

**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
2018**

KEY FINDINGS SUMMARY

- MPD officers reported discharging their firearms at three people and six dogs in 2018; two people were fatally injured in these incidents
- Reported use of force incidents increased 20 percent in 2018; reported use of force incidents have increased 83 percent since 2015
- The number of officers who reported using force increased by 18 percent in 2018; more than one-third of MPD officers reported using force in 2018
- 113 Officers reported using force five times or more in 2018; six officers reported using force 10 times or more
- Subjects reportedly assaulted officers in 22 percent of reported use of force incidents in 2018
- 14 percent of subjects were reportedly armed with some type of weapon in use of force incidents in 2018; 7 percent were reportedly armed with a firearm
- Takedowns were the most common type of force used, accounting for 42 percent of uses of force reported
- Subjects in 15 percent of incidents were reportedly under the influence of alcohol or drugs or reportedly exhibited signs of mental illness
- The Fifth, Sixth, and Seventh Districts reported the most uses of force in 2018, each accounting for 19 to 20 percent of uses of force
- The five Police Service Areas with the most reported uses of force were all in the Fifth and Sixth Districts
- OPC made eight recommendations in its inaugural FY17 Use of Force Report; MPD has partially implemented four and not implemented four
- 32 percent of 2018 MPD provided use of force reports were incomplete, inaccurate, or otherwise deficient

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:

- Officers discharged their firearms at three subjects in 2018 that resulted in two fatalities, the lowest number of officer-involved firearm discharges in the five years addressed in this report
- The total number of reported use of force incidents increased by 20 percent over the previous year
- Subjects were reportedly armed with some type of weapon in 14 percent of reported uses of force, with 7 percent involving a subject armed with a firearm
- Officer use of force was reported most in the Fifth, Sixth, and Seventh Districts, which together accounted for 59 percent of all reported use of force incidents
- 90 percent of all reported uses of force involved black community members
- Takedowns and control holds were the most common types of force used in 2018, accounting for 75 percent of all uses of force

We hope you find this report 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 second annual report on Washington D.C.'s Metropolitan Police Department (MPD) use of force, produced by the D.C. Office of Police Complaints (OPC). On June 30, 2016, the Neighborhood Engagement Achieves Results Act of 2015 (NEAR Act),¹ a comprehensive public safety bill, became law in the District. One requirement of the NEAR Act was that OPC produce an annual report on MPD's use of force in the District.

Police use of force remains a major topic of discussion and concern throughout the country. Police officers are empowered to use force to maintain the peace, but with that empowerment comes high standards 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.

OPC's inaugural FY17 Use of Force Report² was the first comprehensive use of force report produced in the District since at least 2007, and it was the first of its kind produced by an agency independent of MPD. This second Use of Force Report is a continuation and extension of that inaugural report, with statistics presented in the inaugural report updated for 2018, along with new data and information. Among the new statistics presented in this report are: the number of uses of force per officer; whether subjects were reportedly under the influence; whether subjects reportedly exhibited signs of mental

illness;³ whether the subjects reportedly assaulted officers during the use of force incident; and a comparison of the average age of officers by police district.

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 3,850 sworn officers, along with a non-sworn support staff of approximately 670 personnel.⁴ MPD is therefore the sixth-largest metropolitan police force in the United States in terms of the number of officers,⁵ and the eleventh largest department in the country overall (including county and state law enforcement agencies). MPD's service area is divided into seven police districts, along with various special divisions including a Special Operations Division, a Narcotics and Special Investigations Division, and a Criminal Investigations 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 30,000 and 40,000 arrests.⁶

1: "Neighborhood Engagement Achieves Results Act of 2015." Available: <http://lims.dccouncil.us/Download/34496/B21-0360-Amendment1.pdf>. This report was drafted by OPC Research Analyst Matthew Graham. 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.

2: "Report on Use of Force by the Washington, D.C. Metropolitan Police Department." D.C. Office of Police Complaints; 23 January 2018. Available: <https://policecomplaints.dc.gov/page/use-force-reports>.

3: For the purposes of this report, subjects were labeled as exhibiting signs of mental illness if the responding officer(s) explicitly mentioned suspecting the subject(s) of being mentally ill; if the officer(s) mentioned completing a Form FD-12 (Application for Emergency Hospitalization) for the subject; or if the officer(s) described the subject as being suicidal. For more information on Form FD-12 and MPD policies regarding subjects suspected of being mentally ill, see GO-OPS-308.04, "Interacting with Mental Health Consumers," available: https://go.mpdconline.com/GO/GO_308_04.pdf.

4: MPD correspondence to the Committee on the Judiciary and Public Safety, 2018 Performance Hearing questions, 26 February 2018. Available: http://dccouncil.us/wp-content/uploads/2018/10/SUBMITTED_MPD-Response_2018-Perf-Hearing-Questions_02-26-18-signed.pdf.

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 MPD, 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 D.C. Council (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/>.

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 organizational operations and fundraising. He has authored several publications at JPI, including: Gaming the System; Rethinking

5: 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>.

6: Metropolitan Police Department Annual Report 2016." Metropolitan Police Department; 29 December 2017. Available: <https://mpdc.dc.gov/page/mpd-annual-reports>.

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the Blues; Moving Toward a Public Safety Paradigm; The Education of D.C.; and Fostering Change.

Prior to joining JPI, Mr. Ashton spent time conducting research examining intimate partner violence in the LGBTQ community and served as a sexual assault victim advocate at the University of Delaware. He is active in the Washington, D.C. community, and currently serves on the Young Donors Committee for SMYAL, an LGBTQ youth serving organization, and on the Board of Directors of Rainbow Response Coalition, a grassroots advocacy organization working to address LGBTQ intimate partner violence.

Mr. Ashton received his bachelor's degree in Criminology from The Ohio State University and a master's degree in Criminology from the University of Delaware. He 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 December 18, 2018, for a new term ending January 12, 2022.

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 bachelor's degree from the American University's School of Government and Public Administration and has taken graduate courses at American University 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.

Bobbi Strang is a Workers' Compensation Claims Examiner with the District of Columbia Department of Employment Services (DOES). She was the first openly transgender individual to work for DOES where she provided case management for Project Empowerment, a transitional employment program that provides job readiness training, work experience, and job search assistance to District residents who face multiple barriers to employment.

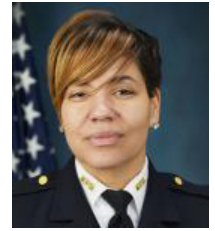


Ms. Strang is a consistent advocate for the LGBTQ community in the District of Columbia. She has served as an officer for the Gertrude Stein Democratic Club, a board member for Gays and Lesbians Opposing Violence, and a co-facilitator for the D.C. LGBT Center Job Club. Ms. Strang was also awarded the 2015 Engendered Spirit Award by Capital Pride as recognition for the work she has done in the community. Currently, she is the Interim President of the Gay & Lesbian Activist Alliance (GLAA) and continues her work with the D.C. Center as the Center Careers facilitator.

She holds a bachelor's degree in Sociology and English Literature from S.U.N.Y. Geneseo as well as a master's degree 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.

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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 20-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 Police Service Area (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 January 12, 2021.

Jeff Tignor is a lawyer at the Federal Communications Commission focusing on rules and regulations affecting wireless broadband providers. Mr. Tignor is also an Advisor on Law and Technology to the Charles Hamilton Houston Institute for Race & Justice at Harvard Law School. Mr. Tignor has over 15 years experience working on wireless broadband issues, wireline broadband issues, and consumer protection, including three years leading a division of 85 plus staff members resolving consumer complaints.



Mr. Tignor is also the former Chairman of Advisory Neighborhood Commission (ANC) 4B. He was elected as the ANC Commissioner for ANC 4B-08 in November 2002 and served as the Chairman of ANC 4B during 2003 and 2004, often working on issues affecting public safety.

