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

Annual Report 2017



MESSAGE FROM THE EXECUTIVE DIRECTOR

The mission of the Office of Police Complaints (OPC) and its community-based volunteer board, the Police Complaints Board (PCB), is to improve community trust through effective civilian oversight of law enforcement. In the District of Columbia, we work to improve community trust by holding police officers accountable for misconduct with an effective community member complaint program, and by providing a reliable system of police policy review.

As an agency independent of the Metropolitan Police Department (MPD), OPC impartially investigates complaints of misconduct, offers mediation of appropriate complaints, and refers officers to individual training improvement programs. OPC also monitors First Amendment assemblies for compliance with the constitutional right to peaceably protest, and in conjunction with the PCB we issue policy recommendations when a pattern of conduct in need of improvement is identified through our oversight activities.

OPC saw several significant changes in Fiscal Year 2017 (FY17) that have allowed us to better serve our community. The Council of the District of Columbia (the Council) enacted legislation in FY16 that expanded the jurisdiction of OPC and made it easier for individuals to file complaints about police misconduct. Many of the effects of that legislation were not seen until FY17. Now, the majority of complaints are investigated by OPC, regardless of whether they were filed directly with MPD, the D.C. Housing Authority Police Department (DCHAPD), or with our independent office. The time limit for filing complaints was increased from 45 days to 90 days after an incident. And we will now review all MPD use of force incidents and publicly report on MPD use of force trends, providing an unprecedented review of police operations. These changes were accomplished through the collaboration and hard work of all of our stakeholders, Council members, and community groups.

Our primary job is to investigate allegations of misconduct by MPD or DCHAPD officers. FY17 saw 773 complaints filed – the highest number of complaints filed in the history of the agency, and far surpassing any previous year. The 77% increase in complaints resulted in a tremendous increase in work flow, yet we maintained an average investigation completion time of just 109 days. We have made it easier than ever to file a complaint with the introduction of our online complaint submission form. Customer service is our highest priority, and the hard work of our investigators continued to serve our community well, without sacrificing the timely, fair, and thorough investigations that Washingtonians have come to expect from us.

MPD's body-worn camera (BWC) program reached full implementation in FY17 with deployment of BWCs to all patrol officers on December 15, 2016. The program has revolutionized the way we do our job. Our investigators can gather evidence and make determinations much more accurately and quickly, often from their desktop computer with immediate access to all BWC footage in the District. Having direct and immediate access to BWC footage has made our agency one of the leaders in the nation among oversight entities, and we can be proud that the District of Columbia is setting the standard for investigation of police complaints. Along with the new technology come adjustments to our operations, and unanticipated consequences. For example, very few people would have predicted that an exponential increase in police complaints would accompany the full deployment of the BWCs.

As we move forward in this time of heightened scrutiny of police practices, OPC will continue to work diligently to provide a bridge for our community and police to work together to improve trust and public safety.

Sincerely,

Michael G. Tobin

Michael G. Tobin

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Historical Overview of Discipline for Sustained Complaints

KEY FINDINGS SUMMARY

• Complaints received increased by 77%, from 438 in FY16 to 773 in FY17

• Community member contacts increased by 29%, from 1,448 in FY16 to 1,872 in FY17

• Complaint referrals to OPC from MPD and DCHAPD increased from an average of eight per year in FY14 through FY16 to 202 in FY17; the NEAR Act now requires MPD to forward all complaints to OPC

• The NEAR Act extended the time to file a complaint from 45 to 90 days after an incident; the number of complaints OPC received between 45 and 90 days after an incident increased from an average of 30 per year in FY14 through FY16 to 54 in FY17

• The average number of days between a case being opened and being completed decreased from 407 in FY14 to 109 in FY17; the percent of cases closed within six months increased from 43% in FY14 to 85% in FY17

• OPC launched an online complaint submission form in quarter three of FY16, and it was the primary source of complaint submissions in FY17, accounting for 44% of complaints submitted

• MPD reached full deployment of body-worn cameras (BWCs) in FY17; OPC cases with BWC footage were less likely to result in complainants withdrawing their case or failing to cooperate with investigations

• OPC began tracking officers' use of BWCs, and found that officers failed to comply with department guidelines for BWC use in 34% of cases OPC investigated

• FY17 saw the lowest number of officers fail to cooperate with OPC investigations over the last five years; only 10% of officers failed to initially comply with OPC investigations or mediations

• 100% of cases OPC sent to complaint examiners with findings of misconduct had at least one allegation sustained by the complaint examiner

• OPC referred more cases to mediation than in any prior fiscal year, and the time between referral and the mediation being held decreased from 70 days in FY15 to 22 days in FY17

• 100% of officers and more than 90% of complainants who participated in mediation found the mediator to be helpful or very helpful; more than 75% of complainants and more than 80% of officers who participated in mediation thought the mediation resolution was satisfactory or very satisfactory

• OPC published six policy recommendations for MPD or DCHAPD in FY17, the most OPC has published in any fiscal year

• OPC monitored numerous First Amendment assemblies, and produced reports for two: Inauguration Day and the Women's March

• The D.C. Council adopted OPC's recommendation to hire an independent consultant to review MPD's actions on Inauguration Day, with a full review set to take place in early FY18

AGENCY OVERVIEW

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 six types of police officer misconduct: harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, and failure to identify. 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 our police forces. OPC's mediation program helps facilitate conversations to eliminate any misunderstandings between complainants and officers, while its community outreach programs include activities focused on both the public and police officers to improve mutual understanding and awareness throughout the District of Columbia.



This report is published in accordance with the requirements of D.C. Code §5-1104(e).

AGENCY OVERVIEW

Police Complaints Board

OPC is governed by the five-member Police Complaints Board (PCB). One member of the PCB must be a member of the Metropolitan Police Department, while the other four members must be residents of the District. 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 Development and Finance Manager for the Justice Policy Institute (JPI), a national nonprofit dedicated to criminal justice reform.



As Development and Finance Manager, Mr. Ashton manages JPI's administration, fundraising and financial operations. He is the author of a number of JPI publications 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 as a sexual assault victim advocate and conducting research examining intimate partner violence in the LGBTQ community. He is active in the Washington, D.C. community, and currently serves on the Board of Directors of Rainbow Response Coalition, a grassroots advocacy organization working to address LGBTQ intimate partner violence, and on the Young Donors Committee for SMYAL, an LGBTQ youth serving organization.

