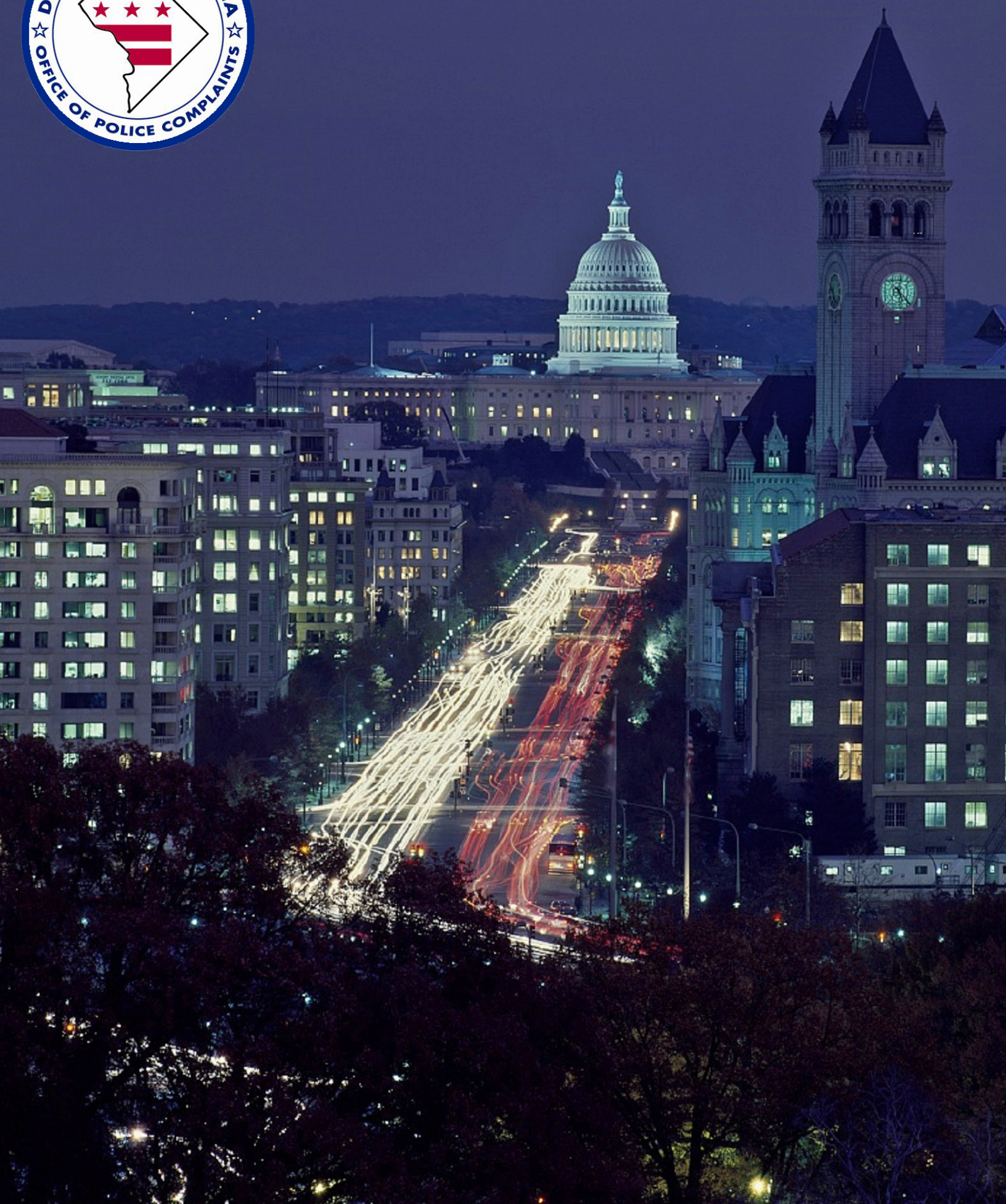


**Government of the District of Columbia
Police Complaints Board
Office of Police Complaints**



**Report on Use of Force by the
Washington, D.C.
Metropolitan Police Department
Fiscal Year 2017**



MESSAGE FROM THE EXECUTIVE DIRECTOR

The mission of the Office of Police Complaints and its volunteer community board, the Police Complaints Board, is to improve community trust in the District's police through effective civilian oversight of law enforcement. As a government agency that functions completely independently of the Metropolitan Police Department, we strive to help the community and its police department work together to improve public safety and trust in the police.

This report serves our mission by helping our community and police department understand the circumstances in which force is used by the police in the District of Columbia. At the conclusion of this report we offer recommendations that will further enhance community trust and improve future editions of this report. Several key findings from this report are:

- Twelve officers discharged their firearms at subjects in 10 incidents in FY17, the lowest number of officer-involved firearm discharges in the five years addressed in this report
- In three of the 10 firearm discharge incidents in FY17, the subject was fatally injured
- In FY17 there were 2,224 total reported uses of force by 1,074 MPD officers in 991 incidents
- In FY17 the number of reported use of force incidents increased by 36% over the previous fiscal year
- Subjects were reportedly armed in 15% of reported uses of force in FY17 – nine percent involved subjects armed with firearms and six percent involved subjects armed with other types of weapons
- Officer use of force was reported most in the Fifth and Seventh Districts, which together accounted for 38% of all reported use of force incidents
- 89% of reported uses of force in FY17 involved black subjects; the most common officer-subject pairing was white officers using force on black subjects, which accounted for 44% of all reported uses of force in FY17
- Solo and team takedowns were the most common types of force used in FY17

This is our inaugural report on use of force, and we hope you find it informative. We believe that making this information readily available to our community will contribute to increasing public trust in the Metropolitan Police Department, and we welcome your comments and suggestions.

Sincerely,

Michael G. Tobin

Michael G. Tobin

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INTRODUCTION

Report Overview

This document is the inaugural report on Washington D.C.'s Metropolitan Police Department (MPD) use of force, produced by the D.C. Office of Police Complaints (OPC). In the spring of 2016, the D.C. Council (the Council) adopted the Neighborhood Engagement Achieves Results Act of 2015 (NEAR Act),¹ a comprehensive public safety bill. One requirement of the NEAR Act was that OPC produce an annual report on MPD's use of force in the District.² This report is based on the fiscal year, Oct. 1, 2016 through September 30, 2017.

Police use of force has become a major topic of discussion and concern throughout the country over the last several years. Police officers are empowered to use force to maintain the peace, but with that empowerment comes high standards of discipline and responsibility. This report highlights the standards and policies regarding MPD officer use of force, including the types of force used, the procedures for determining the appropriate amount of force for a given situation, and the oversight and review of use of force incidents. It also highlights the practices of MPD officers in the District – how often force is used, what type of force is used, and whom it is used against.

A comprehensive use of force report has not been produced in the District since at least 2007. The D.C. Auditor previously commissioned a study on MPD use of force that was released in January 2016.³ The report was intended to assess whether the police reforms implemented in the early 2000s had been maintained in

the intervening years. The report therefore focused more on MPD policies and procedures than on reporting the use of force statistics and trends. The statistics contained in the report regarding MPD's use of force were limited in two ways: (1) they highlighted only a select few types of force; and (2) they generally only reported the number of use of force incidents without analyzing related aspects, such as: the demographics of the officers and subjects, the behavior of the subjects preceding the use of force, incident locations, or the rank and years of service of officers using force.

MPD has included a use of force overview in its annual reports since 2008.⁴ However, these overviews have been limited to the number of officer-involved firearms discharges per year, with no discussion of other types of force used and no substantial discussion of the officer-involved firearms discharges beyond the number per year and the number of fatalities and injuries that resulted from them.

Between 2000 and 2002, MPD produced annual reports for its Force Investigation Team,⁵ and between 2004 and 2007 it produced quarterly reports on use of force statistics.⁶ These reports presented use of force trends in substantial detail, but no such information has been released for the past 10 years. This inaugural report seeks to revive the practice of regularly providing an in-depth overview of MPD use of force in the District. This report differs from previous reports produced by MPD in that it is produced by OPC – a government agency independent of the police department.

1: "Neighborhood Engagement Achieves Results Act of 2015." Available: <http://lims.dccouncil.us/Download/34496/B21-0360-Amendment1.pdf>.

2: This report was drafted by OPC Research Analyst Matthew Graham. In June 2016, the D.C. Council adopted the NEAR Act. The NEAR Act mandated the publication of this report, and provided for the creation of the research analyst position to complete the report. Mr. Graham previously served as a Research Analyst at the D.C. Sentencing Commission. He received a Master's Degree of Political Science from Washington University in St. Louis.

3: "The Durability of Police Reform: The Metropolitan Police Department and Use of Force: 2008-2015." The Bromwich Group LLC; 28 January 2016. Available: http://www.dcauditor.org/sites/default/files/Full%20Report_2.pdf.

4: "Metropolitan Police Department Annual Report 2015." Metropolitan Police Department; 2 August 2016. Available: <https://mpdc.dc.gov/publication/mpd-annual-report-2015>.

5: "Force Investigation Team 2002 Annual Report." D.C. Office of Professional Responsibility, Civil Rights and Force Investigation Division; 30 April 2003. Available: <https://mpdc.dc.gov/node/209122>.

6: "Metropolitan Police Department Use of Force Statistics 2007, Third Quarter." Metropolitan Police Department; 27 March 2008. Available: <http://cdm16064.contentdm.oclc.org/cdm/ref/collection/p266901coll4/id/3692>.

INTRODUCTION

Office of Police Complaints

OPC is an independent D.C. government oversight agency whose mission is to increase community trust in the police forces of the District of Columbia. All OPC personnel are D.C. government employees, and the agency functions entirely separately and independently from MPD.

The primary function of OPC is to receive, investigate, and resolve police misconduct complaints filed by the public against sworn officers of 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, procedures, 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 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.

Police Complaints Board

OPC is governed by the Police Complaints Board (PCB), which, along with OPC, was established in 2001. The PCB is an oversight board composed of D.C. volunteer community members. 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.

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 to improve police practices; monitoring and evaluating MPD's handling of First Amendment assemblies and demonstrations held in the District; and reviewing and approving reports released by OPC. The PCB approved this report.

To learn more about OPC and the PCB, and to see examples of their work and services, visit <http://policecomplaints.dc.gov/>.



INTRODUCTION

Police Complaints Board Members

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 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.

INTRODUCTION

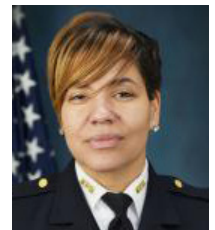
Bobbi Strang is a Workers' Compensation Claims Examiner with the District of Columbia Department of Employment Services (DOES). She was the first openly transgender individual to work for DOES where she provides case management for Project Empowerment, a transitional employment program that provides 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 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. She was reappointed on December 5, 2017, for a term ending on January 12, 2021.

INTRODUCTION

Metropolitan Police Department

MPD is the primary police force in the District of Columbia. D.C. is home to many other law enforcement agencies – including the U.S. Capitol Police, U.S. Park Police, U.S. Secret Service, the Metro Transit Police Department, and others. MPD has the general responsibility of enforcing the law in the nation’s capital except where those other law enforcement agencies have primary jurisdiction. MPD also maintains cooperation agreements with these other agencies allowing MPD to assist in law enforcement actions where the federal agencies have primary jurisdiction.

MPD maintains a police force of approximately 3,800 sworn officers, along with a non-sworn support staff of

approximately 500 personnel.⁷ Therefore MPD is the sixth-largest metropolitan police force in the United States in terms of the number of officers,⁸ and the eleventh largest department in the country overall (including county and state law enforcement agencies).⁹ MPD’s service area is divided into seven police districts, along with various special divisions including a Special Operations Division, a Narcotics and Special Investigation Division, and a Criminal Investigation Division.

MPD officers receive more than 500,000 calls for service per year, resulting in more than 30,000 reported crimes per year in the District, with MPD officers conducting between 35,000 and 40,000 arrests.⁷



7: “Metropolitan Police Department Annual Report 2015.” Metropolitan Police Department; 2 August 2016. Available: <https://mpdc.dc.gov/publication/mpd-annual-report-2015>.

8: Reaves, Brian A. “Local Police Departments, 2013: Personnel, Policies, and Practices.” U.S. Department of Justice, Bureau of Justice Statistics; May 2015. Available: <https://www.bjs.gov/content/pub/pdf/lpd13ppp.pdf>.

9: Reaves, Brian A. “Census of State and Local Law Enforcement Agencies, 2008.” U.S. Department of Justice, Bureau of Justice Statistics; July 2011. Available: <https://www.bjs.gov/content/pub/pdf/cslea08.pdf>.

INTRODUCTION

MPD Reporting System

All use of force data used in this report was provided by MPD. MPD's use of force reporting includes three formats: (1) the Use of Force Incident Report forms (UFIRs, MPD form 901-e) and (2) the Reportable Incident Forms (RIFs, MPD form 901-g), which are the forms officers complete following any use of force; and (3) MPD's Personnel Performance Management System (PPMS). PPMS is MPD's electronic database for tracking adverse incidents and personnel performance, and is used for predictive analysis of officer performance, including misconduct or other at-risk behavior.¹⁰

MPD's General Order RAR 901.07 "Use of Force"^{11,12} requires officers to complete UFIRs or RIFs anytime they use force other than forcible handcuffing of a resistant subject.^{13,14} UFIRs contain most details pertinent to the use of force, including:

- The time, date, and location of the incident;
- Officer and subject demographic information;
- The type of force used;
- The subject action precipitating the use of force;
- Injuries to the officer(s) and/or subject(s);
- Whether the use of force resulted in property damage; and
- A narrative description of the incident.

Of the standard forms discussed here, UFIRs are the most comprehensive source of information on uses of force by MPD officers. See Appendix B for an example of a UFIR.

RIFs are a less comprehensive form, which, according to MPD's General Order on use of force, are substituted for UFIRs for two particular types of force: (1) when an officer points a firearm at a subject but no other force is used and no injuries are sustained; or (2) when an officer uses a tactical takedown, no other force is used, and the subject does not report receiving an injury or complain of pain. RIFs contain some information pertinent to the use of force, including:

- The time, date, and location of the incident;
- Officer and subject demographic information; and
- Whether the use of force resulted in property damage.

Other details, including the type of force used and officer injuries, are only captured in the narrative section, if captured at all. See Appendix C for an example of a RIF.

For use of force reporting through FY17, the data from the UFIRs and RIFs was entered into PPMS by the officer, their supervisor, or an administrator. However, based on the data reviewed, it appears that PPMS could only export the following data elements:

- The incident number;
- The time, date, and location of the incident;
- Officer and subject demographic information;
- Officer rank and assignment; and
- MPD administrative data, such as the case status and disposition.¹⁵

10: Metropolitan Police Department General Order 120.28: "Standard Operating Procedures: Personnel Performance Management System and the Supervisory Support Program." Metropolitan Police Department; 11 April 2007. Available: <https://go.mpdconline.com/GO/3795000.pdf>.

11: Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 1 December 2016. Available: https://go.mpdconline.com/GO/GO_901_07.pdf.

12: MPD released a revised version of GO RAR-901.07, "Use of Force," on November 3, 2017. OPC sees no substantive changes in the new General Order. Therefore our recommendations apply to both versions. See MPD Teletype #11-007-17 for the changes contained in the new General Order.

13: MPD does not require officers to complete UFIRs or RIFs for the lowest level of force, forcibly handcuffing a resistant subject, though some officers do complete these forms for such incidents.

14: The rules for reporting uses of force are further defined in two special orders: SO-10-14: "Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)." Metropolitan Police Department; 1 October, 2010. Available: https://go.mpdconline.com/GO/GO_901_07.pdf; and SO-06-06: "Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h)." Metropolitan Police Department; 7 April, 2006. Available: <https://go.mpdconline.com/GO/SO-06-06.pdf>.

15: PPMS also contains a field indicating the type of force used. However, this field captures the type of force used at the incident level rather than the officer level, and therefore is not an accurate or reliable accounting of the type of force used.

METHODOLOGY

Data Collection and Scope

The scope of this report includes all types of force incidents involving MPD officers, all MPD divisions, and all MPD officer ranks. MPD assured OPC that data was provided on all relevant incidents, including incidents involving serious or excessive use of force; incidents reviewed by the Use of Force Review Board (UFRB); incidents that had been referred to the United States Attorney's Office; and incidents involving officers no longer employed by MPD.

The NEAR Act¹⁶ requires OPC to prepare a report on MPD's use of force each December 31 beginning in 2017. In April 2017, OPC began working with MPD to determine what use of force data was available. Between April and October, OPC requested PPMS data for all of Fiscal Year 2017 (FY17)(OPC's fiscal year is October 1 through September 30). In May, OPC also requested any historical data from prior years, and MPD provided data from FY13 through FY16.

Because PPMS did not contain all the UFIR and RIF data elements for use of force incidents through FY17, OPC requested all UFIRs and RIFs for FY17. OPC staff then manually entered data from the UFIRs and RIFs into the PPMS dataset for FY17 incidents (including further officer and subject demographics; a more accurate accounting of the type of force used;¹⁷ officer and subject injuries; and the subject behavior precipitating the use of force) to ensure there was a complete dataset on FY17 reported uses of force from the three use of force data sources (UFIRs, RIFs, and PPMS data). UFIRs and RIFs were not provided for cases MPD was still investigating, though the PPMS data for these incidents was provided.

