

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

Annual Report 2021



MESSAGE FROM
THE EXECUTIVE DIRECTOR



Police reform and accountability is a major topic of discussion in communities across the nation. Community trust of law enforcement continues to erode with every video posted and story told on social media and news broadcast of a negative police encounter. Calls from the community to “reimagine policing” have substantially increased and fueled discussions on what it takes to rebuild community trust in law enforcement.

One of the most effective methods to improve community trust is to provide a means for our community to participate directly in oversight of our police departments. In the District of Columbia, the role of community participation in police oversight is provided by the full-time staff of the Office of Police Complaints (OPC) and the volunteers that comprise the Police Complaints Board (PCB).

As an agency independent of the Metropolitan Police Department (MPD), we impartially investigate complaints of police misconduct, offer mediation of appropriate complaints, and refer officers to individual training improvement programs. We are also tasked with independently monitoring First Amendment assemblies for compliance with the constitutional right to peaceably protest. In conjunction with the PCB, we issue policy recommendations when a pattern of conduct in need of improvement is identified through data trends, and we review and publicly report on all use of force incidents.

Our primary task is to investigate complaints and Fiscal Year 2021 continued a four-year consecutive trend of a high number of complaints with 827 filed. This is similar to the number of complaints received in Fiscal Year 2020 and follows increases in both Fiscal Years 2018 and 2019. The high volume of complaints has resulted in a tremendous increase in workflow, yet we maintained an average investigation completion time of just 76 days. As we move forward in this time of change in policing, the voice of our community is more important than ever.

Our staff and dedicated board members will continue to work together to help drive change and improve trust in our police forces by providing timely, fair, and thorough investigations for those we serve.

Sincerely,

Michael G. Tobin

Michael G. Tobin

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CELEBRATING 20 YEARS

The Office of Police Complaints opened its doors on January 8, 2001 and thus in January 2021 OPC celebrated its 20th anniversary of serving the nation's capital and its community in our efforts to better the trust between the community members and the police in the District. We are thankful for this mission and excited for the next 20 years. OPC currently has 21 full-time employees and has processed approximately 25,245 contacts of which about 11,000 were formal complaints since its current inception in January 2001.

MISSION AND FUNCTION

The primary mission of the Office of Police Complaints (OPC) is to increase community trust in the police forces of the District of Columbia. By increasing community trust in our police forces our community will be safer. OPC increases community trust by providing a reliable complaint system that holds police officers accountable for misconduct.

The primary function of OPC is to receive, investigate, and resolve police misconduct complaints filed by the public against sworn officers of the Metropolitan Police Department (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 failure to intervene.

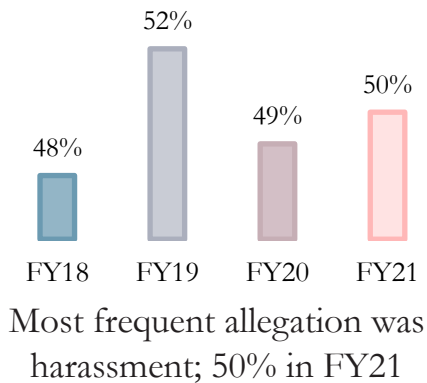
OPC also reviews police policies and practices to assist in ensuring the District police forces are using the best practices available, with a special emphasis on constitutional policing methods. These policy reviews often result in formal and informal recommendations for improvement. The policy recommendations 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 D.C.'s police forces. OPC's rapid resolution and mediation programs help facilitate conversations to eliminate any misunderstandings between complainants and officers, while community outreach programs include activities focused on both the public and police officers to improve mutual understanding and awareness throughout the District of Columbia.

FY21 KEY FINDINGS SUMMARY

The PCB made 4 Policy Recommendations to MPD in FY21

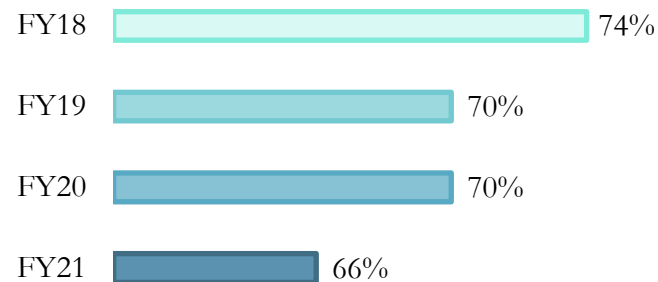
1. Stop and Frisk Data Review
2. Discipline
3. FY19 Implementation Update and Reexamination of FY15-18 Implementation Updates
4. Marijuana Trained Detection Canines



Of complaints received through online complaint form in FY21

2% ▼

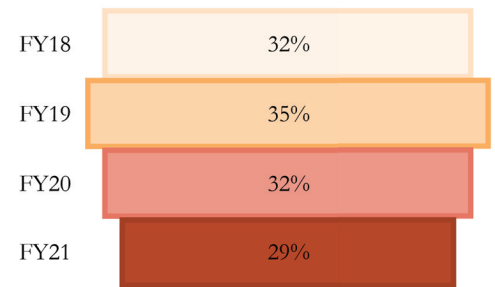
Decrease In complaints since FY20; OPC received 827 complaints in FY21



66% of complainants in FY21 were Black



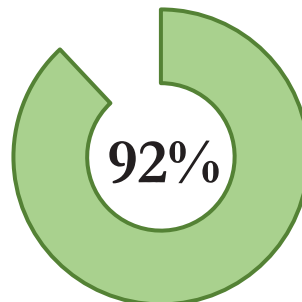
Cases with BWC were less likely to be withdrawn by the complainant



29% of cases Contained at least one form of BWC non-compliance; 3% decrease from FY20

17%

Highest officer BWC non-compliance was officer failing to notify subjects of recording with 17% in FY21



92% of cases in FY21 were completed within 180 days

July

Was the month with the most complaints; 94 complaints were received

POLICE COMPLAINTS BOARD

OPC is governed by the five-member Police Complaints Board (PCB). Prior to July 2020 one member of the PCB had to be a member of the Metropolitan Police Department, while the other four members had to be residents of the District. 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.”¹ The emergency legislation also grants more decision-making power to the Executive Director of OPC. PCB members are nominated to staggered three-year terms by the Mayor, and confirmed by the Council of the District of Columbia (the Council).

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, where appropriate, to improve police practices; and monitoring and evaluating MPD’s handling of First Amendment assemblies and demonstrations held in the District. 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, 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.

Earl Fowlkes II, currently serves as the President, CEO, and Founder of the Center for Black Equity (CBE), a non-profit organization dedicated to improving the lives of Black LGBTQ+ people worldwide. In that role, he oversees the membership of thirty-five Black LGBTQ Prides in the United States, Canada, South Africa, and the United Kingdom and managed federal, state, and local grants. Mr. Fowlkes has more than twenty-five years’ experience related to HIV/AIDS prevention and advocacy. Prior to his leadership at CBE, he served as the Executive Director to the D.C. Comprehensive AIDS Resources and Education (DC CARE) Consortium, which supports the HIV/AIDS continuum of care in the District. While at the DC CARE Consortium, he oversaw staff, managed homelessness prevention programs, and convened the HIV/AIDS Food Bank and HIV/AIDS Prevention committees.



He briefly worked in Philadelphia as Interim Administrator for the COLOURS Organization, which empowers LGBTQ+ communities, especially those of the African Diaspora. He managed twenty paid staff and volunteers in that role and was responsible for grant writing and evaluation. Before that time, Mr. Fowlkes served as the Executive Director of Damien Ministries, a faith-based HIV/AIDS service organization in the District, through which he monitored all pastoral care activities at the D.C. Jail. Mr. Fowlkes has been politically active in the District for over two decades and has served as President of the Gertrude Stein Democratic Club since 2014, Chair of the Democratic National Committee’s LGBT Caucus since 2013, and Chair of the Mayor’s LGBT Advisory Board since 2012.

He has also served on several task forces and boards related to racial, gender, and sexual equity and HIV/AIDS prevention, including the Victory Fund's Gay & Lesbian Leadership Institute Board, 100 Black Men, and the Transgender Health Empowerment Board of Directors. He is currently a member of the Washington AIDS Partnership Steering Committee, a role he has held since 2010. Mr. Fowlkes holds a bachelor's degree in History from Rutgers University and a master's degree in Social Work from City College of New York. He is a Ward 6 resident.

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 Vice President for Strategy of the Gay & Lesbian Activist Alliance and continues her work with the D.C. Center as the Center Careers facilitator.

Ms. Strang holds a bachelor's degree in Sociology and English Literature from S.U.N.Y. Geneseo as well as a Master of Arts in Teaching from Salisbury University. She was first appointed by Mayor Muriel Bowser and confirmed by the District Council on November 3, 2015. Ms. Strang was reappointed on March 17, 2020 for a term ending January 12, 2023.

Commander Morgan Kane, currently serves as the Assistant Chief of the Metropolitan Police

Department's Technical and Analytical Services Bureau (TASB), which oversees all information technology services, as well as the research and analytical services used to support innovative policing operations and public safety practices. TASB also includes the Records Division and the Facilities Liaison. She was appointed to the position of Assistant Chief of Police in July 2021.



Assistant Chief Kane joined the Metropolitan Police Department in December 1998 and began her career in the First District following her training at the Metropolitan Police Academy. Assistant Chief Kane has served in all ranks, first achieving Sergeant in 2004. She attained Lieutenant in 2007, Captain in 2012, and Inspector in 2014. In August 2016, Kane was appointed as the Commander of the First District.

During her career with MPD, Assistant Chief Kane has worked in a variety of posts. In addition to patrol work as an Officer, Sergeant and Captain, she has also been assigned to the Office of Organizational Development, the Office of Homeland Security and Counter-Terrorism, and the Executive Office of the Chief of Police (EOCOP). Assistant Chief Kane spearheaded many of the Chief's crime prevention, legislative, executive, congressional, and community priorities. She has also been recognized with numerous awards and commendations throughout her career, including recognition as the PSA Officer of the Year, Captain of the Year, and Bureau Employee of the Year for the EOCOP.

Assistant Chief Kane holds a bachelor's degree in Paralegal Studies from Marymount University, a master's degree in Public Administration from the University of the District of Columbia and is a graduate of the Naval Post Graduate School's Executive Leadership Program. She is also a resident of the First District, where she is raising her son. Assistant Chief 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 new term that ended on January 12, 2021.

Jeffrey H. Tignor, is a lawyer at the Federal Communications Commission focusing on rules and regulations affecting wireless broadband providers. Mr. Tignor has over 20 years experience working on wireless broadband issues, wireline 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 is currently the President of the Harvard Club of Washington, D.C., and Vice-Chair of the Board of Washington Episcopal School.



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. On July 8, 2021, Mr. Tignor was confirmed by the Council for a second term ending January 12, 2024.

PERSONNEL

OPC has a full-time staff of 21 talented and diverse employees; many employees have advanced degrees and five possess a law degree. In addition, since its establishment, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond.

Michael G. Tobin, was appointed OPC's Executive Director on November 3, 2014. Prior to joining the agency, Mr. Tobin served as the Executive Director of the Milwaukee Fire and Police Commission, where he oversaw the Commission's work in a range of functions, including the implementation of police policies and procedures; conducting independent investigations of officer-involved shootings, deaths in custody, and misconduct allegations; ensuring police internal investigations are conducted appropriately and providing mediation between community members and fire or police department employees.

Mr. Tobin began his career with the City of Milwaukee, Wisconsin, as a police officer and upon graduation from law school he joined the Milwaukee City Attorney's Office as an assistant city attorney. There, he was a police legal advisor, guided internal affairs investigations, prosecuted police employees for misconduct, and represented the city's interests in police department matters for almost twenty years in state courts and administrative agencies. Mr. Tobin is also a former Army National Guard Colonel and combat veteran. In 2005, he was appointed Rule of Law Officer to manage the U.S. military program to reconstruct the civilian justice system nation-wide for the country of Afghanistan. Mr. Tobin received his bachelor's degree in criminal justice from the University of Wisconsin-Milwaukee and his law degree from the University of Wisconsin-Madison.

Alicia J. Yass, OPC's current Deputy Executive Director, first joined the office as legal counsel in July 2016. Ms. Yass came to OPC from the American Constitution Society (ACS), a non-profit legal policy member organization, where she worked with lawyers across the country on issues such as criminal justice reform, access to justice, voting rights, immigration reform and constitutional interpretation. Prior to ACS, Ms. Yass was a trial attorney for the U.S. Department of Justice, Criminal Division, Child Exploitation and Obscenity Section, and was co-assigned as a Special Assistant U.S. Attorney in the Eastern District of Virginia, where she prosecuted child pornography and child sex trafficking crimes. Ms. Yass received her bachelor's and master's degrees from George Washington University, and her law degree from New York University School of Law.

Marke Cross, OPC's legal counsel, joined the agency as an investigator in March 2017. Mr. Cross was promoted to senior investigator in October 2018 before being appointed to the legal counsel position in October 2021. Prior to joining OPC, Mr. Cross investigated complex multi-claimant schemes designed to defraud the Deepwater Horizon Economic and Property Damage Settlement Program in the wake of the 2010 British Petroleum Oil Spill disaster. Mr. Cross received his bachelor's degree from University of Richmond, where he triple majored in

International Studies, Political Science, and History, and he received his law degree from Widener University Delaware Law School.

Mona G. Andrews, OPC's chief investigator, joined the agency in December 2004 as a senior investigator. She was promoted to team leader in December 2005, investigations manager in October 2008, and chief investigator in October 2011. Ms. Andrews came to OPC with 10 years of investigative experience. Prior to joining the agency, Ms. Andrews worked with the Fairfax County, Virginia Public Defender's Office as a senior investigator where she investigated major felony cases including capital murder, and also developed and coordinated an undergraduate internship program. Ms. Andrews obtained her undergraduate degree in Political Science and English from Brigham Young University.

INVESTIGATIVE UNIT

OPC has an outstanding staff of community member investigators who conduct and resolve investigations. By law, the investigators cannot have worked for either police department under OPC's jurisdiction. The Fiscal Year 2021 (FY21) staff of investigators and supervisory investigators had approximately 145 total years of combined investigative experience. The senior investigators and supervisory investigators each have 10 or more years of investigative experience, and some have more than 25 years of relevant experience.

Investigators attend a substantial amount of training and professional development. Each investigator participates in at least two MPD or DCHAPD ride-alongs with officers per year.*

*Investigators did not do MPD or DCHAPD ride-alongs in FY21 due to Covid-19.

