

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

Annual Report 2023



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), OPC impartially investigates complaints of police misconduct, offers mediation of appropriate complaints, and refers 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.

OPC’s primary task is to investigate complaints, and Fiscal Year 2023 continued a five-year consecutive trend of a high number of complaints with a record number of 883. This is a record number of complaints for OPC. The high volume of complaints has resulted in a tremendous increase in workflow, yet we maintained an average investigation completion time of just 125 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

TABLE OF CONTENTS

AGENCY OVERVIEW

Mission and Function	1
Police Complaints Board	3

AGENCY STAFF

Personnel	5
Investigative Unit	6

COMPLAINT ACTIVITY

Contacts and Complaints Received	7
Allegations Received	8
Investigations Conducted	9
Increased Investigative Efficiency	9
Failure to Cooperate	10
Where Incidents Occurred	11
Source of Complaints	12
Map of FY23 Complaints	13
Officer Demographics	14
Complainant Demographics	15
Complainant and Officer Demographic Pairings	16

BODY-WORN CAMERAS

Overview	17
Impact of BWCs	17
Officer Compliance with BWC Policies	17

COMPLAINTS RECEIVED BY MONTH AND QUARTER

Overview	19
----------	----

INVESTIGATIVE OUTCOMES

Overview	20
Case Dispositions	20
Complaint Examination	21
Final Review Panels	21
Disciplinary Outcomes for Sustained Cases	21
Education-Based Development	21
Policy Training Referrals	23

TABLE OF CONTENTS

Rapid Resolution Referrals	24
Mediation	24
Mediation Survey Responses	24
Mediation Process	25

POLICY REVIEW AND RECOMMENDATIONS

Overview	26
1) “Presidential Executive Order 14074”	26
2) “FY21 Implementation Update”	27
3) “Policies and Procedures for Edged Tools”	28
4) Leveraging Random Reviews and Body-Worn Camera Analytics to Enhance Police Training and Minimize Use of Force Incidents	28
5) Policies and Procedures for Appropriate Use of Handcuffs During Investigatory Stops	29

COMMUNITY OUTREACH

Outreach Events	30
-----------------	----

APPENDIX A: WARD DATA

Table Reporting Percent of Complaints per Ward since FY17	32
---	----

APPENDIX B: COMMUNITY MEMBER COMPLAINTS

Specific Allegations of Harassment	33
Specific Allegations of Force	34
Specific Allegations of Discrimination	35
Specific Allegations of Failure to Identify	36
Specific Allegations of Failure to Intervene	36
Specific Allegations of Language and Conduct	36
Specific Allegations of Retaliation	36

APPENDIX C: COMPLAINT EXAMINER DECISIONS

FY23 Complaint Examiner Decisions by Allegation and Disciplinary Outcomes	37
--	----

END NOTES

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.

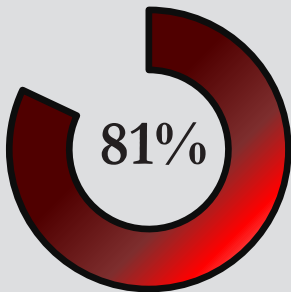
OPC's mission also includes helping bridge the gap in understanding that often exists between community members and D.C.'s police forces. OPC's rapid resolution and mediation programs help facilitate conversations to eliminate any misunderstandings between complainants and officers, while community outreach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

FY23 KEY FINDINGS SUMMARY

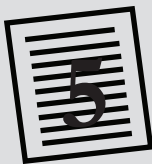
11% 

In complaints since FY22; OPC received 883 complaints in FY23

This increase in complaints coincided with an 18% increase in crime in the District

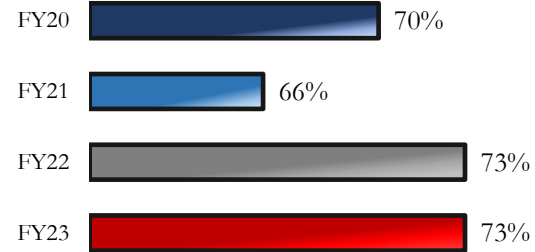


81% of cases in FY23 were completed within 180 days



Policy Recommendations in FY23

1. Presidential Executive Order 14074
2. FY21 Implementation Update
3. Policies and Procedures for Edged Tools
4. Leveraging Random Reviews and Body-Worn Camera Analytics to Enhance Police Training and Minimize Use of Force Incidents
5. Policies and Procedures for Appropriate Use of Handcuffs During Investigatory Stops

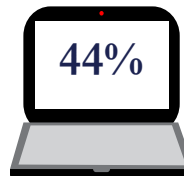


Cases with BWC were less likely to be withdrawn by the complainant

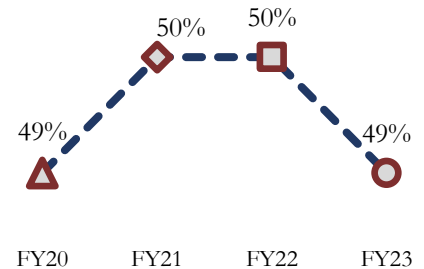
73% of complainants in FY23 were Black

March

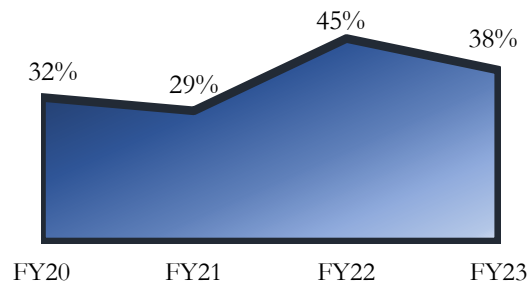
Was the month with the most complaints; 96 complaints were received



Of complaints received through online complaint form in FY23



Most frequent allegation was harassment; 49% in FY23



38% of cases contained at least one form of BWC non-compliance; 7% decrease from FY23

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 reviews the Executive Director’s determinations regarding the dismissal of complaints, monitors and evaluates MPD’s handling of First Amendment assemblies, and observes MPD’s demonstrations held in the District. Further, the PCB makes policy recommendations to the Mayor, the Council, MPD and DCHAPD, where appropriate, to improve police practices. The current PCB includes the following members:

Paul D. Ashton II, appointed chair of the PCB on October 4, 2016, is the Interim Executive Director for the Justice Policy Institute (JPI), a national nonprofit dedicated to criminal and juvenile justice reform. As Interim Executive Director, Mr. Ashton directs organizational operations and works to enhance JPI’s effectiveness across justice reform projects. 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 a Claims 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 continues to 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.

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 Chair of the Board of Washington Episcopal School and past president on the Board of the Harvard Club of Washington, DC.

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 22 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 D.C. 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.

Jacqueline Hazzan, OPC's legal counsel, joined the agency as an investigator in August 2021. Ms. Hazzan was promoted to senior investigator in May 2022 before being appointed to the legal counsel position in June 2023. Prior to joining OPC, Ms. Hazzan had worked at the International Association of Chiefs of Police (IACP), the Special Victim's Unit at the District Attorney's Office, the Cybersecurity Unit at the United States Attorney's Office, and the United States Coast Guard's Office of Legal Affairs. Ms. Hazzan received her bachelor's degree from John Carroll University, her master's degree in forensic psychology from George Washington University, and her law degree from Case Western Reserve University School of Law.

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 she 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 talented and diverse employees who conduct and resolve investigations. By law, the investigators cannot have worked for either police department under OPC's jurisdiction. The Fiscal Year 2023 (FY23) staff of investigators and supervisory investigators had approximately 125 total years of combined investigative experience. The senior investigators and supervisory investigators have 7 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:

In addition:

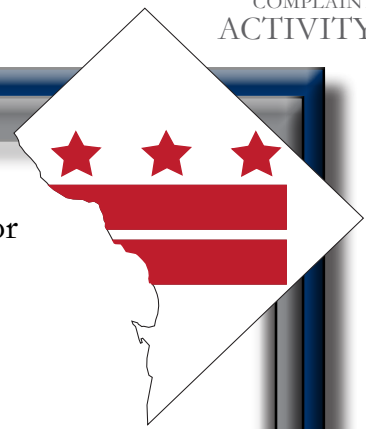
- 4 subject matter and legal training sessions;
- 32 hours of MPD officer in person at the academy; and
- 8 hours of MPD officer virtual training

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

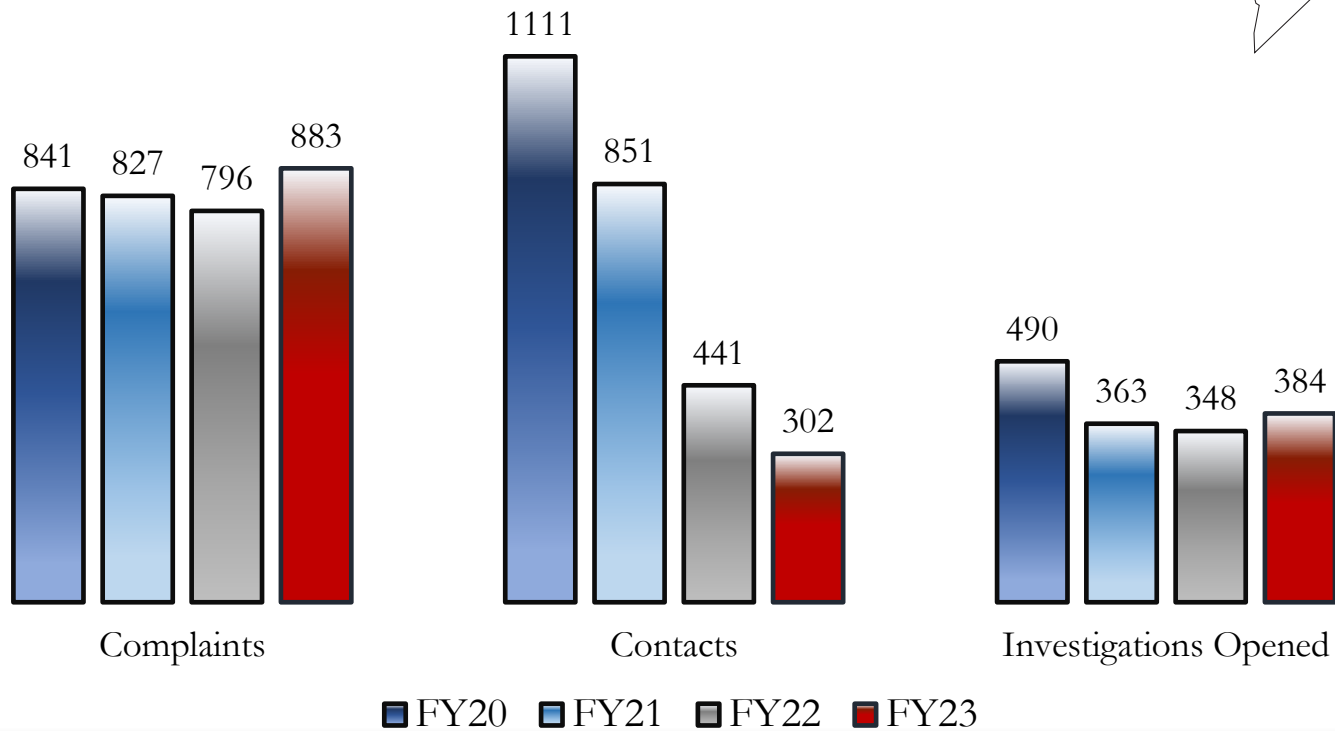
INVESTIGATOR Courtney Baez
 INVESTIGATOR Dana Bridgewater
 INVESTIGATOR Onyee Clarke
 PUBLIC AFFAIRS SPECIALIST Nykisha Cleveland
 INVESTIGATOR Witney Comeau
 INVESTIGATOR Samuel Davis
 INVESTIGATOR Allison Donahoe
 STAFF ASSISTANT Darlene Grant
 INVESTIGATOR Shaylah Hailes
 SENIOR INVESTIGATOR Quentin Jackson
 RESEARCH ANALYST Marissa Landeis
 INVESTIGATIVE CLERK Kevin Maldonado
 INVESTIGATOR Brandon Mottley
 INVESTIGATIONS MANAGER Lindsey Murphy
 INVESTIGATIONS MANAGER Natasha Smith
 INVESTIGATOR Danielle Sutton
 INVESTIGATOR Amicaela Valerio
 SENIOR INVESTIGATOR Tamika Walker
 PROGRAM COORDINATOR Christopher Weber



Complaints and Contacts



Community members contact OPC every year and hundreds file formal complaints. OPC then determines jurisdiction, and initiates an investigation or refers the complaint to the right entity.



CONTACTS AND COMPLAINTS RECEIVED

Following 2 years of decreases, OPC received 883 complaints in FY23, which is an 11 percent increase from FY22, and is the most complaints OPC has ever received since its inception. This 11% increase in complaints between FY22 and FY23 also coincided with an 18% increase in reported crime in the District. This 18% increase in crime likely coincides with more interaction between community members and police officers. During this time there was also a 40% increase in complaints being forwarded to OPC from MPD. This increase in crime and increase in MPD forwarded complaints likely had an influence on the influx of complaints OPC received in FY23. OPC will continue to monitor the increase in complaints in FY24.

