

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

**FINDINGS OF FACT AND MERITS DETERMINATION**

<b>Complaint No.:</b>	13-0190
<b>Complainant:</b>	COMPLAINANT
<b>Subject Officer, Badge No., District:</b>	SUBJECT OFFICER, Sixth District
<b>Allegation 1:</b>	Insulting, Demeaning, or Humiliating Language or Conduct
<b>Complaint Examiner:</b>	Arthur D. Sidney
<b>Merits Determination Date:</b>	April 7, 2015

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. 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 OPC on March 7, 2013, alleging that on February 10, 2013, SUBJECT OFFICER, Sixth District, used language or engaged in conduct toward her that was insulting, demeaning, or humiliating when he used profane language by telling her to “cut the bullshit” while she looked for her driver’s license and registration during a routine traffic stop.<sup>1</sup>

**II. EVIDENTIARY HEARING**

No evidentiary hearing was conducted regarding this complaint because, based on a review of OPC’s Report of Investigation, the Complaint Examiner determined 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.

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<sup>1</sup> COMPLAINANT also alleged that SUBJECT OFFICER harassed her by stopping her and issuing her a traffic citation for not coming to a complete stop at a stop sign. Pursuant to D.C. Code § 5-1108(1), on January 26, 2015, a member of the Police Complaints Board dismissed this allegation, concurring with the determination made by OPC’s executive director. Accordingly, only the profane language allegation is at issue in this determination.

### **III. FINDINGS OF FACT**

Based upon a review of OPC's Report of Investigation, the Complaint Examiner finds the material facts regarding this complaint to be:

1. On February 10, 2013, at approximately 12:30 a.m., COMPLAINANT was driving home with her twelve-year-old and six-year-old children, when MPD officers initiated a traffic stop of COMPLAINANT's vehicle. COMPLAINANT's twelve-year-old son, WITNESS #1, was sitting in the front seat of the vehicle; her six-year-old son was in the backseat.
2. SUBJECT OFFICER approached the driver side of the vehicle and asked COMPLAINANT for her driver's license and vehicle registration. While COMPLAINANT searched for her documentation, SUBJECT OFFICER asked whether she wanted to lose points on her driving record. COMPLAINANT responded that she did not. During the discussion, WITNESS OFFICER positioned himself at the front passenger side of the vehicle.
3. COMPLAINANT provided her registration and while she searched for her driver's license, she asked WITNESS #1 whether he knew where her driver's license was located. After hearing this, SUBJECT OFFICER told COMPLAINANT to "cut the bullshit." Both SUBJECT OFFICER and WITNESS OFFICER returned to their patrol car. SUBJECT OFFICER returned to COMPLAINANT's vehicle and issued her a citation for failure to stop at a "stop" sign.
4. On March 7, 2013, COMPLAINANT filed her complaint with OPC. Neither SUBJECT OFFICER nor WITNESS OFFICER turned in the citation and COMPLAINANT was never required to admit, deny, or pay for her citation because there was no record of the citation on the Department of Motor Vehicle's website.

### **IV. DISCUSSION**

Pursuant to D.C. 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...use of language or conduct that is insulting, demeaning, or humiliating."

According to MPD General Order 201.26, Part V, 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."

COMPLAINANT alleged that SUBJECT OFFICER used profanity when he told her to “cut the bullshit” while she searched for her driver’s license during a traffic stop.

COMPLAINANT, WITNESS #1, and SUBJECT OFFICER all agree that SUBJECT OFFICER used the word “bullshit” or “shit.” WITNESS #1 and COMPLAINANT agree that SUBJECT OFFICER either said “cut the bullshit” or “stop the bullshit” in response to COMPLAINANT’s search for her driver’s license and her asking WITNESS #1 whether he knew where the driver’s license was located. SUBJECT OFFICER stated that he told COMPLAINANT, “Don’t worry about that shit” when she was unable to locate her driver’s license.

MPD General Order 201.26, Part V, Section C, envisions that the MPD will be courteous and respectful in their dealings with the public and shall refrain from the use of offensive language. Use of profane language is inherently discourteous, offensive, disrespectful, and is expressly prohibited by the MPD General Order. See MPD General Order 201.26, Part V, Section C. Even if COMPLAINANT talked loudly and raised her voice during the conversation with SUBJECT OFFICER, MPD General Order requires that SUBJECT OFFICER refrain from the use of profane language. Id. SUBJECT OFFICER’s use of the word “shit” is profane and insulting and is even more insulting given that these words were overheard by a minor child. Accordingly, SUBJECT OFFICER violated D.C. Code § 5-1107(a) and MPD General Order 201.26 (Language or Conduct) because he used language that was insulting, demeaning, or humiliating.

## V. SUMMARY OF MERITS DETERMINATION

SUBJECT OFFICER, Sixth District

<b>Allegation 1: Language or Conduct</b>	Sustained
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Submitted on April 7, 2015.

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ARTHUR D. SIDNEY  
Complaint Examiner