INVESTIGATIVE UNIT TRAINING

All investigative unit members attended:



- 3 subject matter and legal training sessions;
- 30 hours of MPD officer training at the MPD Academy, and six additional hours of MPD online officer training

In Addition:

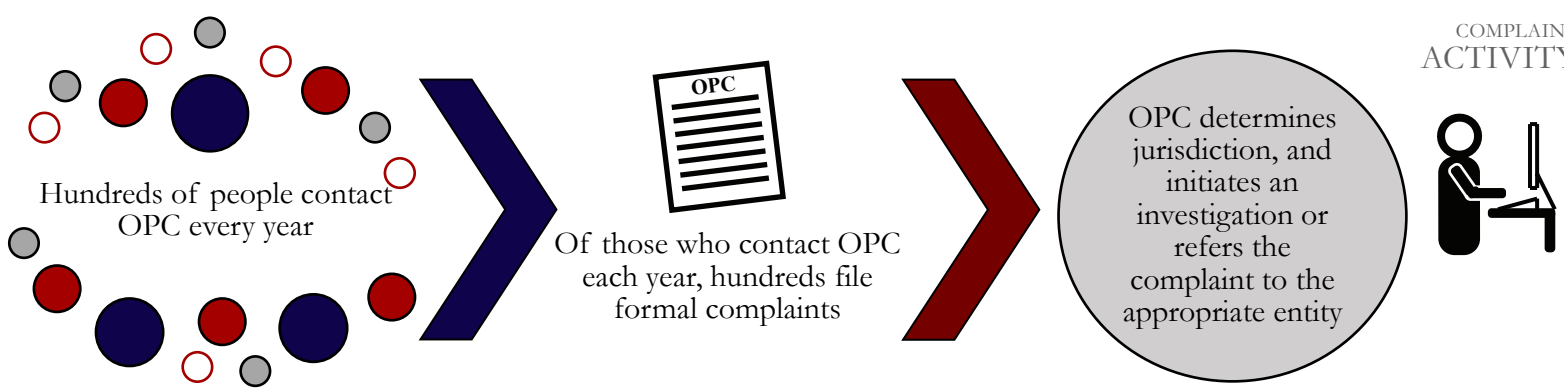


- Several investigative unit members attended either a four-day training on interviewing techniques, or virtual sessions of civilian oversight practitioner training; and
- Several investigative unit members attended other professional development and management training

OPC staff members, alphabetically:

INVESTIGATOR Onyee Clarke
PUBLIC AFFAIRS SPECIALIST Nykisha Cleveland
INVESTIGATOR Brittany Clift
STAFF ASSISTANT Darlene Grant
INVESTIGATOR Jacqueline Hazzan
INVESTIGATOR Quentin Jackson
RESEARCH ANALYST Marissa Landeis
SENIOR INVESTIGATOR Anthony Lawrence
INVESTIGATIVE CLERK Sherry Mendoza

SENIOR INVESTIGATOR Lindsey Murphy
INVESTIGATIONS MANAGER Jessica Rau
INVESTIGATIONS MANAGER Natasha Smith
RECEPTIONIST Nydia Smith
INVESTIGATOR Danielle Sutton
INVESTIGATOR Amicaela Valerio
INVESTIGATOR Tamika Walker
PROGRAM COORDINATOR Christopher Weber



CONTACTS AND COMPLAINTS RECEIVED

OPC received 827 complaints in FY21, which is a 2 percent decrease from FY20, and came after several years of sustained increases in the number of complaints. In FY21, OPC received 851 contacts, which was less than the 1,111 from FY20. This decrease in complaints and contacts between FY20 and FY21 is likely due to the Covid-19 public health emergency limiting the number of interactions between MPD/DCHAPD officers and community members. Evidence of this is also seen in MPD's reported arrest numbers.² Before Covid-19, between October 1st, 2019 and December 31st, 2019 MPD made 7,615 arrests. During this same period in 2020 (October 1st, 2020 to December 31st, 2020), and after the declaration of a public health emergency for Covid-19 in March 2020, MPD made 4,634 arrests. This translates into a 40% decrease in arrests during the same period of 2019 and 2020. Therefore, it is likely that this decrease in number of interactions between MPD/DCHAPD officers and community members has led to a decrease in the number of complaints and contacts OPC received in FY21. OPC will continue to closely monitor these numbers in FY22. Further, in April 2021 OPC also streamlined the way in which contacts are tracked. In order for a contact to be tracked with OPC it must be regarding MPD/DCHAPD in the DMV area.³

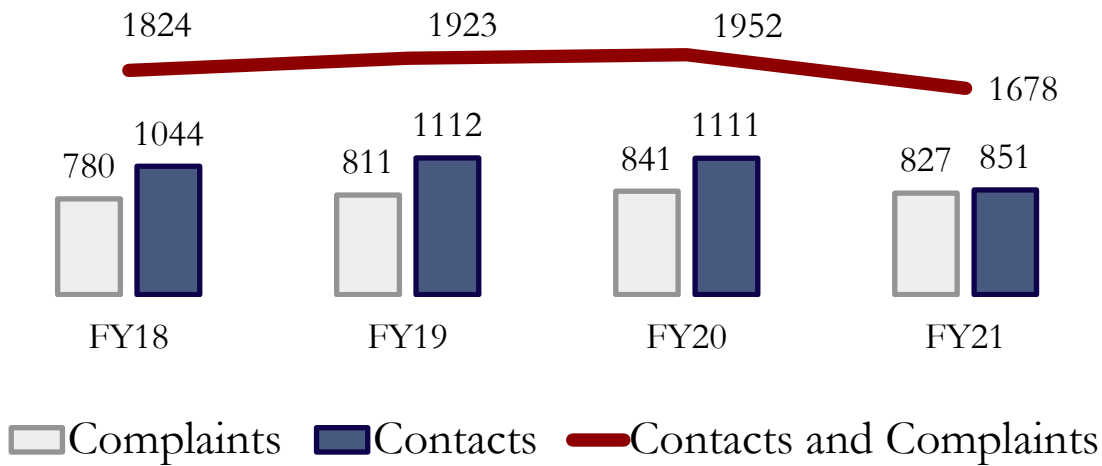
Some complaints filed with OPC are outside of the agency's jurisdiction and therefore not investigated by OPC. Examples of complaints outside of OPC's jurisdiction are 1) complaints involving an officer or officers from departments other than MPD or DCHAPD; 2) the complaint was filed more than 90 days after the incident; or 3) the complaint does not fall into one of the categories of allegations that OPC has jurisdiction to investigate. These complaints are administratively closed and/or referred to the appropriate agency. All other cases are investigated by OPC.

ALLEGATIONS RECEIVED

The 827 complaints OPC received in FY21 contained 1,263 allegations of misconduct against officers, a 10% decrease from the 1,411 from FY20. Each complaint OPC receives contains one or more allegations against one or more officers, and OPC is authorized to investigate seven categories of allegations: harassment, inappropriate language/conduct, retaliation, unnecessary or excessive force, discrimination, failure to identify, and failure to intervene. In July of 2020 an emergency legislation was passed in D.C. which added the allegation of failure to intervene to OPC's jurisdiction. Furthermore, OPC may now add allegations to a complaint if there is evidence of abuse or misuse of police powers discovered during an investigation into a submitted complaint. In FY21 OPC added 20 allegations.

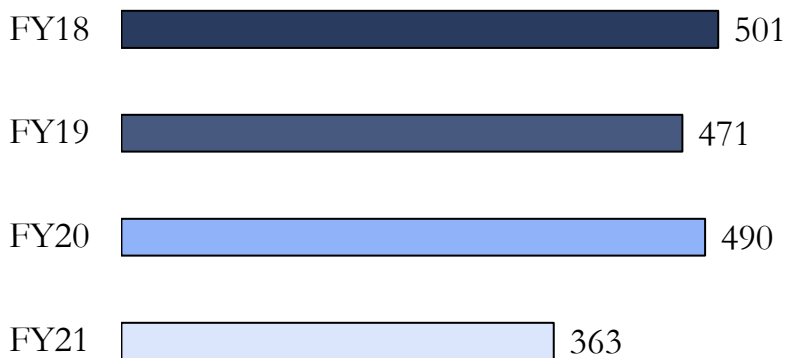
Harassment and language/conduct allegations were the most frequent types of allegations received by OPC in each of the last seven fiscal years. In FY21 allegations of harassment accounted for 50% of all allegations OPC received and language/conduct complaints accounted for 24% of all allegations. The third most common allegations for FY21 were force, with 15%. This was followed by discrimination, which accounted for 7% of all allegations in FY21. Allegations of retaliation and officers failing to identify themselves or intervene are the least frequent allegation categories reported. Failure to identify/intervene accounted for 3% of the allegations for FY20 and FY21. Retaliation generally accounts for less than 1% of allegations received per year, and this trend continued in FY21. These allegation trends are comparable to the allegations OPC has received in previous years. The most frequent allegation sub-category in FY21 was for demeanor or tone within the language/conduct category with 202 allegations. The second most common sub-allegation was for Other within the harassment category with 84 allegations.

Complaints and Contacts



In FY21 there was a 2% decrease in complaints from FY20

Investigations Opened⁴



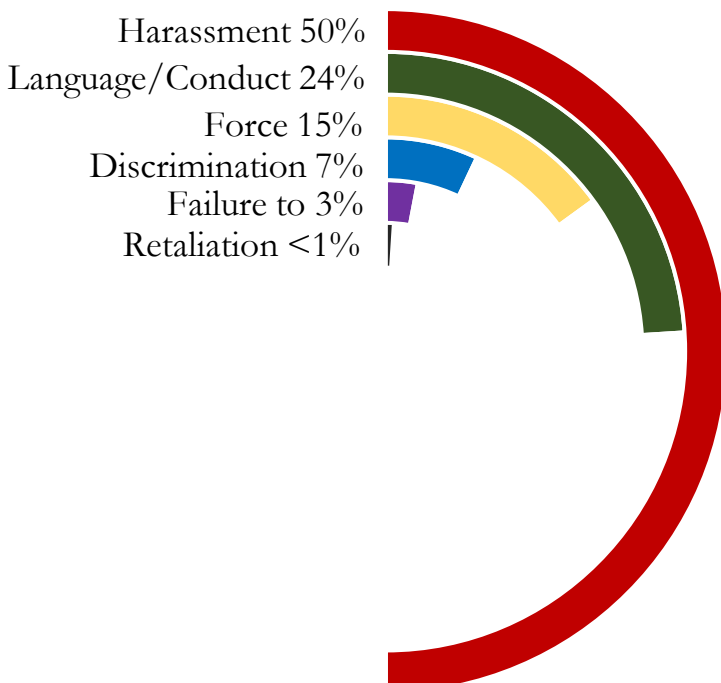
In FY21 there was a 26% decrease in investigations opened from FY20

FY21 Allegations⁵

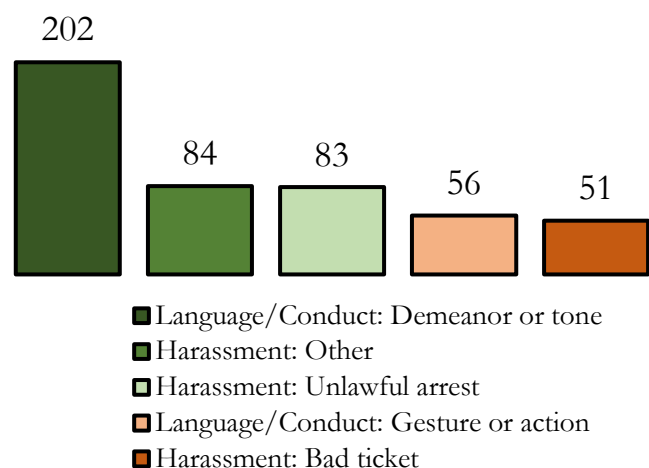
1,263

Allegations

The total number of allegations contained in the 827 complaints received in FY21. Each complaint received contains at least one allegation of officer misconduct.



Top 5 Sub Allegations in FY21



INVESTIGATIONS CONDUCTED

OPC opened 363 new investigations in FY21, OPC also continued investigating 101 cases that were opened in FY19 and FY20, and thus carried over into FY21.⁶ Between the 101 carryover cases and the 363 new cases, OPC investigated a total of 464 cases in FY21. Of these 464 cases, 84 were still open at the end of FY21, though only 14 were more than 180 days old. Cases that are carried over from one fiscal year to the next are typically cases received late in the fiscal year; cases that OPC sends to the United States Attorney's Office to review for possible criminal prosecution; or cases that are sent to a complaint examiner for review and determination of merits. Of the 464 cases investigated in FY21, OPC completed 380, which means the complaint was within OPC jurisdiction and a disposition was determined and the cases were closed.

INCREASED INVESTIGATIVE EFFICIENCY

OPC continued to efficiently manage its caseload in FY21. The average number of days between an investigation being opened and being completed has decreased from more than 355 days in FY15 to 76 days in FY21. Similarly, the percentage of investigations completed within 180 days has increased from 42% in FY15 to 92% in FY21. Increasing the speed and efficiency of investigations increases community members' satisfaction and trust in the civilian police oversight process. Better case processing and efficiency of civilian oversight investigations are important aspects of ensuring community members' complaints are addressed in a fair and independent forum.

OPC's investigations generally include some or all of the following investigative steps: interviewing the complainant and witnesses; identifying and interviewing the officers; collecting evidence; reviewing MPD or DCHAPD documents; visiting the location of the incident; reviewing officers' BWC video; and reviewing any other photographic or video evidence. OPC investigations can be complex due to the number of witnesses who must be interviewed and the amount of other evidence that must be gathered and analyzed. In FY21, OPC investigators conducted 392 complaint-related interviews, including 305 community member interviews and 87 officer interviews.