In FY23, OPC received 302 contacts, which was a 32% decrease from the 441 in FY22, and a 65% decrease from 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.² 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 continued decrease in contacts for FY23.

ALLEGATIONS RECEIVED

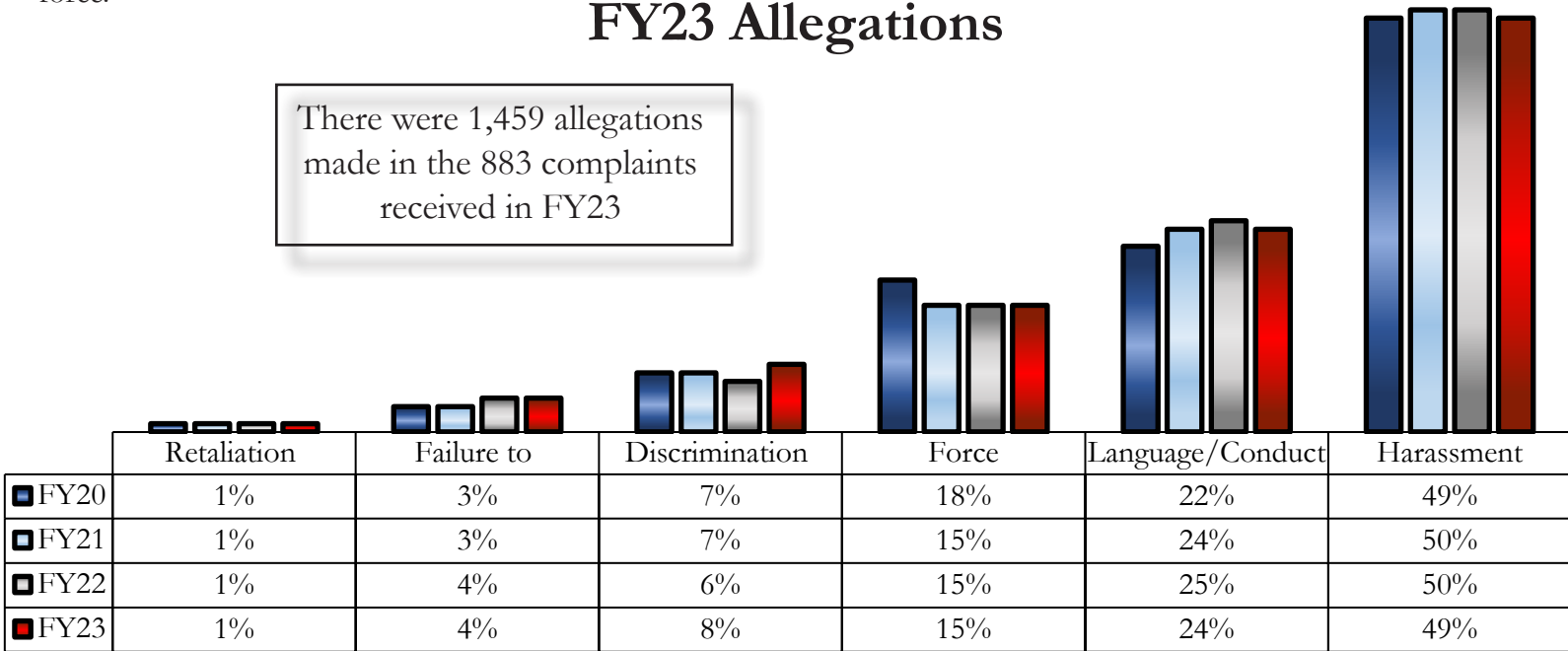
The 883 complaints OPC received in FY23 contained 1,459 allegations of misconduct against officers, an 8% increase from the 1,346 allegations in FY22. Each complaint OPC receives contains one or more allegations against one or more officers, and OPC is authorized to investigate seven categories of allegations: 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 FY23 OPC added 4 allegations to 4 different complaints; all 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 FY23 allegations of harassment accounted for 49% of all allegations OPC received and language/conduct complaints accounted for 24% of all allegations. The third most common allegations for FY23 were force, with 15%. This was followed by discrimination, which accounted for 8% of all allegations in FY23. 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 FY23. Retaliation generally accounts for less than 1% of allegations received per year, and this trend continued in FY23. These allegation trends are comparable to the allegations OPC has received in previous years. The most frequent allegation sub-category in FY23 was for demeanor or tone within the language/conduct category with 218 allegations. The second most common sub-allegation was for unlawful arrest within the harassment category with 95 allegations.

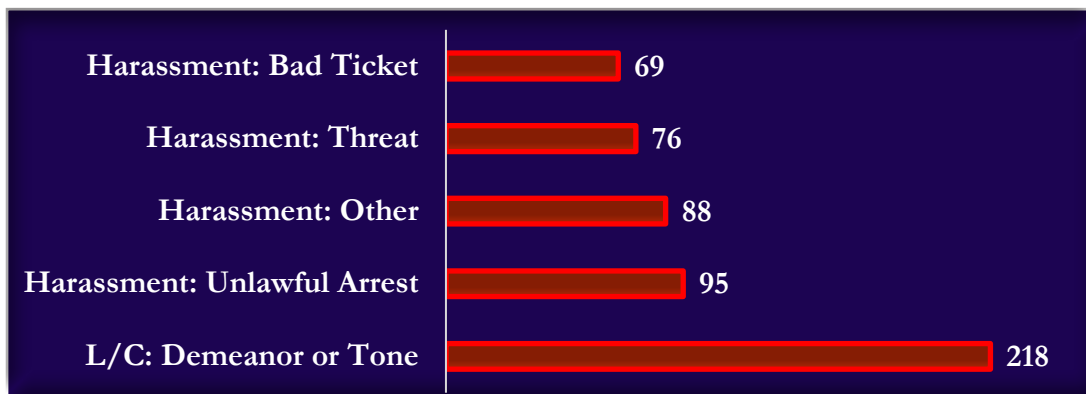
OPC can also breakdown the allegations by the seven Districts. In FY23 the First, Second, Fourth, and Seventh Districts had harassment and language/conduct as their first and second most common allegations, respectively. The first and second most common allegations, respectively, for the Third, Fifth and Sixth Districts were harassment and force.

FY23 Allegations

There were 1,459 allegations made in the 883 complaints received in FY23

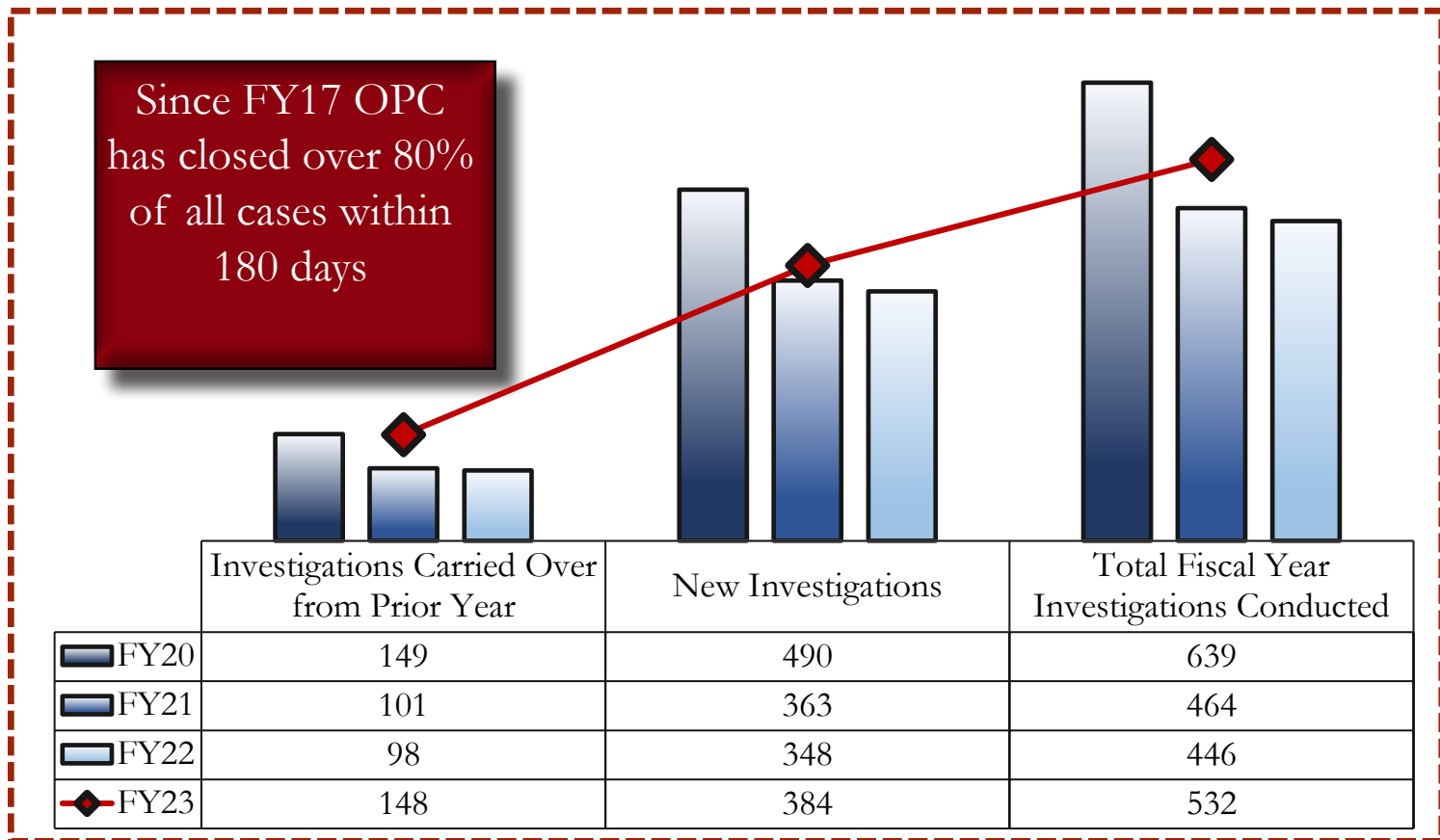


Top 5 FY23 sub-allegations



INVESTIGATIONS CONDUCTED

OPC opened 384 new investigations in FY23. OPC also continued investigating 148 cases that were opened in FY21 and FY22 that carried over into FY23.³ Between the 148 carryover cases and the 384 new cases, OPC investigated a total of 532 cases in FY23. Of these 532 cases, 166 were still open at the end of FY23, though only 12 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 532 cases investigated in FY23, OPC completed 352, which means each complaint was within OPC jurisdiction, a disposition was determined, and the cases were closed.



INCREASED INVESTIGATIVE EFFICIENCY

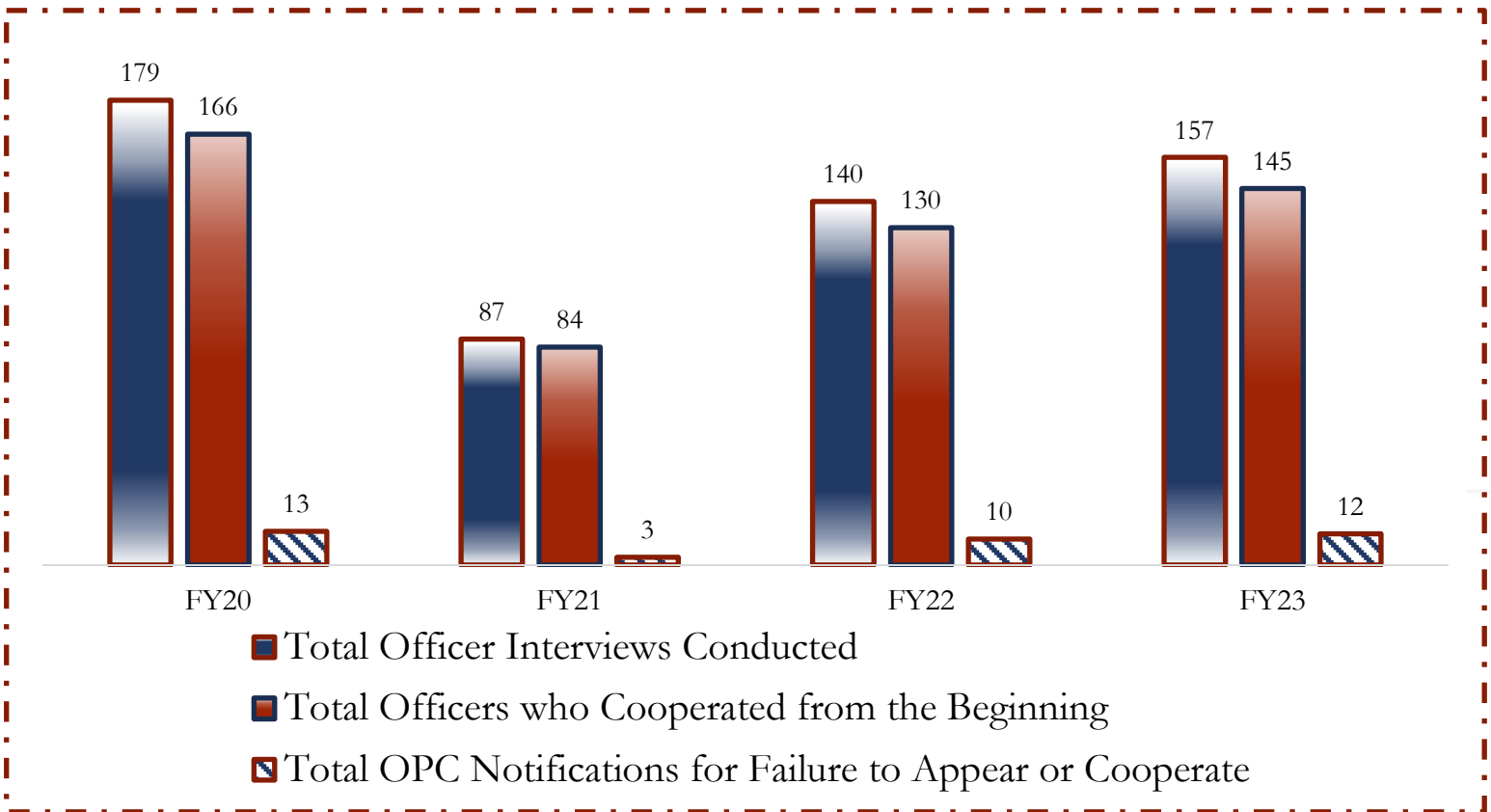
OPC continued to efficiently manage its caseload in FY23. The average number of days between an investigation being opened and being completed has decreased from more than 355 days in FY15 to 125 days in FY23. Similarly, the percentage of investigations completed within 180 days has increased from 42% in FY15 to 81% in FY23. 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 videos; 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 FY23, OPC investigators conducted 447 complaint-related interviews, including 316 community member interviews and 131 officer interviews. An additional 26 officers participated in mediations.