As of December 7, MPD had provided all PPMS data related to use of force for FY13 through FY17, and 1,841 UFIRs or RIFs for FY17. The 1,841 UFIRs and RIFs provided represented 83% of the 2,224 uses of force reported in the PPMS data for FY17. On December 7, OPC provided a draft copy of this report to MPD for review. The draft indicated that the findings in this report were based on the 83% of uses of force for which OPC had received UFIRs or RIFs. On December 12, MPD advised OPC that it would likely be able to provide UFIRs or RIFs for the remaining 17% of uses of force for which OPC had not yet received UFIRs or RIFs.

On December 22, MPD provided 255 of the 383 UFIRs and RIFs that OPC had not yet received. From December 26 through December 29, OPC staff manually entered the data from the 255 UFIRs and RIFs into the PPMS dataset. On January 2, 2018, OPC re-analyzed the data and updated the findings presented in this report.¹⁸

Ultimately OPC received a UFIR or RIF for 2,096 of the 2,224 uses of force (94%) reported in FY17. For 43 of the 128 uses of force for which no UFIR or RIF was provided to OPC, MPD provided the following explanations for why the reports were not provided or did not exist:

- 26 were still open, ongoing investigations;
- 14 had an investigation status of "inactive" or were investigated under another case number;
- Two were OPC cases for which no UFIRs or RIFs had been completed; and
- One was an Internal Affairs Division (IAD) investigation of a citizen complaint, for which no UFIR or RIF had been completed.

16: "Neighborhood Engagement Achieves Results Act of 2015." Available: <http://lims.dccouncil.us/Download/34496/B21-0360-Amendment1.pdf>.

17: The type of force used is captured in PPMS at the incident level rather than the officer level. This led to inaccuracies in the data reporting, such as one incident in which numerous officers used hand controls, one officer discharged their firearm at a dog, and the type of force was listed as hand controls for all officers involved. OPC therefore manually entered the type of force used for each officer.

18: OPC updated the statistics presented in this report following the receipt of UFIRs and RIFs from MPD in December 2017. However, none of the findings or recommendations changed substantially.

METHODOLOGY

Data Limitations

Throughout the process of obtaining the data, MPD was responsive and accommodating. However, it often took numerous rounds of receiving UFIRs and RIFs, checking them against the incident numbers in the PPMS data, and requesting missing UFIRs and RIFs before the data for a given quarter was complete based on the given PPMS data. Given this challenge in reconciling the data with the UFIRs and RIFs, it seemed that compiling all UFIRs and RIFs for years prior to FY17 would be an onerous task for MPD. Even if those records had been obtained, manually entering the UFIR and RIF information from years prior to FY17 into the PPMS dataset would have been an onerous task for OPC.

Lastly, MPD did not require its officers to report all uses of force during certain periods within the scope of this report. MPD has not required the completion of a

UFIR for hand controls in instances in which there was no injury or complaint of pain from the subject since July 2014. Similarly, between July 2014 and August 2016, MPD did not require officers to complete UFIRs or RIFs for individual or team tactical takedowns that did not result in injury or complaint of pain to the subject.¹⁹ MPD's decision to stop fully reporting these uses of force, as explained above, means that the actual numbers of use of force incidents are likely not fully captured, but are almost certainly higher in those years than what is presented within this report.

On January 2, 2018, MPD released Executive Order 18-001 instructing officers that as of January 3, 2018, all UFIRs and RIFs are to be completed electronically in PPMS. While OPC believes this will alleviate some of the data limitations in years to come, this process was not in place in FY17.

19: "The Durability of Police Reform: The Metropolitan Police Department and Use of Force: 2008-2015." The Bromwich Group LLC; 28 January 2016. Available: http://www.dcauditor.org/sites/default/files/Full%20Report_2.pdf

USE OF FORCE OVERVIEW

MPD's Definition of Use of Force

Police officers are given the authority to use physical force to enforce the law. The type of force, and when it may be used, is governed by statutes, case law, departmental policy, and training. MPD defines the use of force as “any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer.”²⁰ This includes any type of force from hand controls or forcibly handcuffing a non-compliant subject to deadly force, such as discharging a firearm.

MPD's use of force General Order explicitly states that “MPD members shall use the minimum amount of force that the objectively reasonable officer would use ... to effectively bring an incident or person under control.”²⁰ The Order further defines five levels of subject behavior: Compliant, passive resistance, active resistance, assault with the threat of physical injury, and assaultive with the threat of serious physical injury or death (see Subject Behavior Categories on page 10). Along with the five

types of subject behavior, there are five categories of officer response: cooperative controls, contact controls, compliance techniques, defensive tactics, and deadly force (see MPD Force Categories box below). The five levels of perceived subject behavior and the corresponding levels of officer response are displayed in Figure 1 below.²¹

Although the framework provides guidance on the appropriate level of force to be used in a given situation, MPD states it no longer encourages this framework as a continuum of sequential behaviors and responses. Rather, “the use of force framework contains five categories of perceived threats and responses, all of which are fluid, dynamic, and non-sequential”²² and can be used within the officer's individual discretion during an incident.

MPD Officer Force Response Categories²⁰

Cooperative Controls – Generally non-physical controls, including both verbal and non-verbal communication.

Contact Controls – Low-level physical force including hand controls and using a firm grip on the subject to gain compliance.

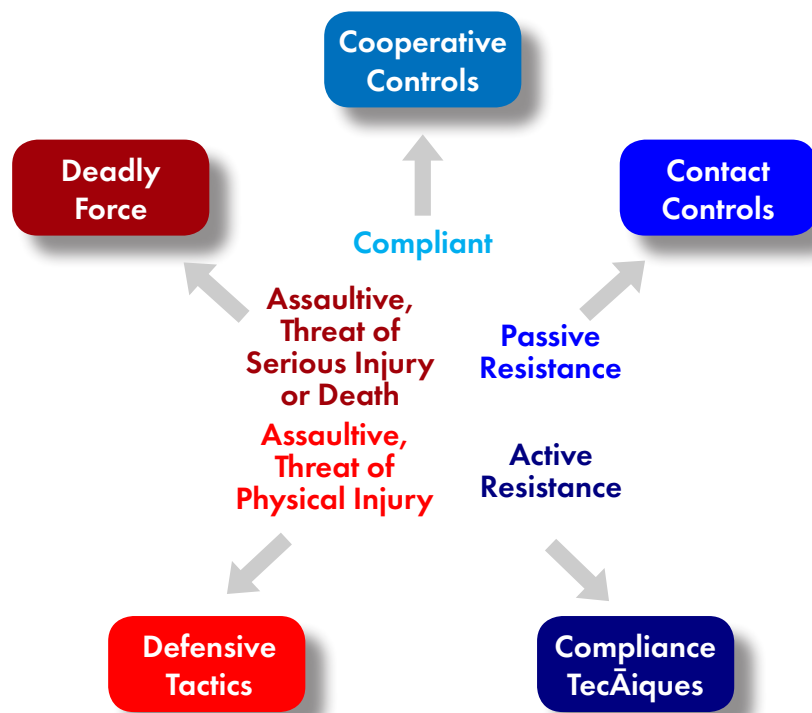
Compliance Techniques – Actions that may induce pain or discomfort to an actively resisting subject. Includes control holds, joint locks, OC spray, and solo or team tactical takedowns.

Defensive Tactics – Actions to forcibly render the subject into submission. Not likely or intended to cause death, but meant to ensure the safety of officers and others. Includes ASP baton strikes and chemical agents.

Deadly Force – Any force likely to cause death or serious injury to the subject. Includes strikes to the head with hard objects and the use of a firearm.

Figure 1

Subject Behavior and Prescribed Force Response



20: Metropolitan Police Department General Order RAR-901.07: “Use of Force.” Metropolitan Police Department; 1 December 2016.

Available: https://go.mpdonline.com/GO/GO_901_07.pdf.

21: MPD General Order Go-RAR-901.07, Attachment B, Use of Force Framework.

22: MPD correspondence to OPC, 22 November 2017.

USE OF FORCE OVERVIEW

Use of Force Training

MPD officers receive explicit training in appropriate use of force techniques, firearms training, de-escalation, and related topics.²³ All officers receive this training through numerous use of force modules during basic recruit training. The principles underpinning the policies and tactics are also incorporated into continuing education training not specifically focused on use of force. For example, during training on a topic such as domestic violence, not only will domestic law and victim's rights be covered, but tactical, de-escalation and use of force issues will also be addressed. MPD has been teaching de-escalation in various forms for many years, and de-escalation and related communication techniques are taught and reinforced throughout officer training.

The use of force training also involves an interactive simulation training system called MILO (Multiple Interactive Learning/Training Objectives) that allows for direct feedback on use of force and tactical considerations. MILO allows the instructor to change scenarios in order to train officers on use of force, de-escalation, and proper policy application. MILO scenarios cover many different use of force scenarios, from mere presence and verbal persuasion to lethal force.

Officers are trained on firearm use during the basic recruit training, and they are required to be recertified in firearm use every six months. Officers also receive lectures and interactive training on general use of force tactics and principles in these training and recertification sessions. Officers' firearm recertification involves two 52-round courses of fire. Officers must hit the target with at least 43 of the 52 rounds they fire (83% accuracy), and they must do so once with the lights on, and again in low-light conditions.

During training and recertification officers participate in classes covering: firearm safety (including handling and home storage); marksmanship (including sight alignment, sight picture, and trigger control); malfunction drills; care and cleaning; de-escalation; the use of force framework discussed above; positional asphyxia signs and precautions (recognizing and/or preventing when someone is unable to breathe properly); and dog awareness. The department will soon be adding training on the department's less-lethal force options, including the 40mm extended impact weapon (sponge or rubber bullets) and electronic control devices, or Tasers. Officers are also required to be recertified in the use of ASP²⁴ extendable batons every two years.

Subject Behavior Categories²⁵

Cooperative/Compliant – The subject responds in a positive way to an officer's presence and is easily directed with verbal requests and commands. The subject who requires control or searching offers no resistance.

Passive Resistance – The subject displays a low level of non-compliant resistance. The noncompliance is passive, and offers no physical or mechanical energy. The subject does not respond to an officer's lawful request or commands and may be argumentative.

Active Resistance – The subject is uncooperative and will not comply with the officer's requests or comments. The subject exhibits physical and mechanical defiance, including evasive movements to defeat the officer's attempt at control, including but not limited to bracing,

tensing, pushing, or verbally signaling an intention not to be taken into or retained in custody, provided that the intent to resist has been clearly manifested.

Assaultive - Threatening Physical Injury – The subject has gone beyond the level of simple non-cooperativeness, and is actively and aggressively resisting the officer's attempt to arrest. The subject has demonstrated a lack of concern for the officer's safety; however, the subject does not pose an immediate threat of death or serious bodily injury to the member or others.

Assaultive - Threatening Serious Injury or Death – The subject poses an immediate danger of death or serious physical injury to the officer or to another person, but not to themselves. The subject's actions demonstrate their intent to inflict death or serious injury upon the member or another person immediately.

23: MPD provided information regarding its use of force training and certification in response to an OPC request for information.

24: Extendable batons are commonly referred to as an ASP. ASP stands for Armament Systems and Procedures, a company that produces the batons.

25: Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 1 December 2016. Available: https://go.mpdonline.com/GO/GO_901_07.pdf.

USE OF FORCE FINDINGS

Number of Uses of Force

There are three distinct ways to report the number of uses of force per year: the number of *incidents* in which officers used force per year; the number of *uses of force* per year, which includes all officers using force at all use of force incidents; and the total number of individual *officers* using force per year. In FY17, there were 991 reported use of force incidents involving 2,224 reported uses of force by 1,074 officers. There are more uses of force than incidents or officers because many use of force incidents involve multiple officers using force.

Use of Force Incidents

The number of reported use of force incidents, uses of force, and officers using force have all been increasing since FY13, except for an aberrant decrease in FY15. The number of reported use of force incidents involving MPD officers per year increased from 636 in FY13 to 731 in FY16. In FY17, there were 991 reported use of force incidents involving MPD officers, a 36% increase over those reported in FY16, as seen in Figure 2.²⁶

Uses of Force

Similarly, the number of total uses of force had been increasing over the last four years, from 1,179 reported in

FY13 to 1,765 reported in FY16, a 50% increase. In FY17 there were 2,224 reported uses of force, a 26% increase over those reported in FY16, as seen in Figure 3.

Increases in Uses of Force

The increases in MPD's reported uses of force may be partially attributable to changes in how MPD reports force. In FY13 and FY17, officers were required to report all tactical takedowns. However, between July 2014 and August 2016, MPD did not require officers to complete UFIRs or RIFs for individual or team tactical takedowns that did not result in injury or complaint of pain to the subject, as discussed on page 8.

Because the number of reported uses of force likely would have been higher in FY13 through FY16 with more consistent reporting, the apparent increase in reported uses of force in FY17 is likely not as large as what is reported here. The actual difference would be impossible to determine, since it is not possible to determine the number of takedowns that were not reported in July 2014 through August 2016.

However, even when MPD changed the reporting requirements in July 2014 and no longer required officers

Figure 2
Number of Use of Force Incidents Reported Per Year

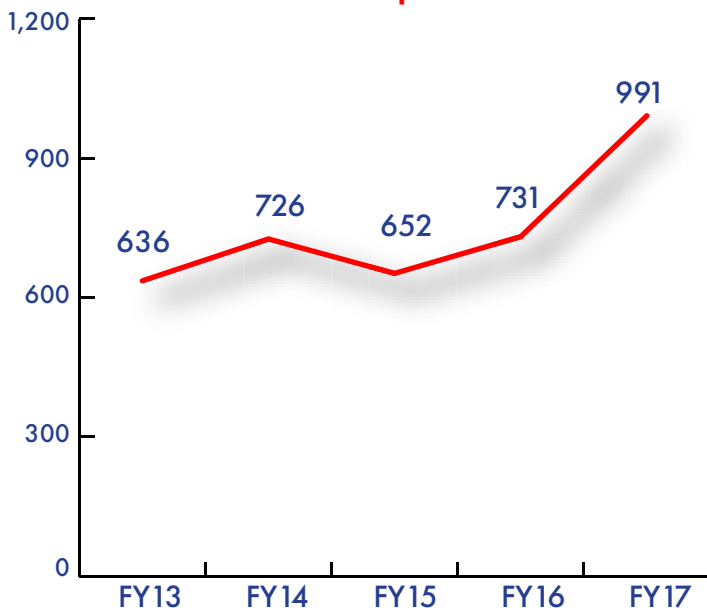
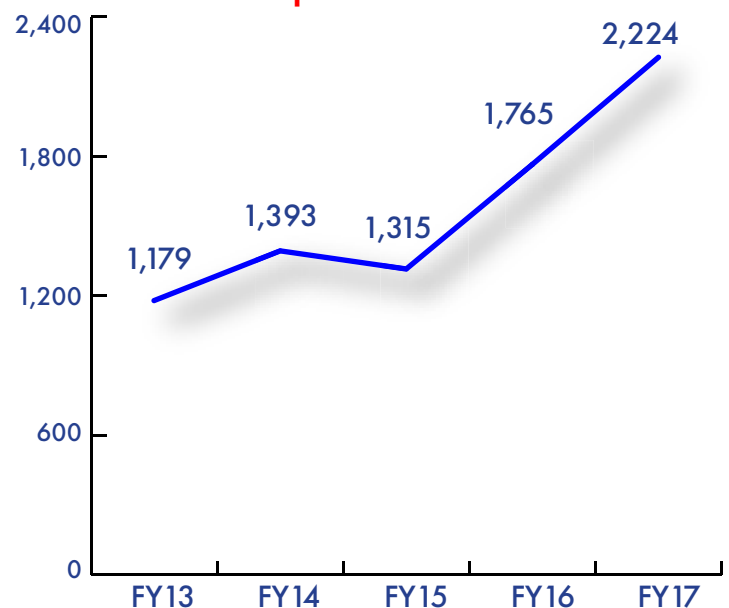


Figure 3
Number of Uses of Force Reported Per Year



26: FY17 was the only year for which OPC received UFIRs and RIFs along with PPMS data.

USE OF FORCE FINDINGS

to report individual or team tactical takedowns, the number of reported uses of force still increased. The overall trend since FY13 – before the reporting requirements changed, during the period of reduced reporting, and after MPD began reporting individual and team tactical takedowns again – has been of increasing reported uses of force. Therefore, the data does not indicate that the entirety of the increase in reported uses of force in FY17 is attributable to MPD’s changes in reporting requirements.

Another factor that may have an unknown effect on reported uses of force is the implementation of MPD’s body-worn camera program during the reporting period. On Dec. 15, 2016, MPD implemented full deployment of BWCs, with all patrol officers now equipped with cameras.

Officers Using Force

The total number of officers who reported using force per year also increased over the previous four years, from 752 individual officers reporting using force in FY13 to

1,008 in FY16, a 34% increase. In FY17 1,074 different MPD officers reported using force, or 28% of MPD’s 3,800 sworn officers, as seen in Figure 4. This represents a seven percent increase over the number of officers who reported using force in FY16. For a discussion of how these numbers may compare to other law enforcement agencies, see page 29.

