claims that it was not intended for him to hear her use the term. SUBJECT OFFICER also admits to using the term because COMPLAINANT was being “dramatic” and, in her view, was overreacting to the traffic stop. SUBJECT OFFICER should have known that his physical proximity to the officers would put him within hearing range of the conversation between the two officers. She also should have foreseen his humiliation in hearing SUBJECT OFFICER refer to him as a “drama queen” to WITNESS OFFICER #2, even more so given that he was standing in front of them. Any reasonable person would have anticipated that in COMPLAINANT’S agitated state the demeaning use of the term “drama queen” would be taken offensively. The title she chose to refer to COMPLAINANT was unnecessary and lacked the professional tone and demeanor that is expected of the MPD and its officers. Moreover, name-calling is not a part of the orderly performance of an officer’s duties in conducting a traffic stop and even the subject officer’s colleague WITNESS OFFICER #2 agreed that SUBJECT OFFICER should have opted to use a more professional tone to deal with COMPLAINANT during the traffic stop.

For these reasons, the Complaint Examiner finds that SUBJECT OFFICER used words that are offensive and insulting towards COMPLAINANT. The title she chose to refer to COMPLAINANT was unnecessary and lacked the professional tone and demeanor that is expected of the MPD and its officers. MPD General Order 201.26 instructs members of the MPD to be courteous and orderly” and to “perform their duties quietly, remaining calm regardless of provocation to do otherwise.” It understandably may be difficult to remain calm when the subject of the traffic stop may be acting provocatively. However, law enforcement officers, because of their unique positions of authority, are held to a higher standard than the normal, ordinary citizen. This Complaint Examiner finds that SUBJECT OFFICER’S use of the title “drama queen” for COMPLAINANT during the traffic stop constitutes insulting, demeaning or humiliating language, in violation of D.C. Code § 5-1107(a) and MPD General Order 201.26.

V. SUMMARY OF MERITS DETERMINATION

SUBJECT OFFICER, Third District

Allegation 1: Insulting, Demeaning or Humiliating Language and Conduct	Sustained
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Submitted on October 15, 2013.

Ali Beydoun
Complaint Examiner