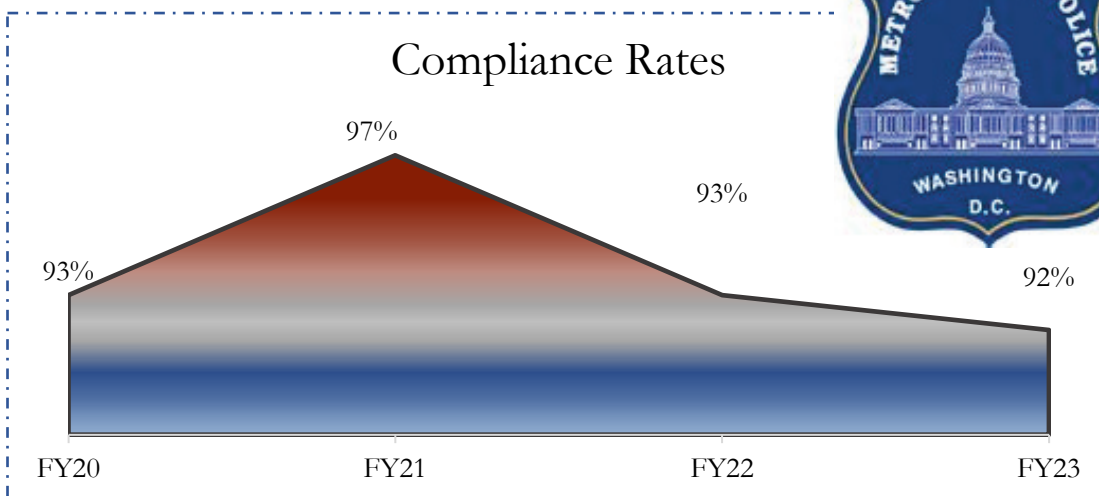
FAILURE TO COOPERATE

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 FY23. In FY23, 8% of the 157 officers failed to cooperate, which is 1% more than the 7% in FY22. 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. Two of the 12 failure to appear notifications were given to officers who did not show up to a scheduled mediation.

FY23 Officer Interviews



Compliance Rates

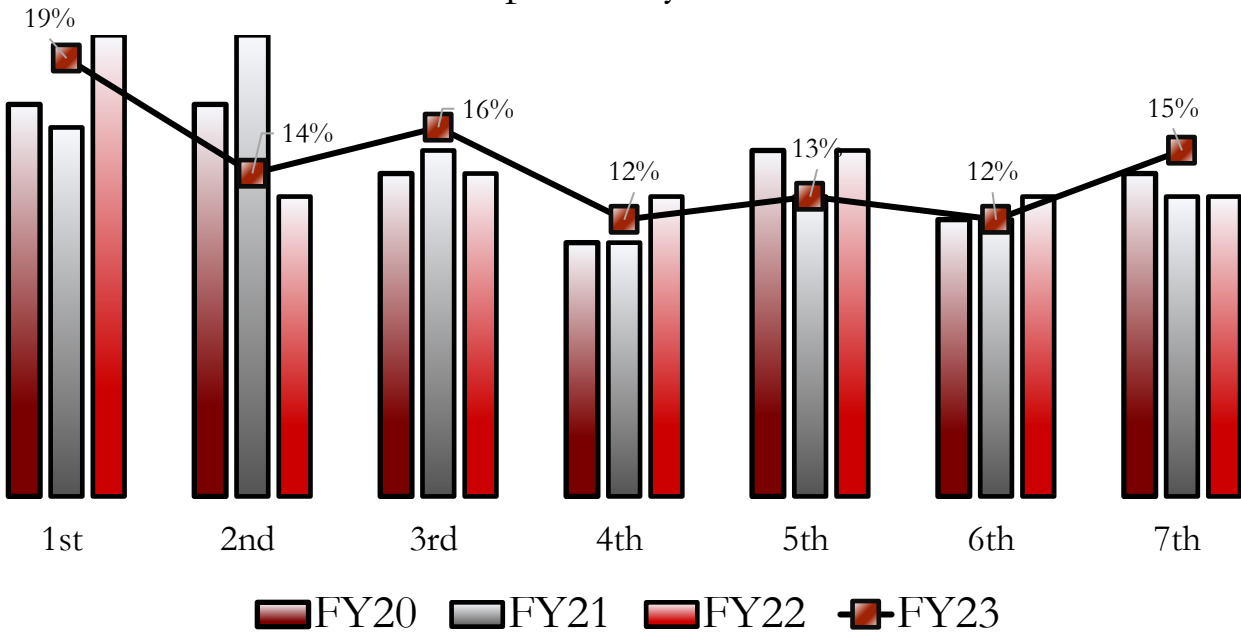


WHERE INCIDENTS OCCURED

Each of the seven police Districts accounted for between 13% and 20% of complaints received in FY23. 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 FY23. Complaints from the Seventh District increased from 6% in FY16 to 13% in FY23. The First District had the most complaints with 20% in FY23, followed by the Fifth district with 15% in FY23.

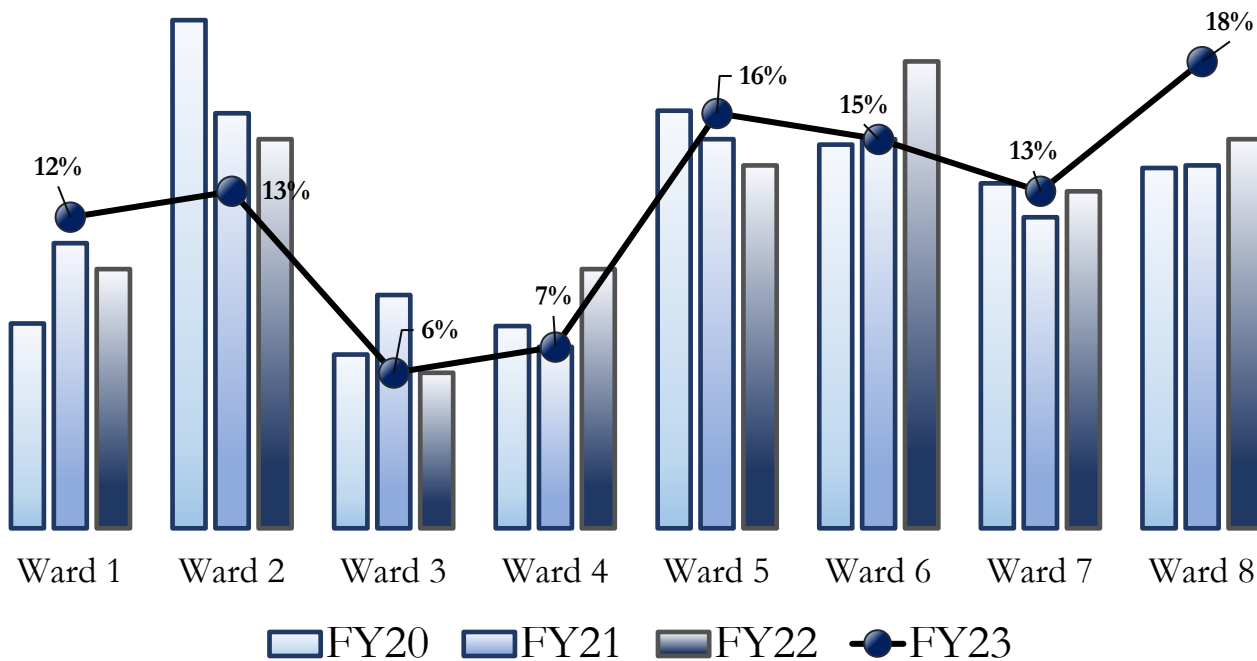
Police districts do not overlap completely with D.C. Council Wards; therefore, OPC also reports the distribution of complaints by Ward. Please see the table in the appendix on page 31 that reports the complaint percentages by Ward since FY16. Each of the eight Council Wards⁴ in D.C. accounted for between 6% and 18% of complaints received in FY23.