There was also an increase in the number of officers who reported using force per incident in FY17. Between FY13 and FY17, use of force incidents in which only one officer used force fell from 48% to 38% of all incidents. Meanwhile, use of force incidents in which three or more officers reported using force increased from 20% of all use of force incidents in FY13 to 30% of all use of force incidents in FY17, as seen in Figure 5. The data collected did not include the number of subjects on whom force was used; therefore it is not clear if the increase in the number of officers using force per incident coincided with an increase in the number of subjects per incident on whom force was used.

Figure 4
Number of Officers Reporting Using Force Per Year

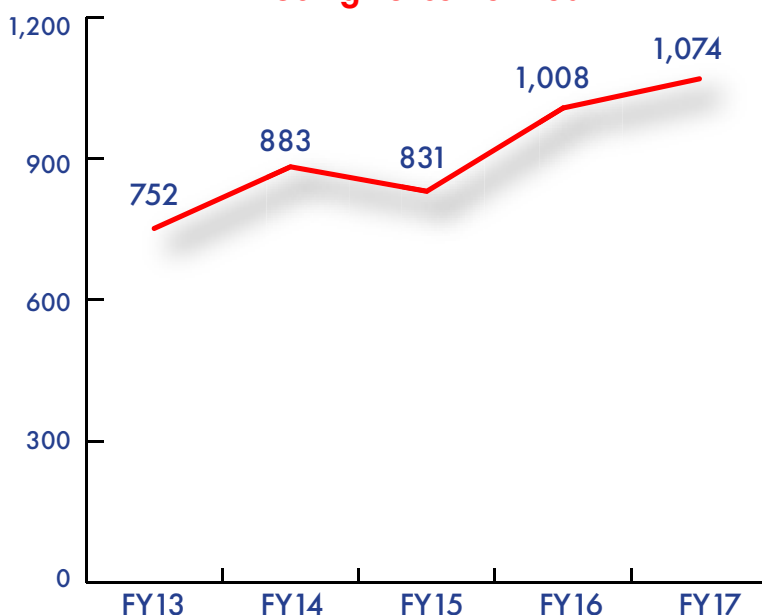


Figure 5
Number of Officers Reporting Using Force Per Incident

	FY13	FY14	FY15	FY16	FY17
1 Officer	48%	47%	43%	32%	38%
2 Officers	33%	31%	32%	34%	32%
3 Officers	11%	14%	14%	15%	14%
4 Officers	6%	6%	6%	9%	9%
5+ Officers	3%	3%	5%	10%	7%

USE OF FORCE FINDINGS

Types of Use of Force

Tactical takedowns were the most frequent type of force reported in FY17.²⁷ Team takedowns were the highest level of force used in 34% of uses of force, and solo takedowns were the highest level of force in 16% of reported uses of force. Hand controls, control holds, firm grips, and resistant handcuffing collectively were the highest level of force used in 26% of reported uses of force, as seen in Figure 6.

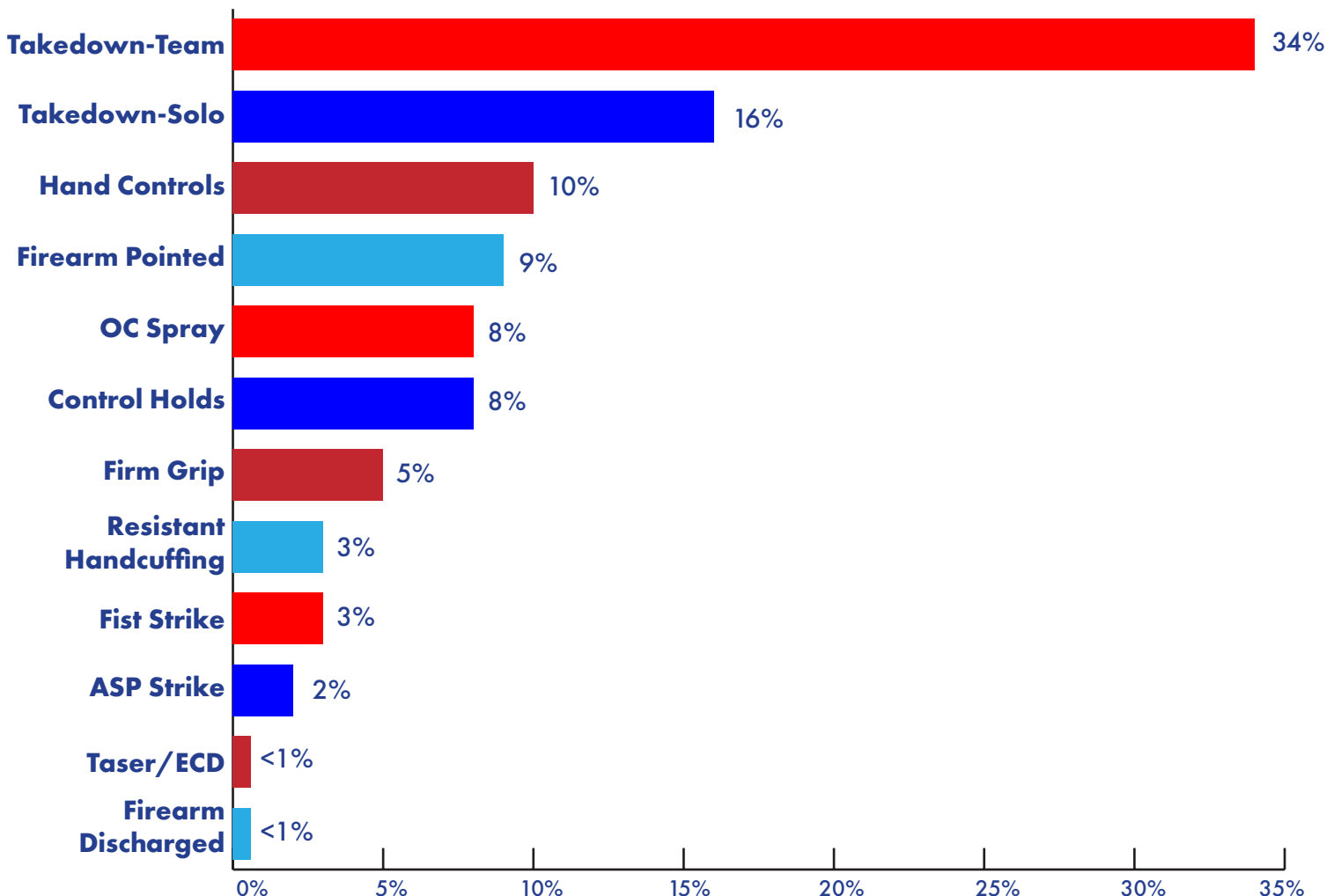
Firearms pointed at subjects were the highest level of force used in nine percent of reported uses of force, and OC spray was the highest level of force used in eight percent of reported uses of force in FY17. ASP strikes

were the highest level of force used in two percent of reported uses of force in FY17. There were 15 firearm discharge incidents in FY17, with 10 firearm discharges at people and five at dogs. These 15 firearm discharges account for less than one percent of reported uses of force in FY17.

Resistant handcuffing and fist strikes were each the highest level of force used in three percent of reported uses of force in FY17. Officers are not required to report resistant handcuffing unless it results in a reported injury to the subject,²⁸ so the number of resistant handcuffing incidents may be greater than the number in the data provided to OPC.

Figure 6

Highest Level of Force Used in Each Use of Force Report in FY17



27: For the hierarchy of types of force listed in this report, see Appendix A.

28: "The Durability of Police Reform: The Metropolitan Police Department and Use of Force: 2008-2015." The Bromwich Group LLC; 28 January 2016. Available: http://www.dcauditor.org/sites/default/files/Full%20Report_2.pdf.

USE OF FORCE FINDINGS

Subject Behavior in Force Incidents

MPD officers categorize subject behavior into five categories: compliant; passively resistant; actively resistant; assaultive and threatening physical injury; and assaultive and threatening serious physical injury or death. Subject behavior can escalate and de-escalate over the course of a given encounter, and the highest level of subject behavior reported for each use of force is reported here.

More than two-thirds of the subjects on whom officers reported using force in FY17 were actively resistant.²⁹ The second most common subject behavior was assaultive and threatening physical injury, which accounted for 21% of subjects on whom officers reported using force in FY17, as seen in Figure 7.

Officers reported using force on passively resistant subjects in seven percent of uses of force in FY17, and

on compliant subjects in three percent of uses of force.³⁰ Officers reported using force on subjects who were assaultive and threatening serious physical injury or death in 1% of uses of force in FY17.

Armed Subjects in Use of Force Incidents

Subjects were reportedly armed in 15% of reported uses of force in FY17. The most common type of weapon was a firearm, which subjects were reported as possessing in nine percent of uses of force in FY17. Subjects were armed with knives in three percent of reported uses of force, and with blunt weapons in two percent of reported uses of force, as seen in Figure 8.

Subjects were armed with miscellaneous other weapons in one percent of reported uses of force. These weapons included BB guns, a crossbow, glass, a hatchet, OC spray, a paintball gun, swords, and a vehicle.

Figure 7
Category of Subject Behavior

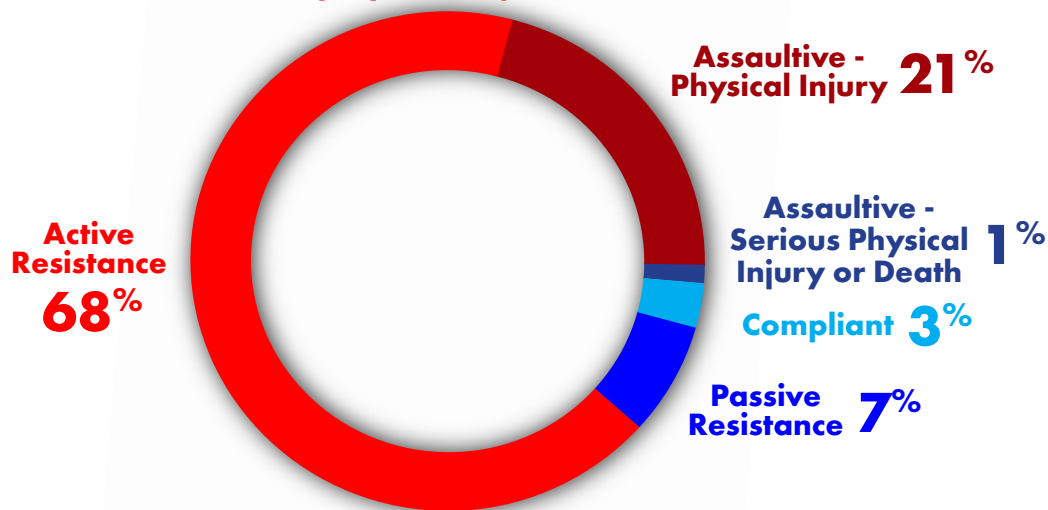
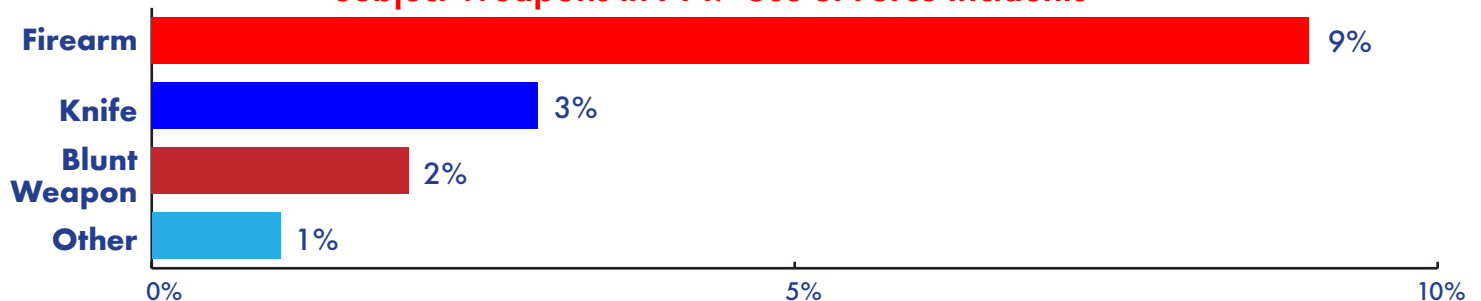


Figure 8
Subject Weapons in FY17 Use of Force Incidents



29: The categories of subject behavior and officer response are discussed further on pages 9 and 10.

30: Two-thirds of uses of force against compliant subjects were firearms pointed at the subjects, with no other force used. These were typically cases in which the subject was armed or the officer suspected that the subject was armed.

USE OF FORCE FINDINGS

Rate of Injuries in Use of Force Incidents

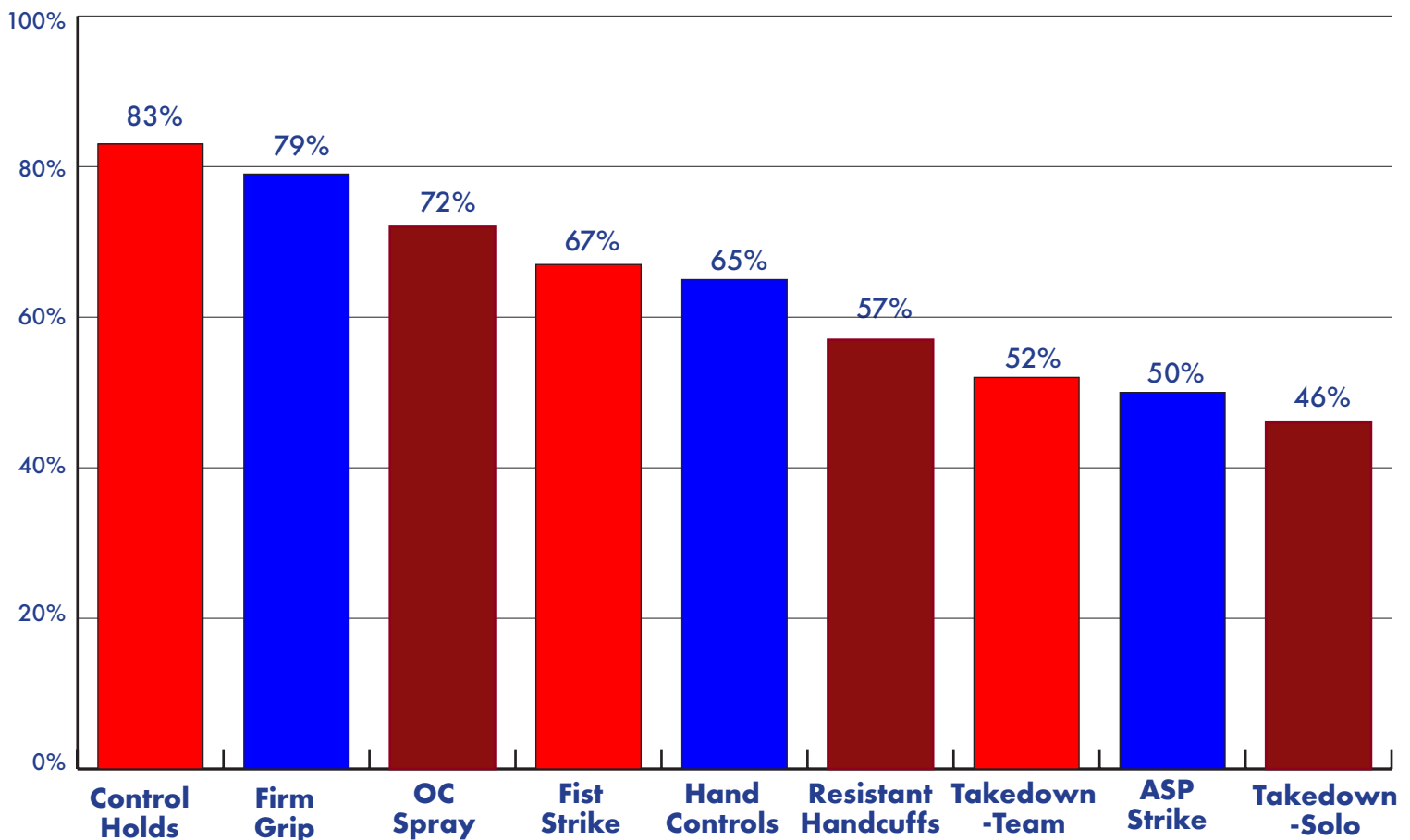
Officers reported receiving injuries in 11% of reported uses of force in FY17. Subject injuries were reported in 55% of uses of force reported in FY17.

Reporting the injury rate by type of force used is complicated by a few factors. First, the injury rate reported here is based on the highest level of force used by each officer, but this may not be the type of force that caused the injury. Second, when multiple officers use force in a given incident, all of the officers may list an injury to the subject even if the injury resulted from only one of the officer's use of force. Third, the subject injury rate is based on complaint of injury by the subject rather than by officer or medical observation. Any subject, therefore, could claim injury or complain of pain, and it would be recorded as an injury. Despite these concerns, OPC determined that it was relevant to present the reported rate of injuries sustained based on each type of force used.

The more physical uses of force – ASP strikes and tactical takedowns – resulted in lower ratios of reported subject injuries than lower level uses of force such as control holds and firm grips, as seen in Figure 9. ASP strikes resulted in subject injuries 50% of the time they were used, while solo and team tactical takedowns resulted in injuries 46% and 52% of the time they were used, respectively. Hand controls and resistant handcuffing resulted in reported injuries 65% and 57% of the time they were used, respectively, while control holds and firm grips resulted in reported injuries around 80% of the time they were used.