He received his bachelor's in criminology from The Ohio State University and a master's in criminology from the University of Delaware.

Mr. Ashton was appointed by Mayor Vince C. Gray and confirmed by the Council in October 2014, and sworn in on December 22, 2014. He was re-nominated by Mayor Muriel Bowser and appointed on June 28, 2016 for a new term ending January 12, 2019.

Kurt Vorndran, who served as chair of the PCB from January 2015 to October 2016, is a legislative representative for the National Treasury Employees Union (NTEU). Prior to his work at NTEU, Mr. Vorndran served as a lobbyist for a variety of labor-oriented organizations, including the International Union of Electronic Workers, AFL-CIO (IUE), and the National Council of Senior Citizens. He also served as the president of the Gertrude Stein Democratic Club from 2000 to 2003, and as an elected Advisory Neighborhood Committee (ANC) commissioner from 2001 to 2004.



In addition, Mr. Vorndran is treasurer of the Wanda Alston Foundation, a program for homeless LGBTQ youth. He received his undergraduate degree from the American University's School of Government and Public Administration and has taken graduate courses at American and the University of the District of Columbia.

Mr. Vorndran was originally confirmed by the Council on December 6, 2005, and sworn in as the chair of the PCB

AGENCY OVERVIEW

on January 12, 2006. In 2011, he was re-nominated by Mayor Vincent Gray and confirmed by the Council, and sworn in on January 5, 2012 for a new term ending January 12, 2014. He continues to serve until reappointed or until a successor can be appointed.

Bobbi Strang is a Workers' Compensation 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 D.C. LGBT Center Job Club. Ms. Strang was also awarded the 2015 Engendered

Spirit Award by Capital Pride as recognition for the work she has done in the community. Currently, she is the vice president for strategy for the Gay & Lesbian Activist Alliance (GLAA) and continues her work with the D.C. Center as the Center Careers facilitator.

She holds a B.A. in Sociology and English Literature from S.U.N.Y. Geneseo as well as a Masters of Arts in Teaching from Salisbury University. Ms. Strang was appointed by Mayor Muriel Bowser and confirmed by the Council on November 3, 2015 for a term ending on January 12, 2017. She was reappointed on May 2, 2017 for a term ending on January 12, 2020.

Commander Morgan Kane currently serves as the Commander of the First District for MPD. Located in the lower central portion of D.C., the First District is home to the city's business and political center. It includes some of our nation's most recognized and cherished landmarks, as well as some of the city's most interesting and diverse neighborhoods. She was appointed as the commander of the First District in August 2016.



Commander Kane joined MPD in December 1998, and began her career as a patrol officer in the First District following her training at the Metropolitan Police Academy. She was promoted to sergeant in 2004. Three short years later, in 2007, Commander Kane made lieutenant. In 2012, she was promoted to captain and became an inspector in 2014.

During her nearly 19-year career with MPD, Commander Kane has worked in a variety of posts. In addition to patrol work as an officer, sergeant and captain, Commander Kane has also been assigned to the Office of Organizational Development, the Office of Homeland Security and Counter-Terrorism, and the Executive Office of the Chief of Police. She has received numerous awards throughout her career, including Achievement Medals, Commanding Officers Commendations, and the PSA Officer of the Year. Additionally, while serving as an Assistant District Commander in the Fifth District in 2013, she was recognized as Captain of the Year.

Commander Kane holds a Bachelor's degree in Paralegal Studies from Marymount University as well as a master's degree in Public Administration from the University of the District of Columbia. She is also a resident of the First District. She was appointed by Mayor Muriel Bowser and confirmed by the Council on May 2, 2017 and sworn in on May 25, 2017 for a term ending on January 12, 2018.



AGENCY STAFF

Personnel

OPC has a full-time staff of 23 talented and diverse employees. Seven of these positions were filled by employees with graduate degrees and six others 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. As of this year, 112 college students and 56 law students have participated in the program.

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.

Rochelle M. Howard joined OPC as deputy director in February 2016. Prior to joining the agency, Ms. Howard served as the Deputy Assistant Inspector General for Inspections and Evaluations Division at the District of Columbia Office of the Inspector General (OIG). Ms. Howard's OIG experience also included work at the Department of Commerce Office of the Inspector General Investigation Division, and the Office of Personnel Management Office of the Inspector General Evaluation and Inspection Division.

Ms. Howard began her career serving in the U.S. Army JAG Corps for eight years, holding positions of prosecutor, defense attorney, and NATO Anti-Corruption Advisor to the Afghan Police. She served in six combat missions in Iraq, Afghanistan, and Africa as well as assignments to Yongsan, Korea, Fort Benning, Georgia, and Fort Meade, Maryland. Ms. Howard earned a law degree from the Widener University School of Law, a master's degree in business administration from the University of Maryland University College, and a Bachelor of Arts degree in sociology with a concentration in criminology and a minor in Spanish from Louisiana State University.

Alicia J. Yass joined OPC as legal counsel in July 2016. Ms. Yass came to the office from the American Constitution Society, a non-profit legal policy member organization, where she worked with lawyers across the country on issues such as access to justice, voting rights, 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 U.S. Attorney's Office for the Eastern District of Virginia. 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.

AGENCY STAFF

Mona G. Andrews, the chief investigator, joined OPC 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 is fortunate to have an outstanding staff of civilian investigators who conduct and resolve investigations. By law, these investigators cannot have ever worked for either police department under OPC's jurisdiction. The Fiscal Year 2017 (FY17) staff of investigators and supervisory investigators had approximately 125 total years of combined investigative experience. The senior investigators and supervisory investigators each have more than 10 years of investigative experience, and some have more than 20 years of relevant experience.

Investigators attend a substantial amount of training and professional development. Each investigator participates in at least two MPD or DCHAPD ride-alongs with officers per year, and OPC sent three investigators to the National Association for Civilian Oversight of Law Enforcement's 2017 training conference in Spokane, WA, where they attended workshops and training sessions with other practitioners. Two investigators also participated as panelists at the conference.

FY17 INVESTIGATIVE UNIT TRAINING

All investigative unit members attended:

- 11 subject matter and legal training sessions;
- 16 hours of MPD officer training at the MPD Academy; and
- At least eight hours of ride-alongs with MPD or DCHAPD officers.

In addition:

- Several investigators attended a four-day civilian oversight practitioner training, a four-day training on interviewing techniques, or a one-day police and technology symposium; and
- Several investigative unit members attended other professional development and management training.