Mr. Tignor graduated from Harvard with an AB in Government in 1996 and from the Duke University School of Law in 1999. He moved to Washington, D.C. to live in his grandfather's former home in Ward 4, where he still lives today with his wife, Kemi, and son, Henry. Someone in the Tignor family has been living in Washington, D.C. continually, as far as he knows, since just after the Civil War.

Mr. Tignor was appointed by Mayor Muriel Bowser on November 15, 2018 and confirmed by the Council on December 18, 2018, for a term ending January 12, 2021.

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MPD Reporting System

All use of force data used in this report was provided by MPD. MPD's use of force reporting includes two 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), the forms officers complete following any use of force. The information from the UFIRs and RIFs is stored in 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.⁷

MPD's General Order RAR 901.07 "Use of Force"⁸ requires officers to complete UFIRs or RIFs anytime they use force other than forcible handcuffing of a resistant subject.^{9,10} For use of force reporting through 2017, officers completed hard copies of UFIRs and RIFs, and the information from those forms was then entered into PPMS by the officer, their supervisor, or an administrator. In its FY17 Use of Force Report, OPC recommended that MPD begin capturing all use of force data electronically. In December 2017, MPD indicated that it was implementing this recommendation. The recommendation was partially implemented on January 2, 2018, when MPD issued Executive Order 18-001,¹¹ requiring that all UFIRs and RIFs be completed electronically in PPMS.

MPD's requirement that officers complete all UFIRs and RIFs electronically in PPMS per Executive Order 18-001 improved the process of OPC collecting use of force datasets and corresponding UFIR/RIF PDFs from MPD. Because the reports are now captured electronically, all reports were available immediately upon request. MPD

provided UFIRs/RIFs to OPC monthly in 2018. The electronic reporting requirement alleviated the issue faced in 2017 of reports missing because MPD could not locate them.

The requirement that officers complete all UFIRs and RIFs electronically in PPMS, however, added no new data reporting capabilities. In both 2017 and 2018, 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.

MPD still cannot provide data such as:

- An accurate accounting of the type of force used;¹²
- Officer and subject injuries;
- Whether officers were on duty and in uniform; and
- Subject behavior and activity.

Because this data is still not exportable even with the requirement that officers complete use of force forms electronically, OPC requested copies of the full UFIRs and RIFs for all closed cases so it could manually enter the missing data.

UFIRs contain the following details pertinent to the use of force:

- The time, date, and location of the incident;
- Officer and subject demographic information;
- The type of force used;
- The subject behavior during the use of force incident;
- 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

7: 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>.

8: Metropolitan Police Department General Order RAR-901.07: "Use of Force." Metropolitan Police Department; 3 November 2017. Available: https://go.mpdconline.com/GO/GO_901_07.pdf.

9: 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.

10: 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>.

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most comprehensive source of information of uses of force. See Appendix A for an example of a UFIR.

RIFs are a less comprehensive form, which, according to MPD's General Order RAR 901.07 "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 is not injured and does not complain of pain or injury. 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.

With the change to electronic reporting of RIFs on January 2, 2018, the RIF also now contains fields for officers to indicate the type of force used and officer injuries. See Appendix B for an example of a RIF.

Data Collection and Scope

The scope of this report includes all types of uses of force 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 data collection process for this report involved receiving PPMS data and UFIR/RIF documents in PDF form from MPD. OPC then manually entered the UFIR/RIF information that was not available from PPMS, creating a new OPC dataset with all the relevant and necessary data. Each quarter, MPD provided the PPMS data related to use of force incidents, and each month MPD provided PDFs of the UFIRs and RIFs completed that month.

As reported in the FY17 Use of Force Report, some of the information contained in the UFIRs/RIFs was not available as data. OPC manually entered this information into the PPMS data for the FY17 report. This information continued to be unavailable as data in 2018, and OPC continued to manually enter the data from the UFIR/RIF PDFs in 2018.

UFIRs and RIFs were not provided for cases MPD was still investigating, though the PPMS data for these incidents was provided. Ultimately, OPC received a UFIR or RIF for 2,520 of the 2,873 uses of force (88 percent) reported by officers in 2018. The remaining 12 percent of UFIRs/RIFs were not provided because they were still under investigation at the time of this report.

Calendar Year Reporting

The NEAR Act requires OPC to prepare a report on MPD's use of force each year by December 31 beginning in 2017.¹³ OPC produced its FY17 Use of Force Report using data based on the fiscal year – October 1 through September 30. However, reporting by fiscal year makes it impossible to compare the data and information reported by OPC with the data and information reported by MPD, because MPD's reports are based on the calendar year. OPC must be able to compare the use of force numbers published by MPD with those provided to OPC by a set, equal time period for accurate analysis. OPC, therefore, will report by calendar year, beginning with this report. Reporting based on the calendar year will allow the use of force statistics published here to be compared with those published by MPD, and to be contextualized with crime and arrest data and other information published by MPD. For this report, OPC reformatted data from the FY17 Use of Force report from fiscal year data into calendar year data. This allowed OPC to report calendar year data from 2014 through 2018 in this report.

11: 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. Available: https://go.mpdconline.com/GO/EO_18_001.pdf.

12: 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.

13: D.C. Code §5-1104(d-2).

USE OF FORCE OVERVIEW

MPD's Definition of Use of Force

Police officers are given the authority to use physical force when appropriate. 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.”¹⁴ This includes any type of force from hand controls or forcibly handcuffing a noncompliant subject to deadly force, such as discharging a firearm.

MPD's use of force General Order¹⁴ 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.” This General Order also includes the Use of Force Framework, comprised of five levels of subject behavior and five levels of officer response (see Subject Behavior Categories and MPD Officer Force Response Categories on page 11).¹⁵

Although the Use of Force Framework provides guidance on the appropriate level of force to be used in a given situation, MPD states it no longer encourages the Use of Force 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”¹⁶ and can be used within the officer's individual discretion during an incident.

Use of Force Training

MPD officers receive explicit training in appropriate use of force techniques, firearms training, de-escalation, and related topics.¹⁷ 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 stated it 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.

According to MPD, 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 receive firearm training during the basic recruit training and are required to recertify in firearms 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 percent accuracy), and they must do so once in lighted conditions, and again in low-light conditions. Officers are also required to be recertified in the use of ASP¹⁸ extendable batons every two years.

During officers' training and recertification classes, topics include: 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); dog awareness; and familiarization training with Tasers/ECDs and 40mm impact weapons. More than 700 officers have been trained in the use of 40mm extended impact weapons. All patrol sergeants have been trained to use and equipped with Tasers/ECDs.

14: 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.

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

16: MPD correspondence to OPC, 22 November 2017.

17: MPD provided information regarding use of force training and certification on 3 November 2017, and an update on 24 January 2019.

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

Subject Behavior and Prescribed Force Response

Subject Behavior Categories ¹⁹	MPD Officer Force Response Categories
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.	 Cooperative Controls – Generally non-physical controls, including both verbal and non-verbal communication.
Passive Resistance – The subject displays a low level of noncompliant 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.	 Contact Controls – Low-level physical force including hand controls and using a firm grip on the subject to gain compliance.
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.	 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.
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 officer or others.	 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.
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 officer or another person immediately.	 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.

19: 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 in all use of force incidents; and the total number of individual *officers* using force per year. In 2018, there were 1,242 reported use of force incidents involving 2,873 reported uses of force by 1,322 officers. There are more uses of force than incidents or officers because many use of force incidents involve multiple officers using force.²⁰

Use of Force Incidents

The number of reported use of force incidents, uses of force, and officers using force increased in 2018, continuing a trend of steady increases over the previous four years. The total number of reported use of force incidents involving MPD officers per year increased from 678 in 2015 to 1,035 in 2017 and 1,242 in 2018 – a 20 percent increase over those reported in 2017 and an 83 percent increase over those reported in 2015.²¹

Uses of Force

The number of uses of force also continued increasing in 2018. The number of total uses of force increased 26 percent in 2018, from 2,289 in 2017 to 2,873 in 2018. The 2,873 uses of force in 2018 represent a 106 percent increase over the number of uses of force reported in 2015.