Fist strikes and OC spray are two higher levels of force that did result in reported injuries at a rate similar to the lower level uses of force described above. Fist strikes resulted in reported injuries 67% of the time they were used by officers, and OC spray resulted in reported injuries 72% of the time it was used.

Figure 9
Percent of Incidents Resulting in Subject Injury by Type of Force Used



USE OF FORCE FINDINGS

Use of Force by Time of Year, Time of Day

More use of force incidents occurred during the summer months than during the winter months in each fiscal year since FY13. In each fiscal year, between 42% and 48% of reported use of force incidents occurred in quarters one and two (October through March), while between 52% and 59% of reported use of force incidents occurred in quarters three and four (April through September).

Most reported use of force incidents also occurred at night. In each year since FY13, 12% to 13% of reported use of force incidents occurred in the morning (4 a.m. to 12 p.m.); between 37% and 43% occurred during the day (12 p.m. to 8 p.m.); and between 45% and 51% occurred at night (8 p.m. to 4 a.m.).

Ground and Lighting Conditions in Reported Use of Force Incidents

Ground and lighting conditions did not appear to affect whether officers sustained injuries while using force. Between 10% and 13% of reported uses of force resulted in officer injuries in both light and dark and in both dry and wet conditions.

Ground and lighting conditions did appear to affect whether subjects reported injuries following reported uses of force. Subjects complained of injuries or pain in 68% of reported uses of force in dark conditions, but only in 53% of reported uses of force in light conditions, as seen in Figure 10. Subjects complained of injuries or pain in 55% of reported uses of force in dry conditions, but only in 38% of reported uses of force in wet conditions, as seen in Figure 11. Only six percent of reported use of force incidents occurred in wet conditions.

Figure 10
Percent of Incidents Resulting in Subject Injury by Lighting Conditions

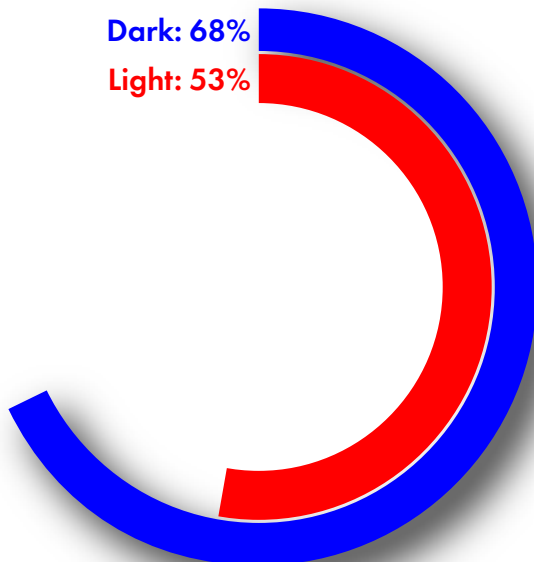
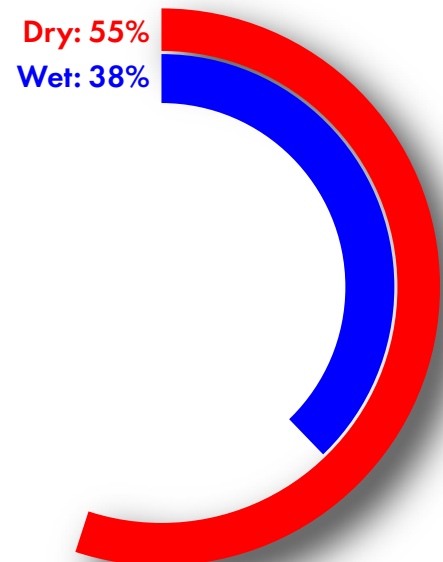


Figure 11
Percent of Incidents Resulting in Subject Injury by Ground Conditions



DEMOGRAPHICS

Demographics of Officers Using Force

A total of 1,074 MPD officers reported using force in FY17, with 501 (47%) of those officers using force in more than one incident. The demographics of officers who reported using force were similar in FY17 to the previous four years. White officers and black officers both accounted for between 42% and 48% of officers who reported using force each year since FY13, while Hispanic officers accounted for between six percent and nine percent of officers who reported using force each year since FY13. Between 86% and 90% of officers who reported using force each year since FY13 were male officers, while 10% to 14% were female officers, as seen in Figure 12.

The age of officers who reported using force has decreased since FY13. The percent of officers who reported using force who were younger than 35 years old increased from 51% in FY13 to 58% in FY17, while the percent of officers who reported using force who were 35 to 54 years old decreased from 48% in FY13 to 41% in FY17. The percent of officers who reported using force per year who were 55 years old or older has been

approximately one to two percent since FY13.

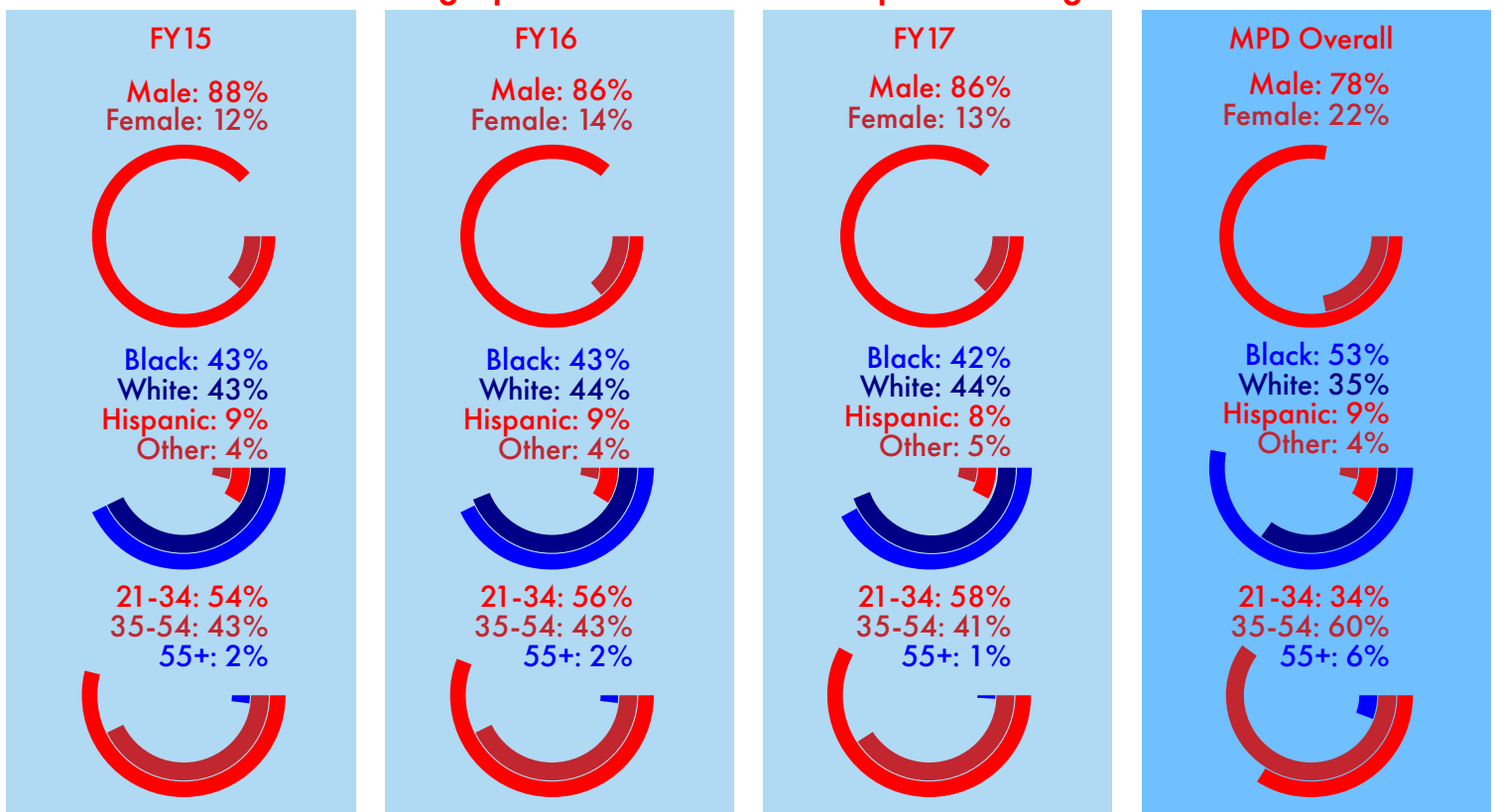
Compared to the department overall, white officers, male officers, and younger officers reported using force in a proportionately higher number of incidents:

- 35% of MPD's officers are white, but white officers accounted for 43% to 48% of officers who reported using force per year;
- 78% of MPD's officers are male, but male officers accounted for 86% to 90% of officers who reported using force per year; and
- 34% of MPD's officers are under 35 years of age, but officers under 35 years of age accounted for 49% to 58% of officers who reported using force per year.

Black officers and female officers used force in a proportionately lower number of incidents:

- 53% of MPD's officers are black, but black officers accounted for 42% to 46% of officers using force per year; and
- 22% of MPD officers are female, but female officers accounted for less than 15% of officers using force per year.

Figure 12
Demographics of Officers Who Reported Using Force



DEMOGRAPHICS

Demographics of Subjects of Force

The demographics of the subjects of force were similar in FY17 to the previous four years. Black community members were the subjects of 89% to 93% of MPD reported uses of force per year since FY13, while white community members were the subjects of four percent to seven percent of reported uses of force per year and Hispanic community members were the subjects of three percent to six percent of reported uses of force per year. Males were the subjects of 80% to 90% of reported uses of force since FY13, while females were the subjects of less than 20% of MPD reported uses of force per year.

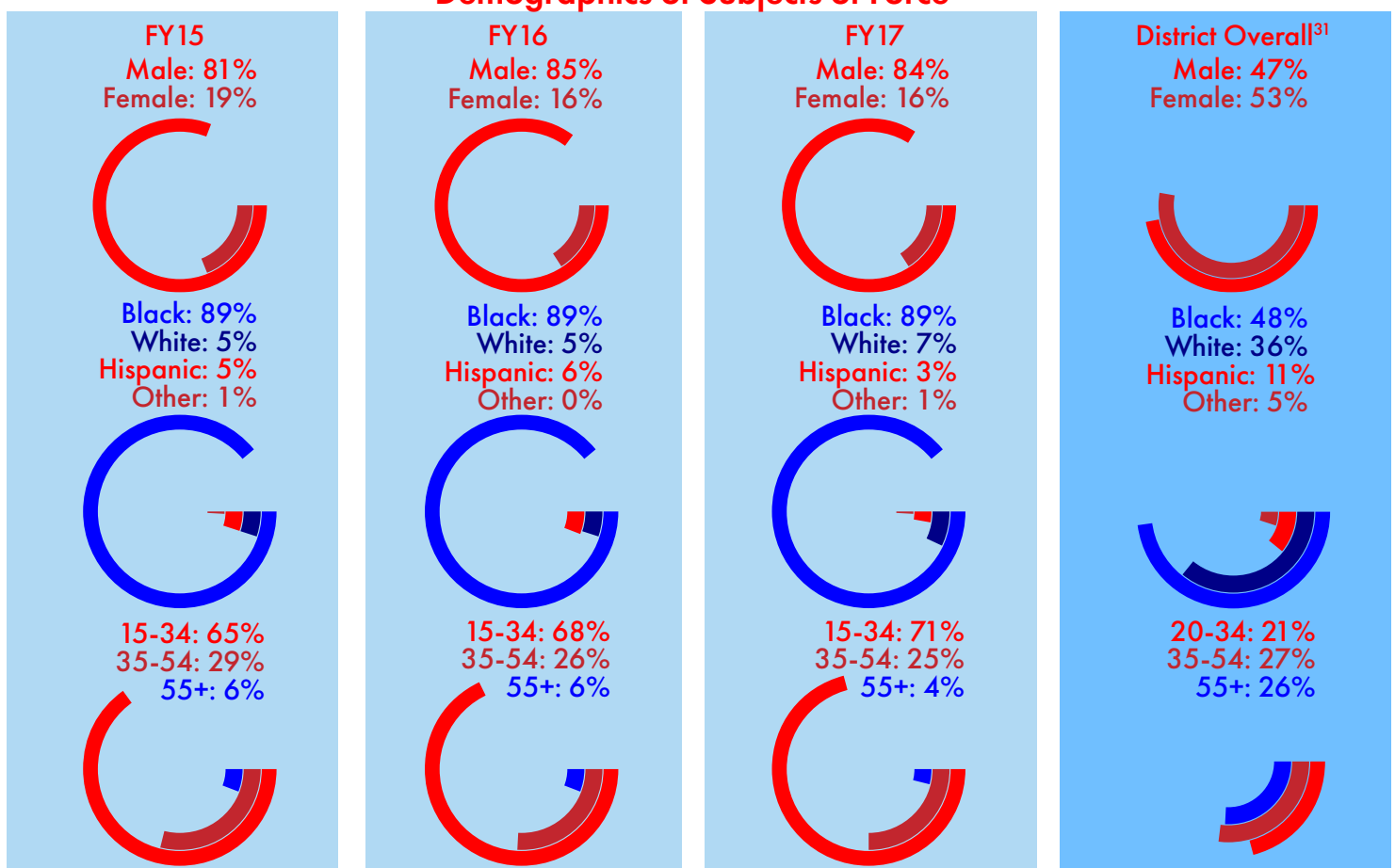
Younger community members were more likely to be the subjects of reported uses of force, with 60% to 71% of incidents per year involving subjects less than 35 years old since FY13. Subjects 35 to 54 years old were the subjects of 25% to 31% of reported use of force incidents per year since FY13, while subjects 55 years old and older

were the subjects of less than 10% of reported uses of force per year since FY13, as seen in Figure 13.

Compared to overall District demographics, black community members, male community members, and younger community members were the subjects of reported uses of force in a proportionately higher number of incidents:

- 48% of District residents are black, but black community members were the subjects of approximately 90% of all reported uses of force since FY13;
- 47% of District residents are male, but males were the subjects of 80% to 90% of reported uses of force per year since FY13; and
- 21% of District residents are 15 to 34 years old, but community members in this age range were the subjects of 60% to 71% of reported uses of force per year since FY13.

Figure 13
Demographics of Subjects of Force



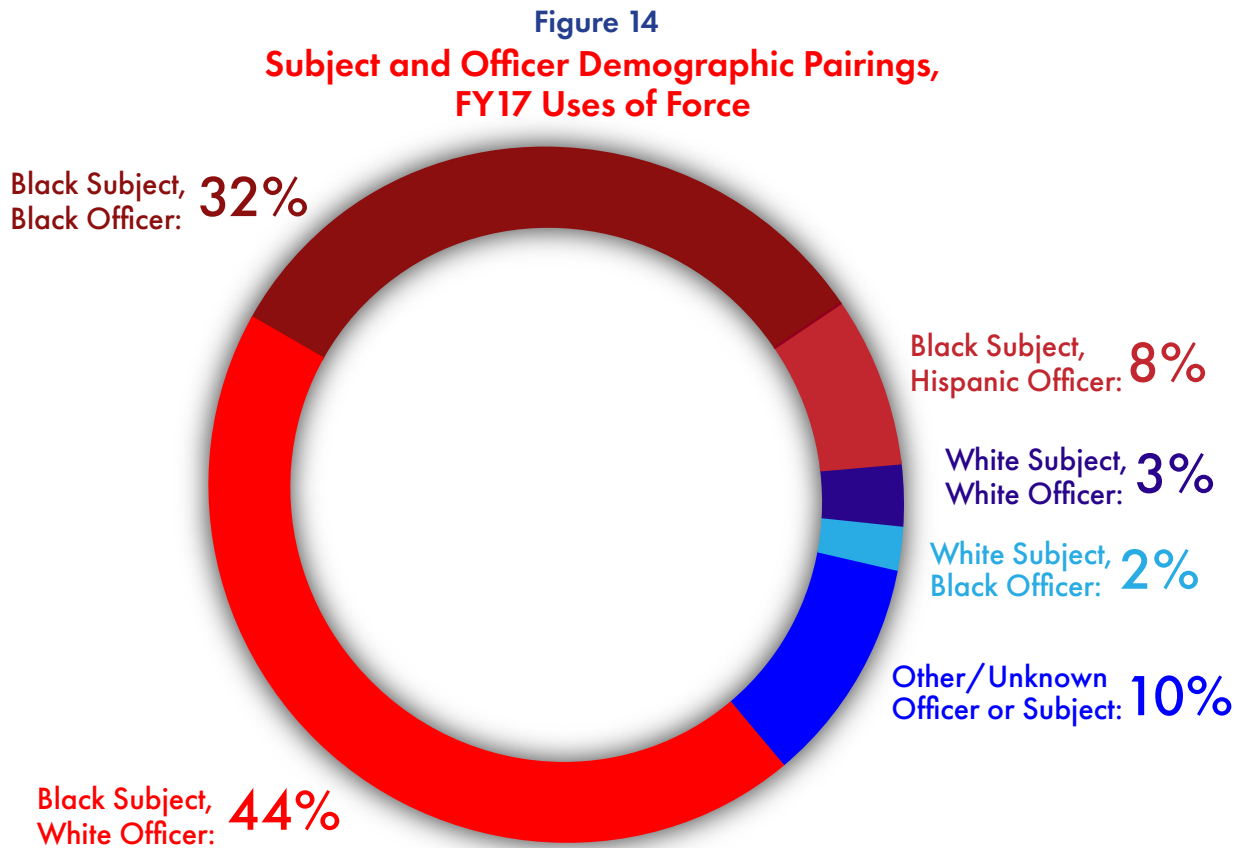
31: Overall District statistics are based on 2015 and 2016 Census projections. For more information see: https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml and <https://www.census.gov/quickfacts/DC>.