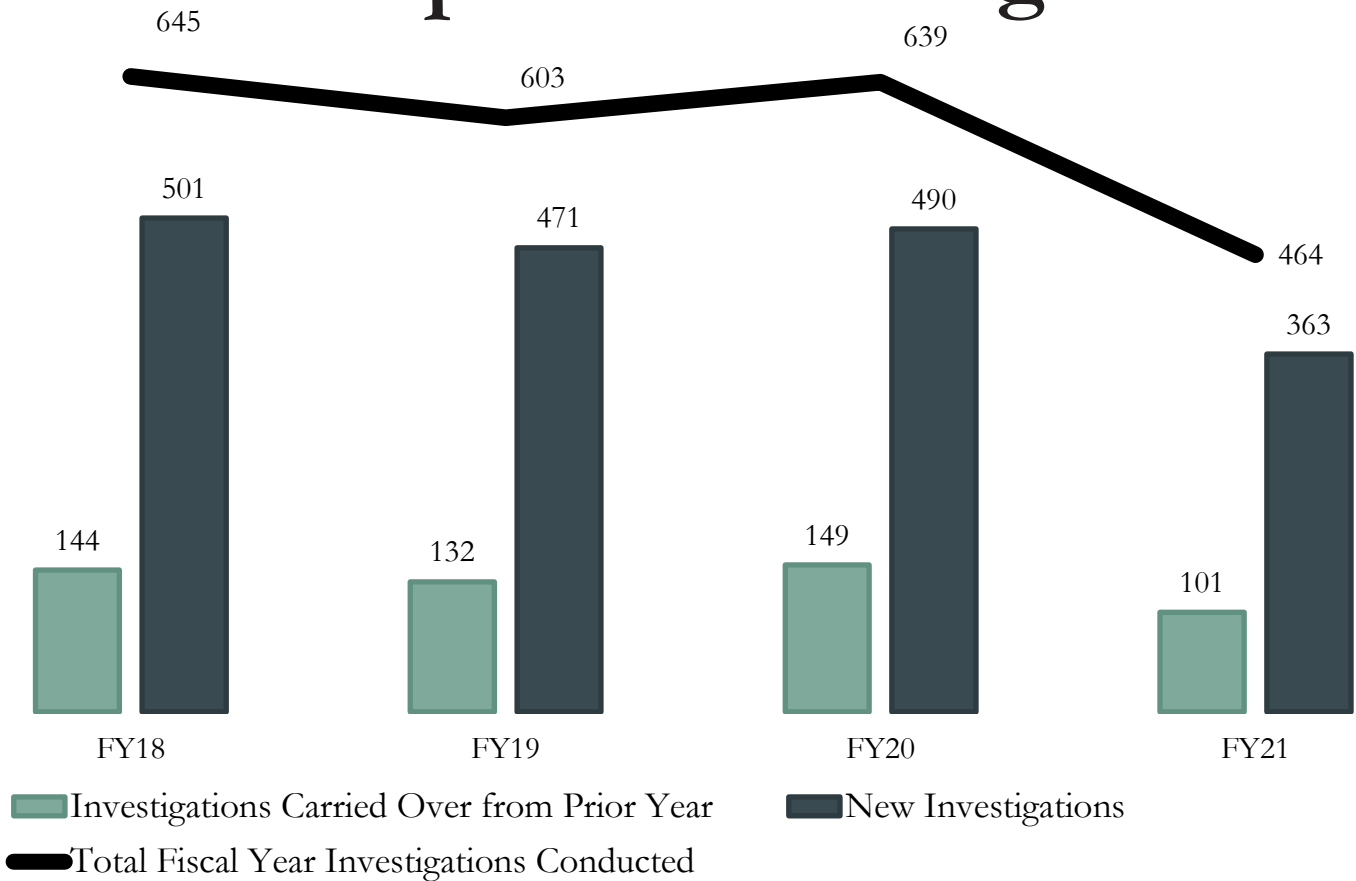
FAILURE TO COOPERATE

District law requires MPD and DCHAPD officers to cooperate fully with OPC investigations. Each time an MPD or DCHAPD officer fails to appear or fails to cooperate in the investigation or mediation, OPC issues a discipline memorandum to their department, as required by District law. Absent extenuating circumstances, the department disciplines the officer, and the officer is then required to resume cooperation with OPC's investigation. The rate of officers failing to cooperate with OPC has been relatively low in recent years, with lower than 10% non-cooperation for FY17 to FY21. In FY21 3% of the 87 officers failed to cooperate, which is the lowest rate of officers failing to cooperate with OPC since OPC began operating in 2001. In FY21 the cooperation rate was 97%, which is higher than the 93% in FY20.

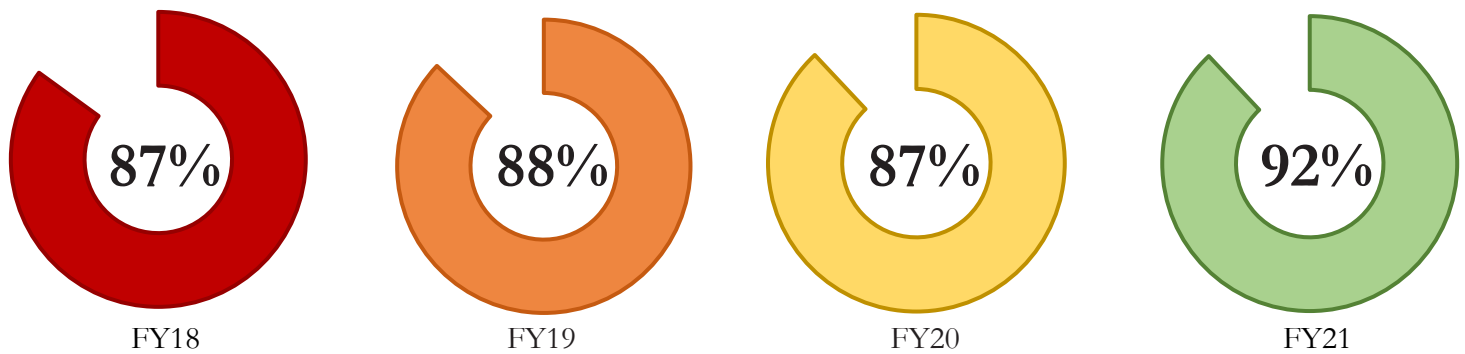
**D.C. Police Serve 5,378,000
Community Members and
Those Who Visit D.C.⁷**



Complaints Investigated

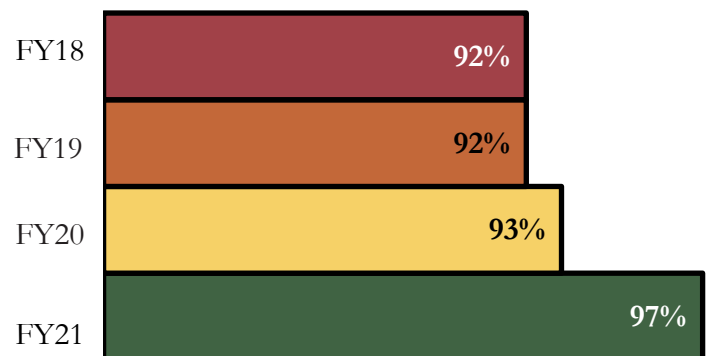


Percent of Cases Closed Within 180 Days



	FY18	FY19	FY20	FY21
Total Officer Interviews Conducted	186	200	179	87
Total Officers who Cooperated from the Beginning	172	183	166	84
Total OPC Notifications for Failure to Appear or Cooperate	14	17	13	3
Compliance Rate	92%	92%	93%	97%

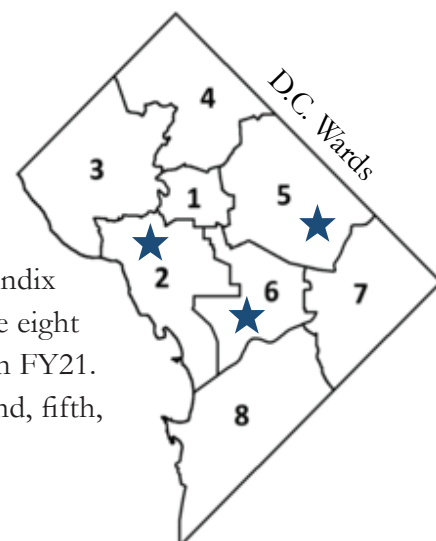
Officer Compliance Rates



WHERE INCIDENTS OCCURED

Each of the seven police districts accounted for between 11% and 20% of complaints received in FY21. The First, Second, Third, Fourth, and Fifth Districts have fluctuated between 11% and 20% of complaints received per year since FY16. Complaints received from the Sixth District decreased from 22% in FY16 to 12% in FY21. Complaints from the Seventh District increased from 6% in FY16 to 13% in FY21. The second district had the most complaints with 20% in FY21, followed by the first district with 16% in FY21.

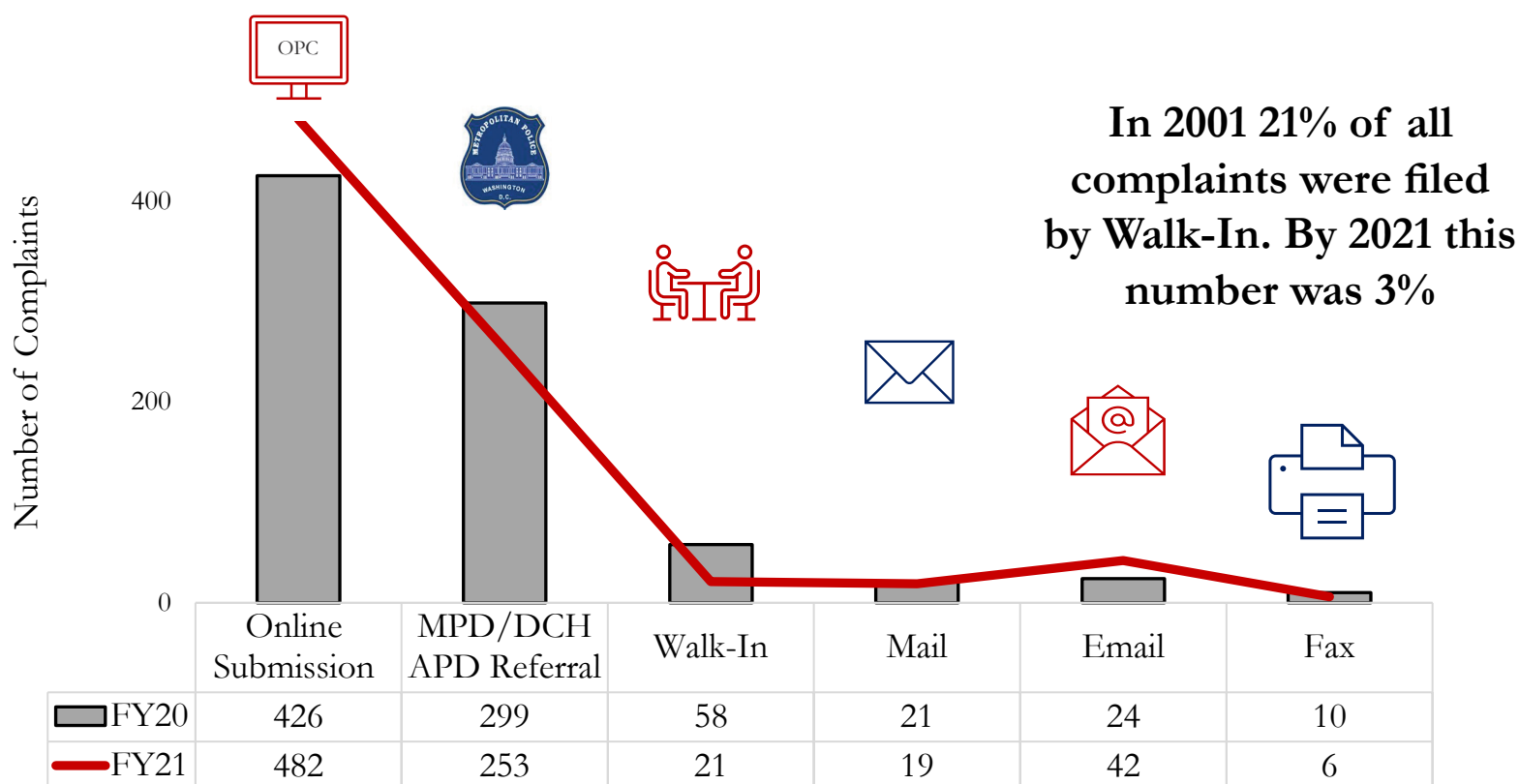
Police districts do not overlap completely with D.C. council Wards, therefore, OPC also reports the distribution of complaints by Wards. However, these numbers have not been reported in the annual reports since FY15. Please see the table in the appendix on page 30 that reports the complaint percentages by Ward since FY15. Each of the eight council wards in D.C. accounted for between 7% and 16% of complaints received in FY21. The map presented to the right shows the D.C. wards with stars indicating the second, fifth, and sixth wards had the most complaints in FY21.



SOURCE OF COMPLAINTS

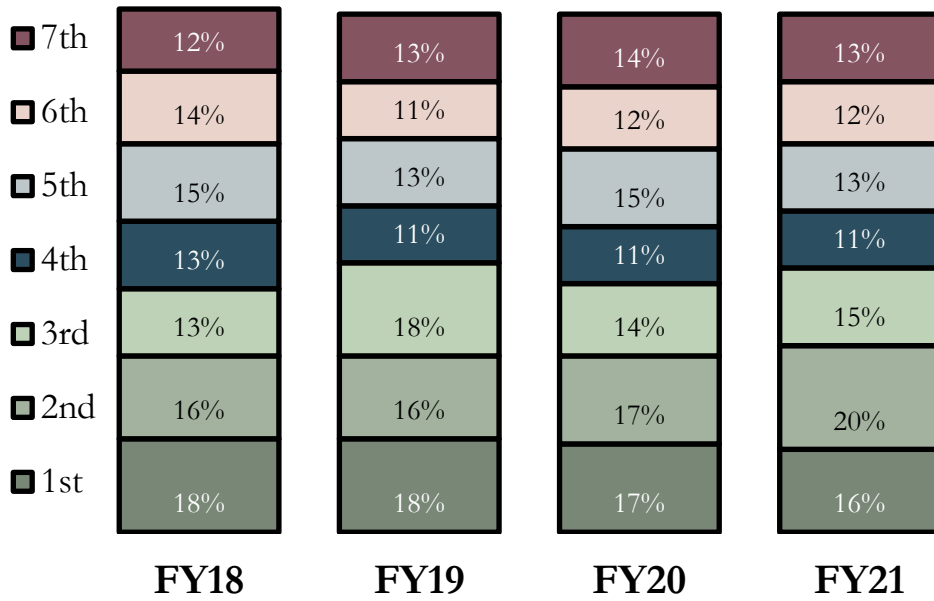
OPC now receives the majority of its complaints from the online complaint form and MPD/DCHAPD referrals. In the last 5 years since the implementation of the NEAR Act in FY16,⁸ there has been a 6,200% increase in the number of complaints referred over by MPD/DCHAPD. In FY21, the number of cases forwarded to OPC was 253, a 16% decrease from FY20. In FY20 OPC had the highest number of MPD/DCHAPD referrals with 299 total.