OPC staff members, alphabetically:

Investigator Hansel Aguilar Executive Assistant Stephanie Banks Investigative Clerk Chauntini Clark Public Affairs Specialist Nykisha Cleveland Investigator Marke Cross Investigator Jeff Davis Research Analyst Matthew Graham Senior Investigator Denise Hatchell Investigator Victoria Keyes Senior Investigator Anthony Lawrence Investigator Lindsey Murphy Senior Investigator Jessica Rau Investigations Manager Robert Rowe Staff Assistant Kimberly Ryan Investigations Manager Natasha Smith Receptionist Nydia Smith Investigator Danielle Sutton Investigator Ethan Trinh Program Coordinator Christopher Weber

EXPANDED OVERSIGHT AUTHORITY

Overview

One of the most significant changes for OPC in FY17 was the implementation of the Neighborhood Engagement Achieves Results Act of 2015 (NEAR Act), which became law in the District on June 30, 2016. The NEAR Act enhanced OPC's monitoring and auditing functions and expanded the agency's authority to audit MPD and DCHAPD files regarding officer complaints and uses of force. The NEAR Act further designated OPC as the primary entity responsible for initial processing of MPD complaints, allowing OPC to better understand and report on community-police relations.

Although the NEAR Act was adopted in FY16, OPC began utilizing many of its provisions in FY17, including the use of two new disposition types for complaints and the production of a report on MPD's use of force, due out later this fiscal year. The NEAR Act also authorized OPC to create a new position for a Research Analyst, which allows OPC to better analyze trends in complaints and police activity.

Referrals from MPD and DCHAPD

Prior to the passage of the NEAR Act, MPD and

DCHAPD were allowed to receive, process, and investigate complaints without forwarding them to OPC or informing OPC of the complaints. The NEAR Act changed this for MPD, designating OPC as the primary entity responsible for processing all MPD complaints. When MPD receives a complaint, that complaint must be forwarded to OPC within three business days. OPC may still refer complaints back to MPD and DCHAPD – for rapid resolution or policy training, or if the complaint is outside of OPC's jurisdiction.

The number of referrals from MPD and DCHAPD has increased substantially since the passage of the NEAR Act, from an average of eight complaints forwarded to OPC per year in FY14 through FY16 to 202 complaints forwarded to OPC in FY17. Figure 1 illustrates this increase.

Referrals to MPD and DCHAPD

Before the NEAR Act was enacted, OPC referred cases to MPD or DCHAPD if the complaints were outside of OPC's jurisdiction – typically because the complaint was not filed within 45 days of the incident, or because OPC did not have jurisdiction over the type of allegations



EXPANDED OVERSIGHT AUTHORITY

made, such as failure to provide service. The NEAR Act authorized two new disposition types that allow OPC to refer complaints to MPD or DCHAPD: policy training and rapid resolution referrals.

OPC refers cases to MPD or DCHAPD for policy training when additional training or re-training would benefit the officer, and MPD and DCHAPD are required to notify OPC when the training has been completed. FY16 was the first year in which OPC sent policy training referrals to MPD, and one training was completed in FY16. In FY17 MPD completed 19 of the 23 policy referrals OPC sent in FY16 and FY17. MPD took an average of 52 days per case to complete the officer training once OPC referred the complaint.¹

OPC can also refer cases to MPD and DCHAPD for rapid resolution. Rapid resolution referrals can include direction that the officer's supervisor contact the complainant to explain police procedures, or that the supervisor review the incident with the subject officer in order to improve police operations. FY17 was the first year in which OPC utilized rapid resolution referrals, and OPC sent 19 complaints to MPD for rapid resolution in FY17. MPD completed all of the rapid resolutions that OPC forwarded in FY17 except for two cases that OPC sent to MPD in the last week of the fiscal year.

Longer Filing Period

The NEAR Act also expanded the time a complainant has to file a complaint from 45 days to 90 days following an incident. From FY14 through FY16 OPC received an average of 30 complaints per fiscal year between 45 and 90 days after an incident had occurred, and OPC was not able to investigate these cases because they were outside of the 45-day window. In FY17, OPC received 54 complaints 45 to 90 days after the incident had occurred, and now has the jurisdiction to investigate these complaints. Figure 2 illustrates the complaints OPC now receives 45 to 90 days after an incident that would have been outside of OPC's jurisdiction prior to the NEAR Act's implementation.



1: No policy training or rapid resolution referrals were sent to DCHAPD in FY17.

Contacts and Complaints Received

FY17 saw an unprecedented increase in the number of complaints received. OPC received 773 complaints in FY17, a 77% increase from FY16, as seen in Figure 3. The previous highest number of complaints received was 600 in FY08. There was a corresponding increase in the number of community members who contacted OPC in FY17, with 1,872 contacts received. This represents a 29% increase from FY16, as seen in Figure 4.

OPC attributes this increase in the number of complaints received to a number of factors, including: (1) the launch of an online complaint submission form in the second half of FY16; (2) the additional complaints MPD forwarded to OPC in compliance with the NEAR Act; (3) the NEAR Act's provision extending the time frame in which community members can file a complaint to 90 days; (4) individuals may be more willing to file a complaint knowing that it will be investigated by an independent agency under the NEAR Act; and (5) MPD outfitted all of its patrol officers with body worn cameras (BWCs) in FY17, and individuals may be more willing to file a complaint knowing there is now video evidence of most encounters. There also may be unidentified factors in MPD or DCHAPD operations that have increased officer behavior that is susceptible to generating a complaint.²

Some complaints filed with OPC are outside of the agency's jurisdiction, typically because the complaint concerns an officer or officers from departments other than MPD or DCHAPD, because the complaint was filed more than 90 days after the incident, or because the type of complaint does not fall into one of the six categories of complaints that OPC has jurisdiction to investigate.³ These complaints are administratively closed or referred to the appropriate agency. All other cases are investigated by OPC.



2: See page 13 for discussion of the online complaint submission form, page 6 for discussion of the NEAR Act, and page 18 for discussion of the effect of BWCs on OPC operations and investigations.
3: OPC has jurisdiction to investigate allegations of harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, and failure to identify.

Investigations Conducted

The unprecedented number of complaints OPC received in FY17 translated into an unprecedented number of new investigations initiated.⁴ OPC opened 478 new investigations in FY17, more than in any other fiscal year since OPC began operating in 2001, as seen in Figure 5.

