

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

Annual Report 2022



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 2022 continued a four-year consecutive trend of a high number of complaints with 796 filed. This is similar to the number of complaints received in Fiscal Year 2021 and follows increases in both Fiscal Years 2019 and 2020. The high volume of complaints has resulted in a tremendous increase in workflow, yet we maintained an average investigation completion time of just 102 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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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.

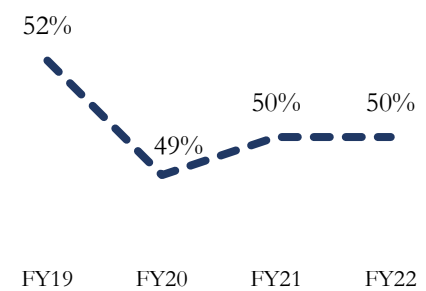
OPC's mission also includes helping bridge the gap in understanding that often exists between community members and D.C.'s police forces. OPC's rapid resolution and mediation programs help facilitate conversations to eliminate any misunderstandings between complainants and officers, while community outreach programs include activities focused on both the public and police officers to improve mutual understanding and awareness throughout the District of Columbia.

FY22 KEY FINDINGS SUMMARY



The PCB made Five Policy Recommendations to MPD in FY22

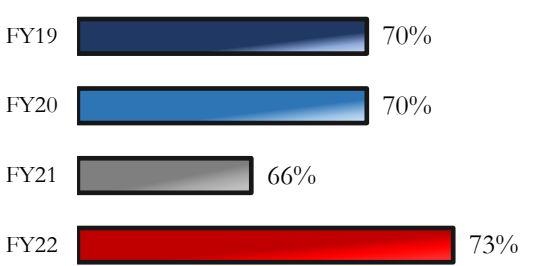
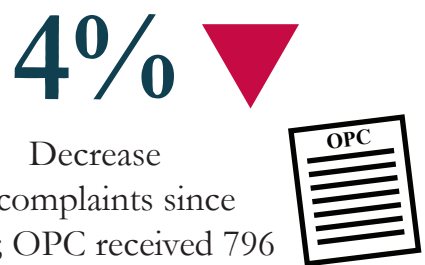
1. FY20 Implementation Update
2. Warrantless Misdemeanor Arrests
3. Enabling Sound During the Pre-Event Buffer on Body-Worn Cameras
4. Improved Guidance on Communicating with Deaf and Hard of Hearing Community Members
5. Use of Hair Holds by Metropolitan Police Department Officers



Most frequent allegation was harassment; 50% in FY22



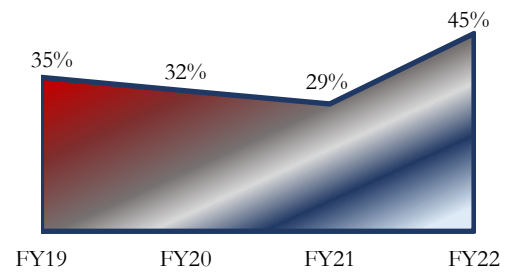
Of complaints received through online complaint form in FY22



73% of complainants in FY22 were Black



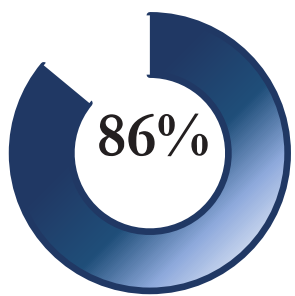
Cases with BWC were less likely to be withdrawn by the complainant



45% of cases Contained at least one form of BWC non-compliance; 16% increase from FY21

25%

Highest officer BWC non-compliance was officer failing to notify subjects of recording with 25% in FY22



86% of cases in FY22 were completed within 180 days

August

Was the month with the most complaints; 99 complaints were received

POLICE COMPLAINTS BOARD

OPC is governed by the four-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 members had to be residents of the District. In July 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 Finance and Organizational Impact for the Justice Policy Institute (JPI), a national nonprofit dedicated to criminal justice reform. As Director of Finance and 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 that ended 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, 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 DC 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 volunteers at 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.

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

AGENCY
STAFF

OPC has a full-time staff of 20 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 2022 (FY22) staff of investigators and supervisory investigators had approximately 140 total years of combined investigative experience. The senior investigators and supervisory investigators have 5 or more years of investigative 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.

INVESTIGATIVE UNIT TRAINING

All investigative unit members attended:

- 3 subject matter and legal training sessions;
- 8 hours of MPD online officer training*

*MPD did not conduct 2022 officer training at the academy, so OPC investigators did not attend Academy training in FY22

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

INVESTIGATOR Courtney Baez
 INVESTIGATOR Onyee Clarke
 PUBLIC AFFAIRS SPECIALIST Nykisha Cleveland
 STAFF ASSISTANT Darlene Grant
 SENIOR INVESTIGATOR Jacqueline Hazzan
 SENIOR INVESTIGATOR Quentin Jackson
 RESEARCH ANALYST Marissa Landeis
 SENIOR INVESTIGATOR Anthony Lawrence
 INVESTIGATIVE CLERK Sherry Mendoza
 INVESTIGATIONS MANAGER Lindsey Murphey
 INVESTIGATIONS MANAGER Natasha Smith
 RECEPTIONIST Nydia Smith
 INVESTIGATOR Danielle Sutton
 INVESTIGATOR Amicaela Valero
 INVESTIGATOR Tamika Walker
 PROGRAM COORDINATOR Christopher Weber



Community members contact OPC every year

Of those who contact OPC each year, hundreds file formal complaints



OPC determines jurisdiction, and initiates an investigation or refers the complaint to the appropriate entity

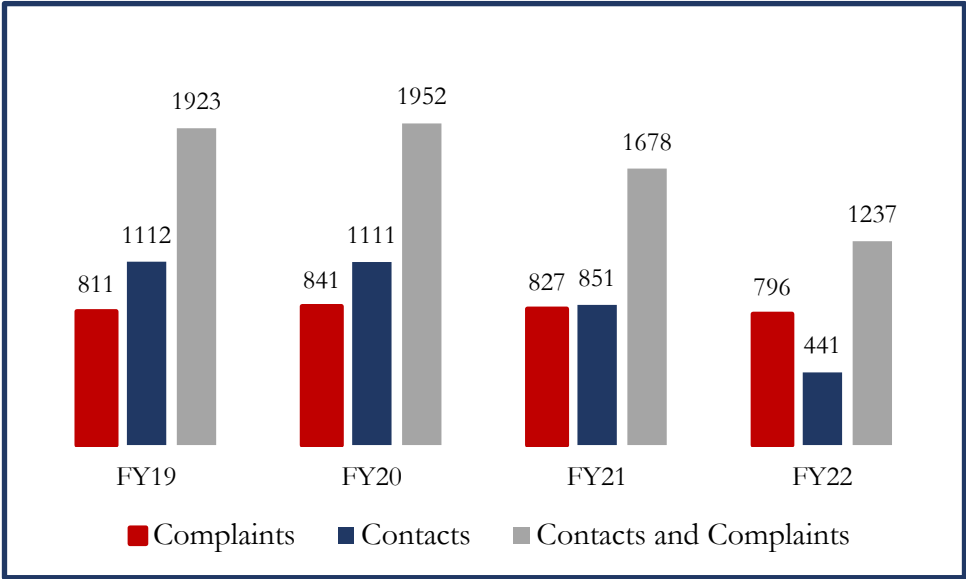


CONTACTS AND COMPLAINTS RECEIVED

OPC received 796 complaints in FY22, which is a 4 percent decrease from FY21. FY22 is the second year in a row where there was a decrease following several years of sustained increases in the number of complaints. This decrease in complaints between FY21 and FY22 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 Between October 1st, 2020, and December 31st, 2020, MPD made 4,291 arrests. During this same period in 2021 (October 1st, 2021, to December 31st, 2021, which was the first quarter of FY22) MPD made 3,644 arrests. This translates into a 15% decrease in arrests during the same period of 2020 and 2021. 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 OPC received in FY22. OPC will continue to closely monitor these numbers in FY23.

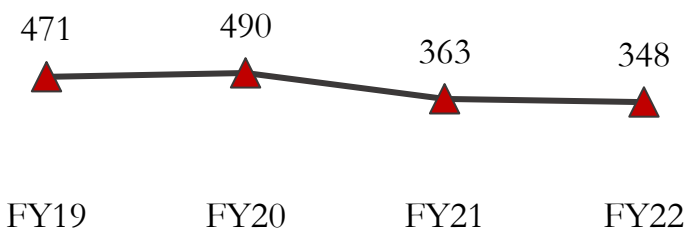
In FY22, OPC received 441 contacts, which was a 48% decrease from the 851 in FY21. In April 2021, OPC streamlined the way in which contacts are tracked. In order for a contact to be tracked with OPC it must be regarding allegations of police misconduct involving MPD/DCHAPD or a law enforcement agency 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) a complaint was filed more than 90 days after the incident; or 3) a complaint that 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. This likely explains the decrease in contacts for FY21 and FY22.

Complaints and Contacts



In FY22 there was a 4% decrease in complaints from FY21

Investigations Opened⁴

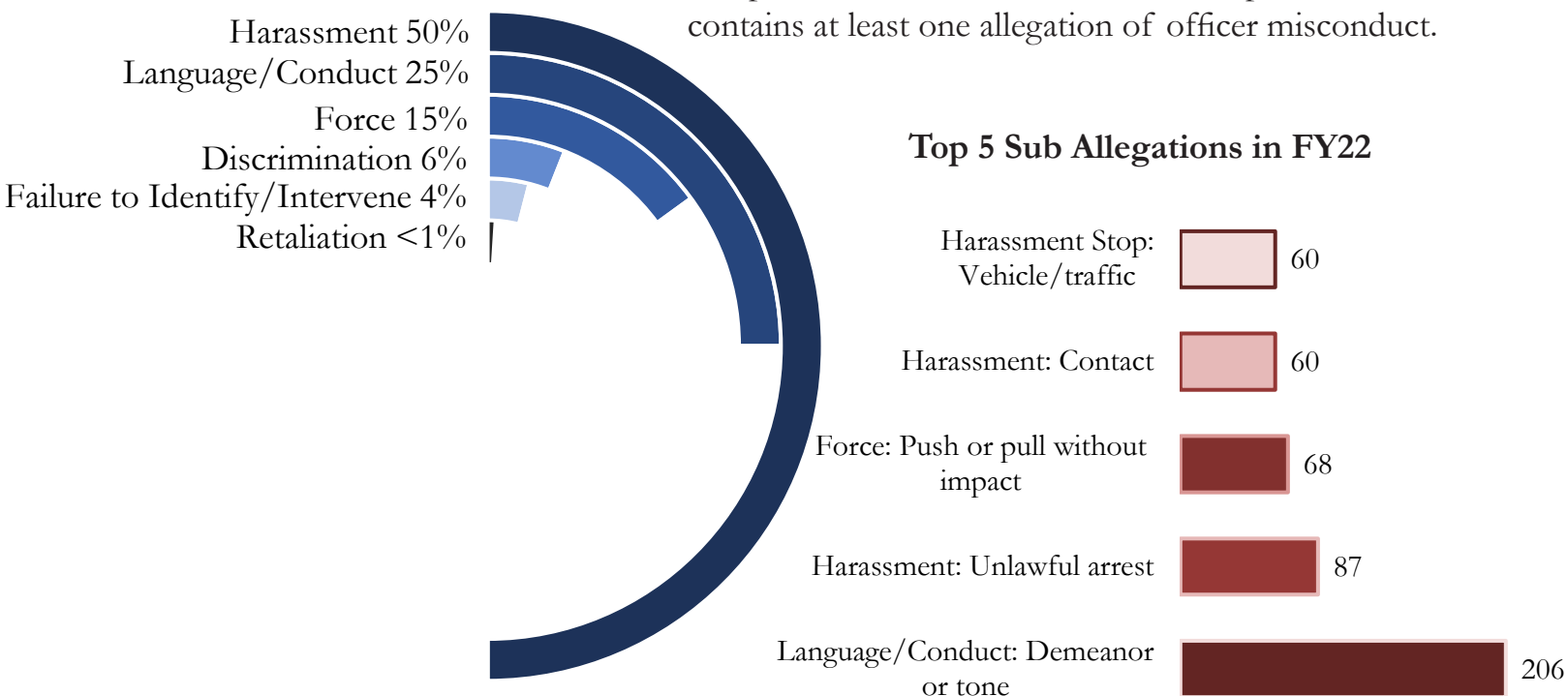


In FY22 there was a 4% decrease in investigations opened from FY21

FY22 Allegations

1,346 Allegations

The total number of allegations contained in the 796 complaints received in FY22. Each complaint received contains at least one allegation of officer misconduct.