DEMOGRAPHICS

Officer and Subject Demographic Pairings

The most frequent officer-subject pairings were white officers using force on black subjects, which accounted for 44% of the uses of force in FY17. Black officers using force on black subjects accounted for 32% of the uses of force in FY17, while Hispanic officers using force on black subjects accounted for eight percent of uses of force in FY17, as seen in Figure 14.

White officers used force on white subjects in three percent of the uses of force in FY17; and black officers used force on white subjects in two percent of uses of force in FY17.



DEMOGRAPHICS

Rank and Years of Service of Officers Using Force

MPD officers are promoted through a series of 12 ranks. The ranks officers can achieve, in ascending order of seniority, are: probationer, officer, master patrol officer, detective 2, detective 1, sergeant, lieutenant, captain, inspector, commander, assistant chief, and chief.

MPD officers of lower rank and with fewer years of service reported using force more than officers of higher rank and with more years of experience over the last five years. Probationers and officers made up 66% of MPD's sworn personnel, but accounted for 88% of the officers who reported using force in FY17, as seen in Figure 15. Probationers increased from zero percent of officers who reported using force in FY13 to 11% in FY17, while officers accounted for 69% to 82% of officers who reported using force each year since FY13. Sergeants decreased from 11% of the MPD officers who reported using force in FY13 to 7% in FY17. Master patrol officers, lieutenants, and commanders each accounted for three percent or less of officers reporting using force per year since FY13.

Similarly, only 37% of MPD's police force had five years of service or less with the department, but these officers accounted for 55% of officers who reported using force in FY17. Almost one quarter of MPD personnel had 20 years of service or more with the department, but these officers accounted for only nine percent of officers who reported using force in FY17.

Officers Using Force On Duty, In Uniform

Ninety-seven percent of officers who reported using force did so while they were on duty, with only one percent of officers reporting using force while not on duty. Two percent of officers who completed use of force reports did not indicate whether they were on or off duty during the use of force incident.

Similarly, 96% of officers who reported using force in FY17 did so while in full uniform. One percent of officers who reported using force did so in plain clothes, while three percent of officers who completed use of force reports did not indicate whether they were in uniform or not during the use of force incident.

Percent of Officers On-Duty
When Force was Used in FY17: **97%**

Percent of officers in Uniform
When Force was Used in FY17: **96%**

Figure 15
Rank of MPD Officers Who Reported Using Force

District	2013	2014	2015	2016	2017	MPD Overall
Probationer	0%	1%	2%	14%	11%	6%
Officer	72%	77%	82%	69%	77%	64%
Master Officer	2%	2%	2%	1%	1%	1%
Detective	7%	4%	2%	9%	1%	8%
Sergeant	11%	12%	8%	6%	7%	10%
Lieutenant	3%	3%	1%	1%	1%	3%

SERIOUS USE OF FORCE INCIDENTS

Use of Force Review Board

MPD maintains a Use of Force Review Board (UFRB), which has existed in its current form since 1999. The purpose of the UFRB is to review all use of force investigations conducted by the Internal Affairs Division (IAD);³² all firearm discharges at subjects, including animals; all vehicle pursuits resulting in a fatality; and any other chain of command investigations forwarded to the UFRB by the assistant chief or the Internal Affairs Bureau (IAB).³³

MPD's UFRB General Order requires that the UFRB be composed of seven MPD officials – including an assistant chief, five commanding officials of various departments, and one commander or inspector – and two non-MPD members – the executive director of OPC, and one member from the Fraternal Order of Police; only the seven MPD members have voting power.

The UFRB categorizes its reviews into three types of cases: serious uses of force, allegations of excessive force, and vehicle pursuits. In reviewing use of force investigations, the UFRB has two primary considerations: (1) was the use of force justified or not justified, and (2) was the use of force compliant with department policy, not compliant with department policy, or a tactical improvement opportunity. For allegations of excessive

force or other misconduct, the UFRB determines whether the allegations are unfounded, sustained, exonerated, or whether there were insufficient facts to make a determination. For vehicle pursuits, the UFRB determines whether the pursuit was justified or not justified.³⁴ The definitions for these disposition types are listed below.

The General Order establishing the UFRB mandates that the UFRB review certain types of force and vehicular pursuits, as described above. Most excessive force investigations are initiated by a complaint, though some are identified by officers' supervisors.

For each decision, the Internal Affairs Division (IAD) investigator provides a recommended disposition, but the UFRB ultimately makes the final determination through a majority vote of the members. When the UFRB determines that the actions of an officer or officers did violate MPD policy, the case is referred to the director of the MPD Disciplinary Review Division, who then recommends the appropriate discipline to impose.

Beyond reviewing individual cases, the UFRB may also make recommendations to the chief of police regarding use of force protocols, use of force investigation standards, and other policy and procedure revisions.

Use of Force Determinations

Justified, Within Departmental Policy – A use of force is determined to be justified, and during the course of the incident the subject member did not violate an MPD policy.

Justified, Policy Violation – A use of force is determined to be justified, but during the course of the incident the subject member violated an MPD policy.

Justified, Tactical Improvement Opportunity – A use of force is determined to be justified; during the course of the incident no MPD policy violations occurred; and the investigation revealed tactical error(s) that could be addressed through non-disciplinary and tactical improvement endeavor(s).

Not Justified, Not Within Departmental Policy – A use of force is determined to be not justified, and during the course of the incident the subject member violated an MPD policy.

32: The IAD is a sub-unit of the IAB, and is responsible for handling complaints against MPD personnel and investigating lethal and non-lethal uses of force. The IAB also contains the Court Liaison Division and the Equal Employment Opportunity Investigations Division. For more information see: <https://mpdc.dc.gov/page/internal-affairs-bureau>.

33: Metropolitan Police Department General Order RAR-901-09: "Use of Force Review Board." Metropolitan Police Department; 30 March 2016. Available: https://go.mpdconline.com/GO/GO_901_09.pdf.

34: The UFRB did not review any vehicular pursuit cases in FY17.

SERIOUS USE OF FORCE INCIDENTS

MPD UFRB FY17 Dispositions

The UFRB convened 19 times in FY17, and issued 117 determinations in 47 cases involving a total of 90 different officers.³⁵ Of the 117 determinations:

- 98 (84%) were regarding uses of force;
- 16 (14%) were regarding allegations of excessive force;
- One concerned a suicide that occurred while the subject was in custody, for which the disposition was “closed;” and
- Two were for policy violations, both of which were sustained.

Of the 98 use of force determinations, 89% were considered justified uses of force and within department policy, while seven percent were considered justified but tactical improvement opportunities, as seen in Figure 16. The UFRB determined that officers’ actions in four of

the 98 uses of force (four percent) were not justified and not within departmental policy.

Of the 16 excessive force determinations, one (six percent) was sustained, while 12 (75%) were considered unfounded. Three (19%) of the excessive force determinations were deemed to have insufficient facts to determine whether there was misconduct, as seen in Figure 17.

The UFRB concurred with the recommendations of the IAD investigator in 91% of the 117 determinations. In seven percent of cases, the UFRB did not concur with the IAD’s recommendations. For two decisions, the UFRB changed the allegations from those recommended by the investigator, and in one case the UFRB added an allegation of excessive force to the allegations proposed by the investigator, and the UFRB sustained the added allegation.

Figure 16

FY17 UFRB Use of Force Determinations

Justified, Within Departmental Guidelines: 89%

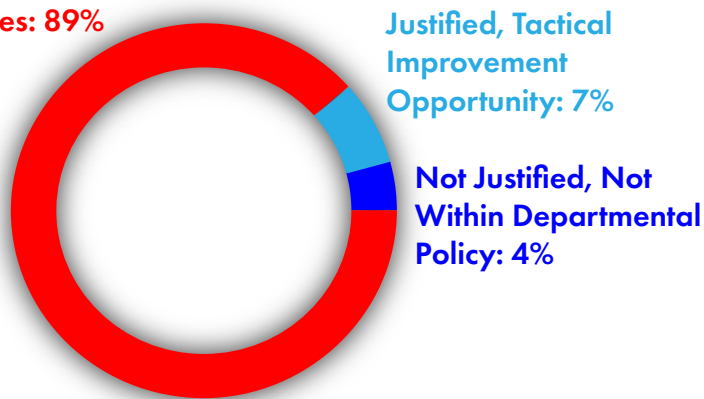
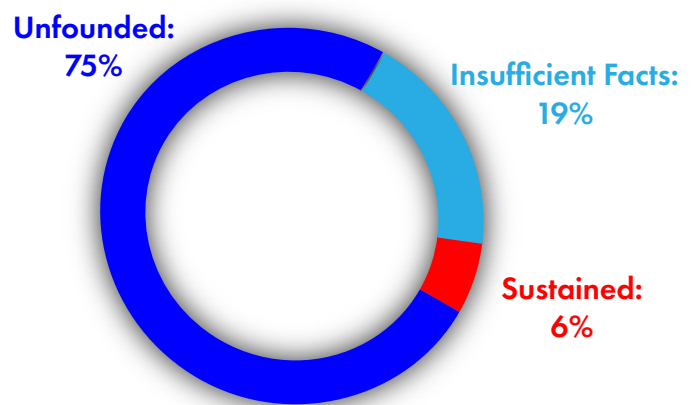


Figure 17

FY17 UFRB Excessive Force Determinations

Unfounded: 75%



Excessive Force Determinations

Unfounded – The investigation determined there are no facts to support the assertion that the incident complained of actually occurred.

Sustained – The investigation determined that the allegation is supported by a preponderance of the evidence to determine that the incident occurred and the actions of the member were improper.

Insufficient Facts – The investigation determined there are insufficient facts to decide whether the alleged misconduct occurred.

Exonerated – The investigation determined that a preponderance of the evidence showed that the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

35: Three of the decisions concerned actions on Inauguration Day, and specified many officers or entire platoons of officers. The officers involved in those incidents are not included in the 90 officers indicated here.

OFFICER-INVOLVED FIREARM DISCHARGES

Overview

The highest level of force that officers can use is discharging their firearm. Between 12 and 28 MPD officers discharged their firearms at people in 10 to 15 incidents per fiscal year since FY13. In FY13, it was reported that 18 MPD officers intentionally discharged firearms at people in 15 incidents, as seen in Figures 18 and 19. This decreased to 12 officers in 10 incidents in FY17, the lowest number of incidents and officers who

reported discharging firearms in the FY13 through FY17 time period.

In FY17, MPD officers discharged firearms at 10 people. Of the 10 people, three were fatally injured, five received non-fatal injuries, and officers failed to impact the target subjects in two incidents.

Figure 18

Number of Incidents in which Officers Discharged Firearms at People Per Fiscal Year

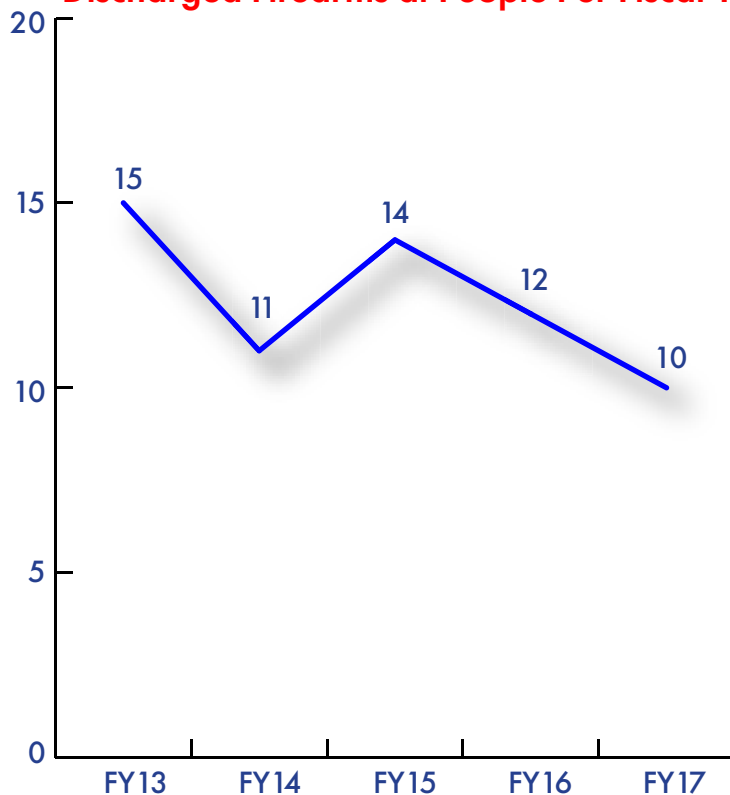
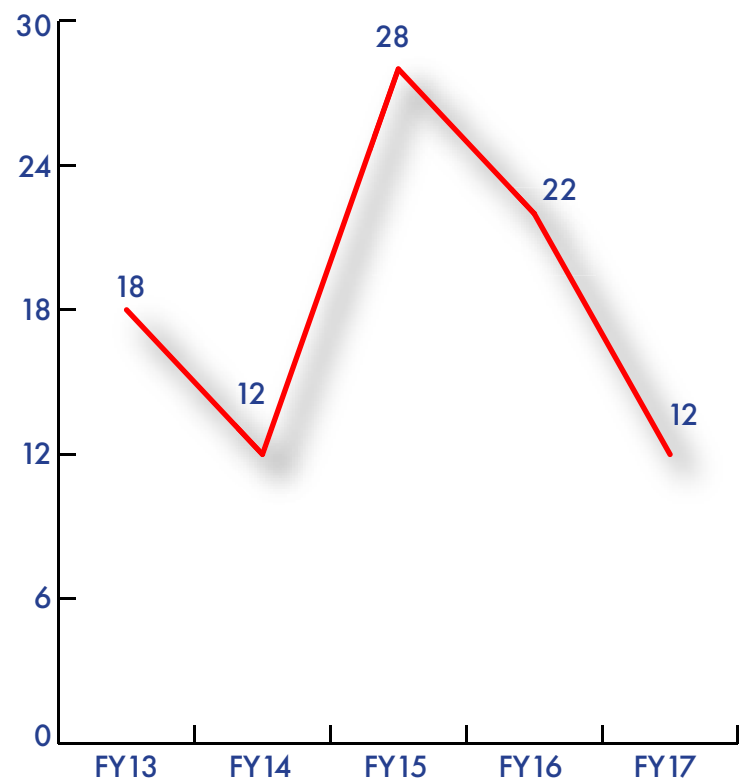


Figure 19

Number of Officers Discharging Firearms At People Per Fiscal Year



OFFICER-INVOLVED FIREARM DISCHARGES

Fatal Officer-Involved Firearm Discharges in FY17

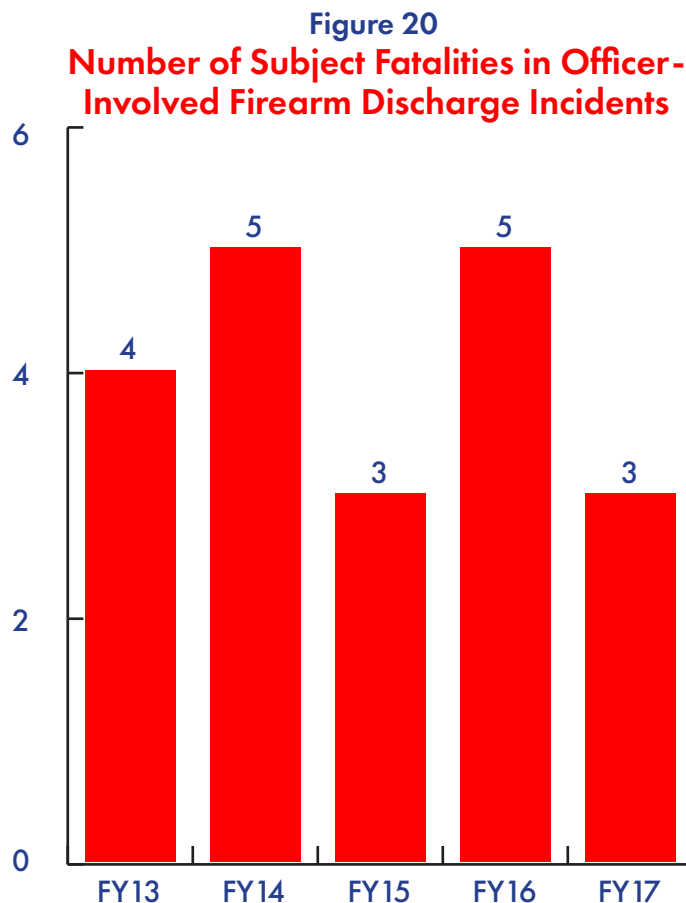
MPD officer-involved firearm discharges resulted in three to five reported fatalities each year in FY13 through FY17. In FY17, three people died as a result of officer-involved firearm discharges, as seen in Figure 20. In one of the reported incidents the subject was armed with a knife. In another, the subject discharged a firearm at officers. In the final reported incident, the subject pointed a firearm at officers. Two of the subjects were males, while one was a female. All were between 27 and 30 years old.

