

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

**FINDINGS OF FACT AND MERITS DETERMINATION**

<b>Complaint No.:</b>	15-0322
<b>Complainant:</b>	COMPLAINANT
<b>Subject Officer(s), Badge No., District:</b>	SUBJECT OFFICER
<b>Allegation 1:</b>	Failure to Identify
<b>Complaint Examiner:</b>	Ricardy Damille
<b>Merits Determination Date:</b>	November 9, 2015

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**

COMPLAINANT filed a complaint with OPC on July 29, 2015. COMPLAINANT alleged that on July 23, 2015, SUBJECT OFFICER failed to identify himself to the complainant when requested to do so.<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,<sup>2</sup> 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 used language or engaged in conduct toward him that was insulting, demeaning, or humiliating, by having a "snide" demeanor while speaking to the complainant. Pursuant to D.C. Code § 5-1108 (1) on September 11, 2015, a member of the Police Complaints Board dismissed these allegations, concurring with the determination made by OPC's executive director.

<sup>2</sup> SUBJECT OFFICER submitted no objections in this matter.

### 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 July 23, 2015, COMPLAINANT approached SUBJECT OFFICER and advised him that he had illegally parked his MPD vehicle on A STREET IN NORTHWEST D.C. near the intersection with A STREET IN NORTHWEST D.C.
2. In the course of COMPLAINANT'S conversation with SUBJECT OFFICER, COMPLAINANT asked SUBJECT OFFICER for his name and badge number. SUBJECT OFFICER failed to provide his name to COMPLAINANT, even after repeated requests to do so.

### 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 abuse or misuse of police powers by such member or members." Such allegations may include, among other things, failure to identify.

#### *Failure to Identify*

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" (Exhibit 8).

The evidence of record supports a finding that SUBJECT OFFICER violated D.C. Code § 5-1107(a) and MPD General Order 201.26 when he failed to identify himself to COMPLAINANT when he was requested to do so. The record contains a video footage filmed by COMPLAINANT during his interaction with SUBJECT OFFICER, which confirms the material facts noted above and is undisputed by SUBJECT OFFICER (Exhibit 6). Most notably, in the video footage, COMPLAINANT asked SUBJECT OFFICER for his name and badge number but SUBJECT OFFICER referred COMPLAINANT to his nametag while pointing at the left and right side of his chest (See video at 2:27-2:29). The undersigned notes that in the video SUBJECT OFFICER'S nametag was located on the right side of his chest and his badge number was located on the left side of his chest. SUBJECT OFFICER'S badge number was not visible as COMPLAINANT was standing on the passenger side and SUBJECT OFFICER was seated in the driver's seat facing forward. COMPLAINANT twice misread SUBJECT OFFICER'S name out loud as "Mr. [REDACTED]", to which SUBJECT OFFICER did not correct him (See video at 2:31 and 3:08). When COMPLAINANT asked SUBJECT OFFICER to confirm his badge number was "[REDACTED]" and his name as being "[REDACTED]", the officer responded "Uh-huh" (See video at 3:08-3:13). At no time during COMPLAINANT'S interaction with SUBJECT OFFICER did the officer provide his name, though he was asked to do so several times.

In SUBJECT OFFICER'S prepared statement dated August 25, 2015, he admits that he did not verbally provide his name and badge number, though COMPLAINANT requested this information. SUBJECT OFFICER further admits that he did not correct COMPLAINANT'S misreading of his name as "[REDACTED]." SUBJECT OFFICER indicated that he thought that the visible display of his name and badge "was fine" (Exhibit 4). At SUBJECT OFFICER'S interview with an OPC investigator he stated that he did not correct COMPLAINANT'S misreading of his name because he thought what COMPLAINANT read was "close enough" and he knew the badge number (Exhibit 5).

The record evidence clearly shows that SUBJECT OFFICER did not provide his name after COMPLAINANT requested this information. SUBJECT OFFICER indicates that his failure to provide the requested information was due to his ignorance of the law in this regard but the video footage also shows the officer acting in a somewhat dismissive manner. COMPLAINANT had to inform SUBJECT OFFICER three times that he was unable to see the officer's badge number (See video at 2:32, 2:41 and 3:01). In fact, during the exchange where COMPLAINANT asked SUBJECT OFFICER to provide his badge number, SUBJECT OFFICER moved slightly toward COMPLAINANT and gave responses such as "it's on my chest" and "I wear it on my vest, my outer garment" (See video at 2:37-2:40 and 2:43-2:49). Moreover, SUBJECT OFFICER failed to correct COMPLAINANT'S misreading of his name going as far as responding in the affirmative when COMPLAINANT asked him if "[REDACTED]" was accurate. Thus, the undersigned finds that SUBJECT OFFICER violated D.C. Code § 5-1107(a) and MPD General Order 201.26.

**V. SUMMARY OF MERITS DETERMINATION**

SUBJECT OFFICER, Metropolitan Police Department

<b>Allegation 1: Failure to Identify</b>	Sustained
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Submitted on November 9, 2015.

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Ricardy Damille  
Complaint Examiner