Complaints by District



The First District had the most complaints in FY23

Complaints by Ward

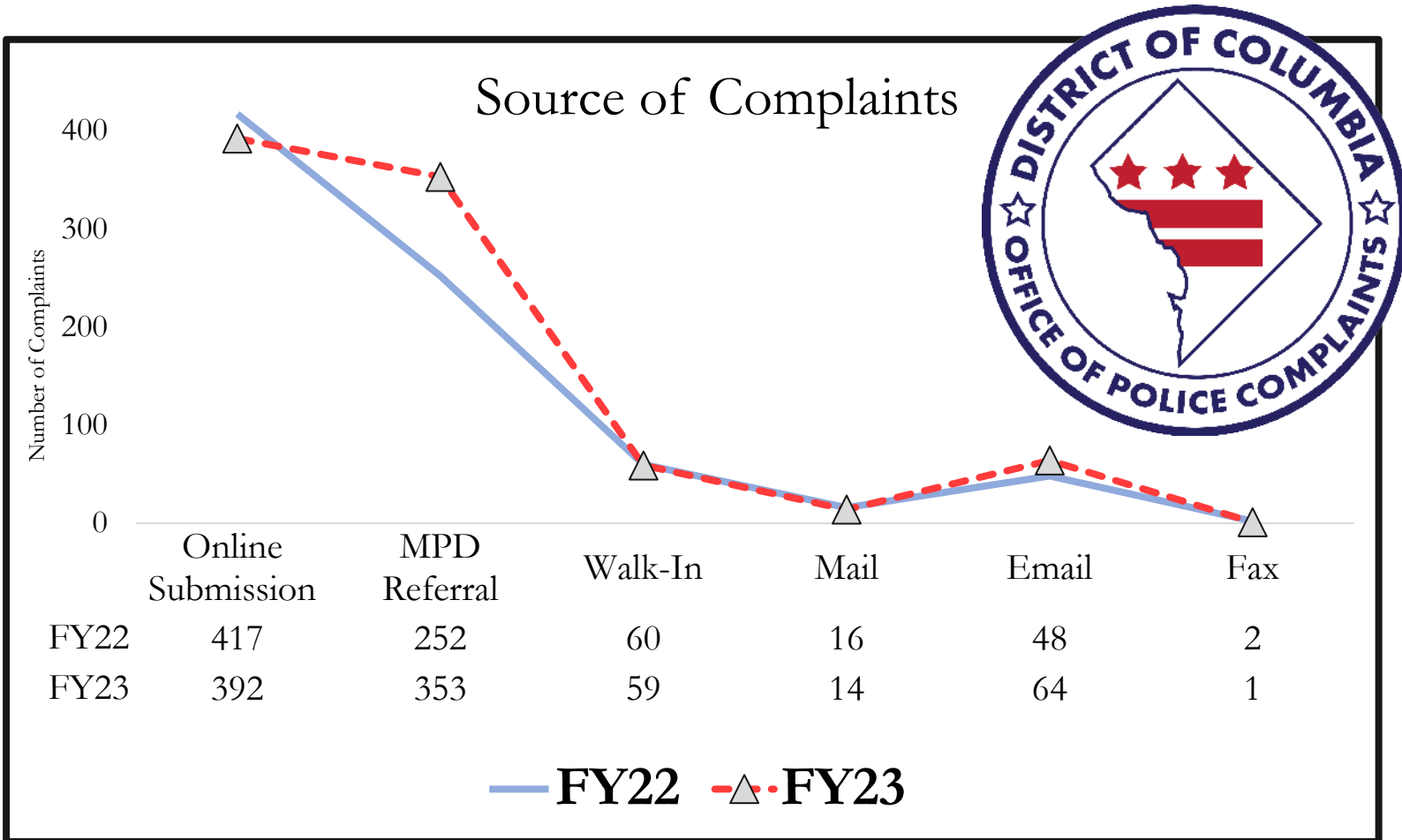


Ward 8 had the most complaints in FY23

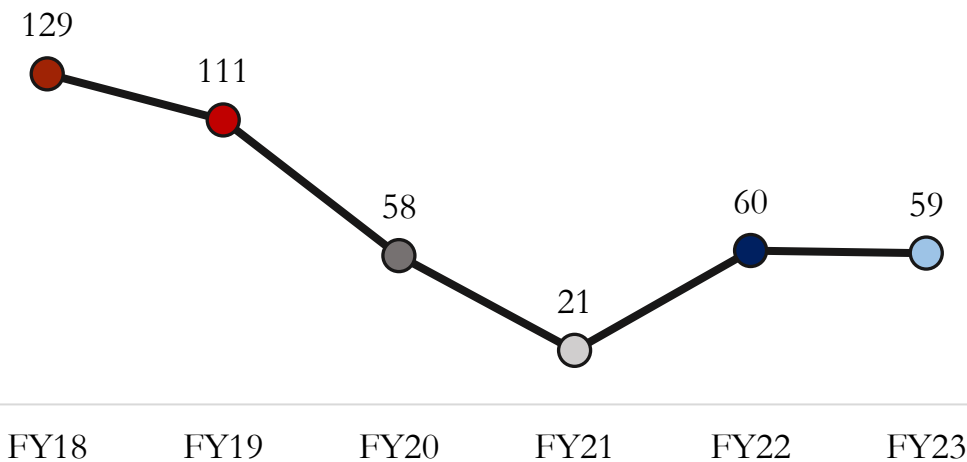
SOURCE OF COMPLAINTS

OPC now receives the majority of its complaints from the online complaint form and MPD/DCHAPD referrals. In the last 7 years since the implementation of the NEAR Act in FY16,⁵ there has been a 1,700% increase in the number of complaints referred from MPD/DCHAPD. In FY23, the number of cases forwarded to OPC was 353, a 40% increase from FY22. The most referrals made by MPD/DCHAPD was in FY23.

Online submissions are the most used form to file a complaint. In FY19, the percentage was 49%. In FY20, the percentage increased to 51%, slightly higher than the percentage of FY19, and in FY21 online submissions comprised 58% of all complaints filed with OPC and is the highest percentage since the inception of the online complaint form. In FY22, online submissions made up 52% of all complaints. In FY23 the percentage was 44%.

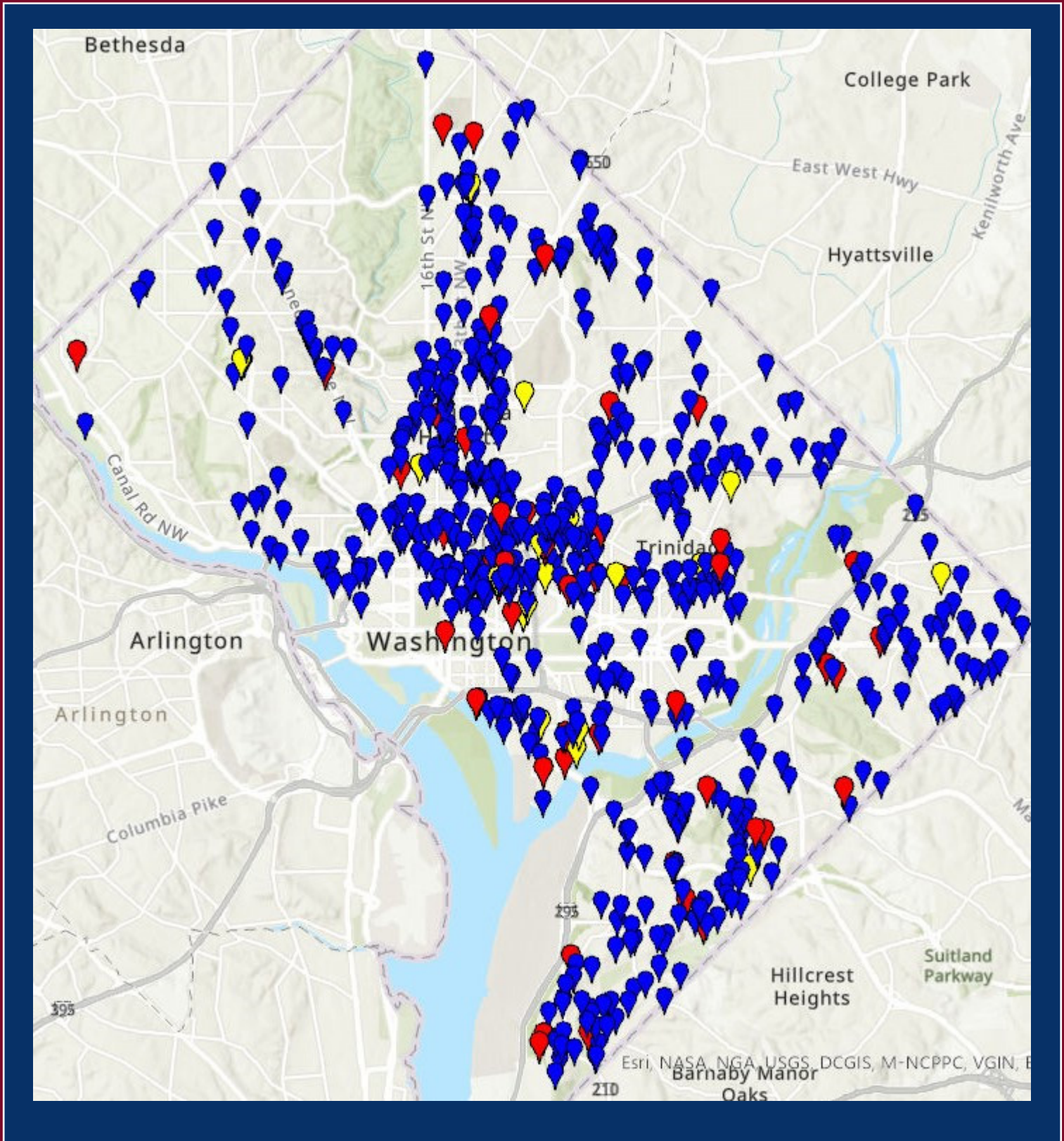


Walk-In Complaints FY18-FY23



Walk in complaints are 54% lower than they were in FY18, before the COVID-19 pandemic.

Map of FY23 Complaints

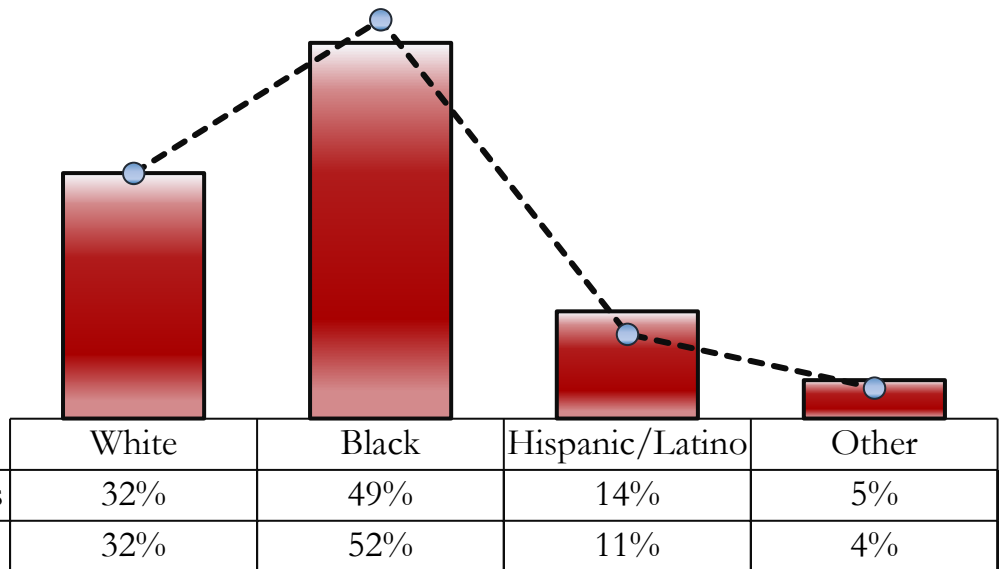


Above is a map depicting the location of all FY23 complaints that occurred within D.C. and had a valid address. The blue locators indicate a location that had one complaint. The red locators indicate a location that had 2 complaints. The yellow locators indicate a location that had more than 2 complaints.

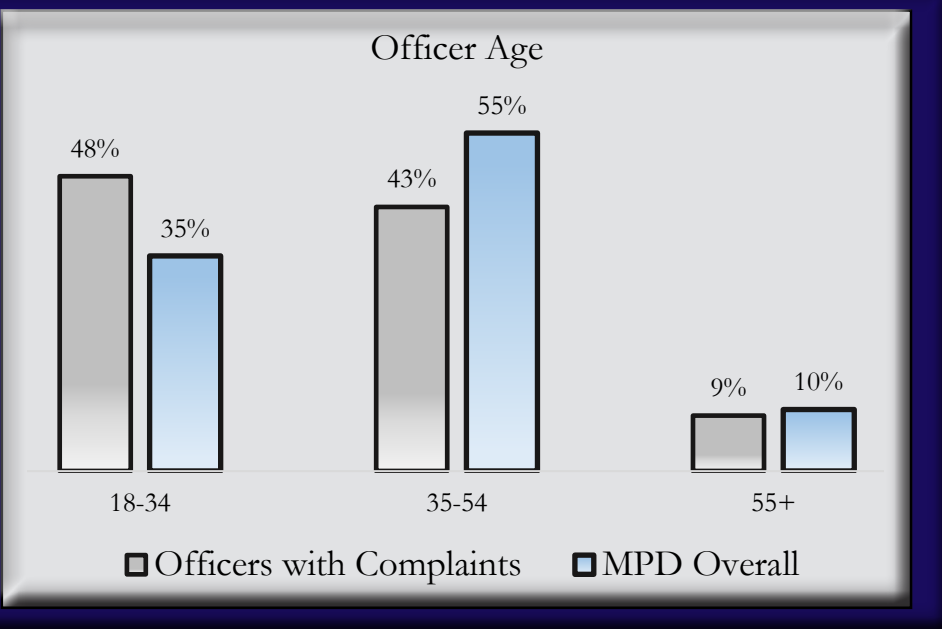
OFFICER DEMOGRAPHICS

A total of 883 MPD and DCHAPD officers received complaints in FY23, with 246 (28%) receiving more than one complaint. In FY23, 51 officers received three complaints; 16 officers received four complaints; 5 officers received five complaints; 2 officers received seven complaints; and 1 officer received eight complaints. OPC tracks the demographics of MPD officers. Male officers are typically the subjects of 80% or more complaints per year and that trend continued in FY23 with 80% of complaints made against male officers. Female officers were the subjects of 20% of complaints received in FY23. Black officers accounted for about 49% of complaints, White officers accounted for 32% of complaints, and Hispanic/Latino officers accounted for 14% of complaints. Furthermore, Asian officers accounted for 5% of all complaints in FY23, 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 35% of officers and were the subjects of 48% of the complaints filed in FY23. 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 43% of complaints; and officers 55 and older were the subjects of 9% of complaints.

Officer Race



Officer Age



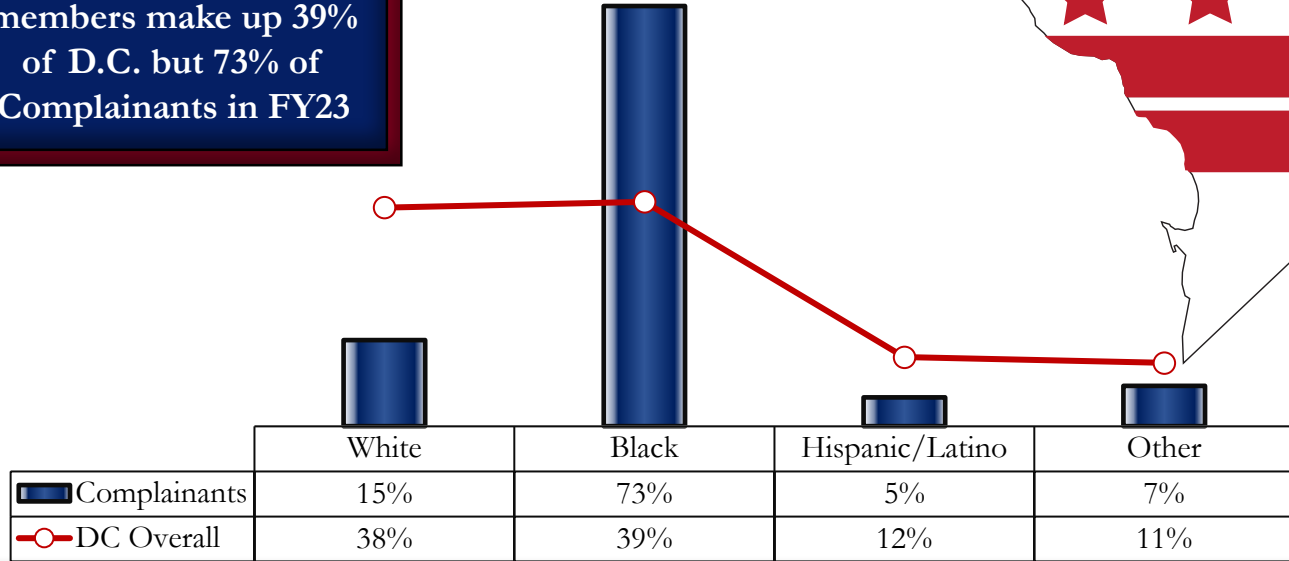
80% of MPD officer's with a complaint in FY23 were male