OPC also continued investigating 110 cases that were opened in FY16 and carried over into FY17. This was the lowest number of cases carried over from a prior fiscal year in OPC's history. 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;⁵ or cases that are sent to a complaint examiner for review and determination of merits.

Between the 110 carryover cases and the 478 new cases,

OPC investigated 588 cases in FY17. Of these 588 cases, 144 were still open at the end of FY17, though only 15 were more than six months old.

OPC's investigations generally include some or all of the following steps: interviewing the complainant and eye 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 FY17, OPC investigators conducted more than 680 complaint-related interviews, including 431 community member interviews and approximately 250 officer interviews.



4: Investigations include all complaints received except administrative closures and cases referred to other agencies due to jurisdiction. 5: D.C. Code § 5-1107(g)(2).

Increased Investigative Efficiency

Despite the record number of complaints received in FY17, OPC has kept up with its caseload. The average number of days between an investigation being opened and being completed has decreased from more than 400 days in FY14 to 109 days in FY17, as seen in Figure 6. Similarly, the percent of investigations closed within six months has increased from just over 40% in FY14 and FY15 to 85% in FY17, as seen in Figure 7. At the end of FY17 there was only one case still open from FY16. The other 143 cases still open at the close of FY17 were received in FY17.

This increased efficiency in OPC investigations was the

result of OPC streamlining its investigative process in FY14 and FY15. The introduction of BWCs in FY16 further enhanced OPC's efficiency, and has increased investigators' ability to determine the merits of a case in a timely manner.

Increasing the speed and efficiency of investigations increases community members' 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.



Allegations Received

The 773 complaints OPC received in FY17 contained 1,478 allegations of misconduct against officers. Each complaint OPC receives contains one or more allegations against one or more officers, and OPC is authorized to investigate six categories of allegations: harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination, and failure to identify. The percentage of allegations OPC receives in each allegation category is very similar year after year, as seen in Figure 8.

Harassment and language or conduct allegations were the most frequent types of allegations received by OPC in each of the last four fiscal years. Harassment typically accounts for about half of all allegations OPC receives, and language or conduct violations account for about a quarter of all allegations, and this trend continued in FY17. Allegations of officers failing to identify themselves and retaliation are the two least frequent complaint categories. Failure to identify generally accounts for less than five percent of allegations received per fiscal year, while retaliation accounts for less than one percent of allegations received per fiscal year, and these trends also continued in FY17.

The most frequent complaint was for inappropriate officer demeanor or tone, in the language and conduct category, with 231 allegations. Allegations of an inappropriate gesture or action were the second most frequent complaint with 95 allegations, while bad ticket and unlawful arrest – both in the harassment category – were third, with 90 allegations each. For a complete list of the specific allegation subcategories and their frequency, see Appendix A.



Case Dispositions

OPC closed 440 investigations in FY17, and there were substantial changes in the types and distributions of dispositions in those cases. As discussed earlier, the NEAR Act provided OPC with two new disposition types – policy training and rapid resolutions – that allow OPC to refer cases back to MPD or DCHAPD when officers would benefit from training or the complainant would benefit from discussing the officer's actions with the officer's supervisor. OPC completed 19 cases using each of these new disposition types in FY17, accounting for four percent of cases each.

Over the previous three years, OPC dismissed between half and two-thirds of cases based on merit, meaning the investigators did not find sufficient credible evidence of misconduct; that dropped to 42% in FY17, as seen in Figure 9. Dismissals due to the complainant not cooperating with the investigation or with the mediation process, however, increased. Lack of cooperation dismissals had decreased from 25% of case dispositions in FY14 to less than 20% in FY15 and FY16. In FY17, these accounted for 29% of case dispositions.

Although adjudications accounted for three percent of case dispositions in FY17, there were actually more adjudications in FY17 than in FY14 or FY15, with 14 cases adjudicated. Cases that are adjudicated are referred to an independent complaint examiner, who assesses the merits and sustains or exonerates each allegation. For more information about cases adjudicated in FY17, see page 20.

The proportions of cases closed through complainant withdrawals have been fairly consistent over the last four years, while cases closed through mediation have been fairly consistent since the mediation program was updated in FY15. Withdrawn cases typically account for between four and seven percent of cases closed, and FY17 was no different, with seven percent withdrawn. Mediations have accounted for between 10% and 12% of cases closed per fiscal year since FY15. For more information about OPC's mediation program, see page 22.



Source of Complaints

The increase in complaints received in FY17 was partly due to changes in how OPC receives complaints. As discussed earlier, the NEAR Act now requires MPD to forward all complaints to OPC, essentially shifting the caseload of complaints previously investigated by MPD to OPC. This change resulted in an increase from around eight cases forwarded to OPC per fiscal year before FY17 to 202 cases forwarded to OPC in FY17, as seen in Figure 10.

OPC also launched an online complaint submission form in quarter three of FY16, allowing community members to submit complaints from computers or smart phones while easily attaching evidence such as documents and audio or video recordings. By the beginning of FY17 the online complaint submission form was the primary source of complaint submissions, accounting for 44% of complaints OPC received in FY17.

OPC also receives complaints through email, fax, mail, and walk-ins. The number of complaints submitted via fax and mail has been decreasing over the past four fiscal years, from approximately 120 complaints each in FY14 and FY15 to approximately 35 each in FY17. OPC receives few complaints via email, with an average of four per quarter in FY17. The number of walk-ins has been fairly consistent over the last four fiscal years, with OPC receiving around 100 complaints via walk-in per year, and FY17 was no exception.



Figure 10 Source of Complaints

Officer Demographics

A total of 674 officers received complaints in FY17, with 161 (24%) receiving more than one complaint. The demographics of MPD officers receiving complaints were similar in FY17 to previous years, as seen in Figure 11. Male officers received more than 81% of complaints in FY17, as in FY14 through FY16, though female officers received their largest proportion of complaints over the last four years, with 19% of complaints received. As in previous years, black officers accounted for just under 50% of complaints, white officers accounted for around 40% of complaints, and Hispanic officers accounted for eight percent of complaints.

The age of officers receiving complaints did decrease in FY17. In FY14 through FY16, officers younger than 35 received 41% of complaints; in FY17, officers younger than 35 received 50% of complaints, a nine percent

increase. Complaints filed against officers 35 to 54, meanwhile, decreased, from approximately 55% in FY14 through FY16 to 47% in FY17. Complaints against officers 55 and older also decreased, from six percent in FY15 to just two percent in FY17.