One other person died while in MPD custody in FY17. The person hanged themselves while in custody in an MPD district station cell block.

Non-Fatal Officer-Involved Firearm Discharges in FY17

Between four and six people were injured in officer-involved firearm discharge incidents per year between FY13 and FY17. Five people were injured in officer-involved shooting incidents in FY17. Four of these subjects were reportedly armed with firearms when officers discharged their firearms, while one was armed with a BB gun. In total, nine of the 10 people MPD officers discharged firearms at in FY17 were reported as armed.

MPD officers also discharged their firearms and missed the subjects in two incidents in FY17. The number of incidents in which officers discharged their firearms but failed to impact the target subjects fluctuated between two and five incidents per fiscal year from FY13 through FY17.



OFFICER INVOLVED FIREARM DISCHARGES

Subject Behavior in Officer-Involved Firearm Discharge or Firearm Pointed Incidents

MPD officers report the level of subject behavior in five categories: compliant; passive resistance; active resistance; assaultive and threatening physical injury; and assaultive and threatening serious physical injury or death (see page 9 for definitions and further description of these categories).

MPD officers discharged their service weapons at human or animal subjects in 15 incidents in FY17 (10 involved human subjects, five involved animal subjects). OPC received UFIRs for 11 of these 15 incidents.³⁶ Of these 11 incidents in which officers discharged their firearms, the subject was reported to be actively resistant in one incident, assaultive and threatening physical injury in two incidents, and assaultive and threatening serious injury or death in the other seven incidents. In one incident the officer did not indicate the level of subject behavior.

Officers reported pointing their firearms at subjects 181 times in FY17. Of these 181 reported uses of force, the subject was compliant in 24% of the incidents;³⁷ passively resistant in 29% of the incidents; actively resistant in 40% of the incidents; assaultive and threatening physical injury in two percent of the incidents; and assaultive and threatening serious physical injury or death in one percent of the incidents, as seen in Figure 21.

Of the 181 times an officer reported pointing their firearm at a subject in FY17, the subject was armed with some type of weapon in 42% of the incidents. The subject was armed with a firearm in 22% of the incidents, a knife in 10% of the incidents, a BB gun in three percent of the incidents, a blunt weapon in four percent of the incidents, and with other objects (including a paintball gun, a mailbox, and swords) in three percent of the incidents, as seen in Figure 22.

Figure 21

Subject Behavior when Officers Pointed Firearms at Subjects in FY17

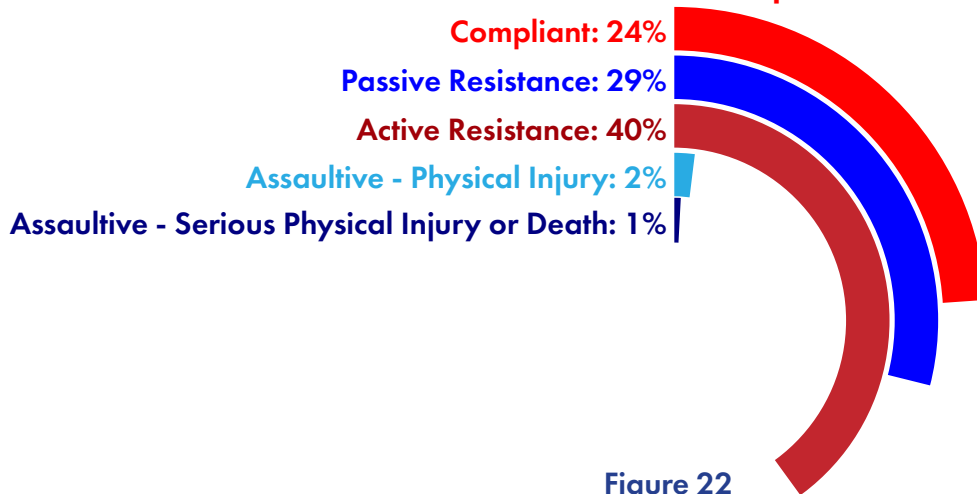
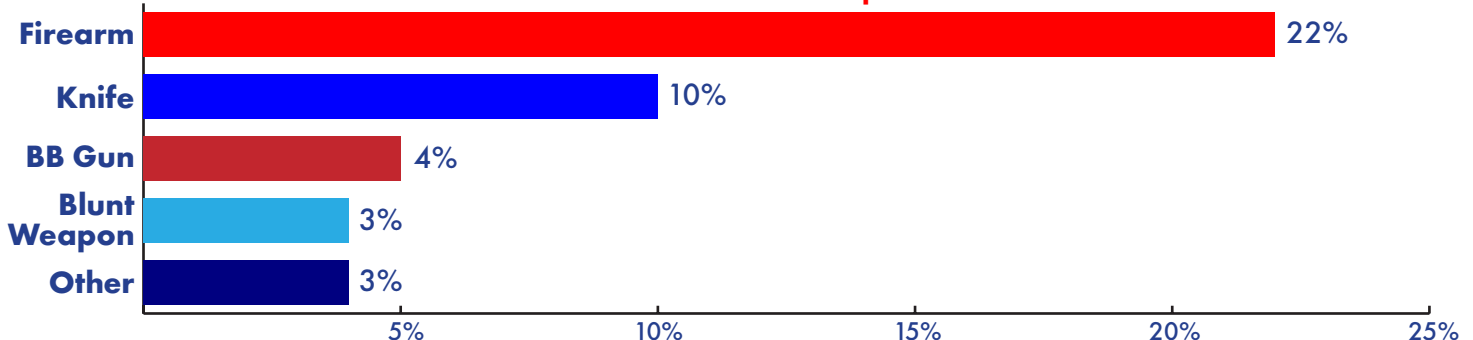


Figure 22

Subject Weapon when Officers Pointed Firearms at Subjects in FY17



36: MPD did not provide UFIRs or RIFs for cases that were still under investigation.

37: There were 43 incidents in which officers pointed firearms at compliant subjects. These were typically cases in which the subject was armed or the officer suspected that the subject was armed.

OFFICER INVOLVED FIREARM DISCHARGES

Summary of Officer-Involved Firearm Discharge Incidents in FY17

The following are brief summaries of the 10 reported incidents of officer-involved firearm discharges at people in FY17:³⁸

- On **October 14, 2016**, officers from MPD's Gun Recovery Unit responded to the sound of gunshots near the 700 block of Xenia Street Southeast. Officers approached a suspect they believed to be armed. The subject ran away from the officers and drew a firearm from his waistband as he did so. Officers ordered the subject to drop the firearm, but the subject refused. As the subject continued to flee he turned and pointed his firearm at officers three times. Each time the subject pointed his firearm at officers, an officer discharged his firearm at the subject. After the officer discharged his firearm for the third time, the subject threw his firearm to the ground, fled a few feet, and collapsed at the base of a fence. The subject was treated for non-fatal gunshot wounds. The use of force was considered justified and within departmental guidelines by the UFRB.
- On **December 25, 2016**, an officer responded to a report of a man with a knife in the 3200 block of Walnut Street Northeast. When the officer arrived, he encountered a man with a knife. The man walked toward the officer while pointing the knife at the officer. The officer felt threatened and discharged his service weapon four times. The subject died as a result of the gunshot wounds. The UFRB had not yet reached a decision on this case at the end of the fiscal year.
- On **January 18, 2017**, an off-duty officer began following an allegedly erratic driver. After pulling into the 1900 block of 3rd Street Northeast, the driver of the vehicle discharged numerous rounds from a firearm at the off-duty officer. The officer left the area and met with on-duty officers, and a lookout was broadcast for the subject's vehicle. Later, two on-duty officers located the subject's vehicle and followed it into an alley near North Capitol and W Streets Northwest. As the officers approached the vehicle, the vehicle was placed in reverse.

One of the officers discharged their firearm multiple times at the vehicle. The driver of the vehicle fled the alley in the vehicle, but was later apprehended after striking two parked vehicles and immobilizing the vehicle he was driving. Neither of the subjects in the vehicle received injuries from the officer's firearm discharge. The use of force was considered not justified and not within departmental guidelines by the UFRB.

- On **February 7, 2017**, officers responded to reports of an armed robbery near the 1900 block of 14th Street Southeast. Officers observed a subject matching the suspect's description, and began chasing the subject on foot. As the subject was fleeing, officers observed a firearm in his hand. Officers repeatedly commanded the subject to drop the firearm. The subject did not drop the firearm, but turned his body toward the officers with his gun in his hand. Two officers then discharged their firearms at the subject, striking him. The subject was treated for non-fatal gunshot wounds. The use of force was considered justified and within departmental guidelines by the UFRB.
- On **February 23, 2017**, officers were involved in a firearm discharge incident in the 1400 block of Morse Street Northeast. Further information was not available as MPD was still investigating this case at the end of the fiscal year.
- On **March 22, 2017**, officers were on a lookout for a man with a gun in the 4300 block of Barnaby Road Southeast. Officers were flagged down for assistance and, upon entering the indicated building, observed a man matching the description of the reported man with a gun. Officers told the subject to show his right hand, which was concealed. The subject raised his right hand, which was holding a firearm, and pointed it in the direction of the officers. One officer then discharged his firearm at the subject five times, striking the subject in the torso. The subject was treated for non-fatal gunshot wounds. The use of force was considered justified and within departmental guidelines by the UFRB.

38: The summaries are based on UFIRs provided by MPD and narrative summary reports.

OFFICER INVOLVED FIREARM DISCHARGES

- On **May 16, 2017**, officers responded to a report of a woman with a gun in the 100 block of Joliet Street Southwest. Upon arrival, the officers observed a female on her knees and holding a firearm. The officers told the woman to drop the firearm. The subject refused and began pointing the firearm at the officers. The officers discharged their firearms at the subject, striking her. The subject was transported to the hospital, where she was pronounced deceased. The UFRB had not yet reached a decision on this case at the end of the fiscal year.
- On **July 5, 2017**, officers were involved in a firearm discharge incident in the 700 block of Park Road Northwest. Further information was not available as MPD was still investigating this case at the end of the fiscal year.
- On **August 4, 2017**, officers responded to a report of a burglary in the 2500 block of Southern Avenue Southeast. Upon arrival, the officers were approached by a subject who ran toward the officers armed with a knife. The officers ordered the subject to stop and drop the knife, but the subject did not comply. One officer discharged their firearm at the subject multiple times, but the subject was not struck. The UFRB had not yet reached a decision on this case at the end of the fiscal year.
- On **August 14, 2017**, officers were involved in a firearm discharge incident in the 2600 block of Naylor Road Southeast. Further information was not available as MPD was still investigating this case at the end of the fiscal year.

OFFICER-INVOLVED FIREARM DISCHARGES

Officer-Involved Firearm Discharges at Animals

Officers discharged firearms at dogs in five incidents in FY17. In two of these incidents officers impacted the dog; in the other incidents either officers discharged their firearms but failed to impact the dog, or the dog fled and officers could not determine if the dog was struck.

In one of the incidents in which the dog was struck, the dog died; in the other incident it is not clear from MPD's data if the dog died. In calendar years 2011 through 2015, MPD reported that officers discharged their weapons at animals in six to 18 incidents per year.³⁹

39: "Metropolitan Police Department Annual Report 2015." Metropolitan Police Department; 2 August 2016. Available: <https://mpdc.dc.gov/publication/mpd-annual-report-2015>.

COMPARISON TO OTHER JURISDICTIONS

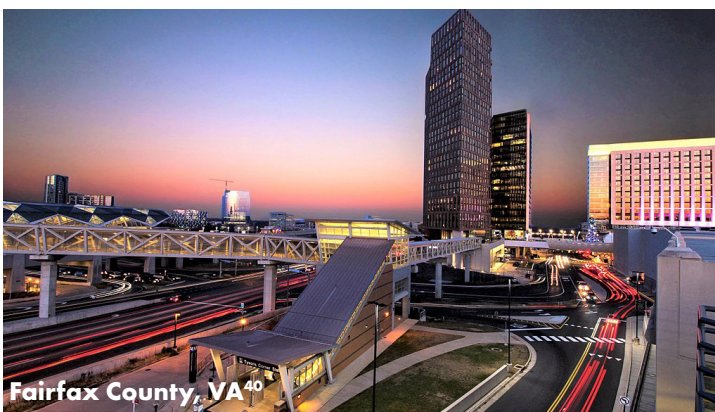
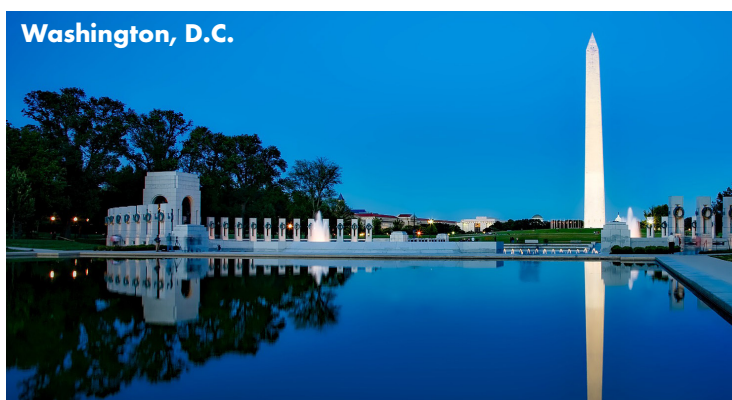
MPD in Comparison

Caution must be exercised when reviewing comparison data on use of force. Comparing use of force levels to other jurisdictions is complicated by a number of factors. The types of issues officers face varies from department to department and city to city. The definition of force and the types of force that require reporting may vary from department to department as well. This data is provided as a point of reference and is not intended as a tool to make determinations of the success or failure of a police department's use of force.

The departments compared here were highlighted for various reasons. San Francisco and Dallas represent

major metropolitan areas, similar to the District, while Dallas is the closest police force in the country in terms of the number of sworn officers. Fairfax County is a large department close to the District geographically. Milwaukee is similar in population, geographic size, and demographic composition to the District.

According to the data MPD provided, MPD reported approximately 262 use of force incidents for every 1,000 officers and 27 use of force incidents for every 1,000 arrests, fewer than the other jurisdictions reviewed here. MPD also reported 1.5 use of force incidents for every 1,000 D.C. residents, which is comparable to the other jurisdictions reviewed, as seen in Figure 23 on page 30.



40: "Skyline of Tysons Corner at Sunset," by [Grayscapturedmoments](https://en.wikipedia.org/wiki/Tysons_Corner_Sunset.jpg); 3 December 2017. Licensed under CC BY-SA 4.0. Available: https://en.wikipedia.org/wiki/Tysons_Corner_Sunset.jpg. All other photos licensed under Creative Commons CC0.

COMPARISON TO OTHER JURISDICTIONS

Figure 23
Reported Use of Force Incident Comparison

	Use of Force Incidents per 1,000 Officers	Use of Force Incidents per 1,000 Residents	Use of Force Incidents per 1,000 Arrests
D.C. MPD⁴¹ Use of Force Incidents: 991 Sworn Officers: 3,789 Population: 670,377 Arrests: 36,298	262	1.5	27 (1 use of force for every 37 arrests)
Dallas, TX PD⁴² Use of Force Incidents: 1,856 Sworn Officers: 3,640 Population: 1,093,815 Arrests: 49,084	510	1.7	38 (1 use of force for every 26 arrests)
San Francisco, CA PD⁴³ Use of Force Incidents: 1,407 Sworn Officers: 2,236 Population: 837,442 Arrests: 21,869	629	1.7	64 (1 use of force for every 16 arrests)
Fairfax County, VA PD^{44,45} Use of Force Incidents: 1,668 Sworn Officers: 1,385 Population: 1,111,620 Arrests: 53,269	1204	1.5	31 (1 use of force for every 32 arrests)
Milwaukee, WI PD⁴⁶ Use of Force Incidents: 705 Sworn Officers: 1,900 Population: 599,413 Arrests: 23,061	371	1.2	31 (1 use of force for every 32 arrests)

41: "Metropolitan Police Department Annual Report 2015." Metropolitan Police Department; 2 August 2016. Available: <https://mpdc.dc.gov/publication/mpd-annual-report-2015>.

42: "Dallas Police Department Response to Resistance 2016 Annual Report." Dallas Police Department. Available: <http://www.dallaspolice.net/reports/Shared%20Documents/Use-of-Force-Report.pdf>.

43: "Executive Summary, Use of Force and Arrest Report – January 1, 2016 – March 31, 2016 (First Quarter)." San Francisco Police Department. Available: <http://sanfranciscopolice.org/2016-admin-code-96a-reports>.

44: "Use of Force Policy and Practice Review of the Fairfax County Police Department, Final Report." Police Executive Research Forum; June 2015. Available: <http://www.fairfaxcounty.gov/policecommission/materials/fairfax-county-police-dept-final-report-june19.pdf>.