As discussed in OPC's FY17 Use of Force Report, the increases in MPD's reported uses of force may be partially, though not wholly, attributable to the numerous changes in how MPD reported force between 2013 and 2017. It is not clear what other factors may be contributing to the increase in uses of force. These factors do not explain the increase from 2017, as there were no changes in MPD reporting requirements between 2017 and 2018.

Officers Using Force

A total of 1,322 MPD officers used force in 2018, more than one out of every three MPD officers. The 1,322 officers using force in 2018 represent an 18 percent increase over the 1,122 officers who used force in 2017, and a 52 percent increase over the 872 officers who used force in 2015. For a discussion of how these numbers may compare to other law enforcement agencies, see page 30.

Seventy-two percent of all officers who used force in 2018 reported doing so in one or two incidents, while 20 percent of officers reported using force in three or four incidents. Nine percent of officers who used force reported doing so five times or more in 2018; of those, six officers reported using force 10 times or more.

All six officers who used force 10 times or more in 2018 were officers assigned to the Fifth District.

The percent of incidents involving multiple officers increased in 2018, from 61 percent of all incidents in 2017 to 65 percent in 2018. It is not clear if the increase in the percent of incidents involving more than one officer coincided with an increase in the number of subjects per incident on whom force was used.

Number of Officers Reporting Using Force Per Incident

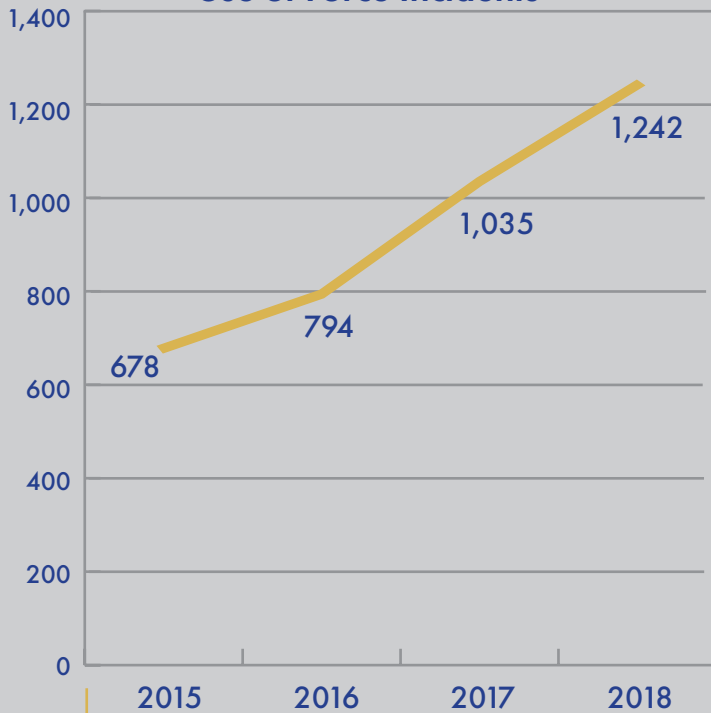
	2015	2016	2017	2018
1 Officer	43%	32%	39%	35%
2 Officers	32%	34%	32%	34%
3 Officers	14%	15%	14%	15%
4 Officers	6%	9%	9%	8%
5+ Officers	5%	10%	7%	8%

20: The uses of force discussed in this report include those reported in all UFIRs and RIFs. MPD does not consider the pointing of a firearm a use of force, but OPC does report the pointing of a firearm as a use of force.

21: 2017 and 2018 were the only years for which OPC received UFIRs and RIFs along with PPMS data.

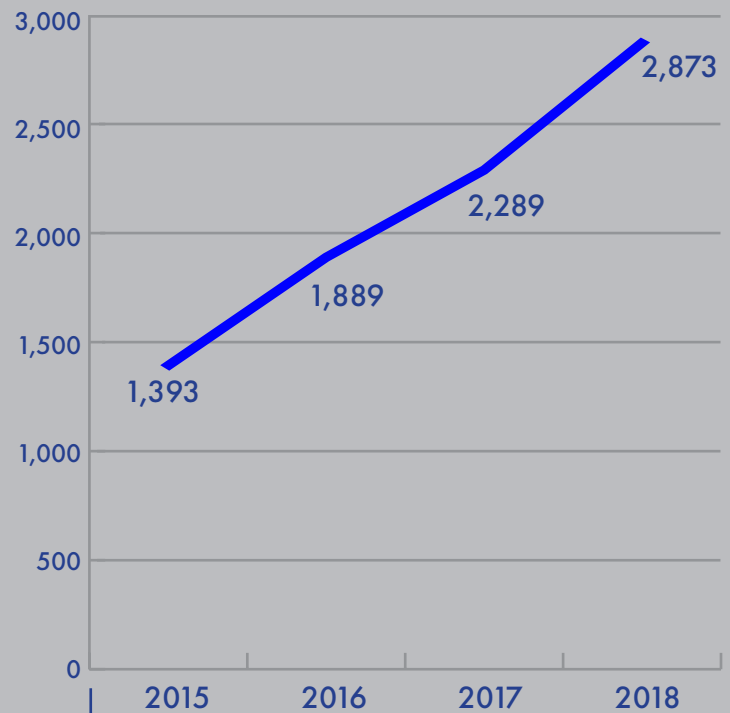
Number of Uses of Force

Use of Force Incidents



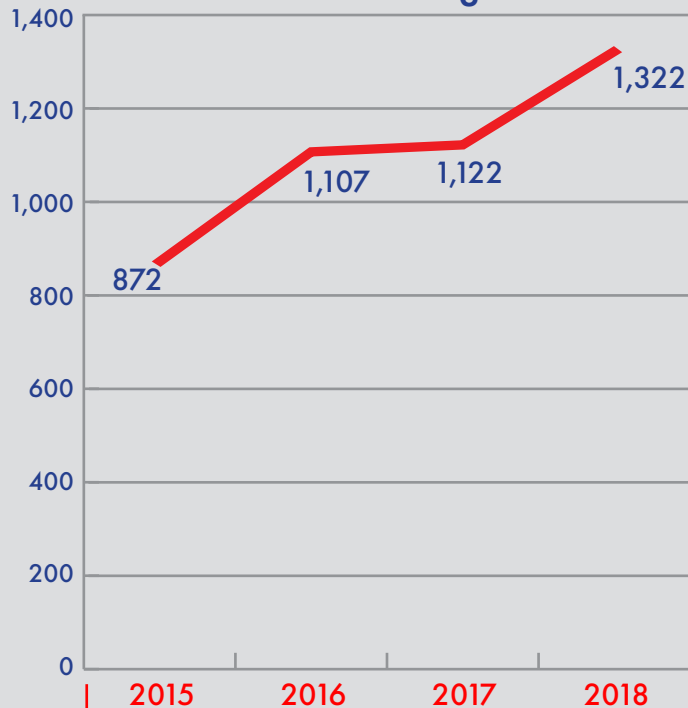
3.4 Average use of force incidents per day in 2018