Compared to the department overall, white officers and younger officers receive a proportionately higher number of complaints: white officers account for 35% of MPD officers but receive 40% of complaints; officers younger than 35 make up one-third of officers but received half of the complaints filed in FY17. Black officers and officers 35 and older received a proportionately smaller number of complaints: black officers account for 53% of the police force but receive approximately 47% of complaints each year; and officers 35 and older make up two-thirds of MPD's officers but received less than half of all complaints filed in FY17.



6: The overall department demographics include only MPD, and do not include DCHAPD.

Complainant Demographics

The demographics of complainants in FY17 were very similar to those of complainants in FY14 through FY16, as seen in Figure 12. Approximately 70% of complainants were black and approximately 52% were male in each of the last four fiscal years. Between 17% and 21% of complainants per year are white, while between four percent and eight percent are Hispanic/Latino.

Complainants in FY17 were younger in FY17 than in previous years, with 38% of complainants younger than 35, compared to 31% in FY15 and FY16. Complainants aged 35 to 54 make up 43% to 46% of complainants each fiscal year, and FY17 was no exception, though the

number of complainants 55 or older decreased to less than 20% for the first time since FY12.

Complainant and Officer Demographic Pairings

The most frequent complainant-officer pairings were black complainants filing complaints against white officers, which accounted for 35% of complaints received. Black complainants filing complaints against black officers was a close second, accounting for 32% of all complaints received. When white complainants filed complaints they did so most against black officers, though this accounted for only six percent of complaints filed.

Complainant and Officer Demographics



7: Overall District statistics are based on 2015 and 2016 Census projections. For more information see: https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml and https://www.census.gov/quickfacts/DC.

Where Incidents Occurred

Complaints were more evenly distributed throughout the District in FY17 than in previous years, with no police district accounting for more than 18% of complaints received, as seen in Figure 13.⁸ In FY16, the Seventh District only accounted for six percent of complaints received, while the Sixth District accounted for 22% of complaints received. In FY17, all districts accounted for between 12% and 18% of complaints.

There are no apparent patterns or trends in the portion of complaints per district over the last four years. The Second, Third, and Fourth Districts have fluctuated between 10% and 16% of complaints received per year since FY14. The Seventh District decreased from 11% of complaints received in FY14 to just 6% in FY16, but increased to 12% in FY17. Similarly, the First District decreased from 23% to 15% of complaints from FY14 to FY16, but increased to 18% in FY17.



District	1	2	3	4	5	6	7
FY14	23%	12%	14%	11%	17%	12%	11%
FY15	20%	10%	16%	11%	14%	20%	9%
FY16	15%	16%	13%	15%	13%	22%	6%
FY17	18%	13%	15%	12%	18%	14%	12%

8: The data used for this section captures the District to which the subject officer was assigned. In some cases this may not match the district in which the incident actually occurred.

OFFICER COOPERATION WITH OPC INVESTIGATIONS

Overview

District law requires MPD and DCHAPD officers to cooperate fully with OPC in its investigations. Although officer cooperation has been consistently high over many years, there are usually around 10% of officers who don't initially cooperate with OPC.

Officers failing to cooperate can take three forms: they can fail to appear for interviews with OPC investigators, they can fail to participate in mediation, or they can fail to cooperate with the investigation in some other way.

Each time an MPD or DCHAPD officer fails to appear

or fails to cooperate in the investigation or mediation process, OPC issues a discipline memorandum to their department. Absent extenuating circumstances, the department disciplines the officer, and the officer is then required to resume cooperation with OPC's investigation. Using this procedure, all officers that initially failed to cooperate in FY17 did so after corrective action.

In FY17, OPC sent 23 discipline memoranda to MPD and one to DCHAPD. This represents 10% of the 250 officers interviewed, as seen in Figure 14. This is also the lowest number and lowest percentage of officers failing to cooperate with OPC over the last four years.



	FY14	FY15	FY16	FY17
Total officer interviews conducted	344	410	271	250
Total OPC notifications for failure to appear or cooperate	47	62	29	24
Compliance rate	86%	85%	89%	90%

BODY-WORN CAMERAS

Overview

In FY17 MPD outfitted all uniformed patrol officers with BWCs. MPD deployed a limited number of BWCs starting with a pilot program in the fall of 2014. It continued deploying BWCs in phases, with about half of the police force equipped with BWCs by the summer of 2016. On December 15, 2016, MPD expanded to full deployment of BWCs, with around 2,800 officers using them during patrols.

In the process of developing the standards and policies governing the BWC program, OPC received full access to all MPD BWC videos that are relevant to OPC complaints. OPC investigators therefore have direct access to BWC video without redaction or editing. As of FY17, DCHAPD had not implemented a body worn camera program.

Officer Compliance with BWC Policies

MPD policy requires officers to activate BWCs when

an interaction with a member of the public is initiated, and are reminded by dispatch to activate their cameras when responding to calls for service.⁹ Although MPD has reached full deployment of BWCs, there is not necessarily video available for every case investigated by OPC. OPC investigators found relevant BWC video in 63% of cases they investigated in FY17.¹⁰ 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 it was not clear why there was no video.

In FY17, OPC began tracking officers' compliance with BWC usage policies for all cases OPC investigated, and found that MPD can improve its BWC usage to better adhere to department guidelines. In FY17, at least one officer failed to properly use their BWC in 34% of the cases OPC investigated by: (1) turning it on late, (2) turning it off early, (3) not turning it on at all, (4) not notifying the subject that they were being recorded, or, (5) the camera was obstructed, as seen in Figure 15.^{11, 12}



9: See MPD General Order SPT-302.13, "Body-Worn Camera Program," and Executive Order 16-009, "BWCs: New Activation Requirements and Policy Reminder."

10: For most of the first quarter of FY17, MPD was at 50% BWC deployment.

11: See MPD GO SPT-302.13, "Body-Worn Camera Program."

12: OPC only viewed videos for incidents for which a community member complaint was received, and therefore the numbers reported here are not necessarily representative of MPD officers' BWC usage overall.