COMPLAINANT DEMOGRAPHICS

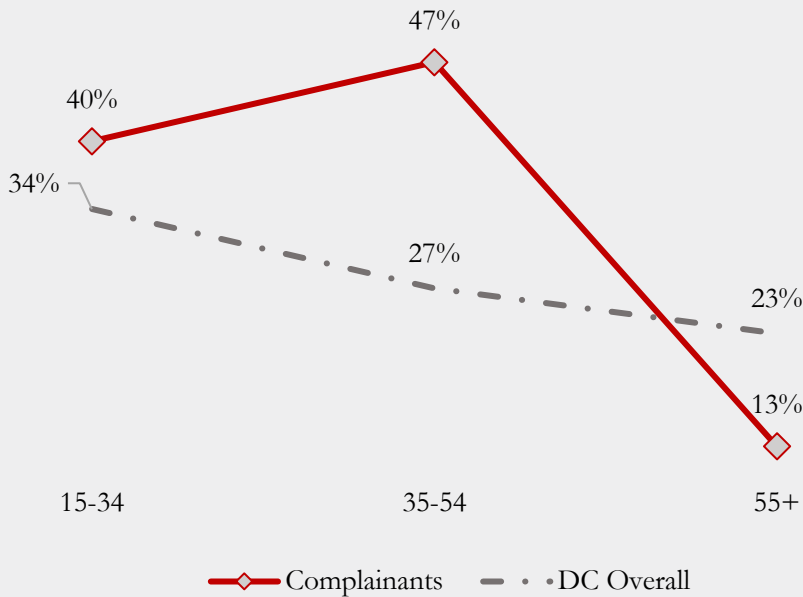
The demographics of complainants in FY23 were very similar to those of complainants in FY16 through FY22. Between 66% and 74% were Black, between 15% to 19% were White, and between 5% and 8% were Hispanic/Latino for the last seven fiscal years. Complainants younger than 35 accounted for 40% of complainants in FY23, the same as FY22. Complainants aged 35 to 54 comprised 40% to 47% of complainants in each of the last seven fiscal years. Complainants aged 55 years and older decreased slightly from 15% in FY22 to 13% in FY23.

Community Member Race

Black community members make up 39% of D.C. but 73% of Complainants in FY23



Community Member Age⁶

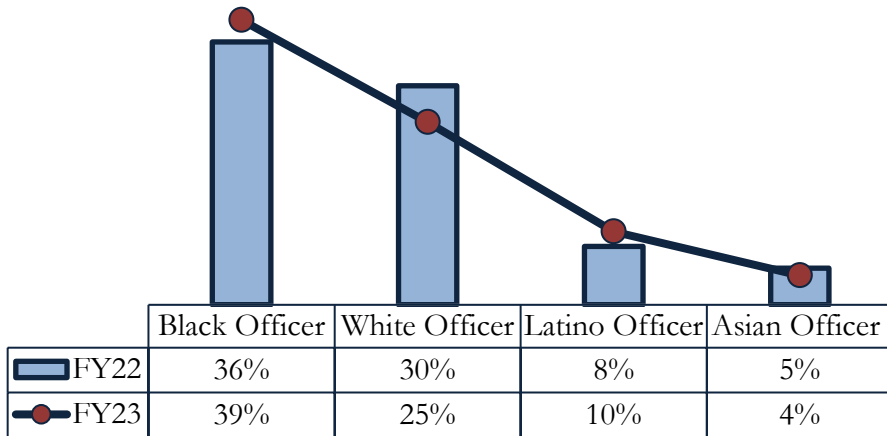


In FY23 4 complainants identified as non-binary

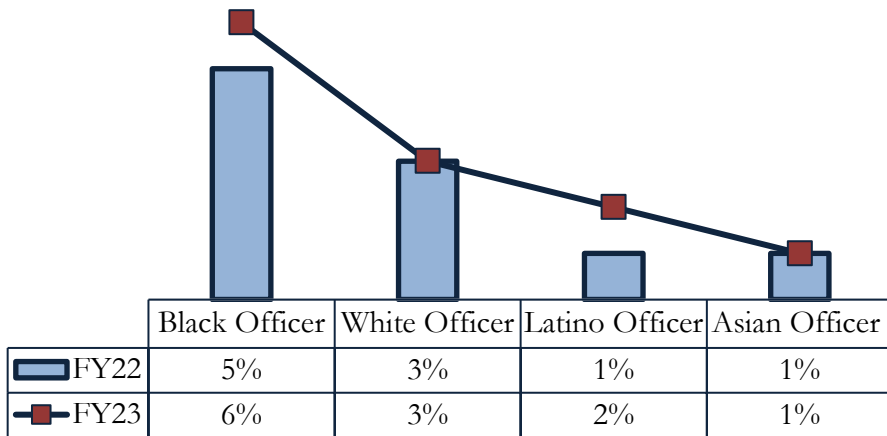
COMPLAINANT AND OFFICER DEMOGRAPHICS PAIRINGS

The most frequent complainant-officer pairings were Black complainants filing complaints against Black officers, accounting for 39% of complaints received in FY23. Black complainants filing complaints against White officers comprised 25% of all complaints received. White complainants filing complaints against Black and White officers comprised 6% 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.⁷

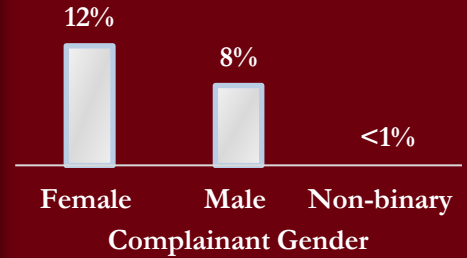
Black Complainant and



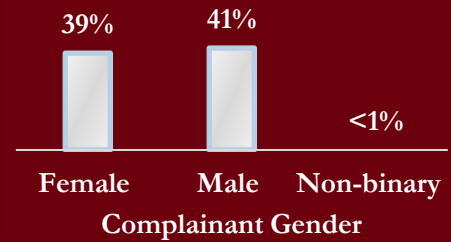
White Complainant and



Female Officer and



Male Officer and



Officers With Complaints



82% of officers with 3 or more complaints were male

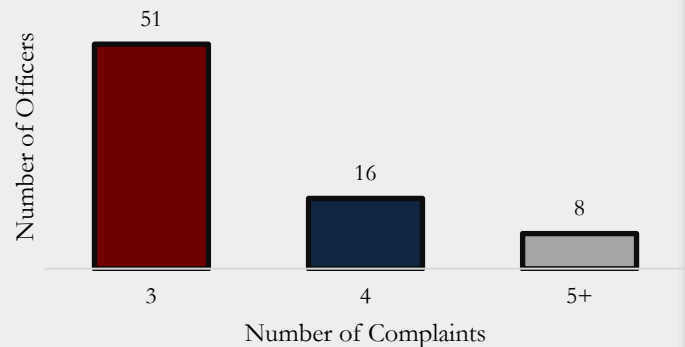


43% of officers with 3 or more complaints had been on the force for 5 years or less



42% of MPD officers who receive a complaint in FY23 had been on the force 5 years or less

75 Officers had 3 or more Complaints in FY23



OVERVIEW

OPC has full access to the MPD⁸ 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 FY23 containing BWC video resulted in lower percentage of withdrawals than cases without BWC video. This was also true for cases completed in FY17 to FY22. 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 FY23, 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 (48% and 41% respectively). In FY23, cases with BWC had a higher percentage of sustained cases than those without BWC (3% and 0% respectively). In FY23, cases without BWC had fewer rapid resolution referrals than cases with BWC (4% and 10% 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 BWCs 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 BWCs in 2017, not every case investigated by OPC in FY23 had BWC video. In FY23, OPC found relevant BWC video in 280 out of 351⁹ cases with dispositions, accounting for 80% of the total investigations, which is similar to the 79% in FY22. In some cases, OPC was able to determine that the officer or officers involved had BWCs 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 BWCs.

In each case there can be more than one instance of BWC non-compliance, and in FY23 38% of cases had at least one instance of BWC non-compliance. In fifteen percent of cases the BWC was turned on late; in 8% the BWC was not turned on at all; and in 3% the BWC was obstructed in FY23. 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 13% and 11% respectively, which is lower than the percentages of the two categories in FY22. Overall, a total of 38% of investigated cases in FY23 with BWC video included some form of BWC non-compliance, which is a 7% decrease from the 45% in FY22 cases with BWC non-compliance.

79%

CASES HAD BWC VIDEOS



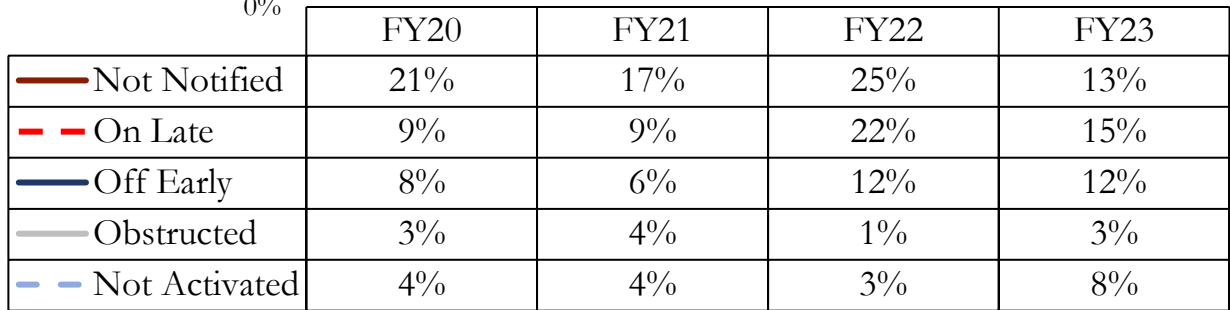
38%

CASES HAD BWC NON-COMPLIANCE

FY23 BODY-WORN CAMERA MISCONDUCT

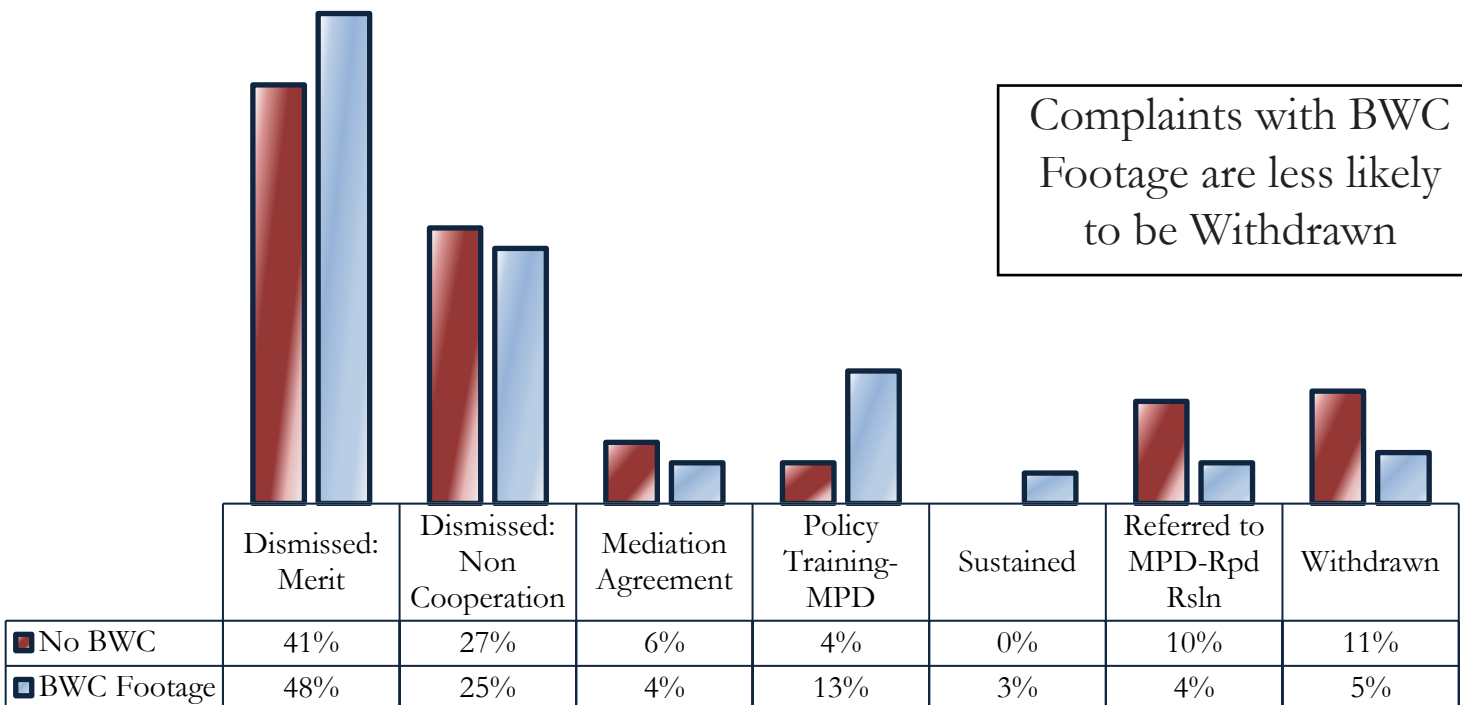
FY23 saw a 7% increase in MPD officers not activating their BWC when interacting with the complainant