In FY18, the percentage of online complaint forms decreased to 43%, possibly due to the larger number of complaints forwarded from MPD to OPC in FY18. In FY19, the percentage increased to 49%. In FY20, the percentage increased to 51%, slightly higher than the percentage of FY19 and in FY21 online submissions comprised 58% percent of all complaints filed with OPC and is the highest percentage since the inception of the online complaint form.⁹



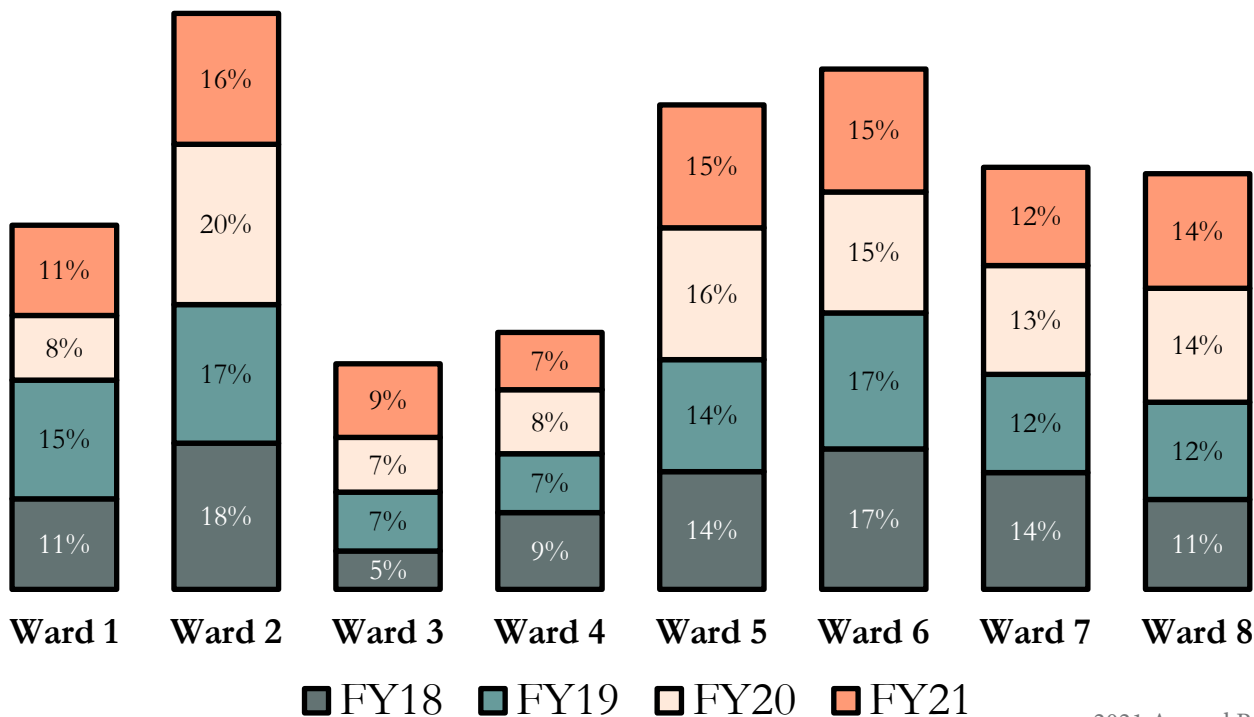
District of Complaint Incidents by Year

2nd and 3rd districts had most complaints in FY21

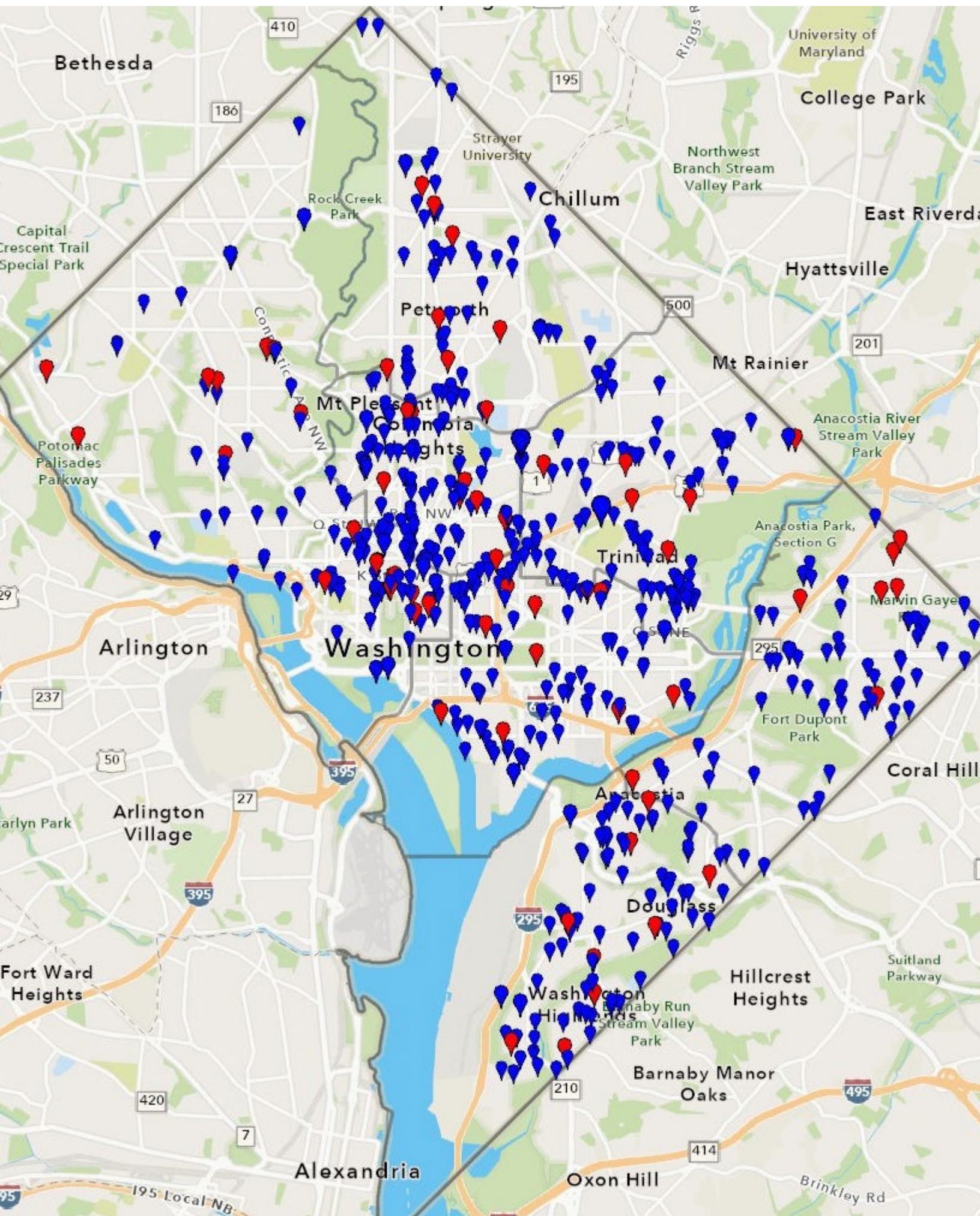


Ward of Complaint Incidents by Year

Wards 2, 5, and 6 had the most complaints in FY21



Map of FY21 Complaints¹⁰



OFFICER DEMOGRAPHICS

A total of 797 MPD and DCHAPD officers received complaints in FY21, with 191 (24%) receiving more than one complaint. In FY21 37 officers received three complaints; 16 officers received four complaints; 3 officers received five complaints; 3 officer received six complaints; 1 officer received eight complaints; and 1 officer received nine complaints.

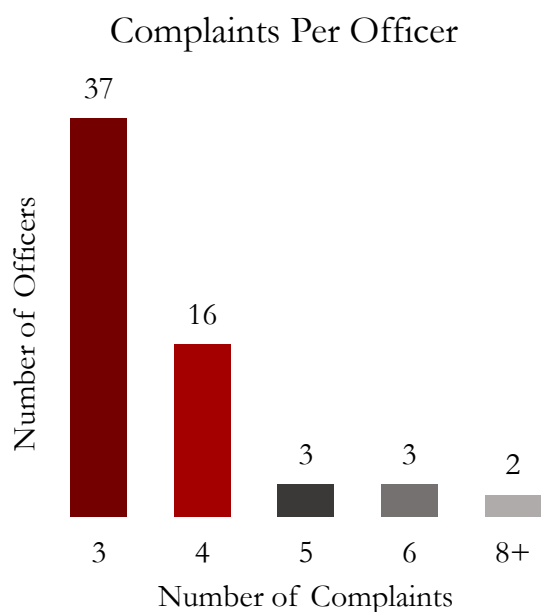
OPC tracks the demographics of MPD officers. Male officers are typically the subjects of more than 80% of complaints per year and that trend continued in FY21 with 82% of complaints made against male officers. Female officers were the subjects of 18% of complaints received in FY21. Black officers accounted for about 46% of complaints, White officers accounted for 37% of complaints, and Hispanic/Latino officers accounted for 13% of complaints. Furthermore, Asian officers accounted for 4% of all complaints in FY21, while Multi-Racial and Middle Eastern officers accounted for less than 1% of all complaints. Compared to the department overall, younger officers receive a higher proportion of complaints: officers younger than 35 comprise of 35% of officers and were the subjects of 47% of the complaints filed in FY21. Officers 35 to 54 were the subjects of 47% of complaints; and officers 55 and older were the subjects of 6% of complaints.

COMPLAINANT DEMOGRAPHICS

The demographics of complaints in FY21 were very similar to those of complaints in FY16 through FY20. Between 66% and 74% were Black, between 16% to 19% were White, and between 5% and 8% were Hispanic/Latino for the last five fiscal years. Complainants younger than 35 accounted for 41% of complainants in FY21, compared to 44% in FY20. Complainants aged 35 to 54 comprised of 40% to 45% of complainants in each of the last five fiscal years. Complainants aged 55 years and older decreased slightly from 17% to FY20 to 15% in FY21.

COMPLAINANT AND OFFICER DEMOGRAPHICS PAIRINGS

The most frequent complainant-officer pairings were Black complainants filing complaints against Black officers, accounting for 35% of complaints received in FY21. Black complainants filing complaints against White officers comprised of 28% of all complaints received. White complainants filing complaints against Black and White officers comprised 6% and 5% respectively. The remaining pairings are shown in the figures on page 15 and the pairings less than 2% are included in the endnotes.¹¹



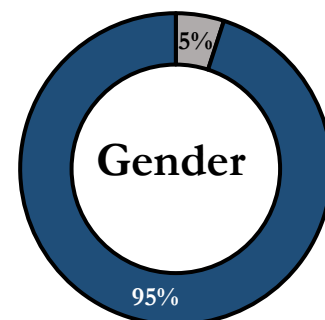
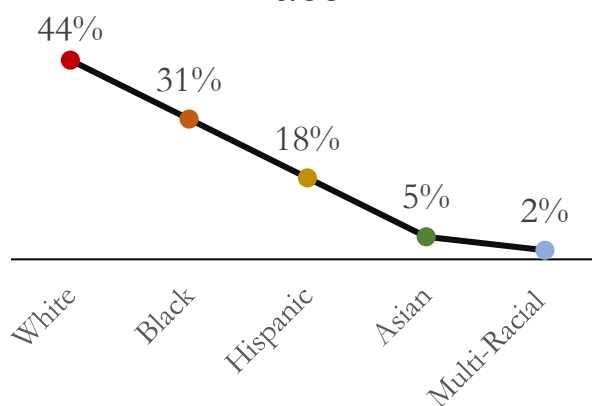
61 Officers had 3 or more Complaints in FY21



54% of officers with 3 or more complaints had been on the force for 5 years or less



Race



■ Women ■ Men

OFFICER AND COMPLAINANT DEMOGRAPHICS

Black Complainant and

35% 
Black Officer

28% 
White Officer

10% 
Latino Officer

3% 
Asian Officer



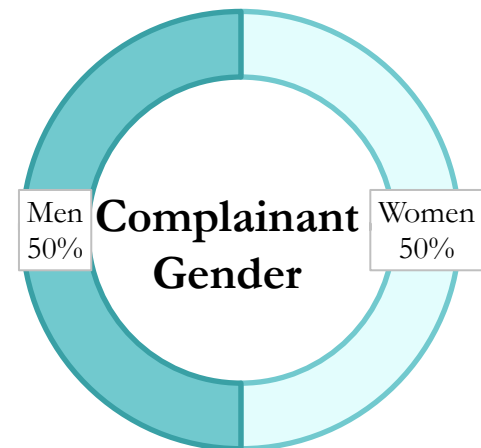
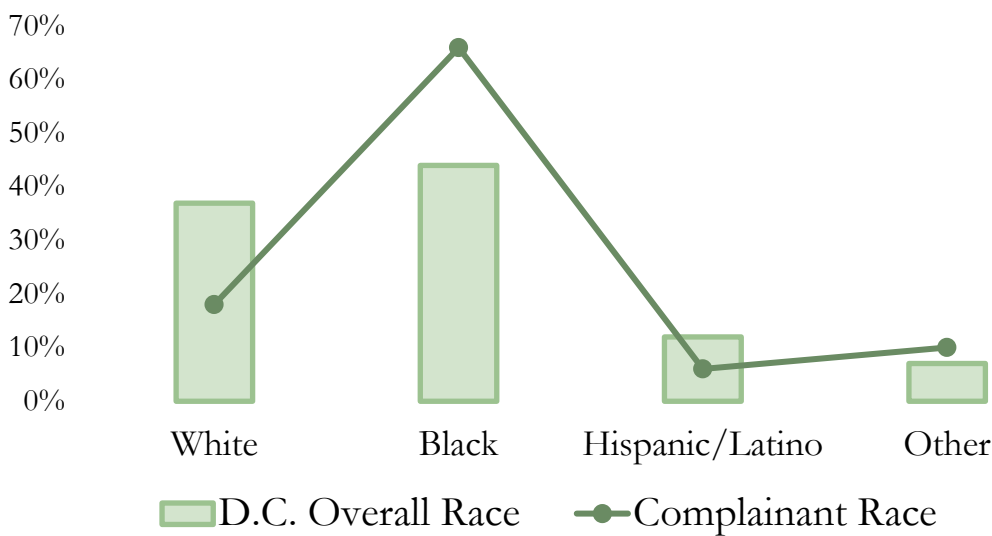
White Complainant and

6% 
Black Officer

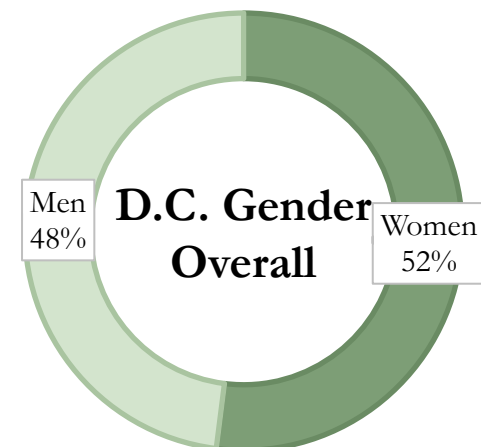
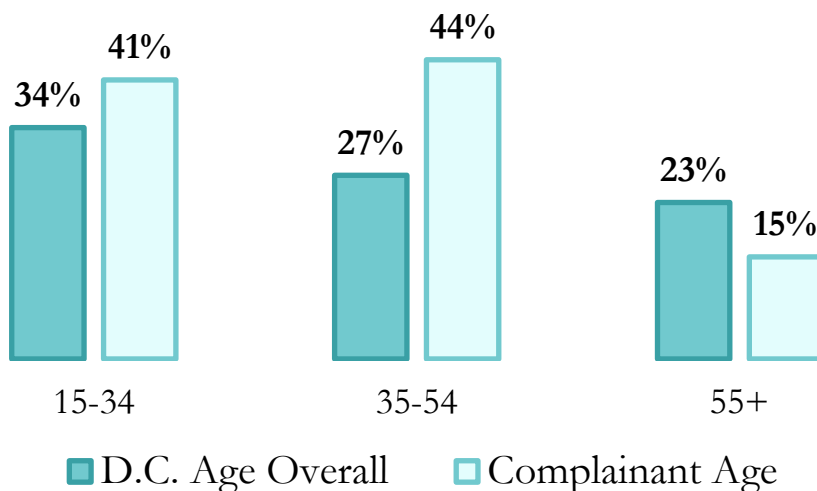
5% 
White Officer