BODY-WORN CAMERAS

Impact of BWCs

The full impact of MPD's use of BWCs and OPC's access to BWC footage is not immediately clear, as the BWCs had been fully deployed for less than a year at the time of this report's publication. One apparent impact of access to BWC footage is that OPC investigators are better able to determine the merits of allegations against officers, and complainants are more likely to cooperate with OPC's investigation. Dismissals based on merit, dismissals based on a lack of cooperation, and withdrawals by the complainant account for about 80% of cases with and without BWC video. However, when there is BWC video, fewer complainants failed to cooperate with the investigation, and complainants were less likely to withdraw their complaint, as seen in Figure 16.

This may be a result of investigations taking less time with BWC video. Complainants may also have more confidence in pursuing their complaint knowing that BWC evidence of the incident in question exists. Additionally, with BWC evidence investigators are able to more quickly determine whether allegations are credible, resulting in less time for investigations and fewer officer interviews.

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

All of the observations in this report regarding BWC usage should be considered preliminary. BWCs had not yet been fully deployed for a full year at the time of this report's publication, and Figure 16 includes only cases that were both opened and closed in FY17. This BWC analysis will be more reliable once a full year of OPC cases with BWC video have been completed.



²⁰¹⁷ Annual Report | 19

Complaint Examination

When an OPC investigation 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, or hearing officers, 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 resolve 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 FY17, a total of 14 complaints were referred to the complaint examination process. Fourteen complaints were resolved during the fiscal year, resulting in 13 decisions (two of the complaints were related and shared a decision). No evidentiary hearings were held for cases closed in FY17. All of the decisions issued sustained at least one allegation of misconduct, resulting in a complaint examination sustain rate of 100%, as seen in Figure 17.¹³

OPC also posts all decisions on its web page at: <u>www.</u> policecomplaints.dc.gov/page/complaint-examinerdecisions.



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.

Final Review Panels

The statute governing OPC¹⁴ allows the chief 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.¹⁵ The final review panel then determines whether the original decision should be upheld using the same standard.

There was one Final Review Panel conducted in FY17, which upheld a sustained complaint examination decision from FY16.

Disciplinary Outcomes for Sustained Cases

OPC cannot recommend or determine the type of

discipline to be imposed when allegations are sustained by complaint examiners.¹⁶ 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 law to inform OPC of the discipline imposed for sustained allegations in each complaint.

In FY17, MPD chose to impose discipline of an official reprimand in two cases;¹⁷ a letter of prejudice in one case; and education-based development in six cases.¹⁸ Discipline is pending in the other four cases with a sustained complaint examiner decision from FY17.

For a list of cases with sustained allegations in FY17 and the discipline imposed in those cases, see Appendix B on page 32.

	FY14	FY15	FY16	FY17
Sustained	8	8	24	13
Exonerated	0	2	1	0
Conciliated	0	1	1	0
Total	8	11	26	13

Complaint Examiner Decision Outcomes by Year

Complaint Examination Outcome Definitions

Sustained – The complainant's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper

Exonerated – A preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training

Conciliated – A process whereby the executive director or his designated representative meets with the complainant(s) and the subject officer(s) and attempts to settle the allegations in a mutually satisfactory manner

^{14:} D.C. Code § 5–1104.

^{15:} D.C. Code § 5–1112(c).

^{16:} D.C. Code § 5–1112(e).

^{17:} The discipline listed here and on page 32 represent the most severe discipline imposed for each case.

^{18:} MPD defines education-based development as "an alternative to discipline." Of all sustained allegations, prior to FY17 MPD chose to impose education-based development in lieu of discipline in only two cases in which discipline was reported to OPC. In FY17, MPD chose to impose education-based development in lieu of discipline in six of the nine cases in which discipline was reported to OPC.

Mediation

With the current attention on police-community relations, mediation is a very important program OPC employs to directly impact community trust in the District police forces at the individual level. The mediation program is used as a direct tool to help foster better community trust in the District police forces and allows community members and officers to have a mediator-facilitated conversation that fosters better rapport in future interactions.¹⁹

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

Over the past year, OPC has made great efforts to educate the nation, District community, MPD, and DCHAPD about the benefits of its nationally recognized mediation program. Due to this recognition, the National Association for Civilian Oversight of Law Enforcement asked OPC to present a national webinar entitled "Strategies for Successful Mediations." Over 100 representatives of cities throughout the nation registered



19: FY14 numbers are not included here because the mediation program changed in FY15.20: FY15 is not included in the surveys because no complainants completed surveys in FY15.

to attend this webinar. OPC has also consulted with several cities throughout the nation to assist in building or rebuilding their mediation programs.

FY17 Changes to Mediation Program

An important part of OPC's mediation program includes participant surveys immediately before and after the mediation session. OPC is proud to report that 100 percent of officers and more than 90 percent of complainants surveyed after a completed mediation session said that they were satisfied with the mediator, as seen in Figure 18.

In April 2017, OPC revised its surveys to include questions such as (for officers) "Do you feel mediation is a fair forum to discuss the issue raised by the complainant?" Ninety-one percent of officers from April to September surveyed after the mediation said that they believed mediation was a fair forum to address the issues that led to the complaint, as seen in Figure 19.

In FY16, OPC eliminated its single mediator contractor system that had existed since the agency's inception. In an effort to expand the program, OPC added diverse and highly qualified mediators by including an additional nonprofit organization in the agency's mediator pool. This year, OPC has added numerous additional mediators with varied mediation backgrounds including: social policy negotiations between stakeholders and community organizers; mediating complex disputes including commercial, employment, director and officers, and trade secret matters; and federal government mediations between employees within agency alternative dispute resolution programs. This diversification has added to the expertise OPC has available for high-quality mediations.

"I agreed to participate (in mediation) reluctantly ... but after an hour it ended on a very conciliatory note. We even agreed to participate in a future social activity together in which we discovered we have a mutual interest. I am very pleased and recommend mediation as a substitute for traditional hearings/trials in which the end goal is punishment."

- Anonymous complainant



Average Days Between Referral and Mediation:	FY15: 70 FY16: 58 FY17: 22	Cases Referred to Mediation:	FY15: 80 FY16: 74 FY17: 96
Percent of Cases Sent to Mediation that were Resolved:	FY 15: 76% FY 16: 61% FY 17: 69%	Percent of Investigations Resolved Through Mediation:	FY15: 11% FY16: 13% FY17: 11%

POLICY REVIEW AND RECOMMENDATIONS

Overview

The statute creating the PCB authorizes it to make recommendations to the Mayor, the Council, and the chiefs of MPD and DCHAPD in any areas affecting police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.²¹ This authority allows the agency 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, could greatly improve community trust in the police. In FY17, the PCB issued six policy reports and recommendations, which are discussed in more detail below. At the close of FY17, the PCB had issued 44 detailed reports and sets of recommendations for police reform since its inception. All of the reports and recommendations are available on OPC's website.