25%
20%
15%
10%
5%
0%



FY23 CASE DISPOSITIONS BY BODY WORN CAMERA

Complaints with BWC Footage are less likely to be Withdrawn



OVERVIEW

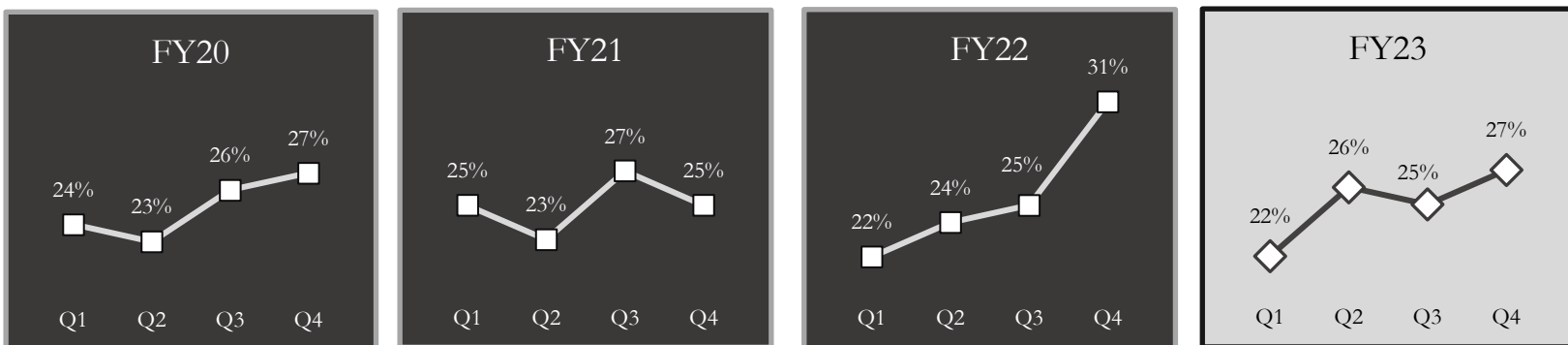
Each month in FY23 accounted for between 7% and 11% of all complaints received, and each quarter OPC received between 22% and 27% complaints.

OPC received the fewest complaints in April of FY23, with 58 complaints received that month. OPC received the most complaints in March, with 96 complaints received. Quarter 4 – comprised of July, August, and September – was OPC’s busiest quarter

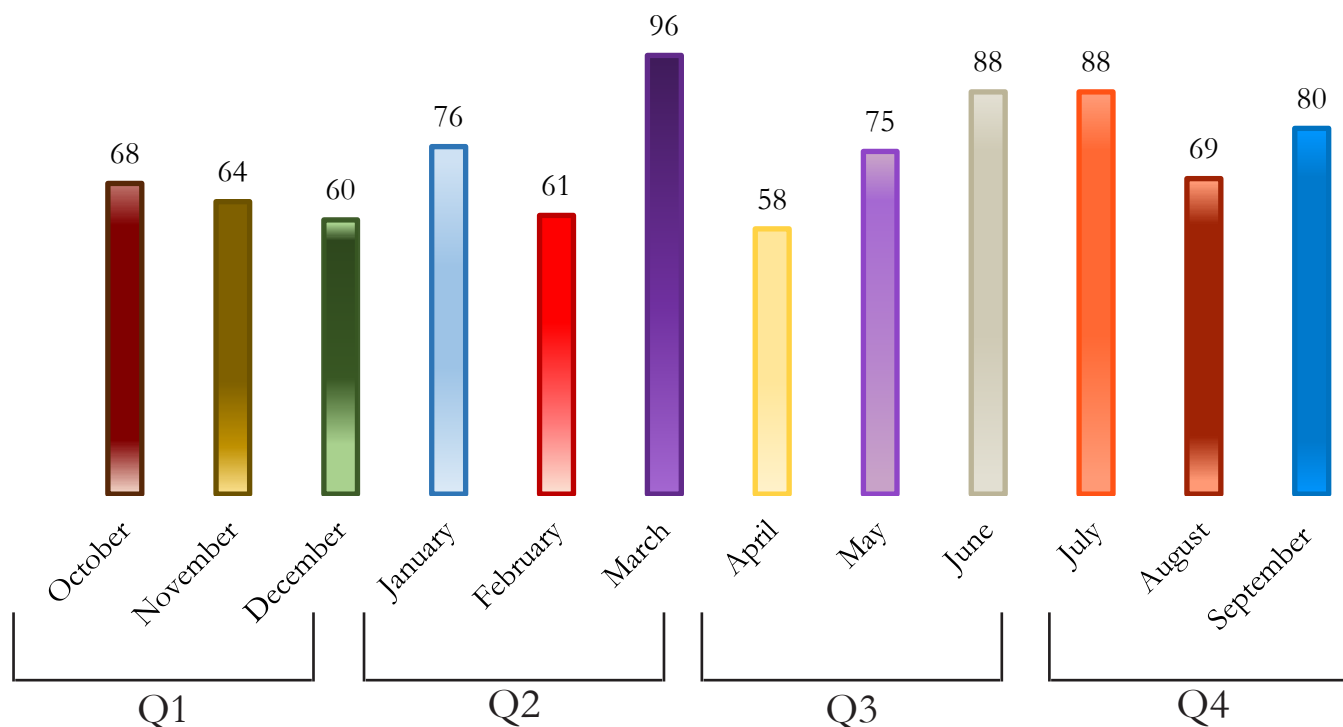
of FY23, with 237 complaints received. OPC received the fewest complaints in the first quarter – comprised of October, November, and December – with 192 complaints.

Quarter 1 of FY23 had the lowest percentage of complaints with 22%. Quarter 4 of FY23 had the highest percentage of all complaints with 27% of all complaints occurring in Q4 of FY23.

Complaints by Quarter and Year



Complaints by Month in FY23



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.¹⁰ These disposition types are discussed in more detail on pages 21 through 25.

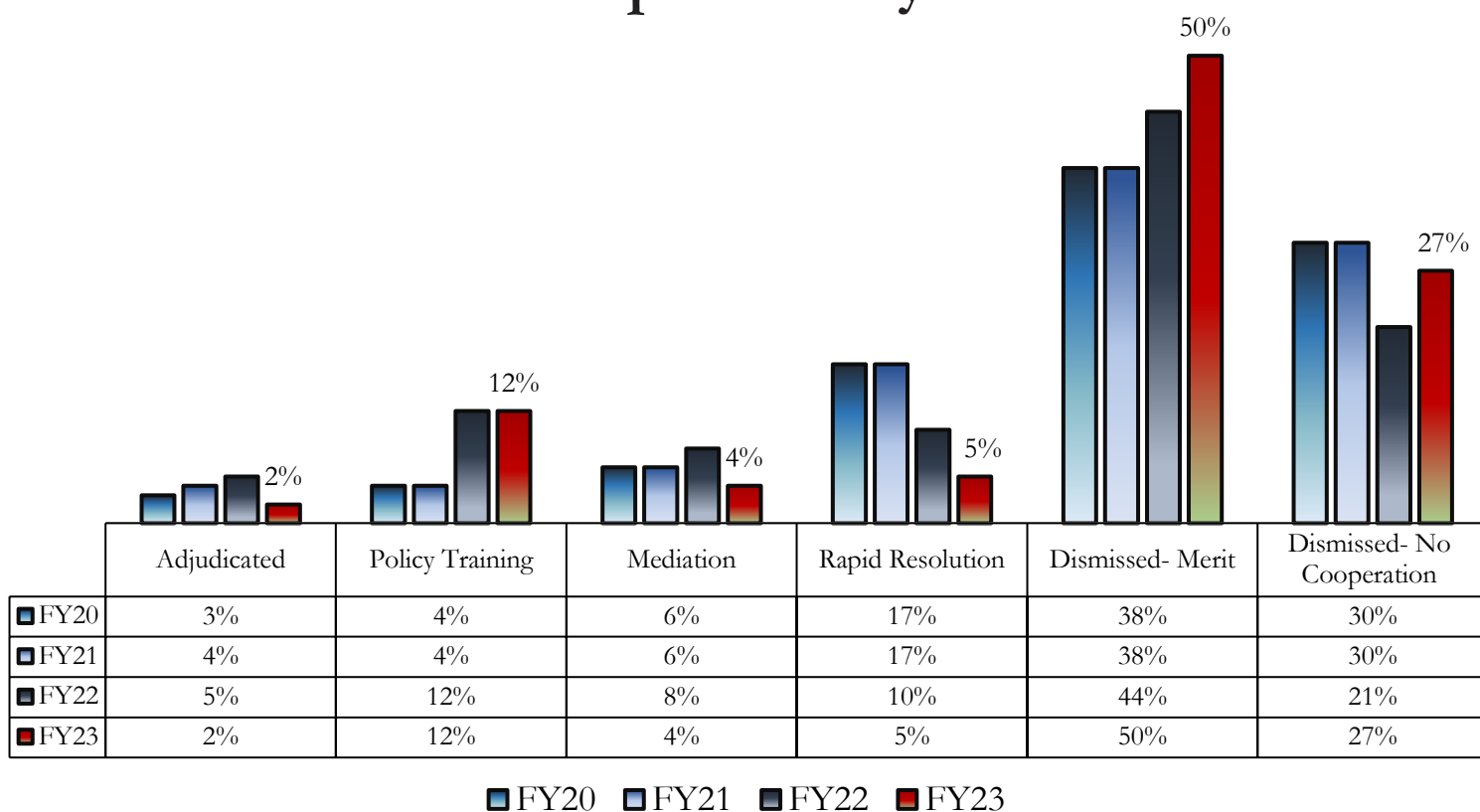
CASE DISPOSITIONS

330¹¹ of the cases in FY22 reached one of OPC’s primary dispositions. This was an 18% increase¹² from the 279 dispositions reached in FY22. The percentage of cases dismissed based on merit increased 6% from FY22 to FY23. Those dismissed based on merit comprised 50% of all dispositions in FY23 and had the highest percentage of the six dispositions. Dismissals due to the complainant not cooperating with the investigation or with the mediation process, increased 6% from FY22 to FY23 with 27% of all cases in FY23 being dismissed for non-cooperation.

The percentage of sustained adjudications in FY22 was 5% and in FY23 they comprised 2% 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 4% in FY23. Policy training accounted for 12% of all dispositions and rapid resolution comprised 5% of all dispositions in FY23.

In FY22 there were 33 cases referred to policy training and in FY23 there were 40. This translates to an 18 % increase. In FY23 28% of all allegations that were sent to policy training were for language/ conduct. In FY22, this percentage was 53.

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 FY23, a total of 8 complaints went through the complaint examination process resulting in 7 merits determination decisions. There were no evidentiary hearings held for cases closed in FY23. 7 of the 8 decisions issued sustained at least 1 allegation of misconduct, resulting in a complaint examination sustain rate of 88%.¹³

OPC posts all complaint examiner decisions on its website at: www.policecomplaints.dc.gov/page/complaint-examiner-decisions.¹⁴

FINAL REVIEW PANELS

The statute governing OPC¹⁵ 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.¹⁶ 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 FY23.

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.¹⁷

In FY23, MPD chose to impose discipline of suspension without pay for 30 days for one case, suspension without pay for 15 days for one case, suspension without pay for 14 days for one case, and education-based development in 4 cases. One case is still pending discipline.

For a list of cases with sustained allegations in FY22 and the discipline imposed in those cases, see Appendix C on page 37.

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.¹⁸ 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; one case in FY22; and three cases in FY23.

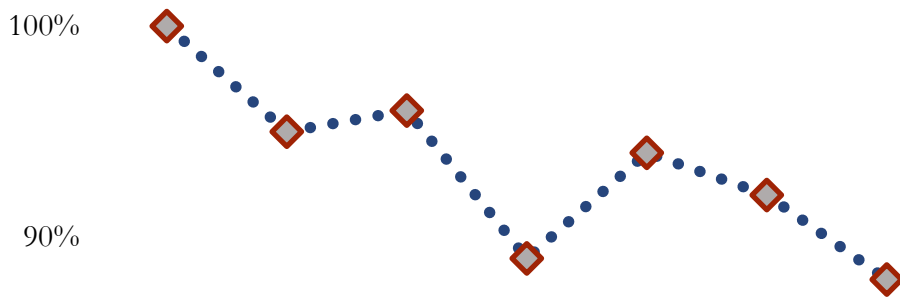
When OPC’s Executive Director determines that training is appropriate rather than discipline, OPC refers the case to MPD for policy training rather than referring it to a complaint examiner. The NEAR Act provided OPC with the authority to refer cases for policy training in FY16 Q3, and OPC referred 40 cases to MPD for policy training in FY23.