Uses of Force



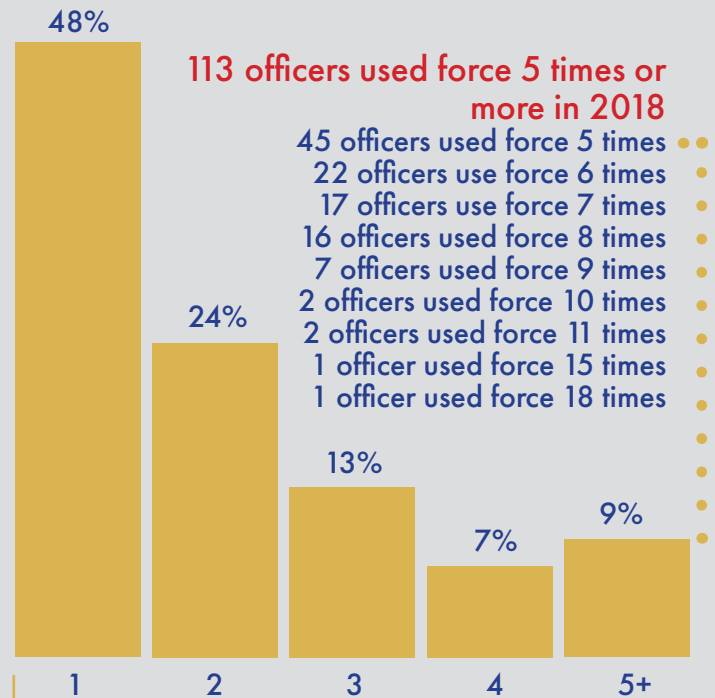
26% Increase in uses of force in 2018

Officers Using Force



34% of MPD officers used force in 2018

Uses of Force Per Officer in 2018



113 officers used force 5 times or more in 2018

- 45 officers used force 5 times
- 22 officers use force 6 times
- 17 officers use force 7 times
- 16 officers used force 8 times
- 7 officers used force 9 times
- 2 officers used force 10 times
- 2 officers used force 11 times
- 1 officer used force 15 times
- 1 officer used force 18 times

72% of Officers

who used force did so once or twice in 2018

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 in this report. Officers' responses are categorized in five levels that correspond to MPD's five levels of subject behavior.^{22, 23}

As in FY17, most subjects in 2018 were reported as being actively resistant, accounting for 73 percent of subjects. The second most common subject behavior was assaultive and threatening physical injury, which accounted for 15 percent of subjects on whom officers reported using force in 2018.

Officers followed MPD's prescribed level of force in response to the subjects' behavior in 48 percent of uses of force in 2018, as seen in the table at the top of page 15. MPD's prescribed level of force is described in MPD's Use of Force Framework, in General Order RAR-901.07, "Use of Force." Officers used a lower level of force than prescribed in 43 percent of uses of force in 2018, and used a higher level of force than prescribed in 9 percent of uses of force in 2018. Of the 200 instances of officers using a higher level of force than that prescribed, 104 (52 percent) involved officers using fist/knee strikes against actively or passively resistant subjects. Officers used the prescribed level of force or a lower level of force than prescribed in 91 percent of uses of force in 2018.

Officers Pointing Firearms at Subjects

MPD does not consider officers pointing their firearms

at subjects a use of force, but does require it be reported in a RIF. Officers reported pointing their firearms at subjects 292 times in 2018, a 32 percent increase over the 222 times officers reported pointing their firearms at subjects in 2017.²⁴ The officers reported that the subject was compliant in 35 percent of the firearm-pointed incidents in 2018; passively resistant in 26 percent of the incidents; actively resistant in 35 percent of the incidents; assaultive and threatening physical injury in 2 percent of the incidents; and assaultive and threatening serious physical injury or death in 3 percent of the incidents.

Armed Subjects in Use of Force Incidents

Subjects were reportedly armed in 352 (14 percent) reported uses of force in 2018, which is very similar to 2017, when subjects were reportedly armed in 341 (15 percent) uses of force. The most common type of weapon in 2018 was a firearm, which subjects were reported as possessing in 163 uses of force in 2018 (7 percent). Subjects were armed with knives in 130 reported uses of force (5 percent) in 2018, and with blunt weapons in 16 reported uses of force (1 percent). Subjects were armed with miscellaneous other weapons in 43 reported uses of force (2 percent) in 2018. These weapons included a hammer, a hatchet, and a machete.

Officers Using Force On Duty, In Uniform

Ninety-eight percent of officers who reported using force did so while they were on duty, the same percentage as in 2017. Similarly, 94 percent of officers who reported using force in 2018 did so while in full uniform, compared to 96 percent in 2017. Four percent of officers who reported using force in 2018 did so in plain clothes, and 1 percent reported using force while in partial uniform.

Reported Subject Behavior in 2018



22: See page 10 for further discussion of the levels of subject behavior and officer response.

23: Cooperative controls are not included in the chart on page 15 because cooperative controls are not defined as a use of force by MPD. Cooperative controls include "verbal and nonverbal communication," which would not be reported as a use of force.

24: The number of instances of officers reportedly pointing their firearms only includes instances in which the pointing of a firearm was the highest level of force reported by the officer. This is because the data in this report are based on the highest level of force used in each use of force.

25: Table does not include incidents in which the highest use of force was officers pointing their firearms at subjects because MPD does not include pointed firearms in the Use of Force Framework.

Subject Behavior and Level of Officer Force

Subject Behavior and Officer Response in 2018²⁵

	Subject Compliant	Passively Resistant	Actively Resistant	Assaultive - Physical Injury	Assaultive - Serious Injury/Death
Contact Controls	1%	2%	30%	5%	--
Compliance Techniques	<1%	2%	42%	8%	<1%
Defensive Tactics	--	<1%	5%	4%	<1%
Deadly Force	--	--	--	<1%	--
Use of force was higher than the Use of Force Framework prescribed response		Use of force met the Use of Force Framework prescribed response		Use of force was lower than the Use of Force Framework prescribed response	
9%		48%		43%	

Officers pointing their firearms



MPD does not consider officers pointing their firearms at subjects a use of force, and it is therefore not included on the Use of Force Framework

Subject Behavior in Firearm-Pointed Incidents in 2018

35% Compliant

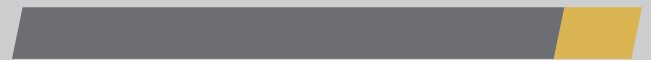
26% Passively Resistant

35% Actively Resistant

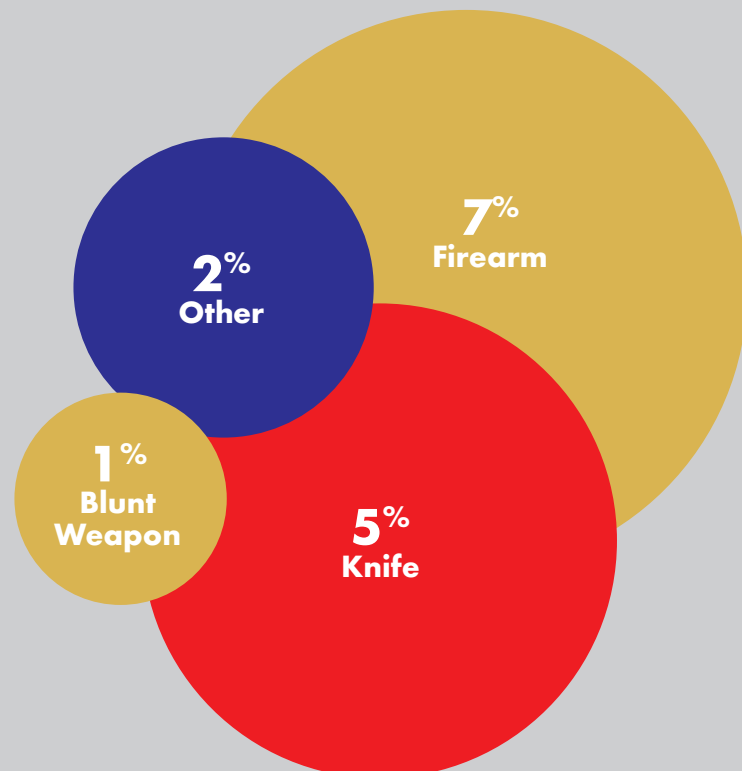
2% Assaultive - Physical Injury

3% Assaultive - Serious Injury/Death

Subjects were reportedly armed in **14%** of use of force incidents in 2018



Subject Weapons in 2018 Use of Force Incidents



USE OF FORCE FINDINGS

Types of Use of Force

As in 2017, tactical takedowns were the most frequent type of force reported in 2018, accounting for 42 percent of uses of force.²⁶ Control holds were the highest level of force used in 33 percent of reported uses of force.