ALLEGATIONS RECEIVED

The 796 complaints OPC received in FY22 contained 1,346 allegations of misconduct against officers, a 7% increase from the 1,263 allegations in FY21. 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 2020 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 FY22 OPC added 12 allegations to 11 different complaints; 9 of these allegations were for inappropriate language/conduct.

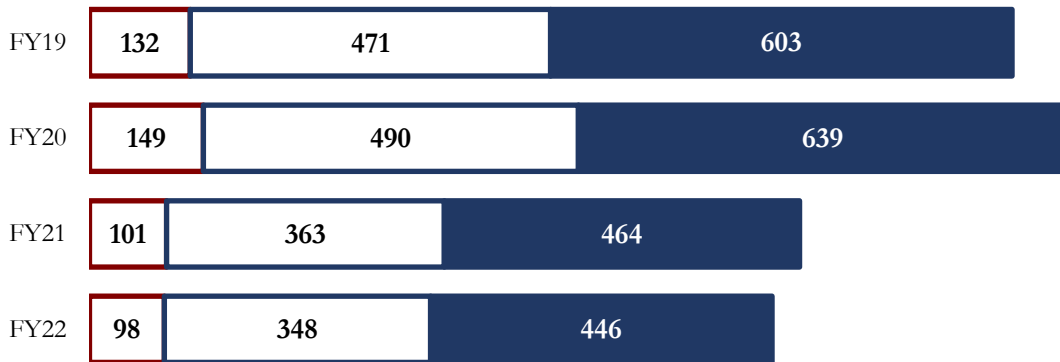
Harassment and language/conduct allegations were the most frequent types of allegations received by OPC in each of the last seven fiscal years. In FY22 allegations of harassment accounted for 50% of all allegations OPC received and language/conduct complaints accounted for 25% of all allegations. The third most common allegations for FY22 were force, with 15%. This was followed by discrimination, which accounted for 6% of all allegations in FY22. Allegations of retaliation and officers failing to identify themselves or intervene are the least frequent allegation categories reported. Failure to identify/intervene accounted for 4% of the allegations for FY22. Retaliation generally accounts for less than 1% of allegations received per year, and this trend continued in FY22. These allegation trends are comparable to the allegations OPC has received in previous years. The most frequent allegation sub-category in FY22 was for demeanor or tone within the language/conduct category with 206 allegations. The second most common sub-allegation was for unlawful arrest within the harassment category with 87 allegations.

OPC can also breakdown the allegations by the seven Districts. In FY22 the First, Second, Third, Fourth, and Fifth Districts had harassment and language/conduct as their first and second most common allegations, respectively. The first and second most common allegations, respectively, for the Sixth and Seventh Districts were harassment and force.

INVESTIGATIONS CONDUCTED

OPC opened 348 new investigations in FY22. OPC also continued investigating 98 cases that were opened in FY20 and FY21 that carried over into FY22.⁵ Between the 98 carryover cases and the 348 new cases, OPC investigated a total of 446 cases in FY22. Of these 446 cases, 148 were still open at the end of FY22, though only 10 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 446 cases investigated in FY22, OPC completed 306, which means each complaint was within OPC jurisdiction, a disposition was determined, and the cases were closed. For the past several months OPC has been operating with a reduced staffing of investigators, which has likely influenced case progress.

Complaints Investigated



- Investigations Carried Over from Prior Year
- New Investigations
- Total Fiscal Year Investigations Conducted



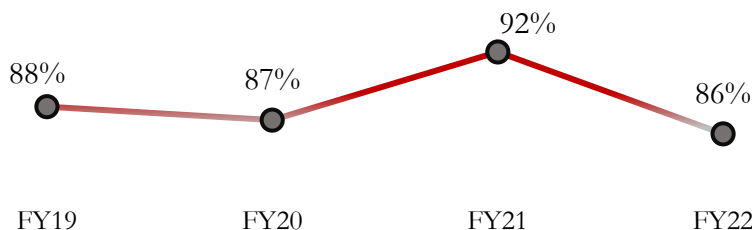
INCREASED INVESTIGATIVE EFFICIENCY

OPC continued to efficiently manage its caseload in FY22. The average number of days between an investigation being opened and being completed has decreased from more than 355 days in FY15 to 102 days in FY22. Similarly, the percentage of investigations completed within 180 days has increased from 42% in FY15 to 86% in FY22. 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 FY22, OPC investigators conducted 468 complaint-related interviews, including 328 community member interviews and 140 officer interviews.

Percent of Cases Closed Within 180 Days

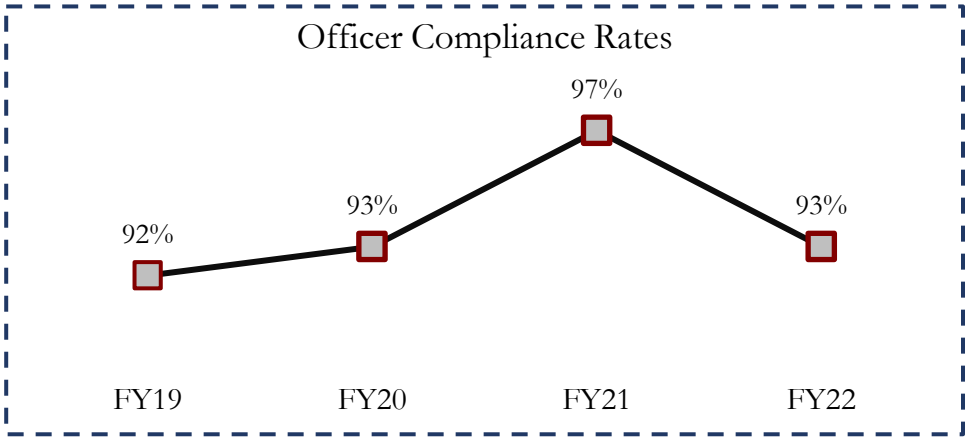
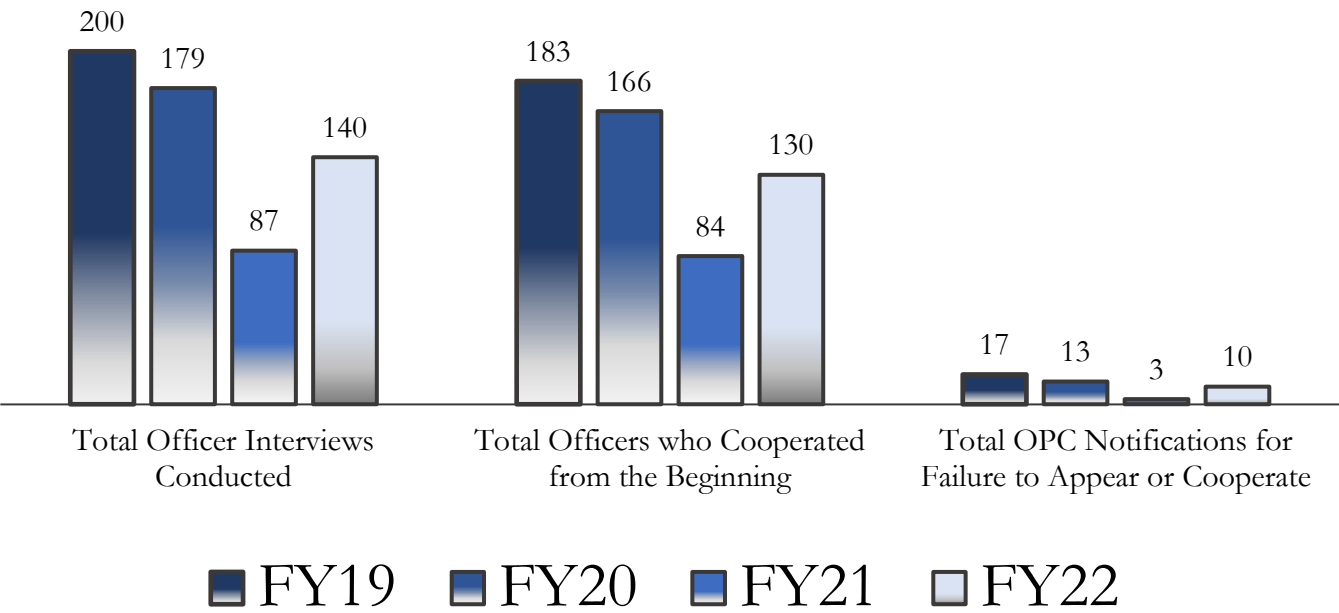
Since FY17 OPC has closed over 80% of all cases within 180 days



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 FY22. In FY22, 7% of the 140 officers failed to cooperate, which is higher than the 3% in FY21. In FY21 the cooperation rate was 97%, which is the lowest rate of officers failing to cooperate with OPC since OPC began operating in 2001.

FY22 Officer Interviews

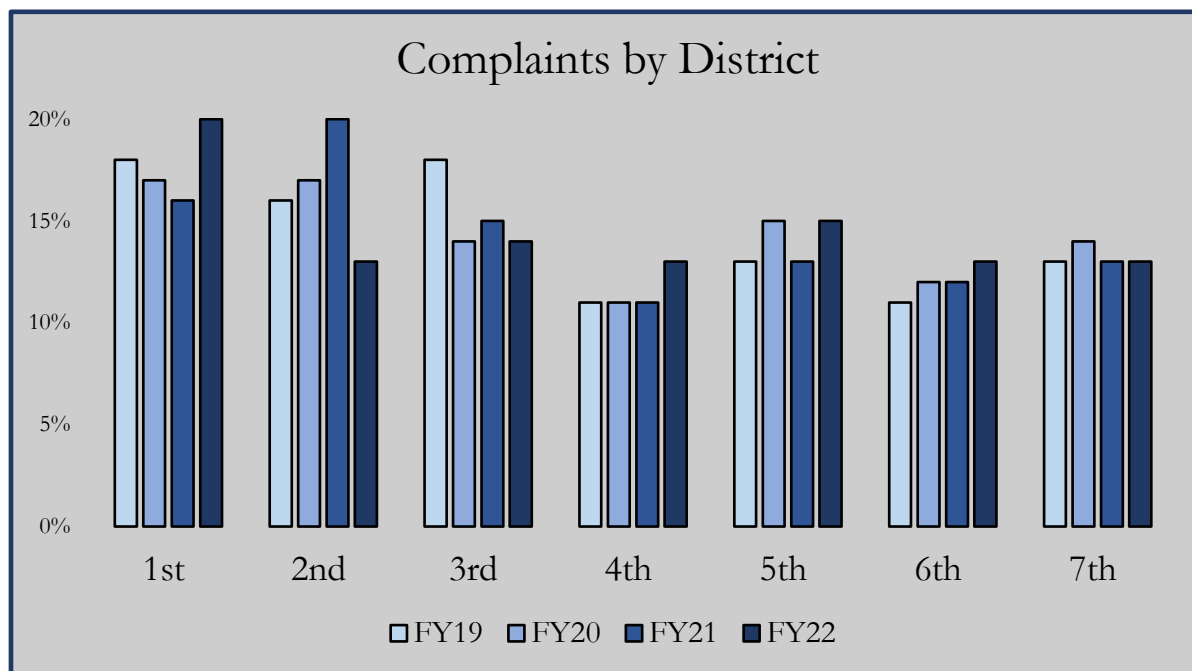


In 2021 D.C. saw 18.8 million domestic visitors, who depend on D.C. Police for safety and crime control.⁶