2% 
Latino Officer

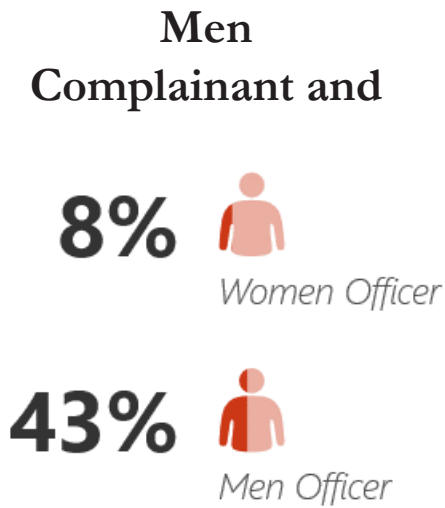
Race¹²



Age¹³

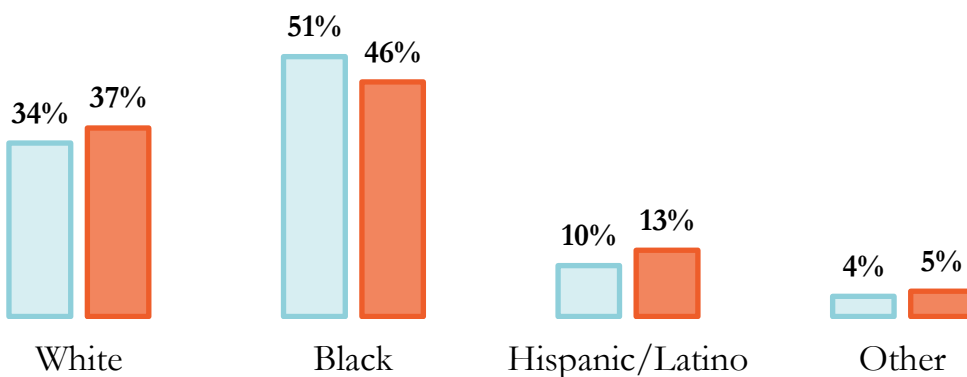


OFFICER AND COMPLAINANT DEMOGRAPHICS

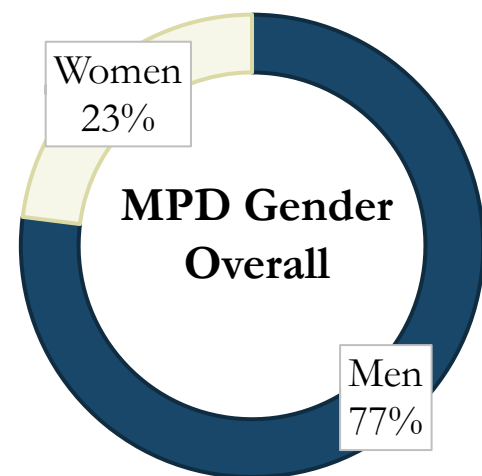


22% Of MPD Officer's Received at Least One Complaint in FY21

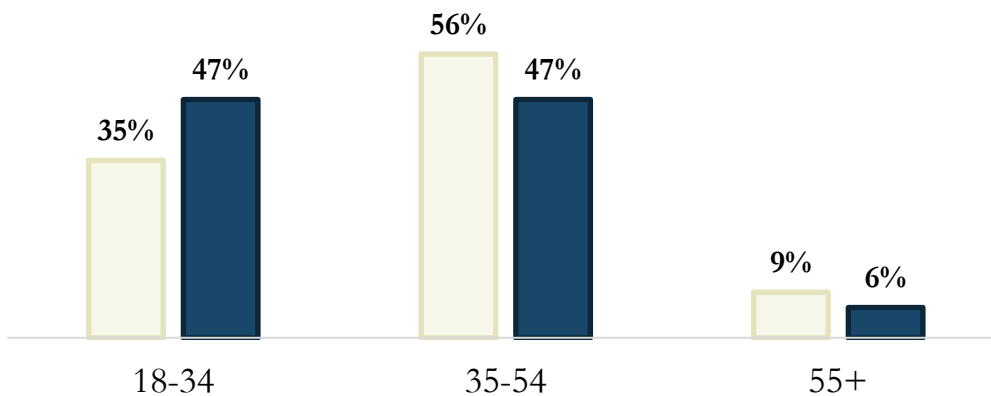
Race





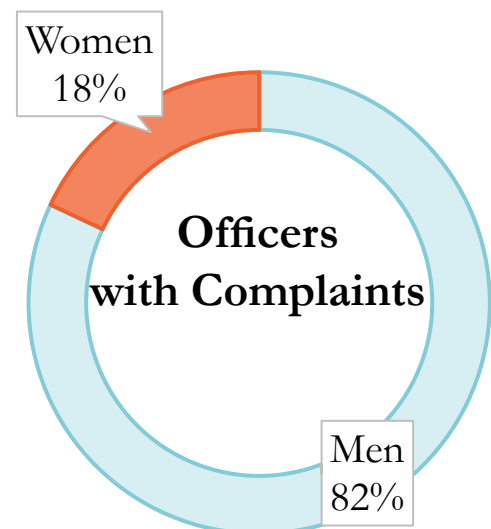
 MPD Overall Race  Race of Officers with Complaints



Age



 MPD Age Overall  Age of Officers with Complaints



OVERVIEW

OPC only has full access to the MPD¹⁴ BWC videos that are relevant to OPC complaints. Specifically, OPC has access to BWC footage once a complaint within OPC's jurisdiction has been filed and investigators are only permitted to view BWC as it pertains to the complaint received. Therefore, the statistics regarding BWC presented in this report do not reflect the entirety of MPD BWC's, but only complaints within OPC's jurisdiction. Furthermore, not all investigations into complaints warrant investigators to watch the available BWC, and these instances are not included in the presented statistics.

IMPACT OF BWCS

MPD's BWC video appeared to have an effect on the outcomes of cases investigated. Cases completed in FY21 containing BWC video resulted in lower percentage of withdrawals than cases without BWC video. This was also true for cases completed in FY17 to FY20. This elevated complainant cooperation may be a result of investigations taking less time with BWC video. Complainants may also have more confidence in pursuing their complaint knowing BWC video of incident(s) exists. Additionally, with BWC evidence, investigators are able to move quickly to determine whether allegations have merit, resulting in less time for investigations to be completed and fewer officer interviews.

In FY21, cases with BWC video resulted in higher percentages of policy training referrals, mediation, and dismissals based on merit. Cases in which BWC evidence was present had a higher percentage of dismissals based on merit as compared to cases without BWC (46% and 12% respectively). In FY21 there were the same number of cases with BWC video that resulted in adjudication as those without BWC (4% each). In FY20 cases with BWC had a higher percentage of cases resulting in adjudication, as compared to cases without BWC. In FY21, cases without BWC had more rapid resolution referrals than cases with BWC (35% and 9% respectively).

One of OPC's statutory requirements is to make policy recommendations to MPD and DCHAPD to improve police practices. OPC's access to BWC video has greatly improved OPC's ability to identify patterns and practices that may be relevant recommendations. The availability and access to BWC video that illustrates the actual actions and conduct of officers and complainants is a powerful accountability tool.

OFFICER COMPLIANCE WITH BWC POLICIES

MPD policy requires officers to activate BWC's when an interaction with a community member is initiated, and officers are required to inform community members of the activation of their cameras when responding to calls for services. Although MPD has reached full deployment of BWC's, not every case investigated by OPC in FY21 had BWC video. In FY21, OPC found relevant BWC video in 291 out of 397¹⁵ cases with dispositions, accounting for 73% of the total investigations, which is higher than the 72% in FY20. In some cases, OPC was able to determine that the officer or officers involved had BWC's but did not activate them as required; in other cases, there may not be BWC footage because there was not a direct interaction between MPD and a community member (e.g., communication via email), or the officer was unidentified in the complaint and investigators were unable to make an identification.

In each case there can be more than one instance of BWC non-compliance, and in FY21 29% of cases had at least one instance of BWC non-compliance. In FY21, in 9% of cases the BWC was turned on late; in 4% the BWC was not turned on at all; and in 4% the BWC was obstructed. The percentages of cases where officer(s) failed to properly use their BWCs by: (1) not notifying the community members that they were being recorded; and (2) turning it off early are 17% and 6% respectively, slightly lower than the percentages of the two categories in FY20. Overall, a total of 29% of investigated cases in FY21 with BWC video included some form of BWC non-compliance, which is a 3% decrease from the 32% in FY20 cases with BWC non-compliance.