45: "Fairfax County Police Department Statistical Report, Calendar Years 2013 & 2014." Fairfax County Police Department; March 2015. Available <http://www.fairfaxcounty.gov/police/crime/statistics/2013/2013-2014arrestcitationsstatisticalreport.pdf>.

46: Brandl, Steven G. "An Analysis of 2015 Use of Force Incidents in the Milwaukee Police Department." Milwaukee Fire and Police Commission; 20 April 2016. Available: http://www.city.milwaukee.gov/ImageLibrary/Groups/cityFPC/agendas5/160421_IV_A.pdf.

USE OF FORCE BY DISTRICT

Overview

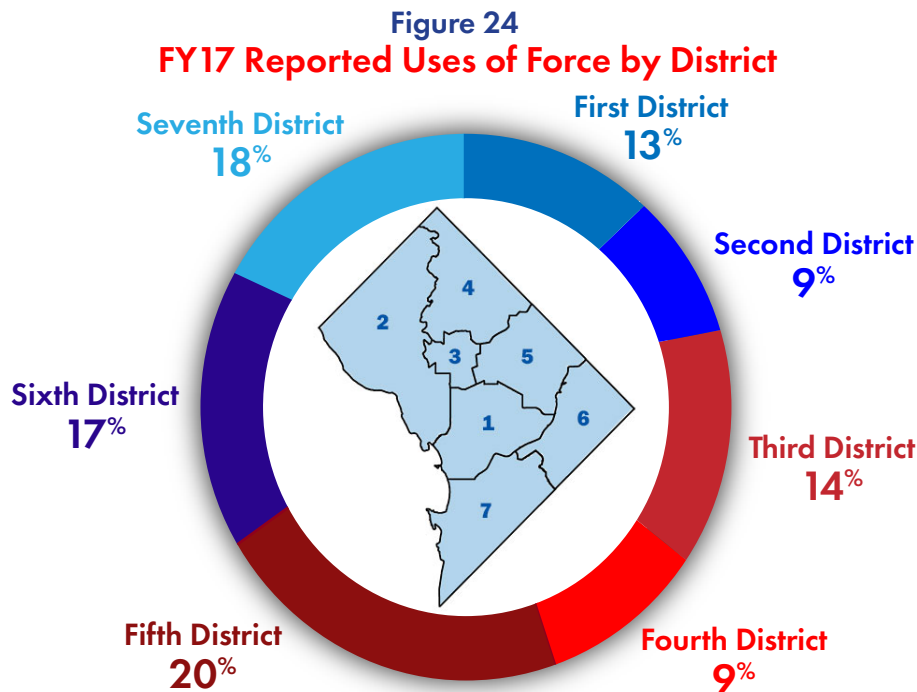
MPD divides the District into seven service districts, and has a number of special divisions including the Harbor Patrol and Violent Crimes Unit. The Fifth, Sixth, and Seventh Districts have had the greatest portion of reported use of force incidents per year in FY13 through FY17, as seen in Figure 24. The Fifth District includes neighborhoods such as Brookland, Ivy City, Trinidad, and Woodbridge; the Sixth District covers the northeast half of the District that is east of the Anacostia and Potomac rivers; and the Seventh District covers the southeast half of the city east of the Anacostia and Potomac rivers.

The Fifth District accounted for approximately 20% of all reported use of force incidents per year in FY13 through FY17. Reported use of force incidents in the Sixth District decreased from approximately 20% in FY13 through FY15 to 17% in FY16 and FY17. The Seventh

District accounted for 16% to 18% of reported use of force incidents per year since FY13.

Reported use of force incidents in the First District, meanwhile, increased from 14% in FY13 to 18% in FY16, but decreased to 13% in FY17. The First District covers the central part of the city, including downtown, Chinatown, Navy Yard, and Capitol Hill.

The Second and Fourth Districts have had the fewest reported use of force incidents each year since FY13, with 6% to 11% of incidents each per year. The Second District covers the northwest section of the city, including neighborhoods such as Chevy Chase, Cleveland Park, Georgetown, and Foggy Bottom. The Fourth District covers the upper northwest portion of the District, including the Fort Totten, Takoma, and Petworth neighborhoods.



	District 1	District 2	District 3	District 4	District 5	District 6	District 7
2013	14%	6%	12%	9%	22%	20%	17%
2014	13%	11%	11%	8%	19%	21%	18%
2015	16%	8%	10%	11%	19%	21%	16%
2016	18%	7%	11%	9%	21%	17%	16%
2017	13%	9%	14%	9%	20%	17%	18%

RECOMMENDATIONS

Recommendations Overview

MPD was responsive and accommodating throughout the process of compiling data for this report. Despite MPD's best efforts, however, the data provided was deficient in a number of ways. OPC's review and analysis of MPD's use of force data for this inaugural report leads to eight recommendations that will provide MPD with improved, standardized data collection and allow for better, more complete analysis of data, policies, procedures, and training.

1. MPD should create a single use of force General Order that combines all existing guidance into one document.

MPD has various teletypes, instructions, special orders, and general orders defining use of force and how to report use of force. These numerous sources of guidance create confusion and a lack of clarity in reporting.

Currently, MPD has General Order RAR-901.07, "Use of Force"⁴⁷ that defines reportable uses of force as:

- Deadly force;
- Serious use of force (firearm discharges, head strikes, force resulting in injury, etc.);
- Use of a less-lethal weapon;
- Any force indicating potential criminal conduct by the officer, and
- Any use of force resulting in injury or complaint of pain to the subject.

Under this General Order, force not resulting in injury would not require reporting, unless it was one of the special types of force listed above.

In addition, MPD also has Special Order SO-10-14, "Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f),"⁴⁸ which states that officers shall complete a UFIR "immediately following all use of force incidents except for cooperative controls."

Although the Special Order does not define "use of force incidents," the generality of the phrase implies a more general definition than what is defined in the General Order. Special Order SO-06-06, "Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h),"⁴⁹ also governs use of force reporting. The confusion these multiple orders creates among officers is apparent in the fact that officers regularly do report on more types of use of force incidents than what is defined in the General Order, indicating that at least some officers are following the instructions in SO-10-14, and understand it to apply to all use of force incidents that are not specifically exempt from reporting requirements. These different and contradictory definitions of reportable force create a lack of clarity in what must be reported. Combining the guidance into one clear, concise document will eliminate this confusion.

2. MPD should eliminate the Reportable Incident Form (901-g).

MPD uses two forms for use of force reporting: the UFIR (form 901-e) and the RIF (form 901-g). The use of multiple forms creates data inconsistencies and confusion for officers. The MPD General Order RAR-901.07 "Use of Force"⁴⁷ only allows officers to complete a RIF instead of a UFIR in two specific situations:

- (1) When an officer points their firearm at a subject and there is no other use of force and no injuries to the subject; and
- (2) When an officer or officers use a tactical takedown, there is no other use of force, and there are no injuries to the subject.

47: Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 1 December 2016. Available: https://go.mpdconline.com/GO/GO_901_07.pdf.

48: Metropolitan Police Department Special Order SO-10-14: "Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)." Metropolitan Police Department; 1 October, 2010. Available: https://go.mpdconline.com/GO/GO_901_07.pdf.

49: SO-06-06: "Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h)." Metropolitan Police Department; 7 April, 2006. Available: <https://go.mpdconline.com/GO/SO-06-06.pdf>.

RECOMMENDATIONS

The UFIR (form 901-e) is three pages long, and captures all of the data contained on the RIF (form 901-g) form and more. The RIF is two pages long, and fails to capture important information such as the type of force used and injuries to officers.

In OPC's review of RIFs completed in FY17, OPC also found numerous RIFs completed when UFIRs were required. For example, in multiple incidents in FY17, officers describe in the narrative section of RIFs using firm grips, hand controls, and straight strikes (punches) to subjects' faces. These types of force are not among the two special circumstances in which a RIF may be substituted for a UFIR, as outlined in the MPD's use of force General Order, indicating that the dual force reporting forms are confusing to officers.

Because having two reporting forms leads to confusion among officers, as evidenced by the numerous uses of force erroneously reported as reportable force incidents, and due to the deficiencies in data collection created by maintaining multiple force reporting forms, OPC recommends that the RIF be eliminated and all use of force incidents that require reporting be reported using a UFIR.

3. MPD should collect all use of force data electronically.

MPD indicated that it is updating PPMS in a manner that will allow all UFIRs and RIFs to be captured electronically for ease and uniformity of reporting. For use of force incidents through FY17, officers would fill out paper copies of the UFIRs and RIFs, with supervisors or administrators entering the data from the forms into PPMS. That practice leads to officers and supervisors submitting incomplete UFIR and RIF forms. Officers routinely did not complete fields such as their height, weight, age, date of birth, and officer and subject injury. Supervisors routinely failed to correct inaccurate or incomplete UFIR and RIF forms.

On January 2, 2018, MPD released Executive Order 18-001⁵⁰ instructing officers that as of January 3, 2018, all UFIRs and RIFs are to be completed electronically in PPMS. OPC applauds this policy change, and believes it will lead to better and more consistent data capture and reporting.

However, OPC does not believe this policy change is a complete fix. Implementing a single, consistent electronic form, with pertinent fields requiring input before the form may be submitted or with a mandatory supervisory review protocol, can ensure that the single form is filled out completely and accurately. Further standardizing the data collection, if implemented correctly, would substantially improve the completeness and accuracy of data reporting and further mitigate the MPD data collection deficiencies that OPC has mentioned throughout this report.

4. MPD should increase the amount of information captured in the UFIR.

MPD has indicated that it is revising its UFIR form, and requires electronic reporting of use of force incidents as of January 3, 2018, as discussed above.⁵¹ Even though the UFIRs and RIFs are now completed electronically, it is not clear if the UFIRs and RIFs have been updated or changed in any way beyond moving to online completion and submission, or whether MPD has plans to further revise the UFIRs beyond the online completion requirement.

OPC recommends that MPD further update the UFIR and add fields to capture more information related to use of force incidents. Although the UFIRs capture some information pertinent to use of force incidents, there are key elements of use of force incidents that are not currently captured. MPD should increase the amount of information

50: Metropolitan Police Department Executive Order 18-001: "New Online Use of Force Incident Report (UFIR) and Reportable Incident Form (RIF) in the Personnel Performance Management System." Metropolitan Police Department; 2 January 2018.

51: On November 22, 2017, MPD indicated that it is revising the UFIR (form 901-e). The recommendations presented here are based on the UFIR as it existed as of Nov. 22, 2017, but OPC encourages MPD to incorporate the recommendations presented here into any new use of force reporting instrument it implements in the future.

RECOMMENDATIONS

captured in the UFIR, particularly relating to the initiation and outcome of the use of force incident.

Among the fields that should be added to the UFIR are:

- Why the contact with the subject was initiated – i.e. call for service, traffic stop, officer observation while on patrol, citizen flag down, off duty, pre-planned police activity, etc.;
- Whether the subject was arrested;
- Whether the subject was under the influence of alcohol or drugs;
- Alleged criminal activity by the subject; and
- Whether officers had active body-worn cameras (BWCs) during the incident.

UFIRs currently contain a field labeled “Subject activity,” but it is inadequate for determining the subject’s behavior that led to the use of force. The fields most often indicated as subject activity are assault of a police officer (APO), attempt arrest, and alcohol or drugs. These fields provide no indication as to why officers initiated contact that led to the subject activity, what behavior led officers to attempt to arrest the subject, or how officers discovered the subject was in possession of illegal drugs, respectively.

OPC recommends that MPD begin regularly collecting the pertinent information indicated above by adding explicit and mandatory fields to the UFIR for each of the items.

5. MPD supervisors should carefully review all use of force reports prior to approving them for final submission.

As discussed throughout this report, many of the UFIRs and RIFs provided by MPD contained missing information, inadequate narratives, and otherwise inaccurate or inconsistent reporting. Examples of these deficiencies include:

- Different officers at the same incident reporting contradictory information, such as one officer reporting that it was dark and wet and another officer reporting that it was daylight and dry, or officers reporting substantially different characteristics for the same subject (height, weight, race, etc.);
- The type of force used indicated in the “type of force used” box not matching the type of force described in the narrative summary;
- Officers marking subjects as “armed,” then listing the weapon as the subject’s hands or feet; and
- Officers indicating whether the subject was injured as “no,” then detailing injuries sustained by the subject.

These deficiencies lead to questions regarding the reliability of the information provided. Although the Executive Order released on January 2, 2018 requires supervisory officials to review and approve UFIRs and RIFs,⁵² it is not clear how this requirement differs from the supervisory review requirements that were in place before the move to electronic filing of UFIRs and RIFs. If the process is essentially the same, OPC fails to see how this is expected to fix or alleviate the deficiencies in data reporting discussed above.

OPC therefore recommends that MPD implement policies to ensure supervisors properly review all use of force reports for completeness and accuracy, and ensure the narratives are clear and contain adequate information, before approving the reports.

52: Metropolitan Police Department Executive Order 18-001: “New Online Use of Force Incident Report (UFIR) and Reportable Incident Form (RIF) in the Personnel Performance Management System.” Metropolitan Police Department; 2 January 2018.

RECOMMENDATIONS

6. MPD should clarify the definition of contact controls and report contact controls on UFIRs (form 901-e).

MPD's Teletype 06-049-08⁵³ advises officers that UFIRs are not automatically required when resistant handcuffing or hand controls are the only type of force used and there is no injury or complaint of pain from the subject.⁵⁴ This teletype is not specific enough for officers to determine what types of uses of force require reporting. The teletype inadequately differentiates between "hand controls" and "contact controls." "Hand controls" is a specific type of force listed on the UFIR (form 901-e), but the teletype implies that "hand controls" are equivalent to "contact controls," a category of types of force that includes firm grip and control holds. Both firm grip and control holds are also specific types of force listed on the UFIR. It is not clear from the teletype whether this reporting exception was meant to refer to hand controls as a specific type of force, or to the category of types of force that includes firm grips and control holds.

Regardless of MPD's intention in this teletype, the UFIR contains fields to report all three potential types of contact controls: hand controls, firm grip, and control holds. As all three types of contact controls are individually listed on the UFIR, OPC recommends that each be reported as a use of force on the existing UFIR, and whatever exception was intended with the teletype be eliminated.

7. MPD should resume collection of data from firearm discharge incidents.

MPD created its Force Investigation Team (FIT) in 1999, which was responsible for investigating all incidents involving deadly force, serious use of force, and use of force indicating potential criminal conduct by the officer.⁵⁵ In 2012, MPD merged the FIT into its Internal Affairs Division (IAD). This merger appears to have diluted the effectiveness that was created by maintaining a separate investigative team. When the FIT was a separate team, its investigators regularly completed a standardized reporting document referred to as an "on-scene sheet." The on-scene sheet captured data such as:

- The number of officers who discharged their firearms at a given incident;
- The number of rounds fired by each officer;
- The number of rounds fired by each officer that hit the target;
- The number of rounds fired by each officer that missed the target; and
- The distance of the officer from the subject when the officer discharged their firearm.

OPC requested the information described above for FY17 cases. MPD officials advised OPC that, following the merger of the FIT into the IAD, on-scene sheets are no longer completed, and the data mentioned above is not being collected in any systematic manner. Currently, it seems, MPD does not have a mechanism for uniformly capturing the information that was contained in the on-scene sheets. These metrics are essential in understanding the most serious incidents in which officers are involved. OPC recommends that MPD resume collection of this essential information.

8. MPD should require all officers to complete a UFIR immediately following a use of force incident.

Although the Department of Justice's (DOJ) monitoring of MPD ended in 2008, the provisions of the MOA between MPD and the DOJ should still be considered best practices. The DOJ recommended terminating the MOA

53: Metropolitan Police Department Teletype 06-049-08, "Resisted Handcuffing and Contact Controls." Metropolitan Police Department; 13 June, 2008.

54: MPD provided no guidance to OPC as to whether there were other General Orders, Special Orders, Executive Orders, teletypes, or other forms defining contact controls or governing officer's reporting requirements for contact controls.

55: "The Durability of Police Reform: The Metropolitan Police Department and Use of Force: 2008-2015." The Bromwich Group LLC; 28 January 2016. Available: http://www.dcauditor.org/sites/default/files/Full%20Report_2.pdf.

RECOMMENDATIONS

in 2008 largely because the provisions of the MOA had become “embedded in the department’s internal policies and practices.”⁵⁶ Section 53 of the MOA mandated that MPD officers complete a UFIR “immediately following any use of force or receipt of an allegation of excessive use of force,” and that MPD report deadly and serious uses of force to the United States Attorney’s Office (USAO) to decide if criminal prosecution is warranted.⁵⁷ However, officers regularly do not complete UFIRs until they receive notification from the USAO that prosecution will not be pursued. The determination by the USAO can take years,⁵⁸ delaying the use of force reporting.

OPC recommends that MPD require officers to complete a UFIR immediately following all use of force incidents for timely, accurate, standardized data collection in accordance with the best practice previously required in the MOA and current departmental directives.⁵⁸ Alternatively, MPD should consider requiring supervisors to conduct an immediate on-scene investigation and complete the UFIR in lieu of the involved officer doing so. If necessary, the involved officer can complete a separate incident report contemporaneously or at a later time.

56: “The Durability of Police Reform: The Metropolitan Police Department and Use of Force: 2008-2015.” The Bromwich Group LLC; 28 January 2016. Available: http://www.dcauditor.org/sites/default/files/Full%20Report_2.pdf.