DISCIPLINE IMPOSED FOR SUSTAINED COMPLAINTS

INVESTIGATIVE
OUTCOMES

Discipline or Action Taken	Total FY09-FY21	Outcome for cases sustained in FY22	Outcome for Cases sustained in FY23
Suspension Without Pay 11 Days or More	21	1	3
Suspension Without Pay 1 to 10 Days	31	3	-
1-Day Leave Forfeiture	4	-	-
Official Reprimand	31	-	-
Letter of Prejudice	14	1	-
Dereliction Report (PD 750)	38	3	-
Formal Counseling	2	-	-
Education-Based Development	29	1	4
Merits Determination Rejected/No Action Taken	7	-	-
Job Performance Documentation (PD 62-E)	3	2	-

Percent of cases where misconduct was found by complaint examiners



7 of 8

decisions by complaint examiners had at least one allegation of misconduct sustained in FY23

FY17	FY18	FY19	FY20	FY21	FY22	FY23
100%	95%	96%	89%	94%	92%	88%

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.

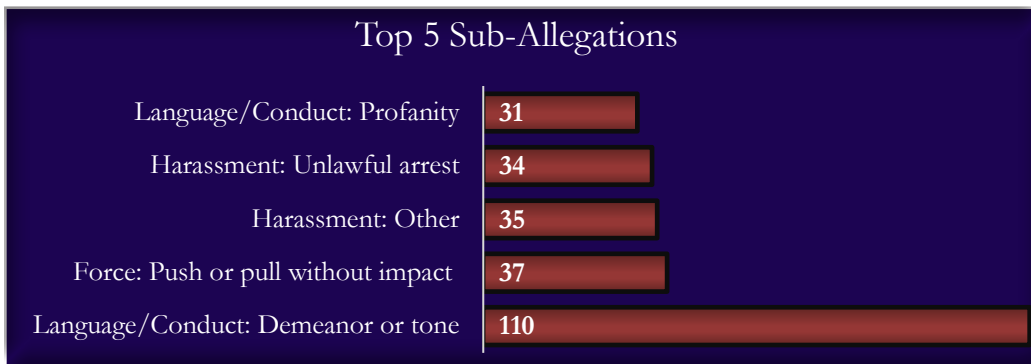
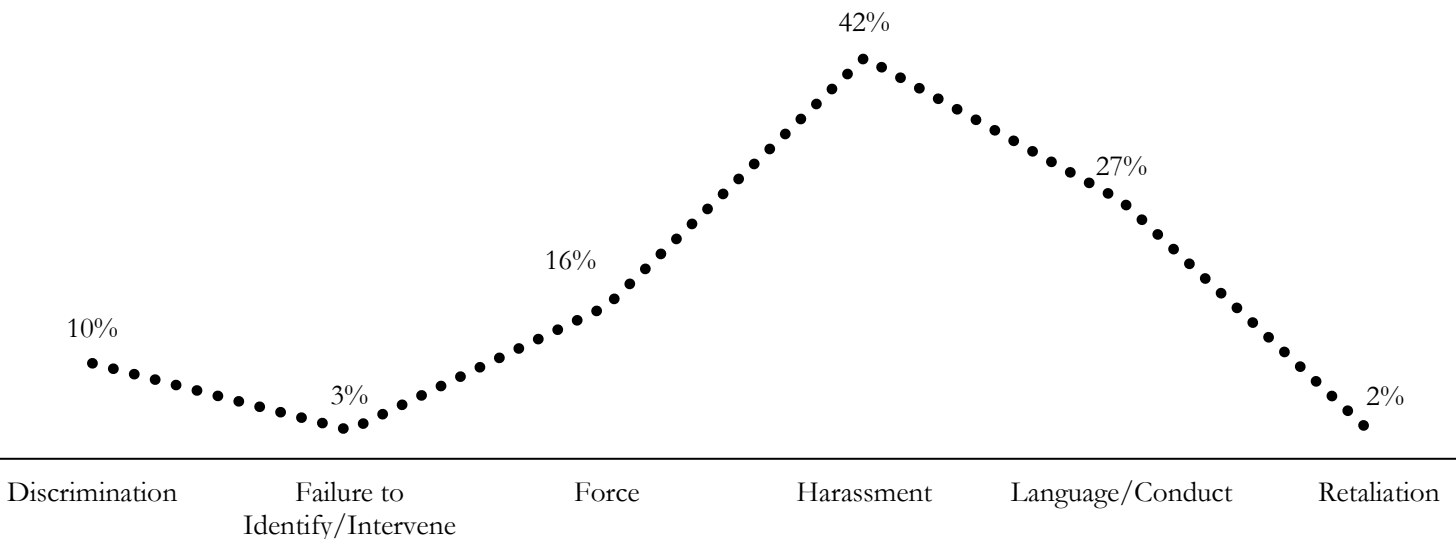
When OPC determines that policy training is the appropriate course of action, it must notify MPD or DCHAPD of 1) the allegations; 2) the rationale for policy training; and 3) the type of policy training OPC

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 200 policy training referrals through FY23.

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-FY23



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 270 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, 27 in FY22, and 17 in FY23.

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 FY23 the resolution rate for mediation was 67%.

MEDIATION SURVEY RESPONSES

An important part of OPC's mediation program includes participant surveys immediately before and after the mediation session. 100% of complainants in the survey, before the mediation took place, felt it was very important the officer understand their perspective. Only 50% felt it was important for them to understand the officers' perspective.

Before the mediation complainants were asked an open-ended question inquiring, "What do you hope to get out of this mediation?" With complainants responding with answers such as; "my peace of mind," "mutual understanding and mutual respect," "accountability," and "voice my concerns on how the officer acted." After the mediation complainants were asked if they had signed a resolution agreement after the mediation, and what their level of satisfaction was. The respondent who answered the survey responded they were very satisfied.

Before the mediation officers were asked an open-ended question inquiring, "What do you hope to get out of this mediation?" Officers answered they would like to reach a resolution, gain understanding on both sides, and to give an explanation of their actions.

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 "As we were all able to come to an understanding I believe future interactions will be positive." Another officer answered, "I believe we share a mutual understanding and respect." Finally, one officer wrote, "The complainant and I showed mutual respect for each other and were able to have a honest and open conversation. Everyone was able to come to an understanding that will allow us to better do our job and effectively communicate."

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.

MEDIATION STATISTICS

Number of Cases Referred to Mediation

FY21	FY22	FY23
36	40	35

Average Days Between Referral and Mediation

FY21	FY22	FY23
19	18	22

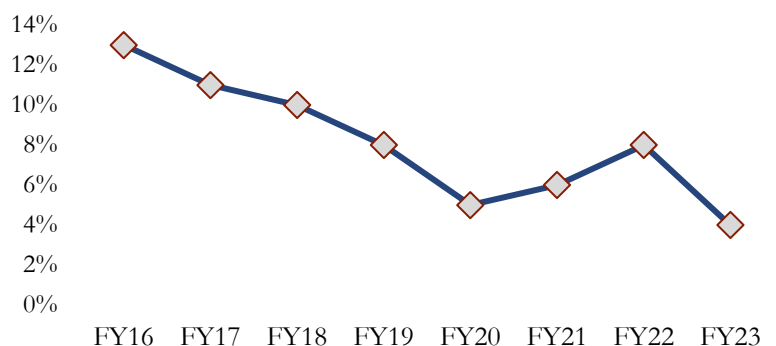
Percent of Mediations Resolved

FY21	FY22	FY23
86%	79%	67%

Percent of Investigations Resolved Through Mediation

FY21	FY22	FY23
6%	8%	4%

Percent of cases resolved through mediation since FY16



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.”¹⁹ 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 FY23 the PCB issued 5 policy reports with recommendations, which are discussed in more detail below. At the close of FY23, PCB had issued 71 detailed reports and sets of recommendations for police reform since 2002. All reports with recommendations are available on OPC’s website.²⁰

1. Presidential Executive Order 14074

On February 3, 2023, The PCB released the *Presidential Executive Order 14074* policy report. On May 25, 2022, President Joseph Biden signed Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, to “increase public trust and enhance public safety and security by encouraging equitable and community-oriented policing.” Although the Executive Order applies primarily to federal law enforcement agencies, it incentivizes state and local police departments to adopt the best practices discussed therein. The PCB provided a summary of the areas in which MPD may improve or accelerate its adherence to the recommendations discussed in the executive order. The PCB recommended,

1. Whenever the Attorney General publishes new policing recommendations on civil rights violations and in-custody deaths, MPD should review them and implement the recommendations for any MPD directives that are not congruent with federal best practices on these topics;
2. MPD should actively participate in the consultations on the topic of strengthening officer recruitment, hiring, promotion, and retention practices that occur between the Office of the Attorney General and other law enforcement agencies;
3. MPD should implement any final recommendations of the Office of Personnel Management (OPM) working group and the Attorney General’s office that have not already been incorporated into its own hiring and retention procedures;
4. MPD should review and implement the best practices recommended in any Secretary of Health and Human Services (HHS) report to enhance its own officer wellness policies once they are published;
5. When available, MPD should integrate National Law Enforcement Officer Accountability Database queries into its screening process for new employees;
6. MPD should also review the Attorney General’s annual report to identify any national trends of misconduct among law enforcement officers and utilize the data to evaluate and improve its own training programs;
7. MPD should review the Attorney General’s best practices for collecting use of force data once they are established and incorporate into its process any additional data points it does not currently collect in order improve its own data collection;
8. The PCB recommends that MPD continue to participate in the submission of data to the FBI’s Law Enforcement Officers Killed and Assaulted (LEOKA) and National Use of Force databases;
9. MPD should utilize the FBI’s Officer Safety and Awareness Training Program in the training of its own officers;

10. MPD's current use of force policy is congruent with the current Department of Justice guidelines. The PCB believes MPD should still periodically review the early warning systems utilized by federal law enforcement agencies to ensure its procedures are consistent with national best practices and to identify any opportunities for improvement;
11. MPD should also implement any best practices identified during these reviews that have not already been incorporated into its early warning system;
12. MPD should review the anti-bias programs created by OPM, the Attorney General, and other law enforcement agencies to determine whether there are opportunities to improve its own training modules;
13. MPD should periodically review the DOJ's no-knock warrants guidelines and the policies, procedures, and best practices of other law enforcement agencies to determine whether there are opportunities to improve its own directives;
14. MPD should review HHS's study on the effects of use of force incidents on communities and implement the Attorney General's best practices on dialogues with the community and proper notification of deaths resulting from use of force incidents once they are published;
15. MPD should continue to enforce its directives to ensure BWC compliance by its officers and promote transparency and accountability among its members;
16. MPD should continue to enhance its policy for interactions with individuals suffering from mental health crises or other disabilities by reviewing and incorporating the best practices recommended by the Attorney General once they are disseminated;
17. MPD should incorporate any suggested best practices into its own directives to reduce the number of unnecessary interactions between its officers and community members;
18. In a previous policy report the PCB recommended MPD seek accreditation to ensure the implementation of an effective policy and procedure system and timely, periodic review of its directives. Accreditation has several benefits for law enforcement agencies that include but are not limited to improved effectiveness, identification of opportunities for improvement, identification of training opportunities for members, increased accountability, decreased insurance premiums, reduced potential for liability, an increased sense of legitimacy from the community, and an increase in public trust that the agency is current on law enforcement best practices. Therefore, the PCB recommends that MPD seek accreditation from these certification bodies once the process is created and implemented.

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

2. Implementation Update on the Reports and Recommendations of the Police Complaints Board from Fiscal Year 2021

On March 7, 2023, OPC released the *Implementation Update on the Reports and Recommendations of the Police Complaints Board from Fiscal Year 2021* to assess the implementation of previously made recommendations. The policy recommendations from Fiscal Year 2021 included three reports and nine recommendations to the Council and MPD. Of the 9 recommendations, five have been fully implemented, two have been partially implemented and two have not been implemented. The recommendations are included below.

A. 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*. The PCB urged MPD to expedite its examination into the root causes of the appearance of racial bias in the stop data. The PCB recommended that MPD; 1. Immediately make public any steps already taken to initiate a comprehensive analysis of the stop data; and 2. MPD must continue regular updates to the *Stop Data Report* page on the MPD website. The first is considered partially implemented, and the second is considered not implemented.

B. 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 sanc-

tions based on community complaints, and that the discipline imposed on officers often goes outside of MPD's Table of Penalties Guide. The PCB recommended, 1. The D.C. Council consider reviewing the process by which discipline is determined for OPC sustained complaints; 2. 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; and 3. Both OPC and the PCB should be involved in the discipline process and the PCB should ultimately approve the discipline. OPC considers these partially implemented.

C. 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 26, 2015, the *Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative* went into effect. MPD continued to deploy their Canine Patrol Unit (CPU) and while their canines could differentially detect the odors of marijuana, methamphetamines, ecstasy, cocaine, and heroine, canines only had one alert indicator to signal to their Canine Handlers contraband was present. The PCB recommended that MPD; 1. 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; 2. 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; 3. 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; 4. 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; 5. 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; and 6. 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. OPC considers recommendations 1-5 are fully implemented and 6 is not implemented.