FY21 CASE DISPOSITIONS AND BODY WORN CAMERAS

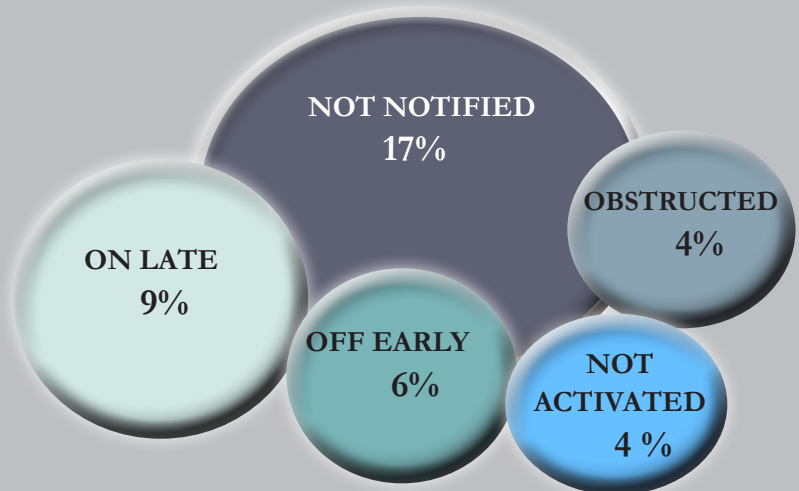
BODY-WORN CAMERA TRENDS

73%

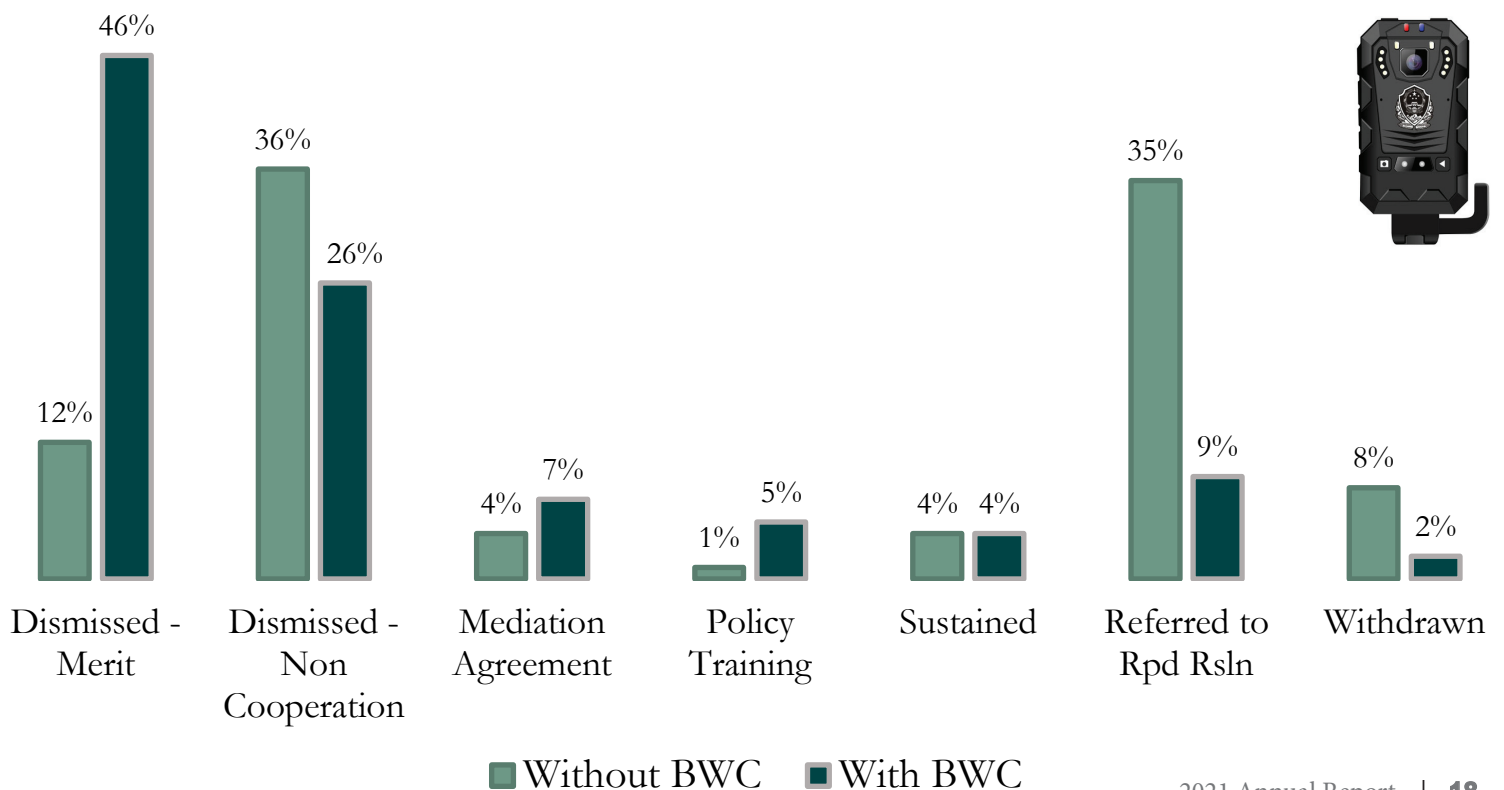
CASES WITH BWC VIDEOS

29%

CASES WITH BWC NON-COMPLIANCE



FY21 CASE DISPOSITIONS BY BODY WORN CAMERA



OVERVIEW

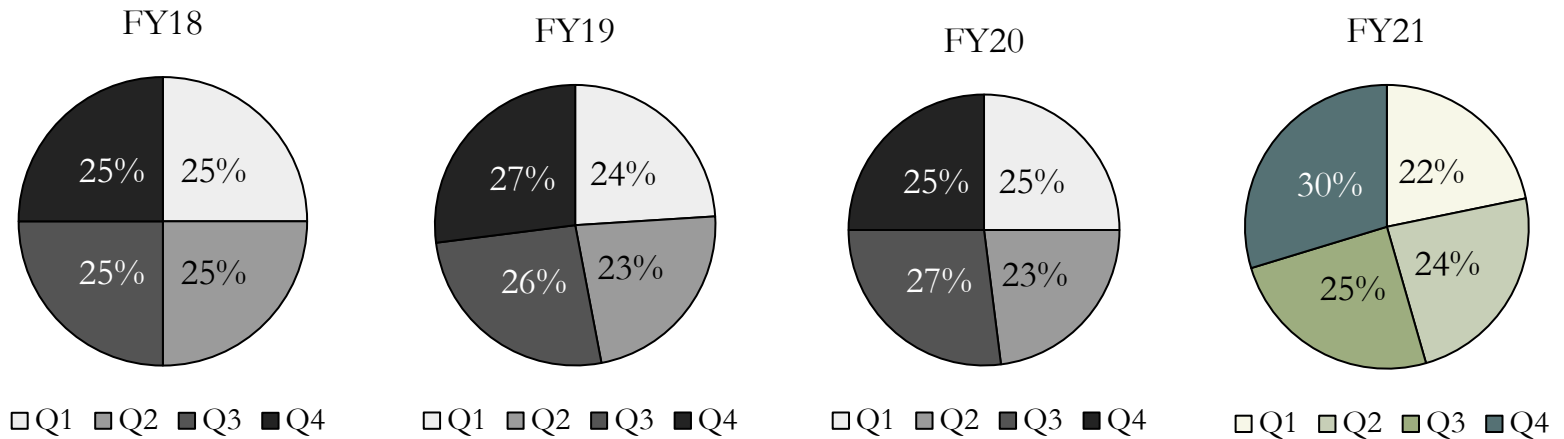
Each month in FY21 accounted for between 6% and 11% of all complaints received, and each quarter OPC received between 22% and 30% complaints.

OPC received the fewest complaints in February and May of FY21, with 48 complaints received each month. OPC received the most complaints in July, with 94 complaints received. Quarter 4 – comprising of July, August, and September – was OPC's busiest quarter of FY21, with 246 complaints received. OPC

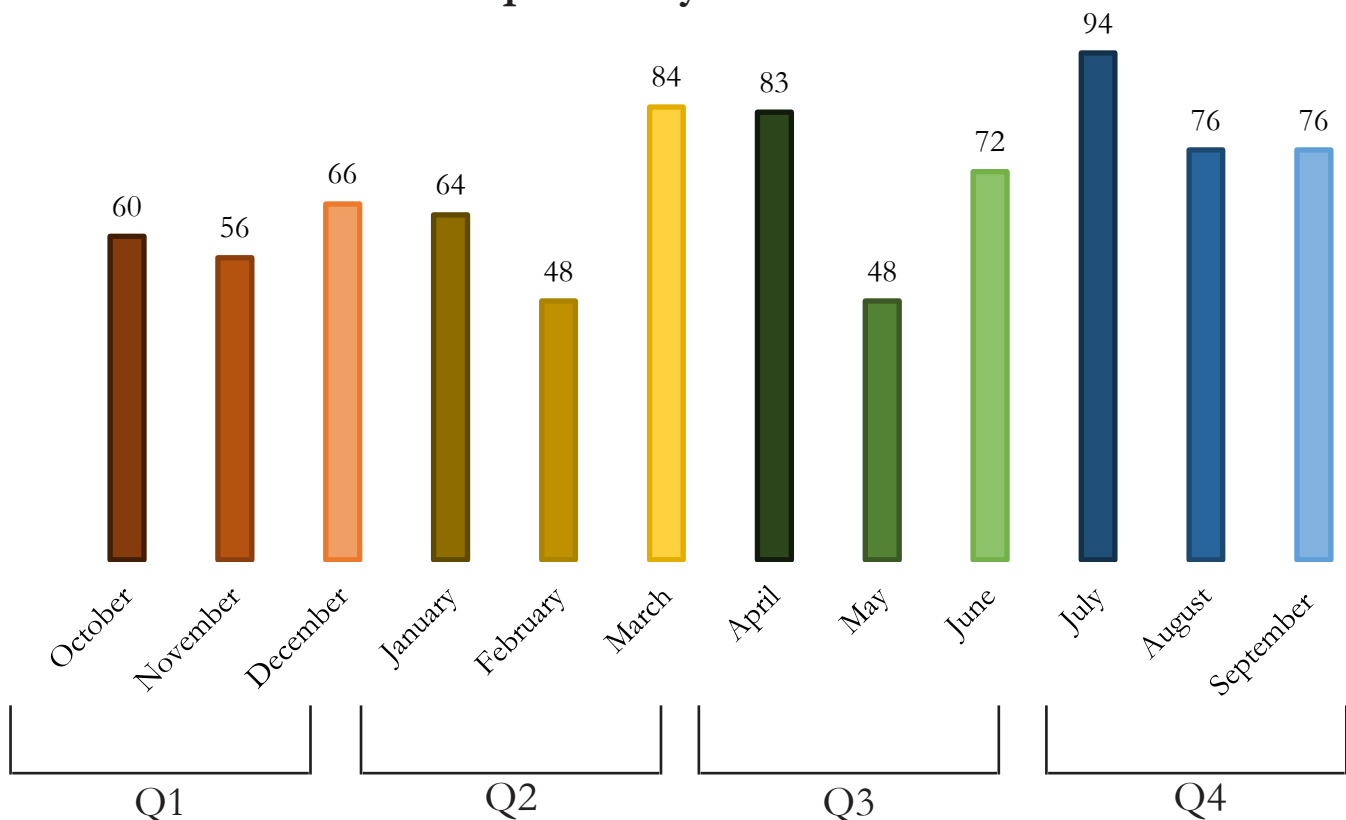
received the fewest complaints in the first quarter – comprising of October, November, and December – with 182 complaints.

Quarter 1 of FY21 had the lowest percentage of all complaints in the last 4 years with 22% of all complaints occurring in Q1 of FY21. Quarter 4 of FY21 had the highest percentage of all complaints in the last 4 years with 30% of all complaints occurring in Q4 of FY21. FY21 was the fourth consecutive year in which OPC received more than 180 complaints in each quarter.

Complaints by Quarter and Year



Complaints by Month in FY21



OVERVIEW

OPC has five primary disposition types - adjudication, policy training, mediation, rapid resolution referral, and dismissal. Cases may be dismissed due to a lack of cooperation from the complainant or because OPC has found that the allegations lack merit. Cases may also be withdrawn by the complainant.¹⁶ These disposition types are discussed in more detail on pages 21 through 25.

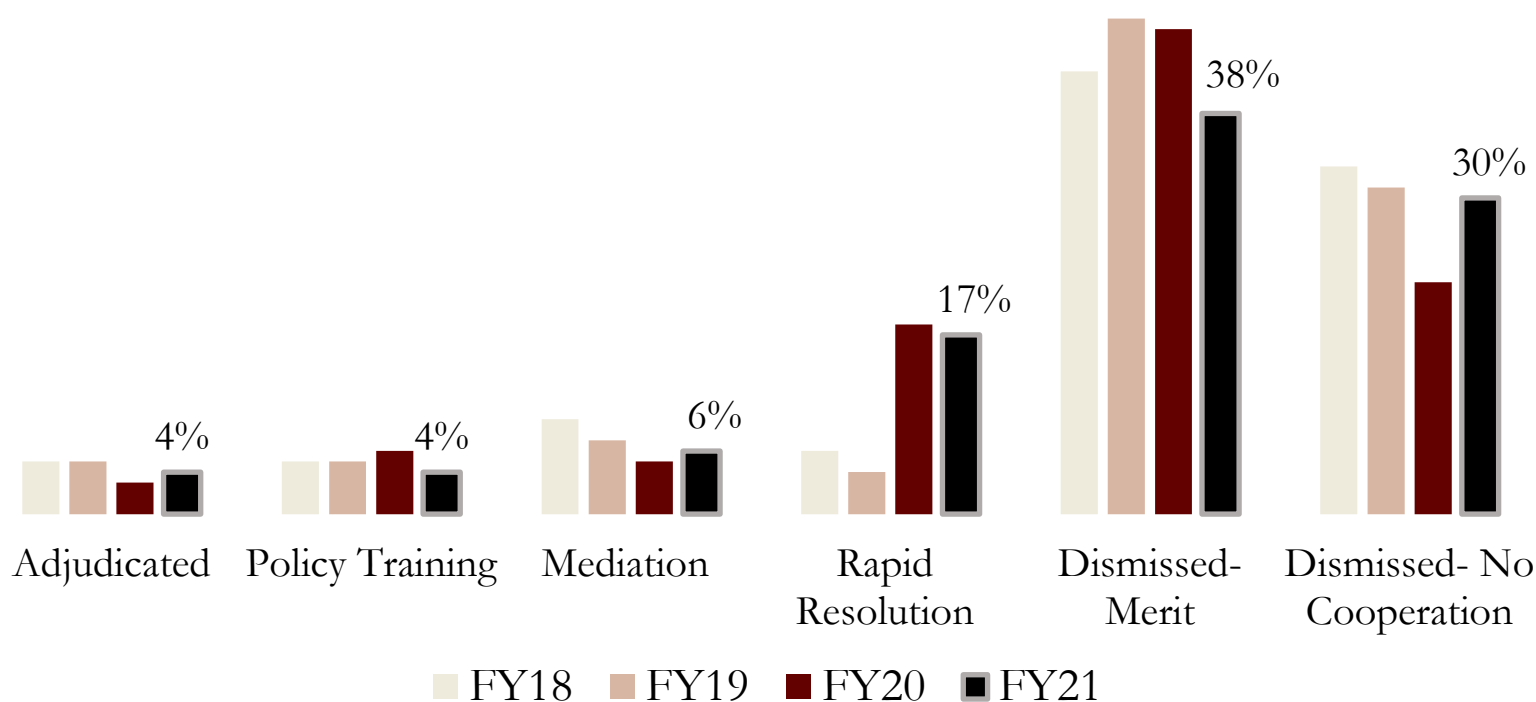
CASE DISPOSITIONS

380¹⁷ of the cases in FY21 reached one of OPC's primary dispositions. This was a 29% decrease¹⁸ from the 538 dispositions reached in FY20. The percentage of cases dismissed based on merit decreased 8% from FY20 to FY21. Those dismissed based on merit comprised 38% of all dispositions in FY21 and had the highest percentage of the five dispositions. Dismissals

due to the complainant not cooperating with the investigation or with the mediation process, increased 8% from FY20 to FY21 with 30% of all cases in FY21 being dismissed for non-cooperation.

The percent of sustained adjudications in FY21 was 4% and in FY20 they comprised 3% of all cases. The number of sustained adjudications in FY21 was 16 out of 17 sustained. Cases that are adjudicated are referred to an independent complaint examiner, who assesses the merits and sustains or exonerates each allegation. The proportion of cases closed through mediation has decreased from 10% in FY17 to 6% in FY21. Policy training accounted for 4% of all dispositions and rapid resolution comprised 17% of all dispositions in FY21.

Case Disposition by Year



COMPLAINT EXAMINATION

When OPC determines there is reasonable cause to believe misconduct has occurred, the agency refers the matter to a complaint examiner, who adjudicates the merits of the allegations. OPC's pool of complaint examiners, all of whom are distinguished resident attorneys in the District of Columbia, have included individuals with backgrounds in private practice, government, non-profit organizations, and academia.

The complaint examiner may either make a determination of the merits based on the investigative report and its supporting materials or require an evidentiary hearing. If a complaint examiner determines that an evidentiary hearing is necessary to adjudicate a complaint, OPC takes steps to ensure that complainants have counsel available to assist them at no cost during these hearings. For complainant representation, OPC currently has an arrangement with Arnold & Porter LLP, an internationally recognized Washington-based law firm with a demonstrated commitment to handling pro bono matters. Generally, officers are represented by attorneys or representatives provided to them by the police union, the Fraternal Order of Police (FOP).

In FY21, a total of 17 complaints went through the complaint examination process resulting in 17 merits determination decisions. There were no evidentiary hearings held for cases closed in FY21. 16 of the 17 decisions issued sustained at least 1 allegation of misconduct, resulting in a complaint examination sustain rate of 94%.¹⁹

OPC posts all complaint examiner decisions on its website at: www.policecomplaints.dc.gov/page/complaint-examiner-decisions.

FINAL REVIEW PANELS

The statute governing OPC²⁰ allows the chiefs of police of MPD and DCHAPD to appeal complaint examiner decisions. If the chief of police determines that a decision sustaining any allegation "clearly misapprehends the record before the complaint examiner and is not supported by substantial, reliable, and probative evidence in that record," the chief may return the decision for review by a final review panel composed of three different complaint examiners.²¹ The final review panel then determines whether the original decision should be upheld using the same

standard. There were no Final Review Panels requested in FY21.

DISCIPLINARY OUTCOMES FOR SUSTAINED CASES

OPC does not have the authority to recommend or determine the type of discipline to be imposed when allegations are sustained by complaint examiners. OPC forwards all complaint examiner decisions that sustain at least one allegation of misconduct to the appropriate chief of police to impose discipline. MPD and DCHAPD are required by statute to inform OPC of the discipline imposed for sustained allegations in each complaint.²²

In FY21, MPD chose to impose discipline of suspension without pay for fifteen days for one case, suspension without pay for between 12 to 25 days in two cases; a dereliction of duty report (PD 750) in four cases; education-based development in two cases; and a job performance documentation (PD 62-E) in three cases. In one case the officer resigned prior to the discipline being imposed, in one case allegations were exonerated, and three are still pending.

For a list of cases with sustained allegations in FY21 and the discipline imposed in those cases, see Appendix C on page 35.