"Ensuring MPD Policies and Procedures Are Current"

This report noted that a large number of MPD general orders are more than 10 years old, with some more than 30 years old. MPD also uses several different forms of written directives, with no reliable means of cross referencing between them. Both of these issues were examined, and best practices were outlined to create a better and more standardized means of publishing written directives for the benefit of both MPD officers and community members.

"Language and Conduct"

This policy recommendation was in response to the large number of complaints OPC receives that include language and conduct allegations. It discussed best practices across the country on ways to deal with this problem, and made several recommendations on ways for MPD to improve its officers' language and conduct.



"Notice of Infraction for Excessive Idling" OPC investigators received several complaints in FY17 for MPD officers issuing unlawful Notices of Infraction (NOI) for excessive idling for personal vehicles. The excessive idling statute, however, is aimed at commercial vehicles, and contains an exception for private vehicles. This report brought the issue to the attention of MPD, and recommended actions to correct the problem.

"DCHAPD Policy and Procedures"

The PCB's authority to make recommendations was expanded in the NEAR Act to include DCHAPD. With this, OPC took the opportunity to direct DCHAPD's attention to several recommendations made to MPD over the past few years that would apply to DCHAPD as well. This included: Improving Identification Requirements for Officers; Implementing a BWC Program; and Ensuring Policies and Procedures are Current.

"Blocking Passage"

This report examined the enforcement of the District's Blocking Passage statute. The PCB made recommendations to improve enforcement, and also recommended changes to the statutory language to increase clarity for officers and the public.

"Consent Search Procedures"

The procedures for consent searches were examined in this report. The PCB recommended that a new consent search form be created and that its use be mandatory. These steps would also enable the tracking of consent searches to ensure they are not being abused.

FIRST AMENDMENT ASSEMBLY MONITORING

Overview

The statute creating the PCB authorizes it to monitor and evaluate MPD's handling of and response to First Amendment assemblies²² held on District streets, sidewalks, or other public ways, or in District parks. While nearly every week there is some form of First Amendment assembly taking place in the District, OPC focuses resources on monitoring those assembles that appear to have the largest numbers of attendees or where there are other issues that would possibly cause a need for law enforcement engagement. In FY17 OPC monitored several large events throughout the fiscal year, but at the majority of assemblies no police actions took place that warranted a written report from the PCB. However, at both the Inauguration Day and Women's March assemblies there were issues of concern, and the PCB issued reports for both of these events.

Inauguration Day

OPC staff monitored the events on Inauguration Day, January 20, 2017. Based on OPC staff observations and additional news media coverage, the PCB issued a report outlining concerns with various MPD actions, including: arrests were potentially carried out contrary to MPD's Standard Operating Procedures; less than lethal weapons were used indiscriminately and without adequate warnings; and there was a lack of a clear interagency chain of command. However, it was difficult for the PCB to make any conclusive findings as the scope of the OPC staff observations was limited, and MPD did not respond to document requests that would have provided more information. As a result, the PCB made the recommendation that an independent consultant be appointed to investigate and examine all aspects of MPD's actions on January 20, 2017, and that the consultant be allocated adequate resources to fully and independently review all of the planning, procedures, and activities employed by MPD. The PCB also recommended that the MPD Standard Operating Procedure for Handling First Amendment Assemblies be reviewed and updated with regards to use of less than lethal weapons.

Based on this report, OPC's FY18 approved budget includes funding for OPC to procure an independent expert law enforcement consultant to review MPD's actions on January 20 and 21, 2017.

Women's March

OPC staff also monitored the Women's March on January 21, 2017. Based on the overall positive OPC observations, the PCB issued a report. This report highlighted that the observed MPD officers performed in a professional manner and effectively balanced the interests of public safety with the right to free expression. However, the report also noted that several on-duty officers were seen wearing similar pink hats to the participants, which could be perceived as prohibited political activity. The PCB recommended that MPD ensure all officers are fully trained with regards to D.C. Code §1-1171.03, the prohibition of political activities on duty.



22: First Amendment assemblies are defined in D.C. Code § 5-333.02.

COMMUNITY OUTREACH

Outreach Events

In FY17, OPC conducted or participated in more than 45 community outreach events, the highest number for OPC in a single fiscal year. The agency expanded its outreach to the District's Latino and immigrant population by conducting presentations for organizations that provide direct services to the Latino community. These organizations include the Spanish Catholic Center, CentroNía, Latin American Youth Center, and AYUDA. OPC also conducted Know Your Rights sessions for several classes at Briya Public Charter School; participated in a public safety seminar sponsored by the Mayor's Office on Latino Affairs; and presented to the George Mason University Dreamers, a student organization that advocates for immigrant students.

OPC enhanced the "En Español" section on its website in FY17 to include more information about the agency's mission, jurisdiction, and how to file a complaint in Spanish, and published its online complaint submission form in Spanish.

In continuing its outreach efforts to neighborhood associations, service providers, and government agencies, OPC participated at the Fifth District Court Services and Offender Supervision Agency for the D.C. Community Justice Advisory Network meeting for returning citizens. OPC also participated in the Mayor's Sixth Annual Senior Symposium, which focused on providing resources for the District's seniors, and the Mayor's Office on Asian and Pacific Islander Affairs' Chinatown Community Day.

Outreach to students in FY17 included conducting a Student Interactive Training program at several high schools throughout the District focused on reducing the number of negative encounters between students and the police. The agency also participated in the city-wide kick off of MPD's National Night Out, an annual event that promotes police-community partnerships.

OPC's Executive Director Michael G. Tobin participated as a panelist for the United States Attorney's Office for the District of Columbia's symposium on police and



community building. Director Tobin also presented at the NAACP D.C. chapter's general body meeting and hosted Professor Satoshi Mishima from Osaka City University in Japan at OPC. Other agency staff members also served as panelists for organizations, including the Society of Professional Journalists D.C. Pro Chapter, Washington Council of Lawyers, the Women's Bar Association, Sargent & Deanwood Citizens Association, and the D.C. Center.

