

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

FINDINGS OF FACT AND MERITS DETERMINATION

Complaint No.:	16-0388
Complainant:	COMPLAINANT
Subject Officer(s), Badge No., District:	SUBJECT OFFICER
Allegation 1:	Failure to identify
Complaint Examiner:	Peter W. Tague
Merits Determination Date:	May 1, 2017

Pursuant to D.C. Official Code § 5-1107(a), the Office of Police Complaints (OPC) 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

On March 25, 2016, the Complainant was arrested and taken to the Fifth District police station for processing. At the station, he encountered SUBJECT OFFICER. While there, the Complainant alleges that he asked SUBJECT OFFICER to identify himself, but he did not. SUBJECT OFFICER denies that the Complainant asked him for that information. He asserts he would have provided the information if asked.

II. EVIDENTIARY HEARING

No evidentiary hearing was conducted regarding this complaint because, based on a review of OPC's Report of Investigation, including a review of footage of the event recorded by a body-worn camera, 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. (SUBJECT OFFICER was interviewed by OPC but offered no comment to OPC's Report of Investigation.)

III. FINDINGS OF FACT

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

1. On May 25, 2016, the Complainant was arrested, and taken to the Fifth District's police station for processing.
2. SUBJECT OFFICER was not involved in the arrest or processing of the Complainant. He was, however, in the cellblock where the Complainant was processed and placed in a cell.
3. Once in the cell, the Complainant spoke to SUBJECT OFFICER. SUBJECT OFFICER responded.
4. Their exchange was recorded by a body-worn camera worn by WITNESS OFFICER. WITNESS OFFICER sat behind a desk. His camera faced through the doorway of his room to a second room. SUBJECT OFFICER was in that second room, some fifteen to twenty feet from the camera. During their conversation, the Complainant was in a cell, around the corner from the room where SUBJECT OFFICER was. He was out of view of the camera, and of SUBJECT OFFICER.
5. The audio recording of their exchange is clear and understandable.
6. From the cell, the Complainant yelled at SUBJECT OFFICER to attract his attention. SUBJECT OFFICER responded, "You remember me." The Complainant replied, "I remember you! I remember your face. What's your badge number and name? I bet you ain't got the heart to do that. I bet you ain't got the heart to do that." SUBJECT OFFICER answered, "You don't got no heart at all. You all talk."
7. Though asked, SUBJECT OFFICER did not identify himself by name or badge number.

IV. DISCUSSION

MPD General Order 201.26 requires MPD officers to "give their first and last name and badge numbers in a respectful and polite manner" when requested to do so by a member of the public. MPD officers are also required to identify themselves by displaying their badge or identification folder before taking police action, "except when impractical, unfeasible, or where their identity is obvious."

The video recorded by the body-worn camera worn by WITNESS OFFICER verifies the Complainant's allegation. The Complainant asked SUBJECT OFFICER to identify himself. SUBJECT OFFICER did not.

V. SUMMARY OF MERITS DETERMINATION

SUBJECT OFFICER

Allegation 1: (failure to Identify)	Sustained
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Submitted on May 1, 2017.

Peter W. Tague
Complaint Examiner