EDUCATION-BASED DEVELOPMENT

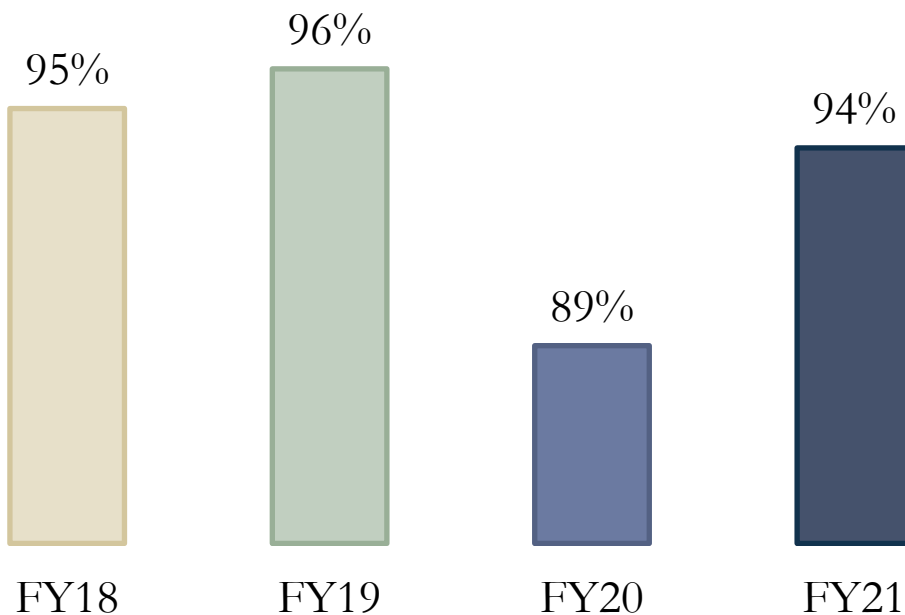
When an allegation of misconduct is sustained by a complaint examiner or upheld by a final review panel, MPD is statutorily required to impose discipline.²³ MPD defines education-based development as "an alternative to discipline." MPD used education-based development instead of discipline in two of 85 cases requiring discipline between FY09 and FY16; in eleven of 14 cases in FY17; in nine of 18 cases in FY18; in two of the 16 cases FY19; in three cases in FY20, and two cases in FY21.

When OPC's Executive Director determines that training is appropriate rather than discipline, OPC refers the case to MPD for policy training rather than referring it to a complaint examiner. The NEAR Act provided OPC with the authority to refer cases for policy training in FY16 Q3, and OPC referred 15 cases to MPD for policy training in FY21.

DISCIPLINE IMPOSED FOR SUSTAINED COMPLAINTS

INVESTIGATIVE
OUTCOMES

Discipline or Action Taken	Total FY09- FY19	Outcome for cases sustained in FY20	Outcome for Cases sustained in FY21
Suspension Without Pay 11 Days or More	17	1	3
Suspension Without Pay 1 to 10 Days	28	3	-
1-Day Leave Forfeiture	4	-	-
Official Reprimand	30	-	1
Letter of Prejudice	12	-	2
Dereliction Report (PD 750)	30	4	4
Formal Counseling	2	-	-
Education-Based Development	24	3	2
Merits Determination Rejected\No Action Taken	7	-	-
Job Performance Documentation (PD 62-E)	-	4	3



16 of 17
Cases referred to a complaint
examiner in FY21 had at least
one allegation of misconduct
sustained

POLICY TRAINING REFERRALS

OPC refers cases to MPD or DCHAPD for policy training when OPC finds that the officer has likely violated an MPD/DCHAPD policy or general order and determines that the best correction is for the officer to receive additional training. In order to refer cases for policy training, OPC must determine that the officer likely violated an MPD/DCHAPD policy or general order. Therefore, unlike rapid resolution referrals and mediations, policy training cases are fully investigated before being referred to MPD, with OPC investigators interviewing officers and complainants, reviewing BWC footage, and conducting any other investigations deemed necessary. In this sense, policy trainings most closely resemble cases sent to complaint examiners for adjudication. The difference is that before the complaint is sent to complaint examination, OPC’s investigative supervisors and Executive Director determine that the best correction is for the officer to receive policy training rather than discipline.

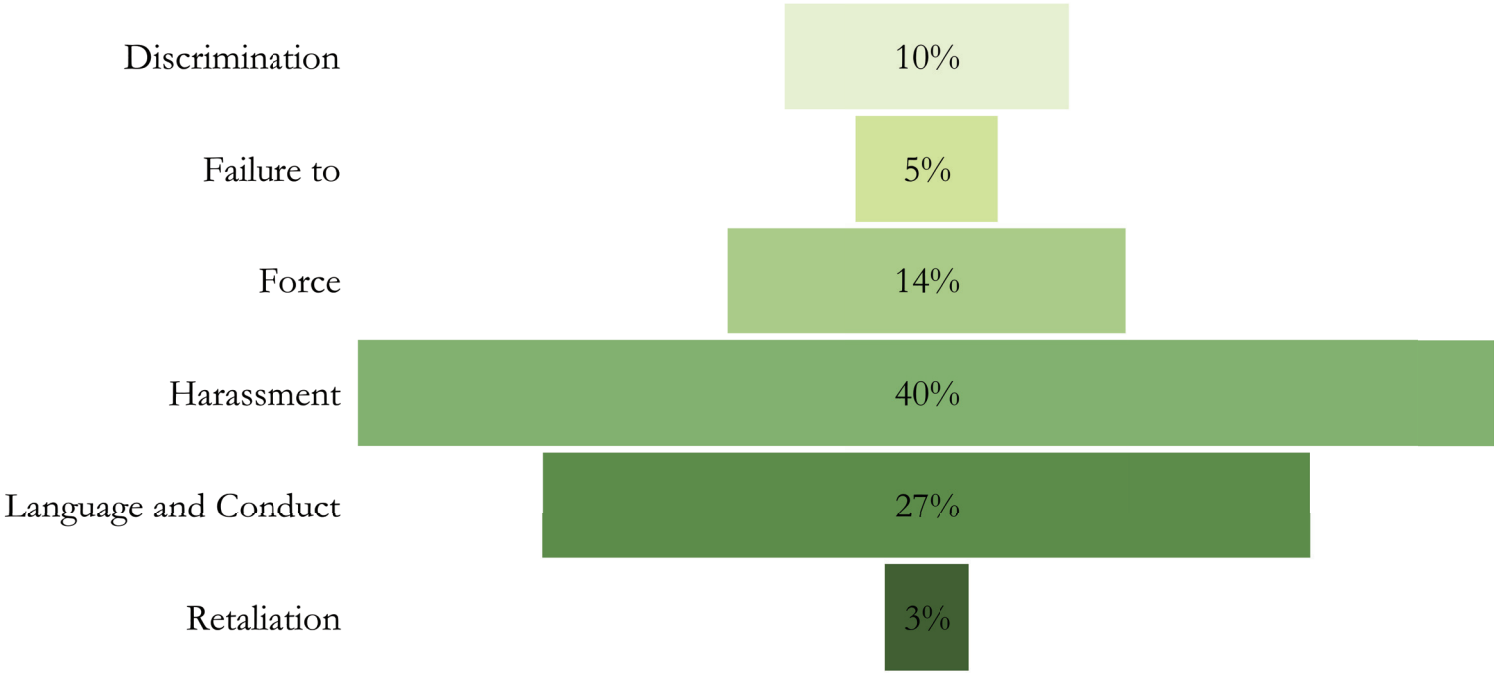
When OPC determines that policy training is the appropriate correction, it must notify MPD or DCHAPD of 1) the allegations; 2) the rationale for policy training; and 3) the type of policy training OPC thinks would be most appropriate. The department

then notifies OPC when the training has been completed, and the case is closed. Officers must complete the training in order for the case to be closed. With policy training, officers are instructed on the conduct that led to the complaint, and they are given skills to change their behavior in the future. If the subject officer does not complete the training the case may go to a complaint examiner for review.

OPC has referred cases for policy training since it gained the option to do so in FY16, when OPC obtained more authority from the NEAR Act. The number of referred cases has been increasing since FY17, and MPD has completed training for 118 policy trainings through FY21.

MPD sends most policy training referrals to the Metropolitan Police Academy (MPA), where the training sessions are conducted. An added benefit of this process is that not only are policy and general order violations being addressed and corrected with the individual officer(s) against whom the complaint was filed, but MPA training staff are also able to use the referred cases to apply training and policy updates department-wide when deemed appropriate.

Allegations Referred to Policy Training
FY19-FY21



RAPID RESOLUTION REFERRALS

When OPC receives a complaint but determines that there was no misconduct, OPC can refer the case to MPD for rapid resolution, in which an MPD supervisor will typically contact the complainant to discuss the incident and clarify MPD's policies.

OPC has referred 226 cases for rapid resolution since it gained the option to do so in FY16. OPC did not send any cases for rapid resolution in FY16. OPC sent 19 cases for rapid resolution in FY17, 29 cases in FY18, 17 cases in FY19, 98 cases in FY20 and 63 in FY21.

MEDIATION

Mediation is a very important program OPC employs to directly impact community trust in the District police forces at the individual level. The mediation program is used as a direct tool to help foster better community trust in the District police forces and allows community members and officers to have a mediator-facilitated conversation that fosters better rapport in future interactions.

Mediation allows the complainant and the officer to civilly discuss the interaction that led to the complainant's decision to file a complaint. OPC screens all cases for mediation regardless of merit and discusses the option of mediation with the complainant, explaining the goals of the program prior to any mediation referral. This year, OPC has added procedural steps into the mediation referral process that introduce the complainant to the mediator assigned to their case before the mediation is scheduled.

Due to the Covid-19 health pandemic, OPC adapted its mediation program in FY20 to support virtual mediations. The resolution rate prior to virtual mediations was 71% and 76% in FY20 after OPC implemented virtual mediations. FY21 was the first year OPC completed all mediations virtually, as there were no in person mediations and had a resolution rate of 86%.

MEDIATION SURVEY RESPONSES

An important part of OPC's mediation program includes participant surveys immediately before and after the mediation session. 100% of officers and 71% of complainants surveyed after a completed mediation session in FY21 said that the mediator was helpful or very helpful.

Similarly, 100% of officers agreed that mediation is a fair forum in which to discuss the allegations made by the complainant. 86% of officers also agreed that the mediation session allowed the complainant to better understand the actions of the officers. Additionally, 100% of complainants felt that it was important that they understand the officer's perspective in the interaction that led to the complaint.

Complainants were asked an open-ended question inquiring, "What do you hope to get out of this mediation?" With one complainant stating they hoped to get "An apology. A mutual understanding of the importance of treating people civilly and fairly." The complainants were also asked if they had signed a resolution agreement after the mediation, and what that resolution was. One complainant explained that the officer's sincerity was part of the resolution as they felt the officer "was sincere, and actually explained why he said what he said, and that he'd understand if he were in my shoes why I felt that way."

Officers were asked the open-ended question, "After today's mediation, how do you think future interactions with the complainant will be?" One officer explained that "The complainant['s] advice will be used towards future encounters and I am happy he was able to understand why we were there." Another officer answered, "I believe that myself and complainant had a positive experience and will have good interactions if we meet in the future."

Improving officer-community member relations is the mission of OPC and the goal of OPC's mediation program, and these responses from both the complainants and the officers indicate that the mediation program is an effective tool in pursuing that goal.

MEDIATION

MEDIATION PROCESS

Step 01

Investigators review all cases to determine whether the parties might benefit from mediation.

Step 02

If investigators determine mediation may be beneficial, they discuss the option of mediation with the complainant.

Step 03

The case is referred to a mediation contractor.

Step 04

The mediator coordinates a time for the mediation. Parties are required to participate in good faith.

Step 05

During the mediation both the complainant and officer will discuss their perspective of the incident and how it made them feel. If both parties are satisfied, they sign a mediation resolution agreement and the case is closed. If unresolved, the case is returned to the investigator and the investigation resumes.

Number of Cases Referred to Mediation

70	48	36
FY19	FY20	FY21

Average Days Between Referral and Mediation

20	33	19
FY19	FY20²⁴	FY21

Percent of Mediations Resolved

74%	76%	86%
FY19	FY20	FY21

Percent of Investigations Resolved Through Mediation

8%	5%	6%
FY19	FY20	FY21

Word Cloud developed written responses over the years from both Officers and Complainants when asked: “What do you hope to get out of this mediation?”



OVERVIEW

The statute creating the Police Complaints Board (PCB) authorizes it to “make recommendations, where appropriate, to the Mayor, the Council, the Chief of the Metropolitan Police Department (“Police Chief”), and the Director of the District of Columbia Housing Authority (“DCHA Director”) concerning the status and the improvement of the complaint process. The Board shall, where appropriate, make recommendations to the above-named entities concerning those elements of management affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.”²⁵ This authority allows OPC to examine broader issues that lead to the abuse or misuse of police powers.

The PCB issues policy recommendations that address large-scale concerns about District law enforcement policies, training, or supervision. In addition, the PCB issues policy reports that address substantive or procedural law enforcement matters, which, if corrected immediately, could greatly improve community trust in the police. In FY21 the PCB issued four policy reports with recommendations, which are discussed in more detail below. At the close of FY21, PCB had issued 61 detailed reports and sets of recommendations for police reform since 2002. All reports with recommendations are available on OPC’s website.²⁶

1 Stop and Frisk Data Review

On October 5, 2020, the PCB released the Stop and Frisk Data Review policy report, which focused on racial disparities found in MPD’s 2019 Stop Data Report. In the report, the PCB noted that MPD provided data for approximately 11,600 stops and that 70% of the stops were of Black people, despite Black people constituting 46% of the overall D.C. population. The PCB also recognized the importance of transparency as fundamental to ensuring community trust and urged MPD to expedite its examination into the root causes of the appearance of racial bias in the stop data. The PCB further noted that MPD officers will likely continue to effect stops in the same ways unless MPD addresses the causes of the racial disparities in its stop data and that these stops will continue to erode community trust in MPD while potentially leaving MPD and the District Open to lawsuits.

The PCB recommended that MPD:

- Immediately make public any steps already taken to initiate a comprehensive analysis of the stop data; including entities that MPD has consulted with about their plan, and what issues, if any, have caused the delay in starting the analysis.
- MPD must continue to keep the public apprised of the progress of this comprehensive analysis through regular updates to the Stop Data Report page on the MPD website and by being as transparent as possible about the status of these updates.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1500186>.

2 Discipline

On October 14, 2020, the PCB released the Discipline policy report. In the report, the PCB noted that the sanctions imposed by MPD in response to sustained community complaints suggest that the Department is reluctant to impose serious sanctions based on community complaints, and that the discipline imposed on officers often goes outside of MPD’s Table of Penalties Guide. These minor disciplinary sanctions allow officers to believe that complaints from community members are unimportant and that MPD tolerates, or endorses, behaviors likely to produce complaints. The PCB recommended:

- The D.C. Council consider reviewing the process by which discipline is determined for OPC sustained complaints.
- Amending D.C. Code §5-1112 to include a revised procedure for determining the level of discipline for sustained allegations of misconduct based on complaints made to OPC.
- Both OPC and the PCB should be involved in the discipline process and the PCB should ultimately approve the discipline.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1501796>.

3 FY19 Implementation Update and Reexamination of FY15-18 Implementation Updates

On February 8, 2021, the PCB released an implementation update on the policy recommendations made to MPD from FY15 to FY19 in order to report on the status of their implementation.