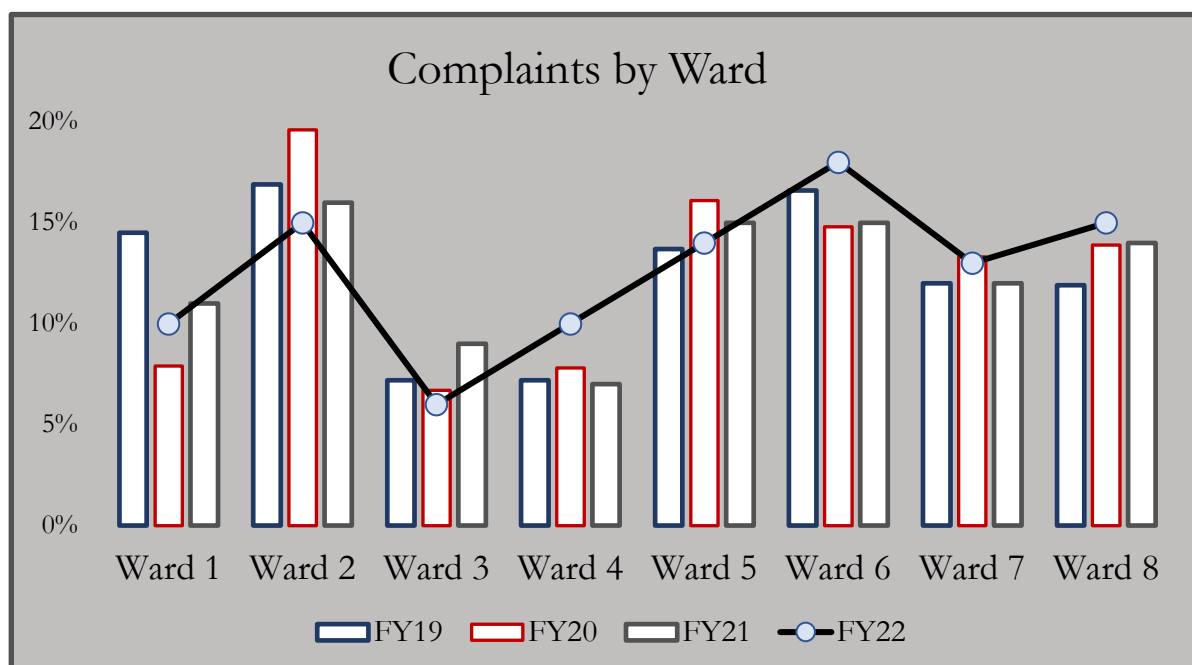
WHERE INCIDENTS OCCURED

Each of the seven police districts accounted for between 13% and 20% of complaints received in FY22. 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 13% in FY22. Complaints from the Seventh District increased from 6% in FY16 to 13% in FY22. The First district had the most complaints with 20% in FY22, followed by the Fifth district with 15% in FY22.

Police districts do not overlap completely with D.C. Council Wards, therefore, OPC also reports the distribution of complaints by Ward. Please see the table in the appendix on page 31 that reports the complaint percentages by Ward since FY16. Each of the eight Council Wards in D.C. accounted for between 6% and 18% of complaints received in FY22.



First and
Fifth Districts
had most
complaints in
FY22

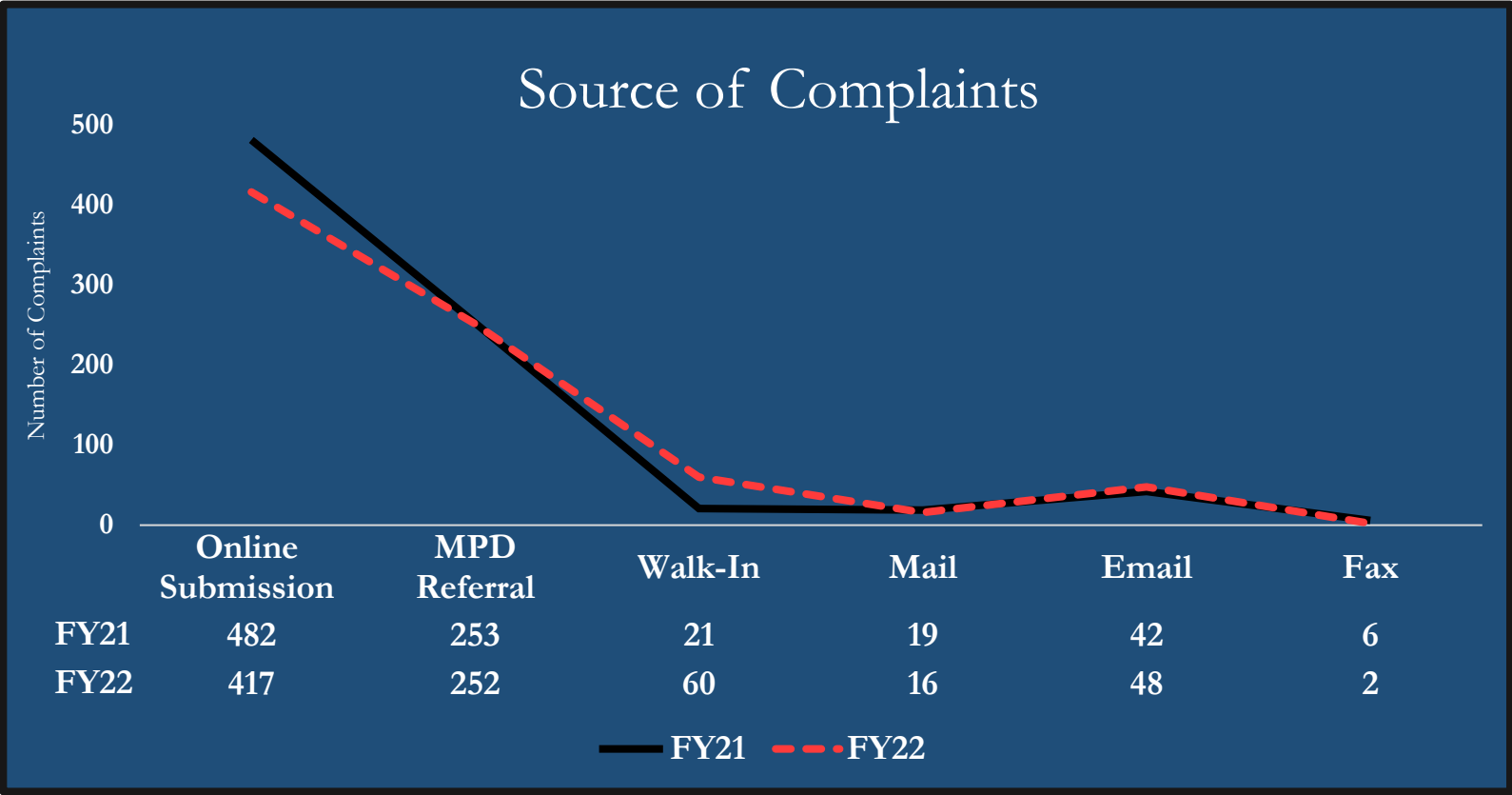


Ward 6 had
the most
complaints
in FY22






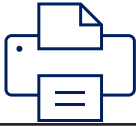
SOURCE OF COMPLAINTS

OPC now receives the majority of its complaints from the online complaint form and MPD/DCHAPD referrals. In the last 6 years since the implementation of the NEAR Act in FY16,⁷ there has been a 1,700% increase in the number of complaints referred from MPD/DCHAPD. In FY22, the number of cases forwarded to OPC was 252, a less than 1% decrease from FY21. In FY20 OPC had the highest number of MPD/DCHAPD referrals with 299 total.

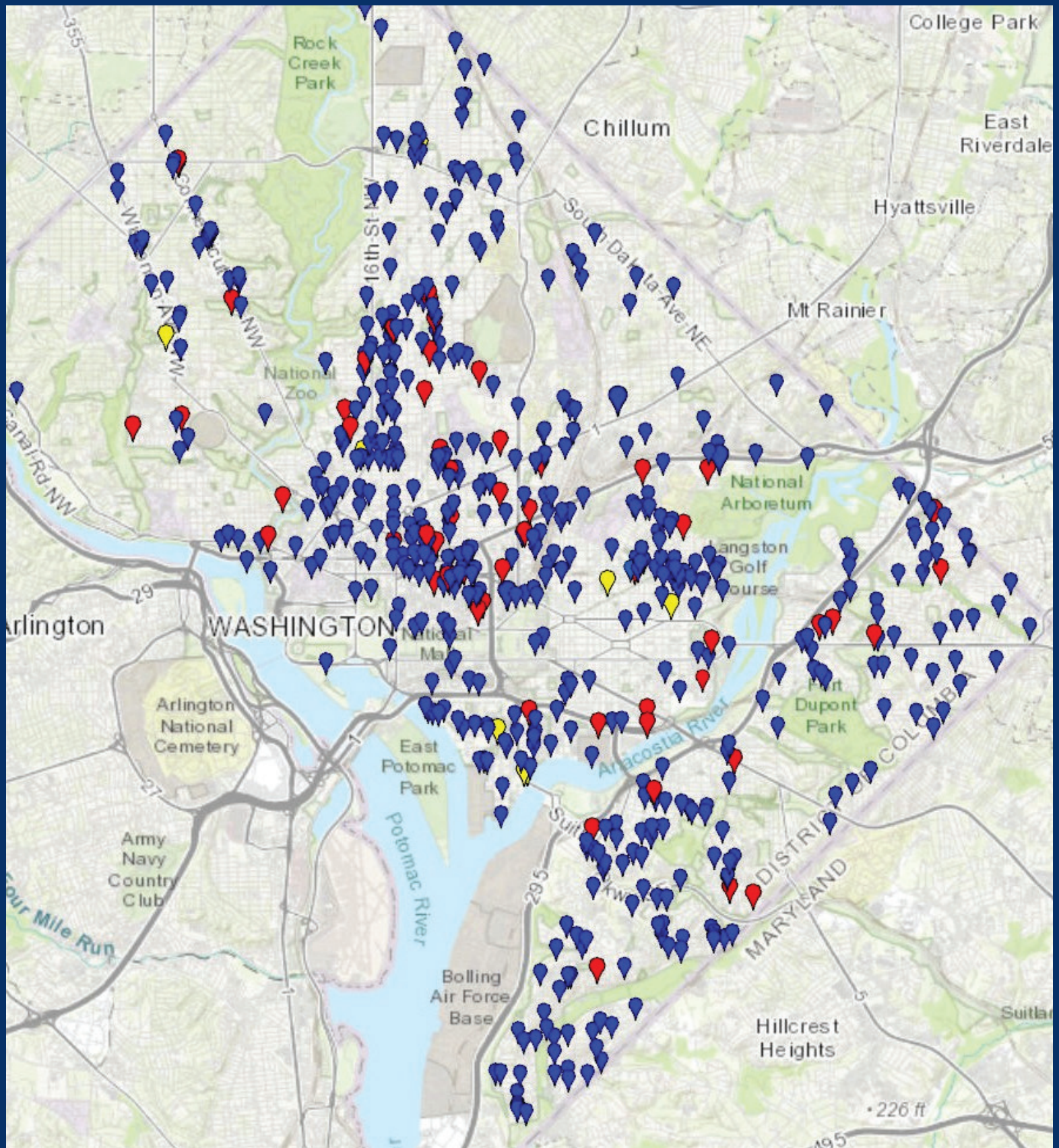
In FY18, the percentage of online complaint forms decreased to 43%, possibly due to the larger number of complaints forwarded from MPD to OPC in FY18. In FY19, the percentage increased to 49%. In FY20, the percentage increased to 51%, slightly higher than the percentage of FY19, and in FY21 online submissions comprised 58% percent of all complaints filed with OPC and is the highest percentage since the inception of the online complaint form.⁸ In FY22, online submissions made up 52% of all complaints.