The hierarchy of force used in this report, from lowest to highest, is:

- (1) Control holds (including hand controls, firm grip, joint locks, pressure points, ASP controls, and handcuffing)
- (2) Tactical takedown
- (3) Firearm pointed
- (4) OC spray
- (5) Fist/knee strike or 40mm extended impact weapon (foam or sponge rounds)
- (6) ASP strike
- (7) Taser/ECD
- (8) Firearm discharged

Firearms pointed at subjects were the highest level of force used in 12 percent of reported uses of force, while OC spray was the highest level of force used in 4 percent of reported uses of force in 2018. Fist/knee strikes were the highest level of force used in 7 percent of reported uses of force in 2018, and ASP strikes were the highest level of force used in 1 percent of reported uses of force in 2018. Tasers/ECDs were the highest level of force used 17 times in 2018, accounting for less than 1 percent

of 2018 uses of force. Although all officers receive familiarity training with Tasers/ECDs, only sergeants are fully trained and equipped with Tasers/ECDs.

There were nine firearm discharge incidents in 2018, with three incidents involving firearm discharges at people and six involving firearm discharges at dogs. These nine firearm discharge incidents account for less than 1 percent of reported uses of force in 2018, and represent a decrease from the 15 firearm discharge incidents reported in 2017. For further discussion of the 2018 firearm discharge incidents, see page 26.

Rate of Injuries in Use of Force Incidents

Officers reported receiving injuries in 10 percent of reported uses of force in 2018. Subject injuries were reported in 55 percent of uses of force reported in 2018.

The injury rates by type of force were similar in 2018 to 2017.²⁷ The following percent of incidents resulted in reported subject injuries:

- 76 percent of OC spray uses;
- 73 percent of fist/knee strikes/40mm extended impact weapons;
- 72 percent of control holds;
- 64 percent of ASP strikes;
- 63 percent of firearm discharges;
- 59 percent of Taser/ECD uses; and
- 48 percent of tactical takedowns.

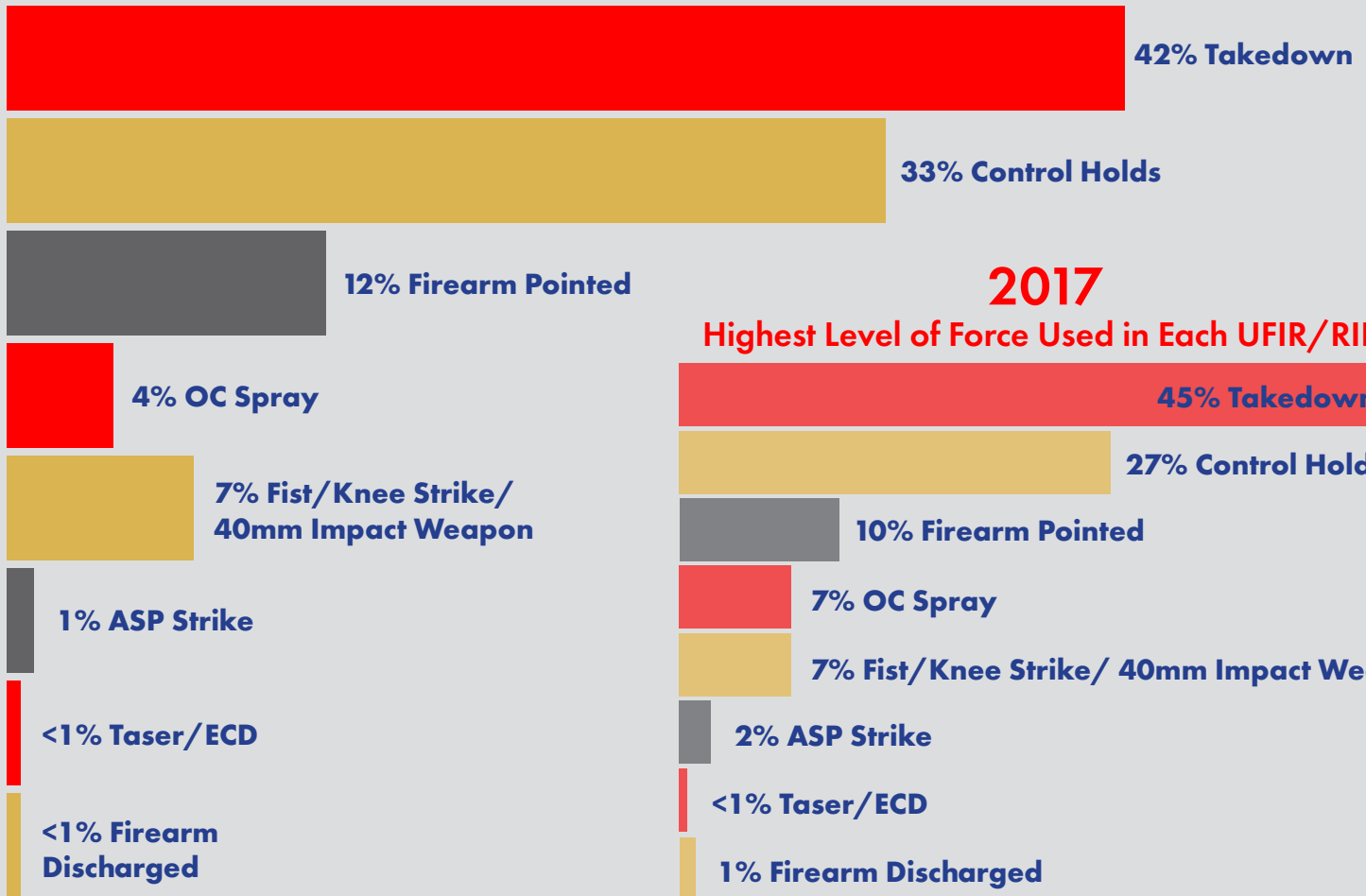
26: OPC revised how it evaluates the hierarchy of force used from how it was presented in the FY17 Use of Force Report. For the hierarchy of force listed in this report and for further discussion of the re-evaluation, see Appendix C.

27: 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.