- Of the 4 policy recommendations made in FY15, one has been fully implemented, two have been partially implemented, and one has not been implemented.
- Of the 8 policy recommendations made in FY 16, two have been fully implemented, four have been partially implemented, and two have not been implemented.
- Of the 4 policy recommendations made in FY17, three have been partially implemented and one has not been implemented.
- Of the 9 policy recommendations made in FY18, three have been fully implemented, one has been partially implemented, and five have not been implemented.
- Of the 11 policy recommendations made in FY19, four have been partially implemented and seven have not been implemented.

For more information regarding this report, please visit <https://policecomplaints.dc.gov/node/1521271>.

4 Marijuana Trained Drug Detection Canines

On July 18, 2021 the PCB released the Marijuana Trained Drug Detection Canines policy report. In the report, the PCB noted that on February 26th, 2015, the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative went into effect. This resulted in the decriminalization of possession or use of up to two ounces of marijuana for persons over the age of 21 in the District. While this decriminalization has occurred MPD continues to deploy their Canine Patrol Unit (CPU) and while their canines can differentially detect the odors of marijuana, methamphetamines, ecstasy, cocaine, and heroine, canines only have one alert indicator to signal to their Canine Handlers contraband is present. This has the potential to infringe on the rights of those in the District. The PCB also noted that OPC has received complaints regarding vehicle searches involving MPD's CPU in which MPD's canine indicated contraband was present, but only marijuana was found.

The PCB recommended:

- MPD should not deploy canines trained in marijuana detection in any way that would infringe upon the rights of the public, such as for sweeps or searches of persons or vehicles.
- After probable cause has been established, MPD may deploy marijuana trained canines for a sweep, but probable cause must be established prior to and independently from utilizing a canine trained in marijuana detection.
- MPD should no longer train canines in marijuana detection at the academy, and any certification processes should no longer be dependent on the canine's ability to detect marijuana.
- If MPD has or acquires any canine that has the ability to distinguish between the legal and illegal possession of marijuana and the possession of other illegal drugs would not be subject to this policy recommendation.
- However, the canine should undergo more frequent recertification processes and it should not be recommended to deploy them for sweeps, acting in an abundance of caution to protect against any risk of infringing on the reasonable expectation of privacy that D.C. residents have to lawfully possess marijuana.
- MPD should update General Order 306.01 and General Order 901.07 to reflect the above recommendations to ensure that the rights of community members who are abiding by the District's Special Order 15-07 are protected and are uncompromised by drug detection canine deployment.
- Any canines trained in marijuana detection that are currently employed by the MPD Canine Patrol Unit should be retired or repurposed for other departmental purposes and no longer be used as drug detection dogs.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1547726>.

OUTREACH EVENTS

Despite the global Covid-19 pandemic, OPC conducted and participated in more than 25 outreach events throughout the District of Columbia. These events included training sessions, podcasts, and presentations to the public about the agency's mission, function, and complaint process.

OPC continued its outreach efforts to the youth by conducting its Student Interactive Training (SIT) program virtually for the D.C. Department of Parks and Recreation I.M.A.G.E. summer camps. The SIT program focuses on reducing the number of negative encounters between students and the police as well as educating them on knowing their constitutional rights through interactive scenarios.

Additionally, OPC expanded its youth outreach by presenting to young adults employed at Paul Public Charter School through the Mayor Marion S. Barry Summer Youth Employment Program. The agency also conducted a Know Your Rights session for The Literacy Lab Leading Men Fellowship and presented to college students at the University of the District of Columbia Community College and law students at American University Washington College of Law.

Further outreach to college students in FY21 included OPC's participation in several informational fairs hosted by local universities and law schools, including American University, Georgetown Law Center and American University Washington College of Law.

In continuing its outreach to the District's immigrant community, the agency participated in the Washington English Center winter and summer Virtual Community Service and Health Fairs. OPC also conducted several information sessions for adult students at Briya Public Charter School.

OPC's Executive Director Michael G. Tobin participated in the National Center for Victims of Crime podcast on access and resources available for community members who experience police abuse and harassment. In addition, Director Tobin served as a panelist for Georgetown Law's Innovative Policing Program, The Lab @ DC and Howard University's workshop series on reimagining the role of police stops in public safety and the American Bar Association Young Lawyers Division webinar on understanding police oversight and advocacy methods.



Agency staff members also served as panelists and moderators for various workshops and webinars hosted by the National Association for Civilian Oversight of Law Enforcement. Additionally, Police Complaints Board Member Jeff Tignor was a panelist for The Connecticut Academy of Arts & Sciences discussion on police reform and accountability.

OPC continues to increase the agency's public awareness by working with its community partners. The purpose of the agency's Community Partnership Program is to collaborate with a wide range of community organizations, government agencies, service providers, neighborhood associations, and advocacy groups to provide the public with greater access to information about OPC.

APPENDICES

Table Reporting Percent of Complaints Per Ward Since FY15

	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Ward 1	17%	10%	13%	11%	15%	8%	11%
Ward 2	14%	22%	18%	18%	17%	20%	16%
Ward 3	4%	5%	4%	5%	7%	7%	9%
Ward 4	8%	10%	10%	9%	7%	8%	7%
Ward 5	14%	13%	16%	14%	14%	16%	15%
Ward 6	14%	12%	15%	17%	17%	15%	15%
Ward 7	19%	20%	13%	14%	12%	13%	12%
Ward 8	10%	8%	12%	11%	12%	14%	14%

Harassment Subcategories	FY18	FY19	FY20	FY21
Bad Ticket	107	95	75	51
Contact	33	38	46	49
Entry (no search)	13	16	16	27
Frisk	12	7	6	9
Gun: Touch Holstered Weapon	10	11	6	9
Intimidation	63	30	32	27
Mishandling Property	53	57	47	41
Move Along Order	20	26	15	10
Prolonged Detention	18	20	25	11
Property Damage	20	21	30	29
Refusing Medical Treatment	3	6	6	9
Search: Belongings	7	8	11	5
Search: Car	23	29	24	20
Search: Home	18	23	18	12
Search: Person	24	13	13	14
Search: Stop or Invasive	3	5	3	2
Stop: Bicycle	-	-	-	-
Stop: Pedestrian	42	38	33	40
Stop: Vehicle/Traffic	89	87	67	48
Stop: Boat	-	-	-	-
Threat	77	71	60	45
Unlawful Arrest	94	79	70	83
Other	82	105	86	84
Total Harassment Allegations	811	785	690	625
Percent Change from Previous Fiscal Year	17% Increase	3% Decrease	12% Decrease	9% Decrease

Force Subcategories	FY18	FY19	FY20	FY21
ASP: All Types	1	1	4	2
Canine	-	-	-	-
Chokehold	3	2	5	6
Forcible Handcuffing	11	14	19	20
Gun: Drawn, but not Pointed	5	4	3	3
Gun: Fired	3	-	3	6
Gun: Pointed at Person	17	10	6	11
Handcuffs too Tight	21	19	24	18
OC Spray	1	3	23	5
Push or Pull with Impact	40	34	54	39
Push or Pull without Impact	46	46	55	44
Strike: Kick	2	3	-	1
Strike: with Officer's Body	7	-	5	1
Strike: Punch	11	6	10	4
Strike: While Handcuffed	3	1	2	-
Strike: with Object	1	-	4	3
Vehicle	2	2	5	3
Other	13	15	37	26
Total Force Allegations	189	160	259	192
Percent Change from Previous Fiscal Year	30% Increase	15% Decrease	62% Increase	26% Decrease

Discrimination Subcategories	FY18	FY19	FY20	FY21
Age	8	4	2	4
Color	5	1	1	3
Disability	4	3	2	4
Family Responsibilities	1	-	1	-
Language	-	-	-	-
Marital Status	1	-	1	1
National Origin	11	8	9	10
Personal Appearance	8	4	6	3
Physical Handicap	2	-	1	3
Place of Residence or Business	3	3	3	4
Political Affiliation	-	-	1	2
Race	79	62	49	37
Religion	1	1	-	3
Sex	14	8	15	8
Sexual Orientation	7	1	2	5
Source of Income	5	2	2	1
Other	10	6	11	5
Total Discrimination Allegations	159	103	106	93
Percent Change from Previous Fiscal Year	5% Increase	35% Decrease	3% Decrease	12% Decrease

Failure to Identify Subcategories	FY18	FY19	FY20	FY21
Display Name and Badge	7	3	4	5
Provide Name and Badge	46	35	30	34
Other	1	3	1	-
Total Failure to Allegations	54	41	35	39
Percent Change from Previous Fiscal Year	0% Change	24% Decrease	15% Decrease	11% Increase

Failure to Intervene Subcategories	FY18	FY19	FY20	FY21
Total Failure to Intervene Allegations	N/A	N/A	1	3
Percent Change from Previous Fiscal Year	N/A	N/A	N/A	200% Increase

Language and Conduct Subcategories	FY18	FY19	FY20	FY21
Demeanor or Tone	248	253	184	202
Gesture or Action	88	68	65	56
Other Language	36	45	23	19
Profanity	41	28	15	17
Racial/Ethnic Slur	6	3	1	-
Other	29	9	18	11
Total Language and Conduct Allegations	448	406	306	305
Percent Change from Previous Fiscal Year	6% Increase	9% Decrease	25% Decrease	<1% Decrease

Retaliation Subcategories	FY18	FY19	FY20	FY21
Total Retaliation Allegations	14	20	14	6
Percent Change from Previous Fiscal Year	13% Decrease	43% Increase	30% Decrease	57% Decrease

FY21 Complaint Examiner Decisions by Allegation and Disciplinary Outcomes

Complaint Number	Harassment	Force	Language or Conduct	Failure to Identify/ Intervene	Retaliation	Discrimination	Discipline Determination
19-0511		Sustained					15-Day Susp. w/o Pay
19-0682		Sustained	Sustained				25 & 12-Day Susp. w/o Pay
19-0723	Sustained		Sustained				PD 750
19-0732	Sustained			Sustained			Pending
20-0144	Exonerated						N/A
20-0223	Sustained		Sustained				PD 750
20-0233		Sustained					Education Based Development
20-0247	Sustained						Letter of Prejudice; Officer Resigned
20-0388			Sustained				PD 750
20-0462	Sustained						Officer Resigned
20-0584	Sustained						PD 750
20-0638		Sustained					Pending
20-0671			Sustained				Official Reprimand
20-0742	Sustained		Sustained	Sustained			PD 62-E; Education Based Development; Letter of Prejudice
20-0777				Sustained			PD 62-E
21-0041	Sustained						PD 62-E
21-0123	Sustained						Pending

ENDNOTES

1. To see the emergency legislation please visit: <https://code.dccouncil.us/us/dc/council/acts/23-336>
2. These numbers include both adult and juvenile arrests by MPD. For MPD juvenile arrest data please visit: <https://mpdc.dc.gov/node/208852>. For MPD adult arrest data please visit: <https://mpdc.dc.gov/node/1379551>.
3. In order for a contact to be tracked by OPC it needs to fit 1 of these 3 requirements; 1) contact regarding any type of police complaint in D.C., Maryland, and Virginia (DMV); 2) all customers contacting OPC about a MPD or DCHAPD officer – regardless of location; and 3) all out-of-state complaints (i.e. complaint forms) that we receive.
4. Data for FY16 to FY19 investigations includes all complaints received except administrative closures and cases referred to other agencies due to jurisdiction. Since FY20 data for investigations also excludes those complaints that were withdrawn by the complainant during the investigation.
5. In the graphic illustrating the percentages of the allegations, “failure to” includes both allegations of failure to identify and failure to intervene.
6. For investigations opened and completed OPC does not include cases that were administration closures, referred to MPD/DCHAPD due to 90 days or jurisdiction, referred to other, and those that were withdrawn in these statistics.
7. Population data was gathered from <https://www.macrotrends.net/cities/23174/washington-dc/population>
8. For more information on the NEAR Act of FY16 please visit: <https://saferstronger.dc.gov/page/near-act-safer-stronger-dc>
9. Of the remaining 4 sources not listed 2 were from the OPC hotline and 2 were listed as other.
10. The red indicators on the map reflect locations that had more than one complaint filed.
11. Other officer and complainant demographic pairings were not listed because they each made up less than 2% of all pairings. These include 1) Latino officer and Asian complainant; 2) Officer of another Race/Ethnicity or Multi-Racial and Asian complainant; 3) White officer and Asian complainant; 4) Officer of another Race/Ethnicity or Multi-Racial and Black complainant; 5) Latino officer and Latino complainant; 6) Asian officer and complainant of another Race/Ethnicity or Multi-Racial; 7) Latino officer and complainant of another Race/Ethnicity or Multi-Racial; 8) Asian officers and White complainants; 9) Officer of another Race/Ethnicity or Multi-Racial and White complainant.
12. In order to calculate the racial demographics of D.C., raw numbers from <https://www.dchealthmatters.org/demographicdata?id=130951§ionId=941> were used to calculate the percentage of individuals who were Non-Hispanic Black, Non-Hispanic White, Hispanic/Latino, and Non-Hispanic Other.
13. The remaining 15% of the population not included in the graph are individuals aged 0-14. For more information on D.C. demographics please visit: <https://www.dchealthmatters.org/demographicdata>
14. As of FY21 DCHAPD had still not implemented a BWC program.
15. Withdrawn cases are included when discussing BWC footage and dispositions.
16. Withdrawn cases are not included in OPC’s investigative statistics.
17. This number does not include administration closures, referred to MPD/DCHAPD 90 days or jurisdiction, referred to other, and those that were withdrawn.
18. In FY21 OPC changed how the agency deals with certain complaints that are forwarded from MPD. Specifically, if the complaint forwarded from MPD does not have contact information for the complainant, OPC now sends the complaint back to MPD as their jurisdiction as opposed to issuing a summary dismissal. This may have contributed to the decrease in cases closed by OPC.
19. The sustain rate reflects the percentage of decisions adjudicated by a complaint examiner that were sustained. It does not reflect the percentage of all complaints resolved by OPC that were sustained.
20. D.C. Code §5-1104. <https://code.dccouncil.us/dc/council/code/sections/5-1104.html>
21. D.C. Code §5-1112(c). <https://code.dccouncil.us/dc/council/code/sections/5-1112.html>
22. D.C. Code §5-1112(e). <https://code.dccouncil.us/dc/council/code/sections/5-1112.html>
23. D.C. Code §5-1112(e). <https://code.dccouncil.us/dc/council/code/sections/5-1112.html>
24. Number of days increased from previous years because the mediation program was suspended from approximately March through May 2020 as OPC reached an agreement with MPD to conduct mediations virtually.
25. D.C. Code §5-1104 (d). <https://code.dccouncil.us/dc/council/code/sections/5-1104.html>
26. <https://policecomplaints.dc.gov/page/policy-recommendations>



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