In FY22 there were 39 more walk-in complaints compared to FY21

						
	Online Submission	MPD Referral	Walk-In	Mail	Email	Fax
FY21 to FY22	13% Decrease	<1% Decrease	186% Increase	16% Decrease	14% Increase	67% Decrease

Map of FY22 Complaints

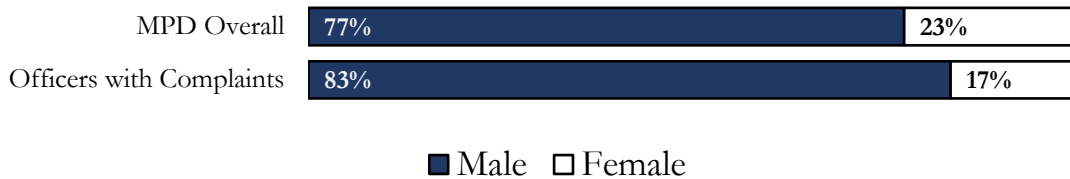


Above is a map depicting the location of all FY22 complaints that occurred within D.C. and had a valid address. The blue locators indicate a location that had one complaint. The red locators indicate a location that had 2 complaints. The yellow locators indicate a location that had more than 2 complaints.

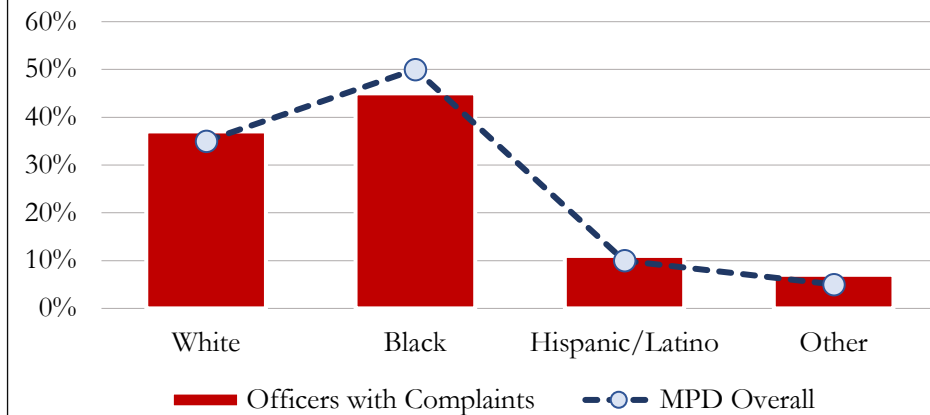
OFFICER DEMOGRAPHICS

A total of 719 MPD and DCHAPD officers received complaints in FY22, with 174 (24%) receiving more than one complaint. In FY22, 42 officers received three complaints; 12 officers received four complaints; 2 officers received five complaints; 2 officers received six complaints; and 2 officers received seven 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 FY22 with 83% of complaints made against male officers. Female officers were the subjects of 17% of complaints received in FY22. Black officers accounted for about 45% of complaints, White officers accounted for 37% of complaints, and Hispanic/Latino officers accounted for 11% of complaints. Furthermore, Asian officers accounted for 7% of all complaints in FY22, while Multi-Racial and Native American 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 32% of officers and were the subjects of 51% of the complaints filed in FY22. This is probably due to the fact that newer officers are more likely to be on patrol and thus have more interactions with the public. Officers aged 35 to 54 were the subjects of 42% of complaints; and officers 55 and older were the subjects of 7% of complaints.

Officer Gender

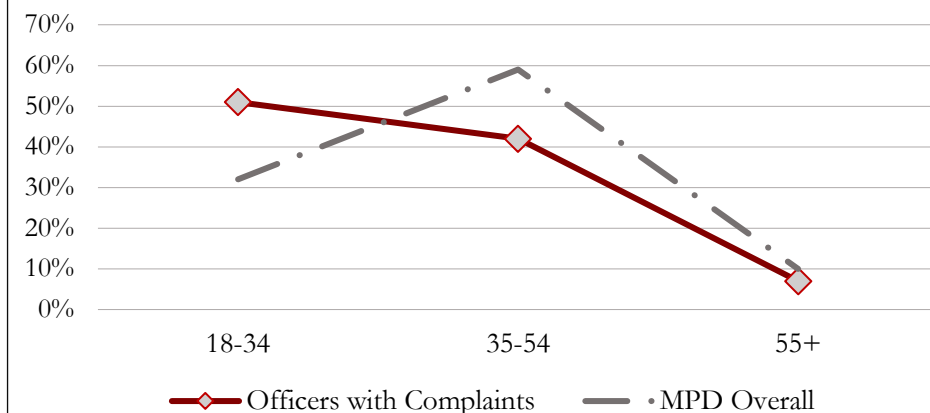


Officer Race



21% Of MPD Officers
Received at Least One
Complaint in FY22

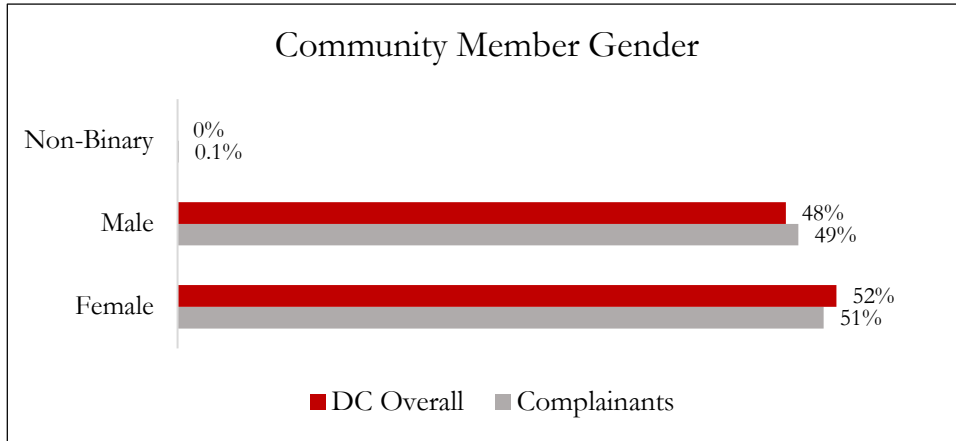
Officer Age



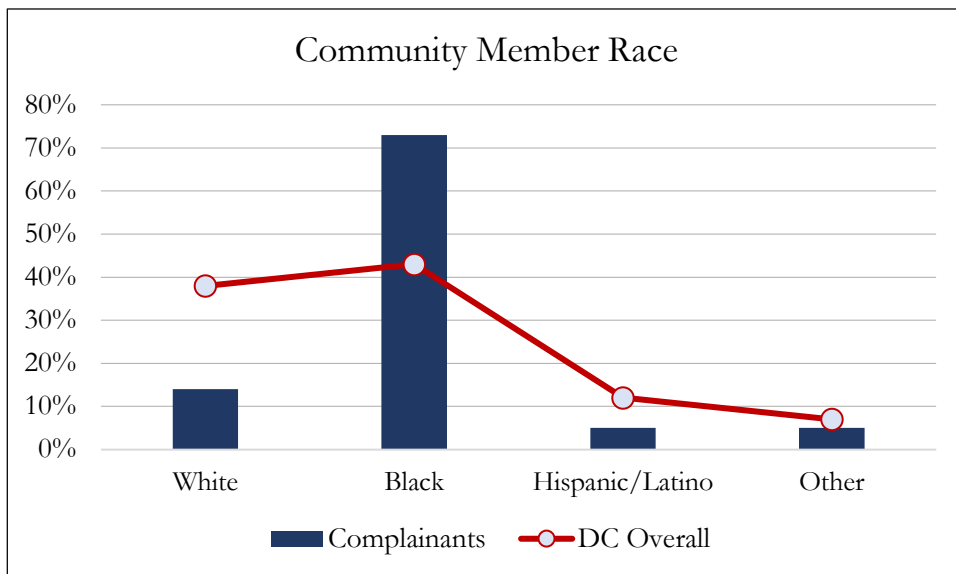
45% Of MPD Officers
Who Received a
Complaint in FY22 Had
Been on The Force 5
Years or Less

COMPLAINANT DEMOGRAPHICS

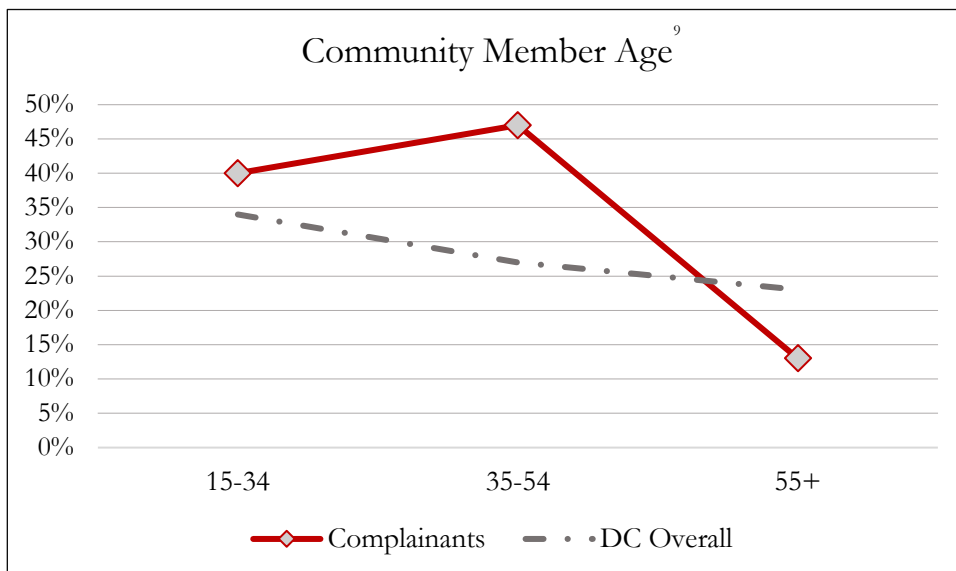
The demographics of complaints in FY22 were very similar to those of complaints in FY16 through FY21. Between 66% and 74% were Black, between 16% to 19% were White, and between 5% and 8% were Hispanic/Latino for the last six fiscal years. Complainants younger than 35 accounted for 40% of complainants in FY22, the same as FY21. Complainants aged 35 to 54 comprised 40% to 47% of complainants in each of the last six fiscal years. Complainants aged 55 years and older decreased slightly from 15% to FY21 to 13% in FY22.