57: “Memorandum of Agreement Between the United States Department of Justice and the District of Columbia and the District of Columbia Metropolitan Police Department.” Department of Justice; 13 June, 2001. Available: <https://www.justice.gov/crt/memorandum-agreement-united-states-department-justice-and-district-columbia-and-dc-metropolitan>.

58: The current General and Special Orders governing use of force reporting require officers to “complete the PD Form 901-e (UFIR) immediately following all use of force incidents” except for cooperative controls, contact controls, and resistant handcuffing (see Special Order SO-10-14, “Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f), page 3, section IV. B. 2); also see Recommendation 2 at page 32. Because officers regularly wait for letters of declination before completing UFIRs, it seems that officers are not following current departmental directives.

APPENDIX A: FORCE TYPE HIERARCHY

In every use of force incident there may be a single type of force used or multiple types of force used by each officer. For reporting purposes, this report identifies the highest level of force used for each use of force. The following table displays the hierarchy of types of force used to determine the highest level of force for this report. This hierarchy is partially based on the order of the types of force as listed in MPD's UFIR (Appendix B), and partially on OPC's determination of the level of severity of each type of force. This hierarchy is not based on explicit guidance from MPD regarding the relative seriousness of each type of force.

For the purposes of this report, the hierarchy of the types of force used by MPD officers, from the highest to the lowest level of force, is:

- Firearm Discharged
- Firearm Pointed
- 40mm Extended Impact Weapon (Foam or Sponge Rounds)
- Taser/ECD
- ASP/Extendable Baton-Strike
- ASP/Extendable Baton-Control
- OC Spray
- Takedown-Team
- Takedown-Solo
- Fist Strike
- Pressure Points
- Joint Locks
- Control Holds
- Firm Grip
- Hand Controls
- Handcuffs

APPENDIX B: MPD USE OF FORCE INCIDENT REPORT FORM

METROPOLITAN POLICE DEPARTMENT USE OF FORCE INCIDENT REPORT (UFIR)

A. REPORTING OFFICER

CS NUMBER:		LAST NAME:		FIRST NAME		MI	RANK
CAD NO.	ELEMENT	ASSIGNMENT	PSA	SEX	RACE	HEIGHT	
WEIGHT	APPOINTMENT DATE	DUTY STATUS (CHECK ONE)		UNIFORM (CHECK ONE)		DOB	
		<input type="checkbox"/> ON <input type="checkbox"/> OFF		<input type="checkbox"/> FULL <input type="checkbox"/> PARTIAL <input type="checkbox"/> PLAIN CLOTHES			
SUPV. NOTIFIED	DATE	TIME	SUPERVISOR NOTIFIED LAST NAME	FIRST NAME	MI	RANK	CAD NO.
<input type="checkbox"/> YES <input type="checkbox"/> NO							
ON-SCENE SUPERVISOR LAST NAME			ON-SCENE SUPERVISOR FIRST NAME			MI	RANK
OFFICER INJURED OR COMPLAINT OF PAIN (IF YES, COMPLETE OFFICER INJURY SECTION)							<input type="checkbox"/> YES <input type="checkbox"/> NO

OBSERVATIONS		OFFICER INJURY	
<input type="checkbox"/> NONE <input type="checkbox"/> ABRASIONS <input type="checkbox"/> BRUISING <input type="checkbox"/> LACERATIONS <input type="checkbox"/> STAB WOUND	<input type="checkbox"/> GUN SHOT WOUND <input type="checkbox"/> UNCONSCIOUS <input type="checkbox"/> OTHER (SPECIFY)	BODY DIAGRAMS (INDICATE INJURY) <div style="display: flex; justify-content: space-around; align-items: center;"> </div>	
COMPLAINTS <input type="checkbox"/> NONE <input type="checkbox"/> NUMBNESS <input type="checkbox"/> COMPLAINT OF PAIN, NO VISIBLE INJURIES <input type="checkbox"/> DIFFICULTY BREATHING			
PHOTOS TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO			

B. EVENT INFORMATION

INCIDENT DATE	INCIDENT TIME	DATE OF REPORT	TIME OF REPORT	IV.	CCN	V.	DIS	VI.	PSA
VII.						VIII.		IX.	
X. LOCATION OF INCIDENT						OTHER JURISDICTION			
XI.						<input type="checkbox"/> YES <input type="checkbox"/> NO			
LIGHTING CONDITIONS			GROUND CONDITIONS			XIII.			

C. FORCE INFORMATION

TYPE OF FORCE USED (CHECK ALL THAT APPLY)		FIREARM INFORMATION	
<input type="checkbox"/> HANDS <input type="checkbox"/> FEET-KICK <input type="checkbox"/> FIRM GRIP <input type="checkbox"/> CONTROL HOLDS <input type="checkbox"/> JOINT LOCKS <input type="checkbox"/> PRESSURE POINTS <input type="checkbox"/> FISTS <input type="checkbox"/> TAKEDOWN – SOLO <input type="checkbox"/> TAKEDOWN – TEAM <input type="checkbox"/> OC SPRAY	<input type="checkbox"/> ASP-CONTROL <input type="checkbox"/> ASP-STRIKE <input type="checkbox"/> STUNGUN (ERT) <input type="checkbox"/> TASER (ERT) <input type="checkbox"/> BEAN BAGS (ERT) <input type="checkbox"/> STUNBAGS (ERT) <input type="checkbox"/> FLASHBANG (ERT) <input type="checkbox"/> STINGBALL (CDU/ERT) <input type="checkbox"/> CS CHEM. AGT. (CDU) <input type="checkbox"/> BATON – CONTROL (CDU) <input type="checkbox"/> BATON – STRIKE (CDU)	<input type="checkbox"/> POINTED AT PERSON <input type="checkbox"/> DISCHARGED	
		FIREARM TYPE	
		XIV. <input type="checkbox"/> HANDGUN	<input type="checkbox"/> SHOTGUN (CERTIFIED)
		XV. <input type="checkbox"/> RIFLE (ERT)	<input type="checkbox"/> AUTOMATIC WEAPON (ERT)
		OTHER	
		<input type="checkbox"/> MOUNTAIN BIKE SLIDE TAKEDOWN (CERTIFIED)	
		<input type="checkbox"/> CANINE	
		OTHER FORCE USED :	
FIRST AID RENDERED		<input type="checkbox"/> YES <input type="checkbox"/> NO	

METROPOLITAN POLICE DEPARTMENT USE OF FORCE INCIDENT REPORT (UFIR)

QUALIFIED IN WEAPON USE <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE LAST CERTIFIED:
--	----------------------

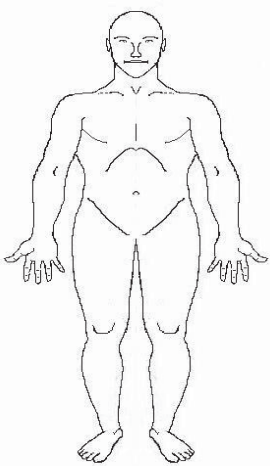
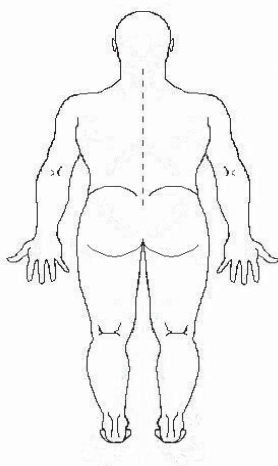
D. SUBJECT INFORMATION

TOTAL NUMBER OF SUBJECTS ON WHOM FORCE WAS USED:		(COMPLETE PD 901-f FOR EACH ADDITIONAL SUBJECT)	
LAST NAME	FIRST NAME	MI	SSN
ADDRESS	CITY	STATE	ZIP
PHONE	EMPLOYMENT/SCHOOL		
DOB	SEX	RACE	HEIGHT
WEIGHT			
SUBJECT INJURED OR COMPLAINT OF PAIN (IF YES, COMPLETE SUBJECT INJURY SECTION AND PD-313)			<input type="checkbox"/> YES <input type="checkbox"/> NO

SUBJECT ACTION (CHECK ONE)	
<input type="checkbox"/> COMPLIANT <input type="checkbox"/> RESISTANT (PASSIVE) <input type="checkbox"/> RESISTANT (ACTIVE)	<input type="checkbox"/> ASSAULTIVE (PHYSICAL INJURY) <input type="checkbox"/> ASSAULTIVE (SERIOUS PHYSICAL INJURY / DEATH)

SUBJECT ACTIVITY (CHECK ALL THAT APPLY)			
<input type="checkbox"/> APO <input type="checkbox"/> ATTEMPT ARREST <input type="checkbox"/> ADW <input type="checkbox"/> ALCOHOL <input type="checkbox"/> BARRICADE <input type="checkbox"/> CROWD CONTROL	<input type="checkbox"/> DISORDERLY CONDUCT <input type="checkbox"/> DEMONSTRATION <input type="checkbox"/> DEFENDING AN ASSAULT <input type="checkbox"/> DOMESTIC VIOLENCE <input type="checkbox"/> DRUGS <input type="checkbox"/> DUI	<input type="checkbox"/> HOSTAGE <input type="checkbox"/> LANDLORD/TENANT DISPUTE <input type="checkbox"/> SUICIDE ATTEMPT <input type="checkbox"/> TRANSPORTING <input type="checkbox"/> TRAFFIC STOP <input type="checkbox"/> OTHER (SPECIFY BELOW)	<input type="checkbox"/> DANGEROUS ANIMAL <input type="checkbox"/> ROBBERY <input type="checkbox"/> BURGLARY <input type="checkbox"/> FOOT PURSUIT <input type="checkbox"/> VEHICLE PURSUIT
OTHER SUBJECT ACTIVITY:			

SUBJECT WEAPON INFORMATION				
WEAPON	FIREARM	BLUNT WEAPON	EDGED WEAPON	OTHER WEAPON
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
TYPE:	TYPE:	TYPE:	TYPE:	TYPE:
RECOVERED	RECOVERED	RECOVERED	RECOVERED	RECOVERED
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
RECOVERY LOCATION	RECOVERY LOCATION	RECOVERY LOCATION	RECOVERY LOCATION	RECOVERY LOCATION
DISCHARGED				
<input type="checkbox"/> YES <input type="checkbox"/> NO				

OBSERVATIONS	SUBJECT INJURY BODY DIAGRAMS (INDICATE WHERE FORCE WAS USED)
<input type="checkbox"/> NONE <input type="checkbox"/> ABRASIONS <input type="checkbox"/> BRUISING <input type="checkbox"/> LACERATIONS <input type="checkbox"/> STAB WOUND COMPLAINTS <input type="checkbox"/> NONE <input type="checkbox"/> NUMBNESS <input type="checkbox"/> COMPLAINT OF PAIN, NO VISIBLE INJURIES <input type="checkbox"/> DIFFICULTY BREATHING	<div style="display: flex; justify-content: space-around;"> <div style="width: 45%; text-align: center;"> <input type="checkbox"/> GUN SHOT WOUND <input type="checkbox"/> UNCONSCIOUS <input type="checkbox"/> OTHER (SPECIFY) </div> <div style="width: 45%; text-align: center;"> <input type="checkbox"/> BURNING <input type="checkbox"/> OTHER (SPECIFY) </div> </div> <div style="display: flex; justify-content: space-around; align-items: center; height: 200px;">   </div>
AMBULANCE NO:	
MEDIC NO: PHOTOS TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO	

METROPOLITAN POLICE DEPARTMENT USE OF FORCE INCIDENT REPORT (UFIR)

E. OTHER OFFICER FORCE INFORMATION

DID ANY OTHER MEMBERS USE FORCE DURING THIS INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN				(IF YES, LIST BELOW. USE ADDTL. SHEETS. IF NECESSARY)	
CAD NUMBER:	LAST NAME:	FIRST NAME	MI	RANK	
CAD NUMBER:	LAST NAME:	FIRST NAME	MI	RANK	

F. PROPERTY DAMAGE

WAS PROPERTY DAMAGED AS A RESULT OF THE USE OF FORCE? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DESCRIBE BELOW

G. OFFICER NARRATIVE

H. REVIEW

XVI. OFFICER SIGNATURE	XVII. DATE
SUPERVISOR SIGNATURE	DATE
WATCH COMMANDER SIGNATURE	DATE

APPENDIX C: MPD REPORTABLE INCIDENT FORM

**METROPOLITAN POLICE DEPARTMENT
REPORTABLE INCIDENT FORM (RIF)**

A. REPORTING OFFICER

CS NUMBER:		LAST NAME:		FIRST NAME		MI	RANK
CAD NO.	ELEMENT	ASSIGNMENT	PSA	SEX	RACE	HEIGHT	
WEIGHT	APPOINTMENT DATE	DUTY STATUS (CHECK ONE)		UNIFORM (CHECK ONE)		DOB	
		<input type="checkbox"/> ON <input type="checkbox"/> OFF		<input type="checkbox"/> FULL <input type="checkbox"/> PARTIAL <input type="checkbox"/> PLAIN CLOTHES			
SUPV. NOTIFIED	DATE	TIME	SUPERVISOR NOTIFIED LAST NAME	FIRST NAME	MI	RANK	CAD NO.
<input type="checkbox"/> YES <input type="checkbox"/> NO							
ON-SCENE SUPERVISOR LAST NAME			ON-SCENE SUPERVISOR FIRST NAME			MI	RANK

B. EVENT INFORMATION

INCIDENT DATE	INCIDENT TIME	DATE OF REPORT	TIME OF REPORT	CCN	DISTRICT	PSA
LOCATION OF INCIDENT					OTHER JURISDICTION	
					<input type="checkbox"/> YES <input type="checkbox"/> NO	
LIGHTING CONDITIONS				GROUND CONDITIONS		

C. SUBJECT INFORMATION

TOTAL NO. OF SUBJECTS AT WHOM WEAPON WAS POINTED:				(COMPLETE PD 901-g FOR EACH ADDITIONAL SUBJECT)			
LAST NAME			FIRST NAME			MI	SSN
ADDRESS				CITY		STATE	ZIP
PHONE		EMPLOYMENT/SCHOOL					
DOB	SEX	RACE	HEIGHT	WEIGHT			

SUBJECT ACTION (CHECK ONE)

- | | |
|---|--|
| <input type="checkbox"/> COMPLIANT
<input type="checkbox"/> RESISTANT (PASSIVE)
<input type="checkbox"/> RESISTANT (ACTIVE) | <input type="checkbox"/> ASSAULTIVE (PHYSICAL INJURY)
<input type="checkbox"/> ASSAULTIVE (SERIOUS PHYSICAL INJURY / DEATH) |
|---|--|

SUBJECT ACTIVITY (CHECK ALL THAT APPLY)

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> APO
<input type="checkbox"/> ATTEMPT ARREST
<input type="checkbox"/> ADW
<input type="checkbox"/> ALCOHOL
<input type="checkbox"/> BARRICADE
<input type="checkbox"/> CROWD CONTROL | <input type="checkbox"/> DISORDERLY CONDUCT
<input type="checkbox"/> DEMONSTRATION
<input type="checkbox"/> DEFENDING AN ASSAULT
<input type="checkbox"/> DOMESTIC VIOLENCE
<input type="checkbox"/> DRUGS
<input type="checkbox"/> DUI | <input type="checkbox"/> HOSTAGE
<input type="checkbox"/> LANDLORD/TENANT DISPUTE
<input type="checkbox"/> SUICIDE ATTEMPT
<input type="checkbox"/> TRANSPORTING
<input type="checkbox"/> TRAFFIC STOP
<input type="checkbox"/> OTHER (SPECIFY BELOW) | <input type="checkbox"/> DANGEROUS ANIMAL
<input type="checkbox"/> ROBBERY
<input type="checkbox"/> BURGLARY
<input type="checkbox"/> FOOT PURSUIT
<input type="checkbox"/> VEHICLE PURSUIT |
|---|--|--|---|

OTHER SUBJECT ACTIVITY:

**METROPOLITAN POLICE DEPARTMENT
REPORTABLE INCIDENT FORM (RIF)**

WEAPON	FIREARM	SUBJECT WEAPON INFORMATION		
		BLUNT WEAPON	EDGED WEAPON	OTHER WEAPON
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	TYPE:	TYPE:	TYPE:	TYPE:
	RECOVERED	RECOVERED	RECOVERED	RECOVERED
	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO
	RECOVERY LOCATION	RECOVERY LOCATION	RECOVERY LOCATION	RECOVERY LOCATION
	DISCHARGED			
	<input type="checkbox"/> YES <input type="checkbox"/> NO			

D. OTHER OFFICER INFORMATION

DID ANY OTHER MEMBERS POINT THEIR WEAPONS AT, OR IN THE DIRECTION OF, ANOTHER PERSON DURING THIS INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN				(IF YES, LIST BELOW. USE ADDTL. SHTS. IF NECESSARY)	
CAD NUMBER:	LAST NAME:	FIRST NAME	MI		
CAD NUMBER:	LAST NAME:	FIRST NAME	MI	RANK	

E. OFFICER NARRATIVE

F. REVIEW

OFFICER SIGNATURE	DATE
SUPERVISOR SIGNATURE	DATE
WATCH COMMANDER SIGNATURE	DATE



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