Level of Force and Injury Rate

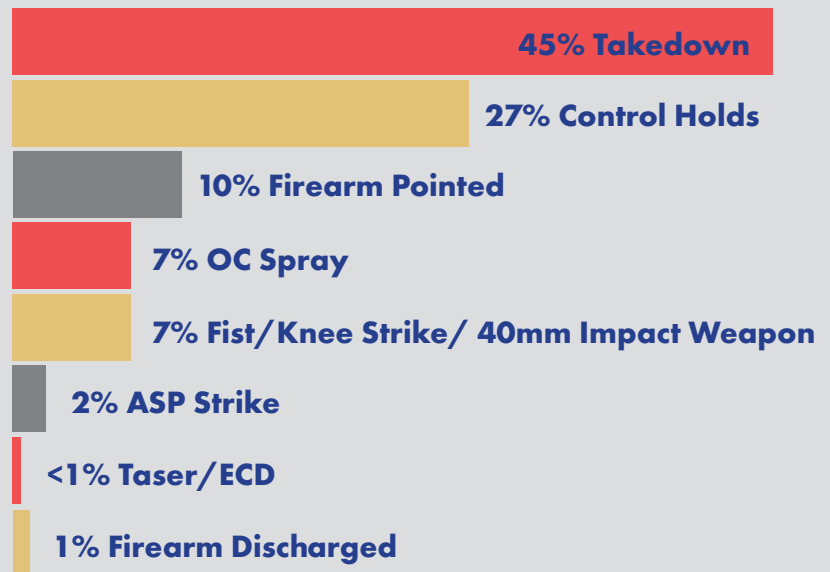
2018

Highest Level of Force Used in Each UFIR/RIF



2017

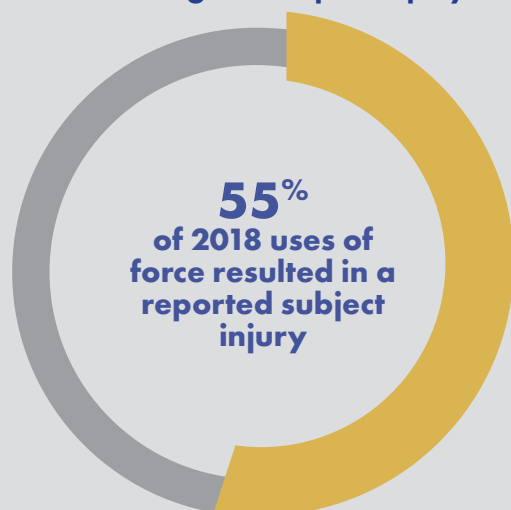
Highest Level of Force Used in Each UFIR/RIF



Percent of Uses of Force
Resulting in Officer Injury



Percent of Uses of Force
Resulting in Subject injury



DEMOGRAPHICS

Demographics of Officers Using Force

A total of 1,322 MPD officers reported using force in 2018, with 695 (53 percent) of those officers using force in more than one incident. This represents one out of every three MPD officers using force in 2018. The demographics of officers who reported using force in 2018 were similar to the previous four years. White officers and black officers both accounted for between 41 and 44 percent of officers who reported using force each year since 2014, while Hispanic officers accounted for between 6 and 11 percent of officers who reported using force each year since 2014. Between 84 and 90 percent of officers who reported using force each year since 2014 were male officers, while 10 to 16 percent were female officers.

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

- 35 percent of MPD's officers are white, but white officers accounted for 41 percent of officers who reported using force in 2018;
- 78 percent of MPD's officers are male, but male officers accounted for 84 percent of officers who reported using force in 2018; and
- 34 percent of MPD's officers are under 35 years of age, but these officers accounted for 53 percent of officers who reported using force in 2018.

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

- 52 percent of MPD's officers are black, but black officers accounted for 44 percent of officers who reported using force in 2018; and
- 22 percent of MPD officers are female, but female officers accounted for 16 percent of officers who reported using force in 2018.

Demographics of Subjects of Force

Subject demographics were also similar in 2018 to the previous four years. Black community members were the subjects of 90 percent of MPD reported uses of force in 2018, while white community members were the subjects of 6 percent of reported uses of force in 2018

and Hispanic community members were the subjects of 3 percent of reported uses of force in 2018. Males were the subjects of 83 percent of reported uses of force in 2018, while females were the subjects of 17 percent of reported uses of force in 2018.²⁸

Younger community members were more likely to be the subjects of reported uses of force, with 69 percent of incidents involving subjects less than 35 years old in 2018. Subjects 35 to 54 years old were the subjects of 25 percent of reported use of force incidents in 2018, while subjects 55 years old and older were the subjects of 6 percent of reported uses of force in 2018.

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 percent of District residents are black, but black community members were the subjects of approximately 90 percent of all reported uses of force in 2018;
- 47 percent of District residents are male, but males were the subjects of 83 percent of reported uses of force in 2018; and
- 52 percent of District residents are less than 35 years old, but community members in this age range were the subjects of 69 percent of reported uses of force in 2018.

Officer and Subject Demographic Pairings

The most frequent officer-subject pairings were white officers using force on black subjects, which accounted for 41 percent of the uses of force in 2018. Black officers using force on black subjects accounted for 37 percent of reported uses of force in 2018, while Hispanic officers using force on black subjects accounted for 9 percent of reported uses of force in 2018.

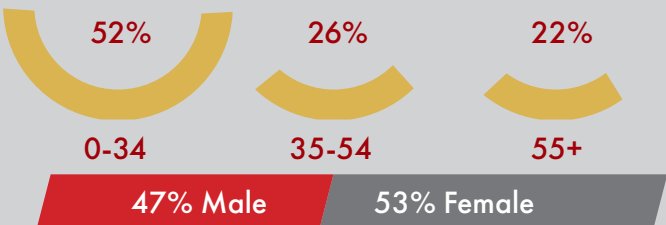
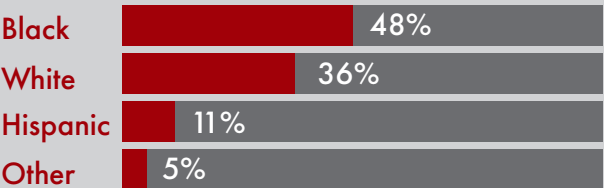
White officers used force on white subjects in 3 percent of reported uses of force in 2018; and black officers used force on white subjects in 2 percent of reported uses of force in 2018.

28: Overall District statistics are based on 2016 and 2017 Census projections. For more information see: https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml and <https://www.census.gov/quickfacts/DC>.

2018 Officer and Subject Demographics

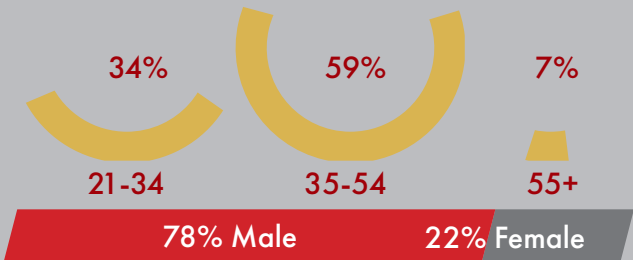
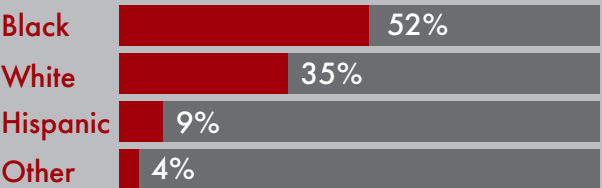
D.C. Population

Population: 693,972



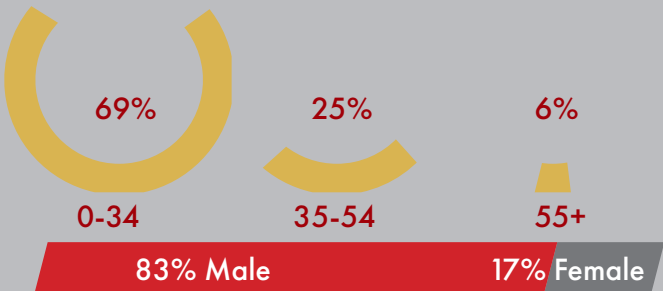
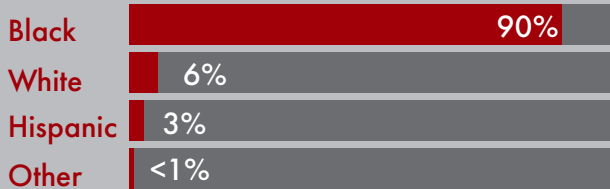
MPD Overall

Sworn Officers: 3,850



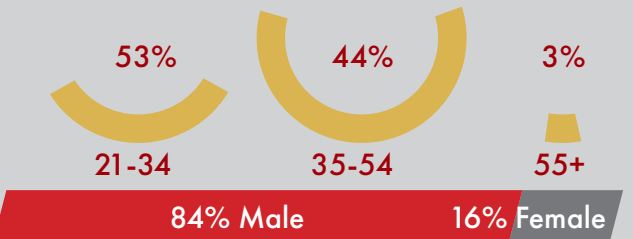
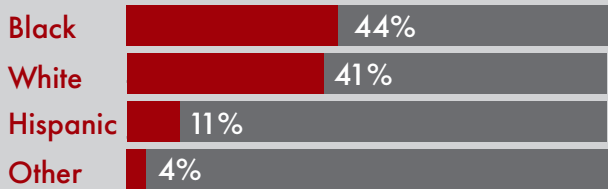
2018 Subjects of Force