In FY22 OPC Included
Non-Binary as a
Gender Option for
Complainants



Black Individuals Make
up 43% of D.C. but
73% of Complainants
in FY22

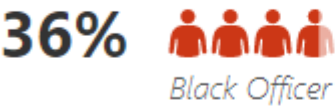


Community Members
Aged 35-54 Make up
27% of D.C. but 47%
of Complainants in
FY22

COMPLAINANT AND OFFICER DEMOGRAPHICS PAIRINGS

The most frequent complainant-officer pairings were Black complainants filing complaints against Black officers, accounting for 36% of complaints received in FY22. Black complainants filing complaints against White officers comprised 30% of all complaints received. White complainants filing complaints against Black and White officers comprised 5% and 3% respectively. The remaining pairings are shown in the figures on page 16 and the pairings less than 2% are included in the endnotes.¹⁰

Black Complainant and

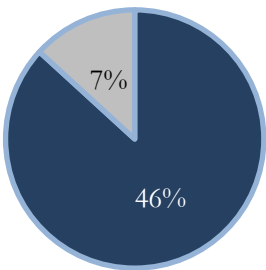


White Complainant and



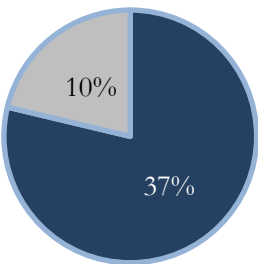
Male Complainant and

Male Officer Female Officer



Female Complainant and

Male Officer Female Officer



27% of Complainants Aged 15-34 Filed Complaints Against Officers Aged 21-34.

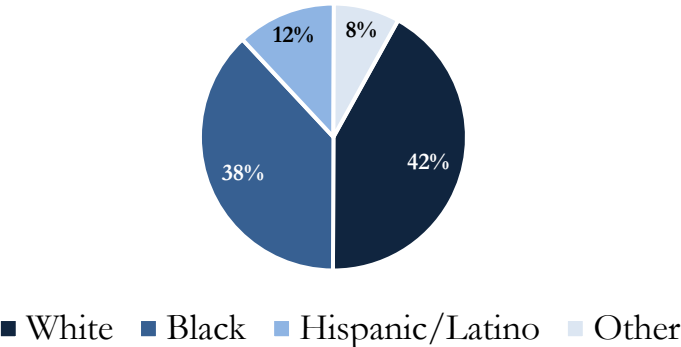
20% of Complainants Aged 35-54 Filed Complaints Against Officers Aged 35-54.

Officers With 3+ Complaints

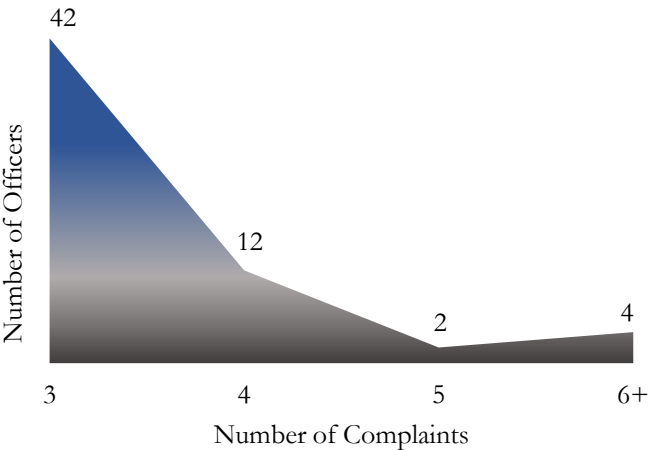
57% of officers with 3 or more complaints had been on the force for 5 years or less

97% of officers with 3 or more complaints were male

Race of Officers with 3+ Complaints



60 Officers had 3 or more Complaints in FY22



OVERVIEW

OPC has full access to the MPD¹¹ 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 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's BWC usage, 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 FY22 containing BWC video resulted in lower percentage of withdrawals than cases without BWC video. This was also true for cases completed in FY17 to FY21. 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 the incident 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 FY22, cases with BWC video resulted in higher percentages of policy training referrals, adjudications, 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 (45% and 22% respectively). In FY22, cases with BWC had a higher percentage of sustained cases than those without BWC (5% and 2% respectively). In FY22, cases without BWC had more rapid resolution referrals than cases with BWC (17% and 7% 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 become relevant recommendations. The availability and access to BWC video capturing 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 service. Although MPD reached full deployment of BWC's in 2017, not every case investigated by OPC in FY22 had BWC video. In FY22, OPC found relevant BWC video in 241 out of 306¹² cases with dispositions, accounting for 79% of the total investigations, which is higher than the 73% in FY21. 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. There are also certain members of MPD, such as detectives, who do not wear BWC's.

In each case there can be more than one instance of BWC non-compliance, and in FY22 45% of cases had at least one instance of BWC non-compliance. In FY22, in 22% of cases the BWC was turned on late; in 3% the BWC was not turned on at all; and in 1% the BWC was obstructed. The percentages of cases where officer(s) failed to properly use their BWC's by: (1) not notifying the community members that they were being recorded; and (2) turning it off early are 25% and 12% respectively, which is higher than the percentages of the two categories in FY21. Overall, a total of 45% of investigated cases in FY22 with BWC video included some form of BWC non-compliance, which is a 16% increase from the 29% in FY21 cases with BWC non-compliance.

FY22 CASE DISPOSITIONS AND BODY WORN CAMERAS

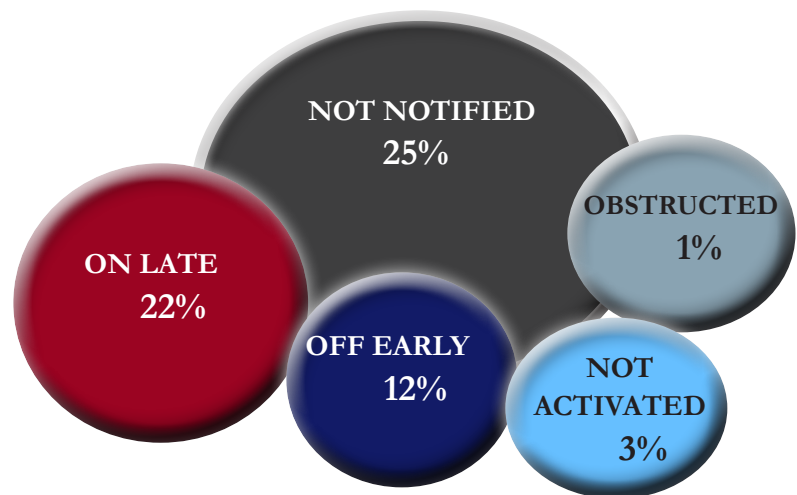
BODY-WORN CAMERA TRENDS

79%

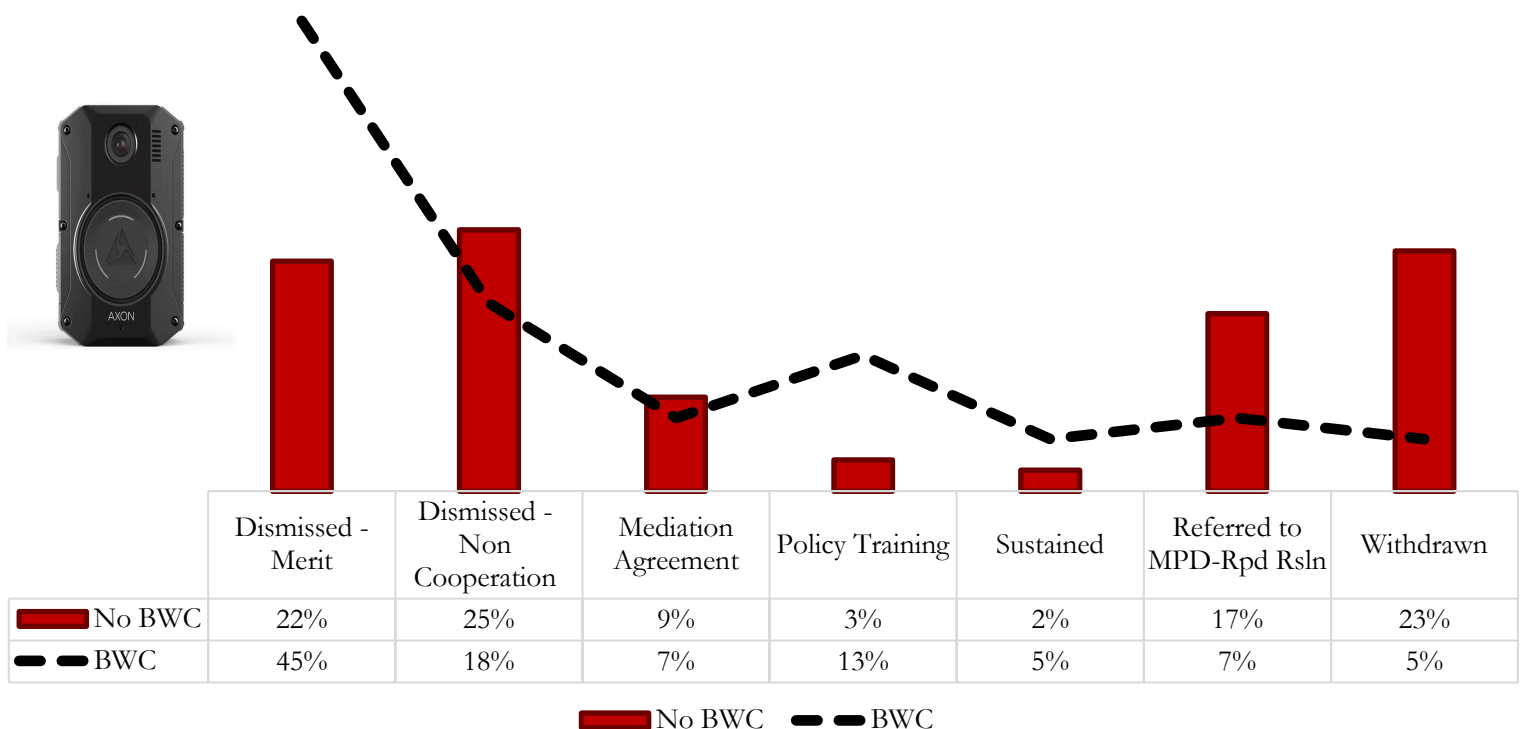
CASES WITH BWC VIDEOS

45%

CASES WITH BWC NON-COMPLIANCE



FY22 CASE DISPOSITIONS BY BODY WORN CAMERA



OVERVIEW

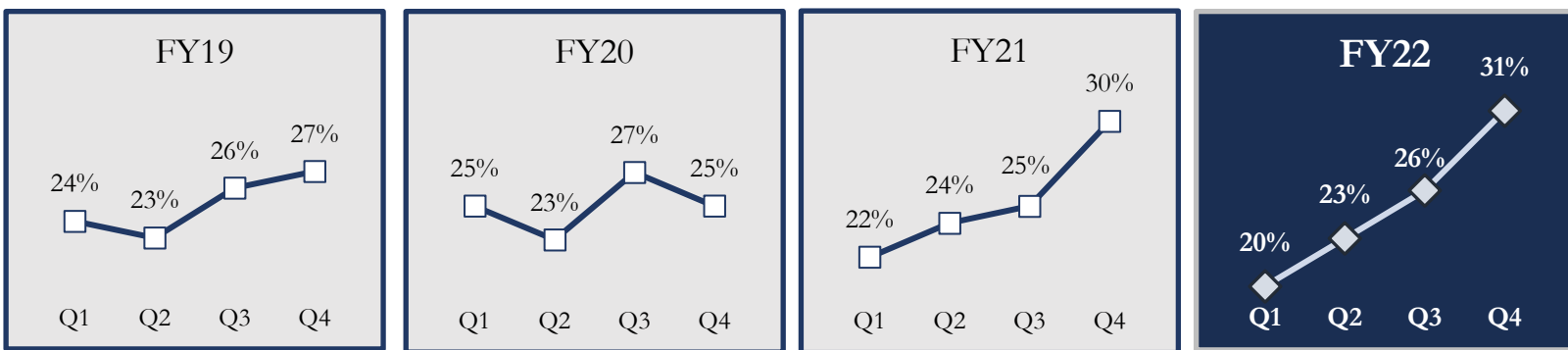
Each month in FY22 accounted for between 6% and 12% of all complaints received, and each quarter OPC received between 20% and 31% complaints.