3. Policies and Procedures for Edged Tools

On July 26, 2023, the PCB released the *Policies and Procedures for Edged Tools* policy report, which recommended that MPD develop a written directive governing the proper use of edged tools by its officers. This is because edged tools can be used by police officers to open boxes, remove license plates when screwdrivers are not available, scrape away stickers or paint coverings while searching for evidence, cut away restraints in rescue situations, and the handles can be used to break glass, if necessary. However, edged tools can also be used as dangerous or deadly weapons that can result in potential use of force incidents. The policy report recommended that MPD:

1. Update *General Order 110.11, Uniform, Equipment, and Appearance Standards*, to include edged tools and regulate the size of the blade, their storage, the manner in which officers carry them on their uniforms and specify that they are to be used as tools, but not weapons. MPD should also train its members on the new directive for edged tools once it is published; and
2. Should require members to complete a Force Incident Report (FIR) whenever they use edged tools as weapons or in a threatening or intimidating manner. This requirement should be reflected in relevant general orders or other guidance. MPD should also train its members on the FIR requirement.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1672276>.

4. Leveraging Random Reviews and Body-Worn Camera Analytics to Enhance Police Training and Minimize Use of Force Incidents

On September 27, 2023, the PCB released the *Leveraging Random Reviews and Body-Worn Camera Analytics to Enhance Police Training and Minimize Use of Force Incidents* policy report. This report recommended MPD maximize the use of BWC footage and explore various approaches through which the footage can be effectively utilized to enhance officer training and mitigate incidents involving the use of force. The policy report recommended that MPD:

1. should amend *General Order 302.13: Body Worn Camera Program*, Section V.D., which states, "Recordings shall not be

routinely or randomly viewed by officials for the sole purpose of enforcing policy violations observed on the recordings.” MPD should update the provision to allow for random review of BWC videos even for the purpose of enforcing policy violations. Additionally, the General Order should fully explain the random review process so it is clear to members and the public. Finally, MPD should consider the data provided by the above changes on a regular basis and adjust the General Order accordingly to continually improve the BWC program.

2. After the changes are implemented, MPD should provide training to members on the updated general order.
3. MPD should establish a system for randomly reviewing BWC footage by creating an internal audit unit. The internal audit unit should have clearly defined policies that are accessible to both members and the public.
4. MPD should conduct meetings with other police departments that utilize a BWC analytics program to explore the efficacy and potential costs and benefits of adopting an analytics program within MPD. MPD should use the insights obtained from the meetings to establish a policy position on this emerging technology.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1682721>.

5. Policies and Procedures for Appropriate Use of Handcuffs During Investigatory Stops

On September 27, 2023, the PCB released the *Policies and Procedures for Appropriate Use of Handcuffs During Investigatory Stops*. This report recommended MPD develop proper procedures and training, as well as oversight, to ensure that when officers place individuals in handcuffs, they are balancing the goals of officer safety with respect for the constitutional rights of community members. Specifically, MPD needs a single order for officers to reference that provides clear direction on when officers can lawfully handcuff individuals during investigatory stops. The policy report recommended that MPD:

1. Must create a standalone general order on handcuffing. Consolidating and supplementing handcuffing guidance from the aforementioned MPD general orders into a single document will ease accessibility and provide instructions to help officers determine when it is reasonable to handcuff individuals. This general order should amalgamate instructions from other MPD general orders on handcuffing special populations such as mental health consumers, juveniles, pregnant, and physically handicapped individuals. Officers will be able to reference a single document for procedural instruction. This will alleviate confusion and allow for more seamless interactions with community members.
2. Should train officers on the new general order and other related guidance to ensure that officers understand when it is appropriate to apply handcuffs. The OPC cases indicate that MPD either does not provide training to its officers regarding when handcuffing is reasonable, or officers are generally unaware of such training. Training new and veteran officers would provide much needed clarity to officers regarding the appropriate use of handcuffs. MPD can accomplish this with roll-call training and by updating its training for new recruits.

For more information regarding this recommendation, please visit <https://policecomplaints.dc.gov/node/1682716>.

OUTREACH EVENTS

In FY23, OPC conducted and participated in more than 24 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 its outreach efforts to students by conducting its Student Interactive Training (SIT) program at various D.C. public and charter schools, including School Without Walls, Capital City Public Charter School, Jackson-Reed, Ballou and Dunbar High School. The agency also conducted its SIT program for D.C. Department of Parks and Recreation summer camp participants. This 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.

Additionally, the agency presented to students attending American University (AU) and American University Washington College of Law. OPC also participated in informational fairs hosted by AU and AU Washington College of Law.

In continuing its outreach to the district's immigrant community, OPC participated in Briya Public Charter's School Know Your Rights panel session presenting information on the agency's jurisdiction and the services OPC provides to the public. The session was attended by more than 200 students.

Further, agency staff served as panelists and contributors for workshops and webinars hosted by the National Association for Civilian Oversight of Law Enforcement. OPC also participated in the final community focus group session hosted by the Police Executive Research Forum.

Additionally, agency staff continued to present to newly sworn members of the Metropolitan Police Department as well as other police departments across the United States. This presentation focuses on educating officers about OPC's mission and complaint process and civilian oversight of law enforcement.



Beyond the District of Columbia, OPC's Executive Director Michael G. Tobin presented at the William J. Perry Center for Hemispheric Defense Studies to a group of senior civilian & defense officials of partner nations in the Western Hemisphere on OPC's mission and the importance of effective civilian oversight of law enforcement.

OPC continued to increase the agency's public awareness through its Community Partnership Program. The purpose of the 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 FY17

	FY17	FY18	FY19	FY20	FY21	FY22	FY23
Ward 1	13%	11%	15%	8%	11%	10%	12%
Ward 2	18%	18%	17%	20%	16%	15%	13%
Ward 3	4%	5%	7%	7%	9%	6%	6%
Ward 4	10%	9%	7%	8%	7%	10%	7%
Ward 5	16%	14%	14%	16%	15%	14%	16%
Ward 6	15%	17%	17%	15%	15%	18%	15%
Ward 7	13%	14%	12%	13%	12%	13%	13%
Ward 8	12%	11%	12%	14%	14%	15%	18%

Harassment Subcategories	FY20	FY21	FY22	FY23
Bad Ticket	75	51	54	69
Contact	46	49	60	38
Entry (no search)	16	27	14	15
Frisk	6	9	12	11
Gun: Touch Holstered Weapon	6	9	6	12
Intimidation	32	27	43	51
Mishandling Property	47	41	52	60
Move Along Order	15	10	9	22
Prolonged Detention	25	11	9	17
Property Damage	30	29	30	23
Refusing Medical Treatment	6	9	8	18
Search: Belongings	11	5	11	6
Search: Car	24	20	33	17
Search: Home	18	12	16	9
Search: Person	13	14	21	10
Search: Strip or Invasive	3	2	1	4
Stop: Bicycle	-	-	1	-
Stop: Pedestrian	33	40	31	29
Stop: Vehicle/Traffic	67	48	60	50
Stop: Boat	-	-	-	1
Threat	60	45	56	76
Unlawful Arrest	70	83	87	95
Other	86	84	63	88
Total Harassment Allegations	690	625	677	721
Percent Change from Previous Fiscal Year	12% Decrease	9% Decrease	8% Increase	6% Increase

Force Subcategories	FY20	FY21	FY22	FY23
ASP: All Types	4	2	-	2
Canine	-	-	-	-
Chokehold	5	6	3	4
Forcible Handcuffing	19	20	20	21
Gun: Drawn, but not Pointed	3	3	5	1
Gun: Fired	3	6	3	1
Gun: Pointed at Person	6	11	7	4
Handcuffs too Tight	24	18	22	23
OC Spray	23	5	8	7
Push or Pull with Impact	54	39	36	44
Push or Pull without Impact	55	44	68	63
Strike: Kick	-	1	2	3
Strike: with Officer's Body	5	1	1	3
Strike: Punch	10	4	3	7
Strike: While Handcuffed	2	-	-	2
Strike: with Object	4	3	-	2
Vehicle	5	3	2	4
Other	37	26	20	24
Total Force Allegations	259	192	200	215
Percent Change from Previous Fiscal Year	62% Increase	26% Decrease	4% Increase	8% Increase

Discrimination Subcategories	FY20	FY21	FY22	FY23
Age	2	4	2	4
Color	1	3	2	3
Disability	2	4	5	7
Family Responsibilities	1	-	-	-
Language	-	-	-	-
Marital Status	1	1	-	-
National Origin	9	10	7	11
Personal Appearance	6	3	2	6
Physical Handicap	1	3	-	-
Place of Residence or Business	3	4	2	5
Political Affiliation	1	2	-	2
Race	49	37	44	54
Religion	-	3	1	1
Sex	15	8	5	3
Sexual Orientation	2	5	2	3
Source of Income	2	1	-	-
Other	11	5	8	15
Total Discrimination Allegations	106	93	80	114
Percent Change from Previous Fiscal Year	3% Decrease	12% Decrease	14% Decrease	43% Increase

Failure to Identify Subcategories	FY20	FY21	FY22	FY23
Display Name and Badge	4	5	5	5
Provide Name and Badge	30	34	37	48
Other	1	-	3	2
Total Failure to Allegations	35	39	45	55
Percent Change from Previous Fiscal Year	15% Decrease	11% Increase	15% Increase	22% Increase

Failure to Intervene Subcategories	FY20	FY21	FY22	FY23
Total Failure to Intervene Allegations	1	3	3	4
Percent Change from Previous Fiscal Year	N/A	200% Increase	0% Change	33% Increase

Language and Conduct Subcategories	FY20	FY21	FY22	FY23
Demeanor or Tone	184	202	206	218
Gesture or Action	65	56	50	59
Other Language	23	19	27	33
Profanity	15	17	37	22
Racial/Ethnic Slur	1	-	4	3
Other	18	11	7	7
Total Language and Conduct Allegations	306	305	331	342
Percent Change from Previous Fiscal Year	25% Decrease	<1% Decrease	9% Increase	3% Increase

Retaliation Subcategories	FY20	FY21	FY22	FY23
Total Retaliation Allegations	14	6	10	8
Percent Change from Previous Fiscal Year	30% Decrease	57% Decrease	67% Increase	20% Decrease

FY23 Complaint Examiner Decisions by Allegation and Disciplinary Outcomes

Complaint Number	Harassment	Force	Language or Conduct	Failure to Identify/ Intervene	Retaliation	Discrimination	Discipline Determination
22-0335	Sustained/ Insufficient Facts						Education Based Development
22-0309	Sustained						30 Day Suspension No-Pay
22-0329	Exonerated						N/A
22-0008	Sustained						15 Day Suspension No-Pay
22-0377	Sustained						Education Based Development
22-0411	Sustained						14 Day Suspension No-Pay; Training
22-0573	Sustained						Education Based Development
22-0342	Sustained/ Exonerated		Sustained				Pending

FY22 Complaint Examiner Decisions by Allegation and Disciplinary Outcomes Updates

22-0198	Sustained						12 Day Suspension No-Pay; Officer Resigned
22-0218	Sustained		Sustained				18 Day Suspension No-Pay
21-0823	Sustained						Education Based Development

FY21 Complaint Examiner Decisions by Allegation and Disciplinary Outcomes Updates

19-0732 ²¹	Sustained			Sustained			Pending
-----------------------	-----------	--	--	-----------	--	--	---------

ENDNOTES

1. To see the emergency legislation please visit: <https://code.dccouncil.us/us/dc/council/acts/23-3362>.
2. 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.
3. 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.
4. In 2022 D.C. changed the boundaries of Wards 6, 7, and 8. Specifically, the Navy Yard neighborhood from Ward 6 became part of Ward 8 and the part of the Capitol Hill area in Ward 6 became part of Ward 7.
5. For more information on the NEAR Act of FY16 please visit: <https://saferstronger.dc.gov/page/near-act-safer-stronger-dc>
6. 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>
7. 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.
8. As of FY23 DCHAPD had still not implemented a BWC program.
9. Withdrawn cases are included when discussing BWC footage and dispositions.
10. Withdrawn cases are not included in OPC's investigative statistics.
11. This number does not include administration closures, referred to MPD/DCHAPD 90 days or jurisdiction, referred to other, and those that were withdrawn.
12. 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.
13. 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.
14. To see complaint examiner decisions by calendar year please visit: <https://policecomplaints.dc.gov/page/complaint-examiner-decisions>.
15. D.C. Code §5-1104. <https://code.dccouncil.us/dc/council/code/sections/5-1104.html>
16. D.C. Code §5-1112(c). <https://code.dccouncil.us/dc/council/code/sections/5-1112.html>
17. D.C. Code §5-1112(e). <https://code.dccouncil.us/dc/council/code/sections/5-1112.html>
18. D.C. Code §5-1112(e). <https://code.dccouncil.us/dc/council/code/sections/5-1112.html>
19. D.C. Code §5-1104 (d). <https://code.dccouncil.us/dc/council/code/sections/5-1104.html>
20. <https://policecomplaints.dc.gov/page/policy-recommendations>
21. This case is still pending discipline due to an ongoing civil suit.



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

1400 I Street, NW • Suite 700 • Washington, D.C. 20005
(202) 727- 3838 (TEL) • (202) 727- 7638 (FAX)
(866) 588- 0569 (24-Hour Toll-Free Hotline)

www.policecomplaints.dc.gov