Number of Subjects of Force: 1,284

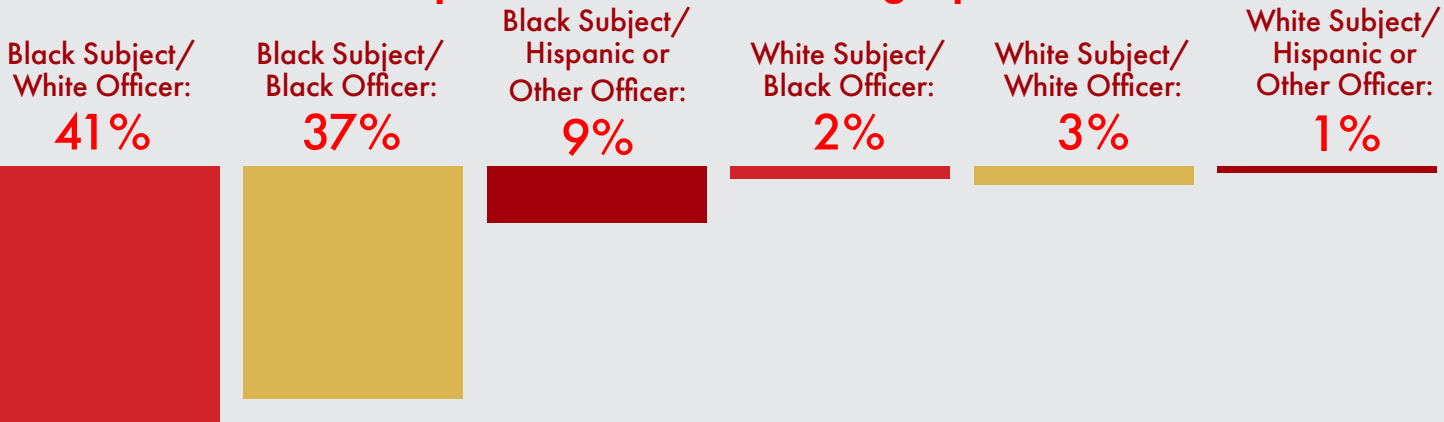


2018 Officers Using Force

Number of Officers Using Force: 1,322



Subject and Officer Demographics



CHARACTERISTICS OF OFFICERS AND SUBJECTS

Ranks 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 who reported using force were on average of lower ranks. Probationers and officers made up 70 percent of MPD's sworn personnel, but accounted for 90 percent of the officers who reported using force in 2018. Probationers increased from 2 percent of officers who reported using force in 2015 to 13 percent in 2018. The percent of sergeants using force continued to decrease, from 9 percent of the MPD officers who reported using force in 2015 to 6 percent in 2018. Master patrol officers, detectives, and lieutenants each accounted for 3 percent or less of officers reporting using force per year since 2015.

Years of Service and Age of Officers Using Force

Officers who reported using force in 2018 were also on average younger and had fewer years of experience at MPD compared to the average age and years of service of officers for the districts to which they were assigned. The median age of officers who used force in each district was between 31 and 35; the median age of officers assigned to each district was between 37 and 42. Similarly, the median number of years of experience per district for officers who reported using force was four to seven years, while the median number of years of experience with MPD for all officers per district was between nine and 13.

Subjects Impaired or Assaulting Officers

MPD officers record when subjects commit an assault on a police officer (APO). They also sometimes record when subjects are under the influence of drugs or alcohol, or are exhibiting signs of mental illness.

Officers reported that subjects assaulted officers in 240 use of force incidents (22 percent) in 2018. Officers also reported that subjects appeared to be under the influence of drugs or alcohol or appeared to be exhibiting signs of mental illness in 171 incidents (15 percent).

In 51 incidents (5 percent), officers reported an APO by subjects who appeared to be under the influence of drugs or alcohol or who appeared to be exhibiting signs of mental illness.

When officers encountered subjects they believed were under the influence of drugs or alcohol or exhibiting signs of mental illness, officers used:

- Hand controls and tactical takedowns – the two lowest levels of force – in 77 percent of incidents;
- OC spray in 9 percent of incidents;
- Fist/knee strikes in 5 percent of incidents;
- Pointing their firearms in 5 percent of incidents;
- Tasers/ECDs in 2 percent of incidents; and
- ASP strikes in 2 percent of incidents.

Rank of Officers Who Reported Using Force

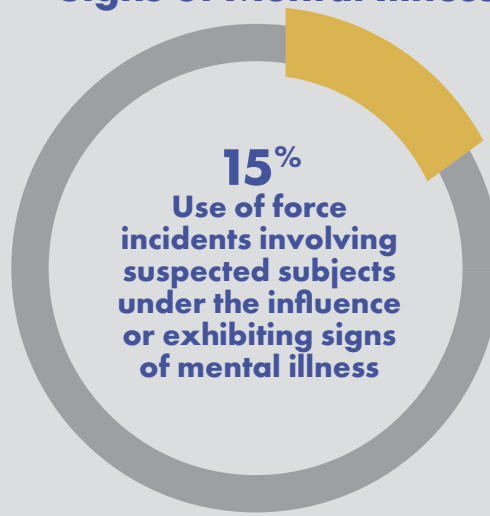
District	2015	2016	2017	2018	MPD Overall
Probationer	2%	9%	10%	13%	6%
Officer	80%	77%	80%	77%	64%
Master Officer	2%	2%	1%	1%	1%
Detective	3%	3%	1%	1%	8%
Sergeant	9%	7%	7%	6%	10%
Lieutenant	1%	1%	1%	1%	3%

Subject Behavior

Assault on a Police Officer



Subject Under the Influence/Exhibiting Signs of Mental Illness



5%
Suspected subjects under the influence or exhibiting signs of mental illness committed APO

Officer Characteristics by District

Officer Age by District

	District 1	District 2	District 3	District 4	District 5	District 6	District 7
Median Age of Officers Using Force	33	34	31	35	32	33	33
Median Age of Officers Assigned to District	41	42	37	39	37	39	37

Officer Years of Service by District

	District 1	District 2	District 3	District 4	District 5	District 6	District 7
Median Years of Service of Officers Using Force	5	7	4	6	4	4	4
Median Years of Service of Officers Assigned to District	13	11	9	12	11	9	10

USE OF FORCE BY DISTRICT

Overview

MPD divides D.C. into seven service districts, and has a number of special divisions, including the Harbor Patrol and Criminal Interdiction Unit.

The Fifth, Sixth, and Seventh Districts had the greatest proportion of reported use of force incidents in 2018, as they did in both 2015 and 2017. In 2016, the First District and Fifth District had the greatest proportion of reported use of force incidents.

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 First District includes the National Mall, the downtown business district, and the Southwest Waterfront.

The Fifth District and Seventh District have been fairly consistent over the last four years, regularly accounting for approximately 20 percent of reported use of force incidents. Reported use of force incidents in the Sixth District decreased from approximately 23 percent in 2015 to 15 percent in 2016, but have increased over the last two years.

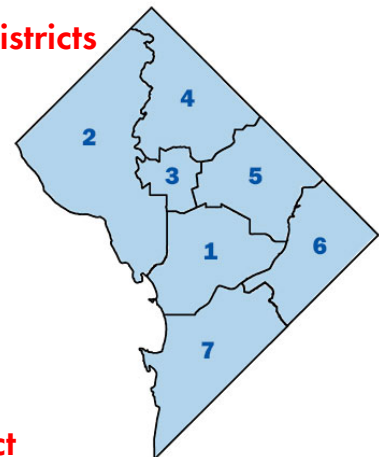
The Second District regularly has the lowest proportion of reported use of force incidents, with 6 to 7 percent per year, followed by the Fourth District, with 8 to 11 percent. The Second District covers the northwest section of the city, including neighborhoods such as Chevy Chase, Cleveland Park, Georgetown, and Foggy Bottom. The Fourth District covers the upper northwest portion of the District, including the Fort Totten, Takoma, and Petworth neighborhoods.