OPC received the fewest complaints in November of FY22, with 45 complaints received that month. OPC received the most complaints in August, with 99 complaints received. Quarter 4 – comprising of July, August, and September – was OPC’s busiest quarter of FY22, with 243 complaints received. OPC received

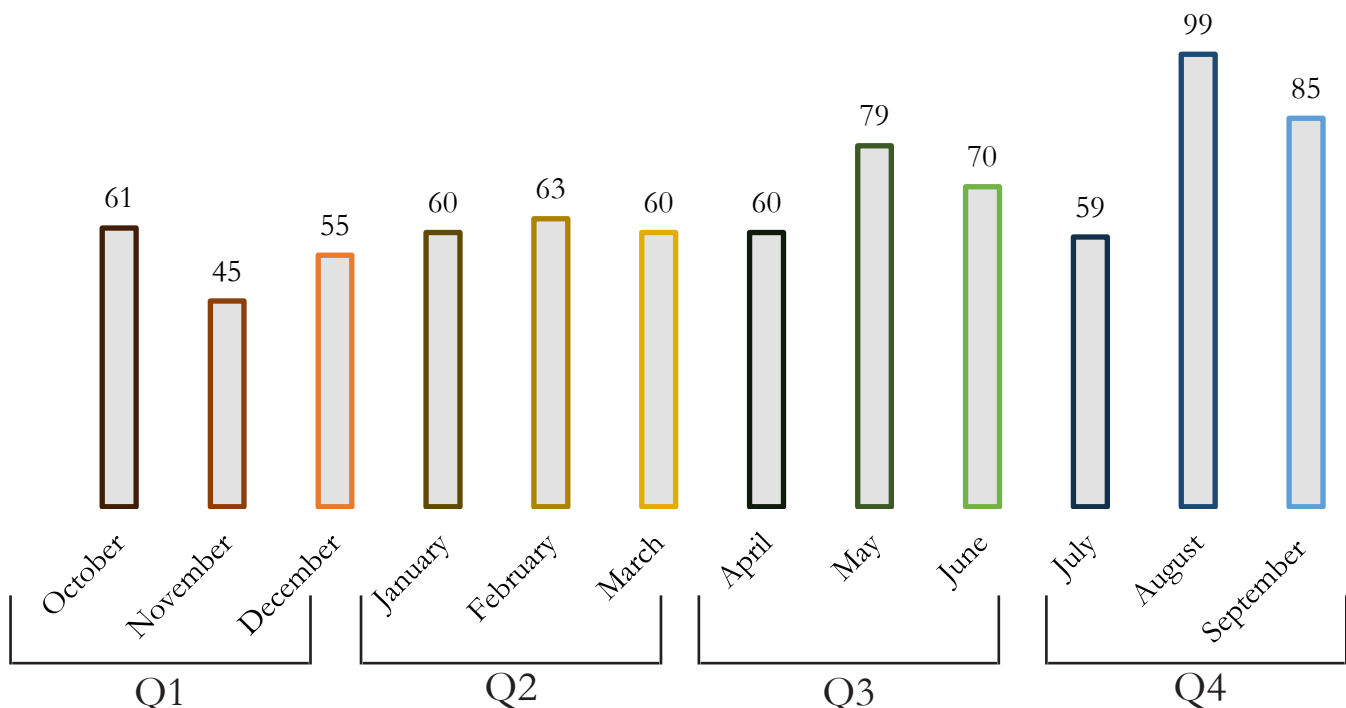
the fewest complaints in the first quarter – comprising of October, November, and December – with 161 complaints.

Quarter 1 of FY22 had the lowest percentage of all complaints in the last 4 years with 20% of all complaints occurring in Q1 of FY22. Quarter 4 of FY22 had the highest percentage of all complaints in the last 4 years with 31% of all complaints occurring in Q4 of FY22.

Complaints by Quarter and Year



Complaints by Month in FY22



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.¹³ These disposition types are discussed in more detail on pages 21 through 25.

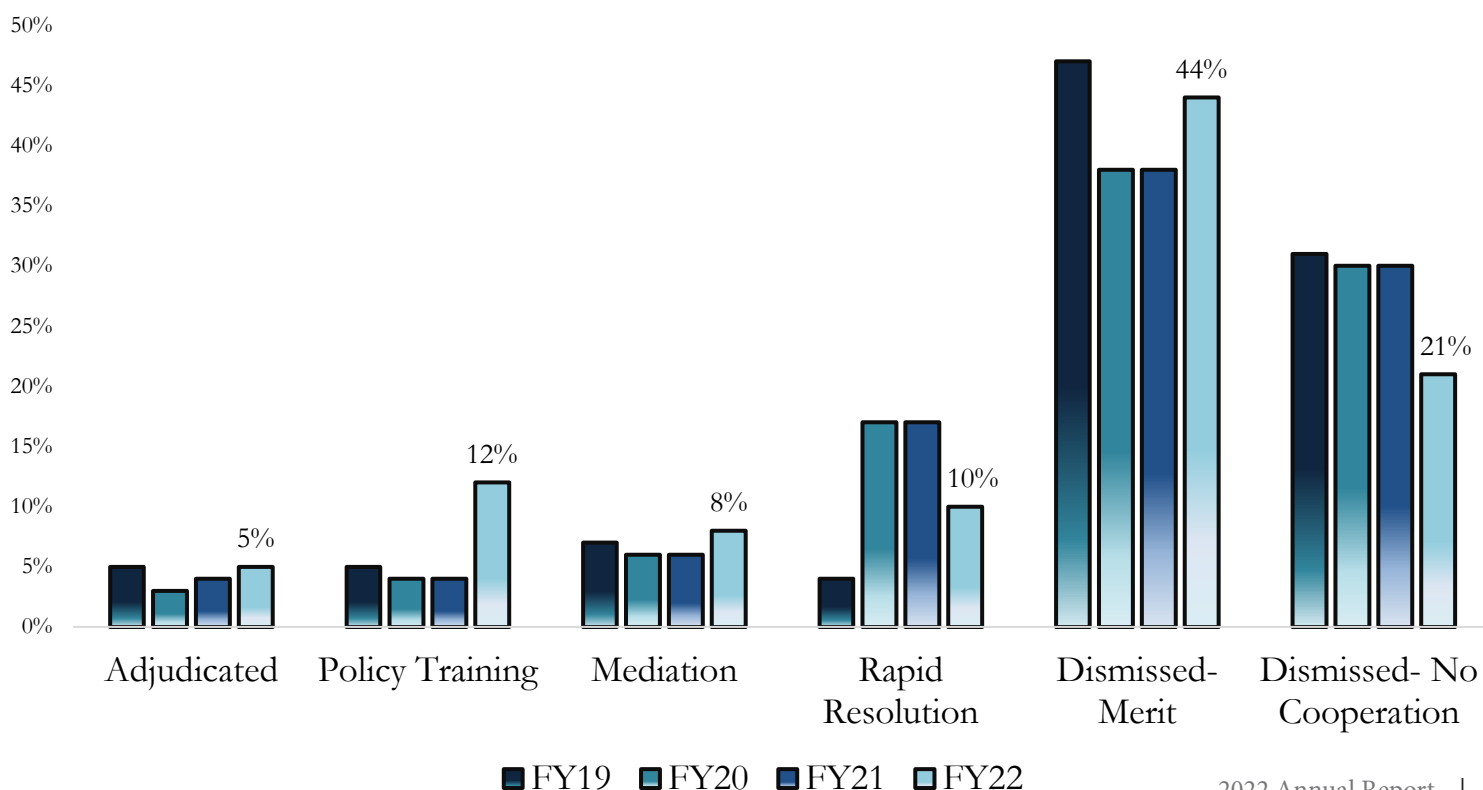
CASE DISPOSITIONS

279¹⁴ of the cases in FY22 reached one of OPC's primary dispositions. This was a 27% decrease¹⁵ from the 380 dispositions reached in FY21. The percentage of cases dismissed based on merit increased 6% from FY21 to FY22. Those dismissed based on merit comprised 44% of all dispositions in FY22 and had the highest percentage of the six dispositions. Dismissals due to the complainant not cooperating with the investigation or with the mediation process, decreased 9% from FY21 to FY22 with 21% of all cases in FY22 being dismissed for non-cooperation.

The percentage of sustained adjudications in FY22 was 5% and in FY21 they comprised 4% of all cases. In FY22 12 out of the 13 decisions contained sustained misconduct. Cases that are adjudicated are referred to an independent complaint examiner, who assesses the merits of the case and reaches a determination based on an analysis of the facts. The proportion of cases closed through mediation has decreased from 10% in FY17 to 8% in FY22. Policy training accounted for 12% of all dispositions and rapid resolution comprised 10% of all dispositions in FY22.

In FY21 there were 15 cases referred to policy training and in FY22 there were 33. This translates to a 120 % increase. In FY22 53% of all allegations that were sent to policy training were for language/conduct. In FY21, this percentage was 38. The FY22 policy training referrals were the same as in FY20, with 33 referrals.

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 FY22, a total of 14¹⁶ complaints went through the complaint examination process resulting in 13 merits determination decisions. There were no evidentiary hearings held for cases closed in FY22. 12 of the 13 decisions issued sustained at least 1 allegation of misconduct, resulting in a complaint examination sustain rate of 92%.¹⁷

OPC posts all complaint examiner decisions on its website at: www.policecomplaints.dc.gov/page/complaint-examiner-decisions.¹⁸

FINAL REVIEW PANELS

The statute governing OPC¹⁹ 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.²⁰ 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 FY22.

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.²¹

In FY22, MPD chose to impose discipline of suspension without pay for fifteen days for one case, suspension without pay for between 8 to 10 days in three cases; a dereliction of duty report (PD 750) in three cases; education-based development in one cases; and a job performance documentation (PD 62-E) in two 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 FY22 and the discipline imposed in those cases, see Appendix C on page 36.

EDUCATION-BASED DEVELOPMENT

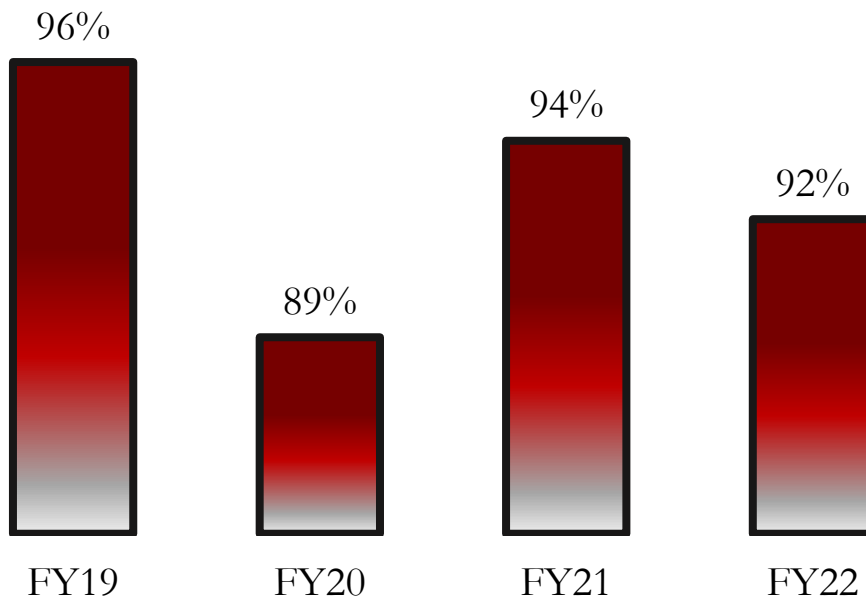
When an allegation of misconduct is sustained by a complaint examiner or upheld by a final review panel, MPD is statutorily required to impose discipline.²² MPD defines education-based development as "an alternative to discipline." MPD used education-based development instead of discipline in two of 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, two cases in FY21, and one case in FY22.