Community Partnership Program

OPC added two new community partners this fiscal year – the NAACP and the Latin American Youth Center. The purpose of the program is to collaborate with a wide range of community organizations, government agencies, social service providers, neighborhood associations, and advocacy groups throughout the area to provide the public with greater access to information about OPC.²³

Media Coverage

In FY17, OPC continued to receive media coverage of its work. The PCB's policy recommendations and its Protest Monitoring Reports on the 2017 Inauguration and Women's March were covered by national and local media outlets. Director Tobin was also a guest on The Kojo Nnamdi Show on WAMU 88.5 FM discussing the importance of civilian review boards and how OPC has improved police accountability in the District. And Deputy Director Rochelle M. Howard was interviewed on WHUR-FM 96.3 and HUR Voices Sirius XM Channel 141 daily news program, "The Daily Drum," about how to file a police misconduct complaint with OPC.

23: OPC's other community partners include: The American Civil Liberties Union of the Nation's Capital; American Friends Service Committee; Briya Public Charter School; Covenant House Washington; D.C. Anti-Violence Project; D.C. Public Library; Greater Washington Urban League; Office on African Affairs; Office on Asian and Pacific Islander Affairs; Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs; Office of Human Rights; Office on Latino Affairs; Washington Area Bicyclist Association; Washington English Center; and the Washington Legal Clinic for the Homeless. Contact information for all partners can be found at: https://policecomplaints.dc.gov/service/file-a-complaint.

APPENDICES

Specific Allegations of Force

Allegation Category	FY14	FY15	FY16	FY17
ASP: all types	0	3	4	3
Canine	0	0	0	0
Chokehold	7	8	2	3
Forcible handcuffing	6	7	11	6
Gun: drawn, but not pointed	4	13	5	1
Gun: fired	0	1	0	2
Gun: pointed at person	7	10	7	6
Handcuffs too tight	11	11	9	11
OC spray	1	3	5	5
Push or pull with impact	41	55	17	39
Push or pull without impact	32	50	25	37
Strike: kick	5	1	3	3
Strike: with officer's body	5	5	1	1
Strike: punch	10	10	4	7
Strike: while handcuffed	0	7	0	3
Strike: with object	3	1	5	1
Vehicle	1	2	1	5
Other	14	4	13	12
Total Force Allegations	147	191	112	145

Specific Allegations of Harassment

Harassment Subcategories	FY14	FY15	FY16	FY17
Bad ticket	76	69	78	90
Contact	14	22	13	23
Entry (no search)	7	16	11	15
Frisk	3	5	2	10
Gun: touch holstered weapon	14	8	7	8
Intimidation	23	37	24	54
Mishandling property	36	51	31	53
Move along order	14	21	22	19
Prolonged detention	10	19	11	4
Property damage	13	11	8	7
Refusing medical treatment	7	9	6	3
Search: belongings	7	6	0	6
Search: car	16	14	8	24
Search: home	7	11	11	4
Search: person	17	15	11	18
Search: strip or invasive	3	7	1	1
Stop: bicycle	1	2	0	2
Stop: pedestrian	13	35	14	33
Stop: vehicle/traffic	61	69	48	66
Stop: boat	0	2	0	0
Threat	59	77	51	81
Unlawful arrest	81	100	65	90
Other	33	55	58	80
Total Harassment Allegations	515	661	480	691

Specific Allegations of Discrimination

Discrimination Subcategories	FY14	FY15	FY16	FY17
Age	2	3	4	7
Color	2	3	1	8
Disability	2	2	1	7
Family Responsibilities	0	0	1	1
Language	0	0	0	0
Martial Status	0	0	2	1
National Origin	3	8	4	13
Personal Appearance	2	11	4	8
Physical Handicap	0	0	0	2
Place of Residence or Business	4	8	2	6
Political Affiliation	0	0	0	0
Race	30	59	41	74
Religion	3	1	1	1
Sex	5	14	8	9
Sexual Orientation	3	3	3	3
Source of Income	0	6	6	8
Other	4	6	2	3
Total Discrimination Allegations	60	124	80	151

Specific Allegations of Failure to Identify

Failure to Identify Subcategories	FY14	FY15	FY16	FY17
Display name and badge	8	1	9	10
Provide name and badge	33	33	31	43
Other	2	0	3	1
Total Allegations	43	34	43	54

Specific Allegations of Language and Conduct

Language and Conduct Subcategories	FY14	FY15	FY16	FY17
Demeanor or tone	123	165	134	231
Gesture or action	52	66	41	95
Other language	29	63	27	57
Profanity	34	34	24	26
Racial/Ethnic slur	4	10	3	7
Other	17	7	10	5
Total Language and Conduct Allegations	259	345	239	421

Specific Allegations of Retaliation

Retaliation	FY14	FY15	FY16	FY17
Total	8	11	14	16

APPENDIX B: COMPLAINT EXAMINER DECISIONS

Complaint Examiner Decisions by Allegation and Disciplinary Outcomes

Complaint Number	Harassment	Excessive Force	Language or Conduct	Failure to Identify	Retaliation	Discrimination	Discipline Determination
14-0267	Sustained	Sustained	Sustained				Education-Based Development*
16-0020 (FRP)	Sustained						Education-Based Development*
16-0160	Sustained						Education-Based Development*
16-0188	Sustained						Education-Based Development*
16-0207	Sustained		Sustained				Education-Based Development*
16-0355	Sustained						Official Reprimand
16-0376	Sustained		Sustained				Pending
16-0388				Sustained			Official Reprimand
16-0429	Sustained						Education-Based Development*; Pending
17-0054	Sustained						Pending
17-0079			Sustained				Letter of Prejudice
17-0084	Sustained		Sustained				Pending
17-0107 & 17-0108	Sustained/ Unfounded						Pending
17-0191			Sustained				Pending

Historical Overview of Discipline for Sustained Complaints

Discipline or Action Taken	Outcome for cases sustained in FY17	Total FY09-FY16
SWOP* 15 Days or More	-	4
SWOP* 1 to 10 Days	-	18
1-Day Leave Forfeiture	-	3
Official Reprimand	2	25
Letter of Prejudice	1	10
Dereliction Report (PD 750)	-	15
Formal Counseling	-	2
Education-Based Development*	6	2
Merits Determination Rejected/ No Action Taken	-	6

***SWOP** - Suspension Without Pay

*Education-based Development - "An alternative to discipline offered to sworn members in lieu of corrective action or a recommended suspension of one to 10 days. The program focuses on re-training the member."

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

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