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 33 cases to MPD for policy training in FY22.

DISCIPLINE IMPOSED FOR SUSTAINED COMPLAINTS

INVESTIGATIVE
OUTCOMES

Discipline or Action Taken	Total FY09- FY20	Outcome for cases sustained in FY21	Outcome for Cases sustained in FY22
Suspension Without Pay 11 Days or More	18	3	1
Suspension Without Pay 1 to 10 Days	31	-	3
1-Day Leave Forfeiture	4	-	-
Official Reprimand	30	1	-
Letter of Prejudice	12	2	1
Dereliction Report (PD 750)	34	4	3
Formal Counseling	2	-	-
Education-Based Development	27	2	1
Merits Determination Rejected\No Action Taken	7	-	-
Job Performance Documentation (PD 62-E)	-	3	2



12 of 13
decisions by complaint
examiners 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 investigative steps 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 corrective action is for the officer to receive policy training rather than discipline.

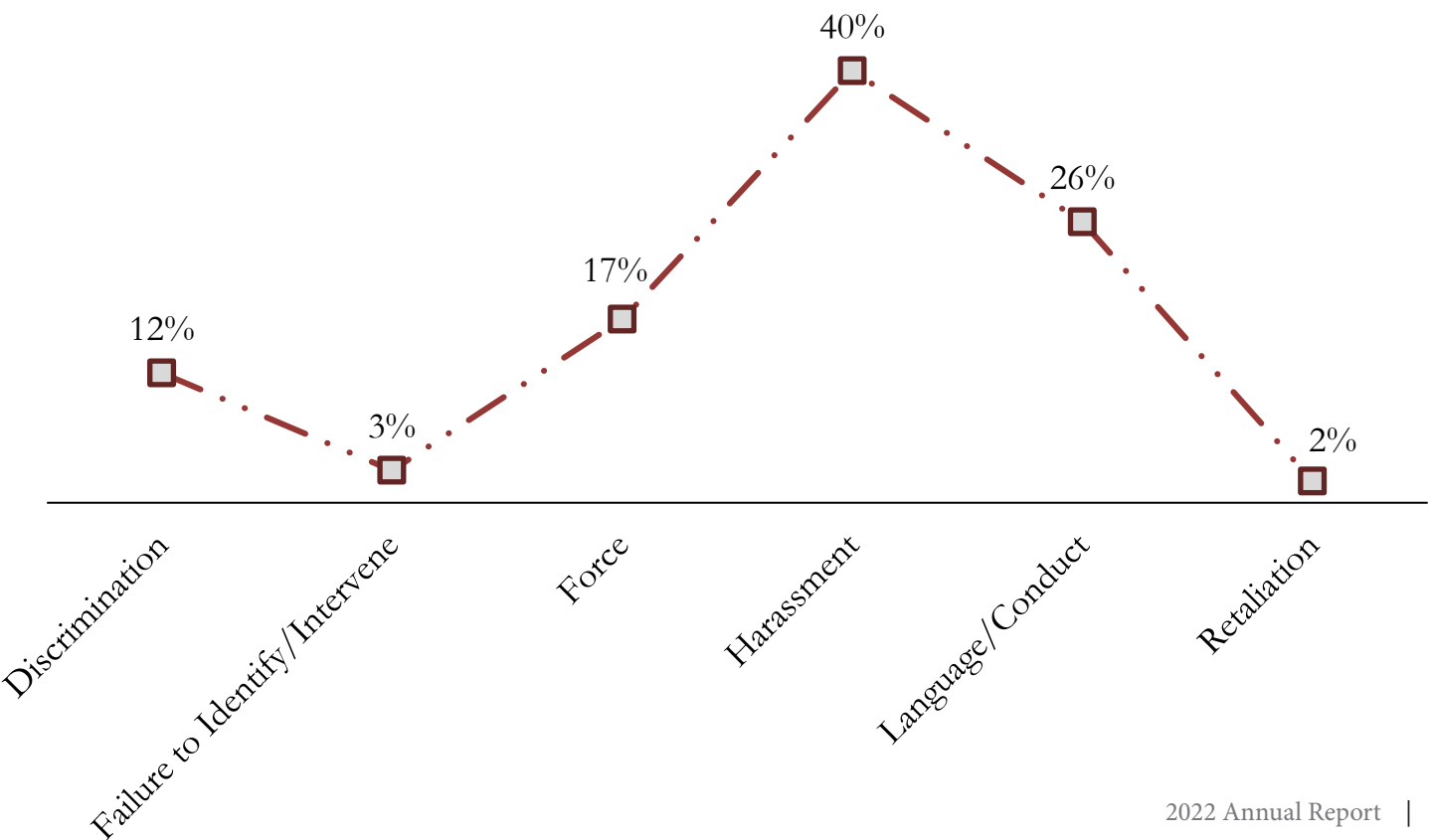
When OPC determines that policy training is the appropriate course of action, it must notify MPD or DCHAPD of 1) the allegations; 2) the rationale for policy training; and 3) the type of policy training OPC thinks would be most appropriate. The department

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 follow policy and/or general orders 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 the authority from the NEAR Act. The number of referred cases has been increasing since FY17, and MPD has completed training for 154 policy training referrals through FY22.

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
FY20-FY22



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 253 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, 63 in FY21, and 27 in FY22.

MEDIATION

Mediation is an 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. OPC has procedural steps in 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%. In FY22 the resolution rate for mediation was 79%.

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 75% of complainants surveyed after a completed mediation session in FY22 said that the mediator was

helpful or very helpful. Similarly, 86% of officers found the mediation session very satisfactory/satisfactory and 63% of complainants found the mediation session very satisfactory/satisfactory.

Before the mediation complainants were asked an open-ended question inquiring, "What do you hope to get out of this mediation?" With one complainant stating they hoped "the officer is more aware of his responsibility to act and react in a fair and unbiased manner." After the mediation complainants were asked if they had signed a resolution agreement after the mediation, and what that resolution was. One complainant explained they were able to come to some sort of agreement. The complainant stated "I believe the officer and I came to a mutual common ground and [am] optimistic for future interactions.

After the mediation 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 "we both agreed to meet sometime at the station to reactivate the good relationship between citizens and officers." Another officer answered, "My interaction with the complainant will be a positive interaction from henceforth."

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

48	36	40
FY20	FY21	FY22

Average Days Between Referral and Mediation

33	19	18
FY20 ²³	FY21	FY22

Percent of Mediations Resolved

76%	86%	79%
FY20	FY21	FY22

Percent of Investigations Resolved Through Mediation

5%	6%	8%
FY20	FY21	FY22

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.”²⁴ 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 FY22 the PCB issued five policy reports with recommendations, which are discussed in more detail below. At the close of FY22, PCB had issued 66 detailed reports and sets of recommendations for police reform since 2002. All reports with recommendations are available on OPC’s website.²⁵

1. FY20 Implementation Update

On February 14, 2022, the PCB released the Implementation Update on the Reports and Recommendations of the Police Complaints Board from Fiscal Year 2020, which reports on the implementation status of the 8 recommendations made in FY20.

- The PCB recommended that MPD issue a comprehensive new stand-alone general order on officers’ personal use of social media. As of February 14, 2022, the PCB considered this recommendation *not implemented*.
- The PCB recommended that MPD should create training for members on social media usage to support the new general order. As of February 14, 2022, the PCB considered this recommendation *not implemented*.
- The PCB recommended that MPD should update the General Order 902.01: Firearms Registration and Receipt of Abandoned or Found Weapons to reflect current firearms registration laws and regulations in the District. As of February 14, 2022, the PCB considered this recommendation *not implemented*.
- The PCB recommended that updated lawful firearms training should be provided for all MPD members to ensure they are familiar with the current firearms laws and regulations and the changes that are made to General Order 902.01, so that members can perform their duties in accordance with current law. As of February 14, 2022, the PCB considered this recommendation *not implemented*.
- The PCB recommended that MPD ensure there is an easily identifiable and clear process for community members to obtain information about themselves that has been collected by automatic license plate readers (ALPRs). As of February 14, 2022, the PCB considered this recommendation *not implemented*.
- The PCB recommended that MPD publicly identify any third parties that have access to ALPR data and information, including other law enforcement agencies and private parties, and ensure all third parties adhere to the same principles as MPD in obtaining and deleting this information. As of February 14, 2022, the PCB considered this recommendation *not implemented*.
- The PCB recommended that MPD must be transparent with the community about all aspects of ALPR data collection. As of February 14, 2022, the PCB considered this recommendation *not implemented*.
- The PCB recommended that MPD revise General Order 303.09 to further define “official law enforcement purpose.” As of February 14, 2022, the PCB considered this recommendation *partially implemented*.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1582031>.

2. Warrantless Misdemeanor Arrests

On May 27, 2022, the PCB released the Warrantless Misdemeanor Arrests policy report, which examines complaints brought to OPC by community members regarding MPD officers conducting unlawful warrantless misdemeanor arrests. According to D.C. Code §23-581, Arrests Without Warrant by Law Enforcement Officers, MPD officers may only arrest a suspect for a misdemeanor offense if the officer has probable cause to believe that the suspect “has committed or is committing an offense” in the officer’s presence. In cases when the officer has not witnessed the offense, the statute provides a list of limited and narrowly construed exceptions. For these exceptions, the officer must have probable cause to believe that a suspect committed at least one of the misdemeanor crimes listed in the statute and must reasonably believe that, “unless [the suspect is] immediately arrested, [the suspect] may not be apprehended, may cause injury to others, or may tamper with, dispose of, or destroy evidence,” or for certain traffic offenses, “unless the person is immediately arrested, reliable evidence of alcohol or drug use may become unavailable or the person may cause personal injury or property damage.” In reviewing the unlawful warrantless misdemeanor arrest complaints brought to OPC, it became clear that MPD officers have consistently misapplied or misconstrued their authority to make warrantless misdemeanor arrests.

The PCB recommended that MPD should:

- Issue additional guidance for its members with respect to warrantless misdemeanor arrest procedures by updating General Order 201.26: Duties, Responsibilities and Conduct of Members of the Department and/or General Order 304.10, Field Contacts, Stops, and Protective Pat Downs to reference D.C. Code § 23-581, Arrests Without Warrant by Law Enforcement Officers, and include the statute’s main points. In the alternative, MPD should issue a comprehensive standalone general order exclusively devoted to all arrest procedures and ensure that it includes guidance for warrantless misdemeanor arrests.
- Provide updated training for all MPD members to ensure they are familiar with the law and regulations for warrantless misdemeanor arrests and the changes made to General Order 201.26, General Order 304.10, or the standalone general order so that the members can perform their duties in accordance with current law.
- Encourage its members to review D.C. Code §23-581 using their Mobile Data Terminals or their department issued cellular phones prior to making the decision to arrest any suspect for a misdemeanor that they did not contemporaneously witness.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1599101>.

3. Enabling Sound During the Pre-Event Buffer on Body-Worn Cameras

On September 27, 2022, the PCB released the Enabling Sound During the Pre-Event Buffer on Body-Worn Cameras policy report, which recommended that MPD could further increase public trust, accountability, and transparency to a greater degree by enabling audio during the entire pre-event buffer. When MPD officers activate their BWC’s, the camera begins recording audio and video, but it also preserves a two-minute segment of silent video that captures the events occurring before the officer activated the camera. This two-minute segment is called the pre-event buffer. The PCB recommended that enabling sound during this pre-event buffer could help MPD in documenting evidence, resolving and reducing community complaints, improving police officer training, reducing civil liability, and providing a police officer’s perspective of events.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1621071>.

4. Improved Guidance on Communicating with Deaf and Hard of Hearing Community Members

On September 27, 2022, the PCB released the Improved Guidance on Communicating with Deaf and Hard of Hearing Community Members policy report, which provided guidance to MPD on how to update their policies regarding interactions with community members who are deaf or hard of hearing (D/HH). The PCB noted that MPD's General Order 304.14 Interaction with Deaf and Hard of Hearing Persons only provides guidance on how officers should respond after an officer has identified a member of the community as D/HH and provides little guidance on how to identify a community member as D/HH. The PCB recommended MPD work to create policies that help officers identify D/HH community members to streamline service and protect D/HH community members from potential excessive force incidents. Research indicates that D/HH community members are often mistaken for passive resisters by police officers, which places them at a higher risk for unnecessary or excessive uses of force.

The PCB recommended that MPD should:

- Update General Order 304.14 and SO-00-19 to comply with all DOJ guidelines for interacting with D/HH community Members.
- Update General Order 304.14 and SO-00-19 to require that officers take meaningful steps to ensure any perceived non-compliance by a community member is not the result of a disability before using any level of force unless there is an immediate threat to the health and safety of another member of the community or the officer.
- Reissue the updated version of SO-00-19 as a standalone general order or update General Order 100.14, Compliance with Title I of the Americans with Disabilities Act (ADA), to incorporate the policies and procedures outlined in the updated version of SO-00-19 into a unified directive on compliance with the ADA.
- Provide updated training for all members to ensure they are familiar with the best practices for interacting with members of the D/HH community and the changes made to General Orders 901.07, 304.14, and SO-00-19.
- Offer American Sign Language (ASL) and Signed English trainings to its officers outside of the Deaf and Hard of Hearing Liaison Unit (DHHU) and incentivize its officers to attend.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1621066>.

5. Use of Hair Holds by Metropolitan Police Department Officers

On September 27, 2022, the PCB released the Use of Hair Holds by MPD Officers policy report, which focused on MPD officers' over-reliance and lack of training on this tactic. The report noted several complaints brought to OPC regarding the use of hair holds by MPD officers. In each case, an MPD officer used a hair hold on a community member even though the subject was compliant, and the officer was not in imminent danger. Evidence provided in the report illustrated that hair holds are a dangerous tactic, especially when improperly applied. Additionally, other police departments in the U.S. have updated their Use of Force Framework to include hair holds and provide guidance on when and how they are acceptable to be used by officers. The PCB pointed out that the use of hair holds is not explicitly authorized in MPD's Use of Force General Order, nor does MPD provide training to its members on the appropriate use of the tactic.

The PCB recommended that MPD should:

- Update General Order 901.07, Use of Force, to either prohibit the use of hair holds or discuss their appropriate use.
- Provide updated training to all members with respect to the use of hair holds and include hair holds in its use of force training for new recruits.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1620976>.

OUTREACH EVENTS

In FY22, OPC conducted and participated in more than 25 outreach events and activities throughout the District of Columbia. These events and activities included training sessions, panel discussions and presentations to the public about the agency's mission, function and complaint process.

OPC continued to build upon its outreach to students by presenting at the D.C. Bar Communities Youth Law Fair. The agency also presented to students attending City Neighbors High School in Baltimore, Maryland, expanding OPC's outreach beyond the District of Columbia.

Additionally, OPC conducted its Student Interactive Training (SIT) program for DC Department of Parks and Recreation summer camp participants. The SIT program focuses on reducing the number of negative encounters between the youth and the police as well as educating them on knowing their constitutional rights through interactive scenarios.

Further, OPC led several Know Your Rights sessions for students at Briya Public Charter School, one of the agency's community partners and for the Literacy Lab Leading Men Fellowship. In addition, the agency presented to college students at American University, American University Washington College of Law and the University of the District of Columbia Community College.

OPC also participated in informational fairs hosted by local universities and colleges including the University of Maryland College Park, American University Washington College of Law and George Washington University. In addition, the agency participated for the first time in the Federal City Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated 15th Annual Community Day.

In continuing with its outreach efforts beyond the District of Columbia, OPC's Executive Director Michael G. Tobin presented at the National Defense University to a group of Latin American defense and security professionals. In addition, Deputy Director Alicia Yass participated in a panel discussion on civilian oversight and mediation for the Chicago Community-Police Mediation Program.



Agency staff also served as panelists and moderators for workshops hosted by the National Association for Civilian Oversight of Law Enforcement. Additionally, OPC staff participated in a community focus group hosted by the Police Executive Research Forum. And the agency continues to present to newly sworn members of the Metropolitan Police Department about OPC.

OPC remained committed this fiscal year to increasing the agency's public awareness by working with its community partners such as Briya Public Charter School and American University Washington College of Law. 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 FY16

	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Ward 1	10%	13%	11%	15%	8%	11%	10%
Ward 2	22%	18%	18%	17%	20%	16%	15%
Ward 3	5%	4%	5%	7%	7%	9%	6%
Ward 4	10%	10%	9%	7%	8%	7%	10%
Ward 5	13%	16%	14%	14%	16%	15%	14%
Ward 6	12%	15%	17%	17%	15%	15%	18%
Ward 7	20%	13%	14%	12%	13%	12%	13%
Ward 8	8%	12%	11%	12%	14%	14%	15%

Harassment Subcategories	FY19	FY20	FY21	FY22
Bad Ticket	95	75	51	54
Contact	38	46	49	60
Entry (no search)	16	16	27	14
Frisk	7	6	9	12
Gun: Touch Holstered Weapon	11	6	9	6
Intimidation	30	32	27	43
Mishandling Property	57	47	41	52
Move Along Order	26	15	10	9
Prolonged Detention	20	25	11	9
Property Damage	21	30	29	30
Refusing Medical Treatment	6	6	9	8
Search: Belongings	8	11	5	11
Search: Car	29	24	20	33
Search: Home	23	18	12	16
Search: Person	13	13	14	21
Search: Stop or Invasive	5	3	2	1
Stop: Bicycle	-	-	-	1
Stop: Pedestrian	38	33	40	31
Stop: Vehicle/Traffic	87	67	48	60
Stop: Boat	-	-	-	-
Threat	71	60	45	56
Unlawful Arrest	79	70	83	87
Other	105	86	84	63
Total Harassment Allegations	785	690	625	677
Percent Change from Previous Fiscal Year	3% Decrease	12% Decrease	9% Decrease	8% Increase

Force Subcategories	FY19	FY20	FY21	FY22
ASP: All Types	1	4	2	-
Canine	-	-	-	-
Chokehold	2	5	6	3
Forcible Handcuffing	14	19	20	20
Gun: Drawn, but not Pointed	4	3	3	5
Gun: Fired	-	3	6	3
Gun: Pointed at Person	10	6	11	7
Handcuffs too Tight	19	24	18	22
OC Spray	3	23	5	8
Push or Pull with Impact	34	54	39	36
Push or Pull without Impact	46	55	44	68
Strike: Kick	3	-	1	2
Strike: with Officer's Body	-	5	1	1
Strike: Punch	6	10	4	3
Strike: While Handcuffed	1	2	-	-
Strike: with Object	-	4	3	-
Vehicle	2	5	3	2
Other	15	37	26	20
Total Force Allegations	160	259	192	200
Percent Change from Previous Fiscal Year	15% Decrease	62% Increase	26% Decrease	4% Increase

Discrimination Subcategories	FY19	FY20	FY21	FY22
Age	4	2	4	2
Color	1	1	3	2
Disability	3	2	4	5
Family Responsibilities	-	1	-	-
Language	-	-	-	-
Marital Status	-	1	1	-
National Origin	8	9	10	7
Personal Appearance	4	6	3	2
Physical Handicap	-	1	3	-
Place of Residence or Business	3	3	4	2
Political Affiliation	-	1	2	-
Race	62	49	37	44
Religion	1	-	3	1
Sex	8	15	8	5
Sexual Orientation	1	2	5	2
Source of Income	2	2	1	-
Other	6	11	5	8
Total Discrimination Allegations	103	106	93	80
Percent Change from Previous Fiscal Year	35% Decrease	3% Decrease	12% Decrease	14% Decrease

Failure to Identify Subcategories	FY19	FY20	FY21	FY22
Display Name and Badge	3	4	5	5
Provide Name and Badge	35	30	34	37
Other	3	1	-	3
Total Failure to Allegations	41	35	39	45
Percent Change from Previous Fiscal Year	24% Decrease	15% Decrease	11% Increase	15% Increase

Failure to Intervene Subcategories	FY19	FY20	FY21	FY22
Total Failure to Intervene Allegations	N/A	1	3	3
Percent Change from Previous Fiscal Year	N/A	N/A	200% Increase	0% Change

Language and Conduct Subcategories	FY19	FY20	FY21	FY22
Demeanor or Tone	253	184	202	206
Gesture or Action	68	65	56	50
Other Language	45	23	19	27
Profanity	28	15	17	37
Racial/Ethnic Slur	3	1	-	4
Other	9	18	11	7
Total Language and Conduct Allegations	406	306	305	331
Percent Change from Previous Fiscal Year	9% Decrease	25% Decrease	<1% Decrease	9% Increase

Retaliation Subcategories	FY19	FY20	FY21	FY22
Total Retaliation Allegations	20	14	6	10
Percent Change from Previous Fiscal Year	43% Increase	30% Decrease	57% Decrease	67% Increase

FY22 Complaint Examiner Decisions by Allegation and Disciplinary Outcomes

Complaint Number	Harassment	Force	Language or Conduct	Failure to Identify/ Intervene	Retaliation	Discrimination	Discipline Determination
20-0644	Sustained						PD 62-E
21-0014	Sustained		Sustained	Sustained			10 Day Suspension No-Pay; PD 62-E
21-0453			Sustained				Letter of Prejudice
21-0233	Sustained						15 Day Suspension No-Pay; 10 Day Suspension No-Pay
21-0072 & 21-0074		Sustained	Sustained	Sustained			Education Based Development; PD 750
21-0259	Sustained		Sustained				PD 750
21-0631	Exonerated					Exonerated	N/A
21-0617			Sustained				PD 750
22-0022	Sustained/ Insufficient Facts						8 Day Suspension No-Pay
22-0078			Sustained				Officer Resigned
22-0198	Sustained						Pending
22-0218	Sustained		Sustained				Pending
21-0823	Sustained						Pending

FY21 Complaint Examiner Decisions by Allegation and Disciplinary Outcomes Updates

19-0732 ²⁶	Sustained			Sustained			Pending
20-0638		Sustained					Education Based Development
21-0123	Sustained						PD 750

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. 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.
6. Information was gathered from <https://dcist.com/story/22/05/04/dc-tourism-numbers-2021/>.
7. For more information on the NEAR Act of FY16 please visit: <https://saferstronger.dc.gov/page/near-act-safer-stronger-dc>
8. The remaining 1 source not listed was reported as other.
9. 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>
10. 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/Ehnicity or Multi-Racial and White complainant.
11. As of FY22 DCHAPD had still not implemented a BWC program.
12. Withdrawn cases are included when discussing BWC footage and dispositions.
13. Withdrawn cases are not included in OPC's investigative statistics.
14. This number does not include administration closures, referred to MPD/DCHAPD 90 days or jurisdiction, referred to other, and those that were withdrawn.
15. 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.
16. There are 13 decisions for 14 cases, because one decision was for 2 joined cases.
17. 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.
18. To see complaint examiner decisions by calendar year please visit: <https://policecomplaints.dc.gov/page/complaint-examiner-decisions>.
19. D.C. Code §5-1104. <https://code.dccouncil.us/dc/council/code/sections/5-1104.html>
20. D.C. Code §5-1112(c). <https://code.dccouncil.us/dc/council/code/sections/5-1112.html>
21. D.C. Code §5-1112(e). <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. 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.
24. D.C. Code §5-1104 (d). <https://code.dccouncil.us/dc/council/code/sections/5-1104.html>
25. <https://policecomplaints.dc.gov/page/policy-recommendations>
26. This case is still pending discipline due to an ongoing civil suit.



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