There has been little change over the last four years in the proportion of incidents occurring in the Third District, which had 10 to 13 percent of incidents per year. The Third District includes Adams Morgan, Dupont Circle, Logan Circle, and Columbia Heights.

MPD further divides the seven districts into 56 Police Service Areas (PSAs), to which officers are assigned. The five PSAs with the most reported uses of force accounted for 14 percent of uses of force in 2018 – more than one out of every eight uses of force. The five PSAs with the most reported uses of force were all in the Fifth and Sixth Districts – PSAs 505, 506, 507, 602, and 603.

Some officers are also assigned to Crime Suppression Teams (CSTs). “CST officers are selected by their district commander, and their primary purpose is to prevent crime. CST officers do not respond to calls for service during their shift like ‘regular’ patrol officers and are therefore able to focus their efforts on crime patterns and emerging trends as identified by their district commander as well as community complaints related to criminal activity.”²⁹ Each district has a CST, and each CST contains approximately 20 to 30 officers. Although only approximately 4 percent of officers are assigned to CSTs, CSTs accounted for 13 percent of uses of force in 2018.

MPD Districts



Use of Force Incidents by District

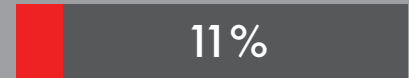
	District 1	District 2	District 3	District 4	District 5	District 6	District 7
2015	14%	6%	10%	10%	18%	23%	17%
2016	20%	7%	11%	8%	21%	15%	18%
2017	14%	7%	13%	10%	20%	16%	20%
2018	11%	6%	12%	11%	20%	19%	20%

29: Correspondence from MPD to OPC, 28 January 2019.

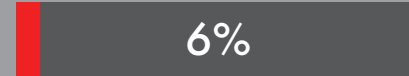
Where 2018 Use Of Force Incidents Occurred



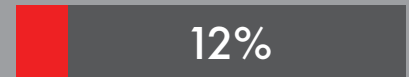
First District



Second District



Third District



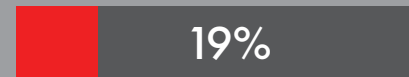
Fourth District



Fifth District



Sixth District



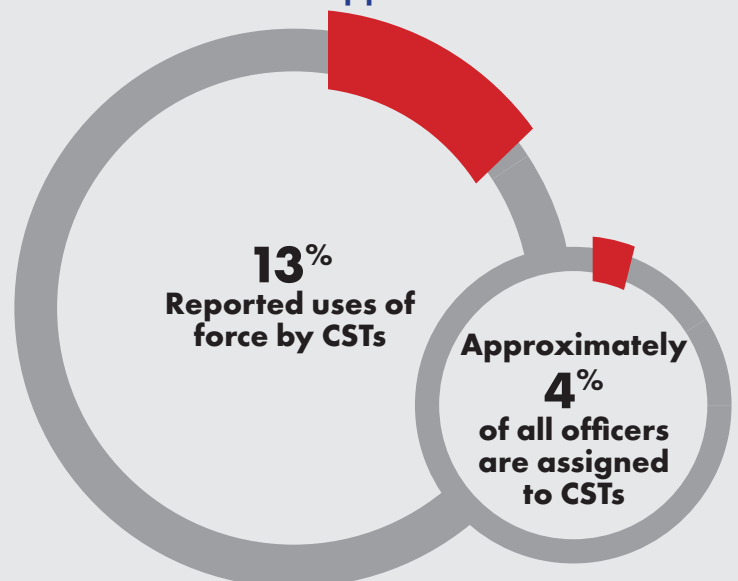
Seventh District



Assignments with Most Uses of Force

- **PSA 506:** 100 uses of force (of 2,873 total uses of force)
- **Fifth District Crime Suppression Team:** 94 uses of force
- **Seventh District Crime Suppression Team:** 94 uses of force
- **PSA 603:** 88 uses of force
- **Gun Recovery Unit:** 81 uses of force

Incidents Involving Crime Suppression Teams



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);³⁰ 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).³¹ General Order RAR-901-09, which established the UFRB, mandates that the UFRB review certain types of force and vehicular pursuits, as described above.

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: OPC's executive director, 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. It also categorizes some instances as policy violations. 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. Most excessive force investigations are initiated by officers' supervisors, though some are initiated by a complaint. 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.³² The definitions for these disposition types are listed below.

For each decision, the 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 officer 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 officer 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 officer violated an MPD policy.

30: 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>.

31: 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.

32: The UFRB did not review any vehicular pursuit cases in 2018.

SERIOUS USE OF FORCE INCIDENTS

MPD UFRB 2018 Dispositions

The UFRB issued more than twice as many determinations in 2018 as in 2017. The UFRB convened 29 times and issued 278 determinations in 2018, compared to 127 determinations in 19 meetings in 2017. The 278 determinations in 2018 involved a total of 180 different officers. Of the 278 determinations:

- 232 (84 percent) were regarding uses of force;
- 27 (10 percent) were regarding allegations of excessive force; and
- 19 (7 percent) were for policy violations, all of which were sustained.

Eighty percent of the 232 use of force determinations in 2018 were considered justified uses of force and within department policy, while 9 percent were considered justified but tactical improvement opportunities. The UFRB determined that officers' actions in 25 of the 232 2018 uses of force (11 percent) were considered not justified and not within departmental policy.

Ten of the 27 excessive force determinations (37 percent) in 2018 were sustained, while 14 (52 percent)

were considered unfounded. The other three (11 percent) excessive force determinations were deemed to have insufficient facts to determine whether there was misconduct.

The policy violations reviewed by the UFRB included officers failing to notify their supervisor that they used force; officers failing to provide medical attention; officers failing to keep subjects under control; sergeants taking their Tasers/ECDs home without permission; sergeants failing to warn subjects before deploying Tasers/ECDs; sergeants removing the Taser/ECD prongs from the subject; and sergeants failing to test their Tasers/ECDs to ensure they were working before taking them into the field or deploying them.

The UFRB concurred with the recommendations of the IAD investigator in 78 percent of the 278 determinations in 2018. In 14 percent of cases, the UFRB did not concur with the IAD's recommendations. The other 8 percent of allegations were not proposed by the IAD investigator but added by the UFRB; the UFRB sustained all of the added allegations.

2018 UFRB Use of Force Determinations

Justified, Within Departmental Guidelines: 80%

Justified, Tactical Improvement Opportunity: 9%

Not Justified, Not Within Departmental Policy: 11%

2018 UFRB Excessive Force Determinations

Unfounded: 52%

Sustained: 37%

Insufficient Facts: 11%

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 officer 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.

OFFICER-INVOLVED FIREARM DISCHARGES

Overview

The highest level of force an officer can use is discharging their firearm. In 2018 officers discharged their firearms at people in three incidents. The number of officer-involved firearm discharge incidents at people increased from nine in 2014 to 15 in 2015, but decreased to 10 in 2016 and 2017. The three incidents in 2018 is the lowest number of reported firearm discharge incidents at people since at least 2011, the earliest year for which data was available.

There were an additional six incidents in which officers discharged their firearms at dogs in 2018. In total, 12 MPD officers intentionally discharged their firearms in nine incidents in 2018 – at people in three incidents and at dogs in six incidents.

Fatal Officer-Involved Firearm Discharges

The three incidents in which officers discharged their firearms at people in 2018 involved four officers in total discharging their firearms. Two of the subjects at whom officers discharged their firearms in 2018 were fatally injured.

In both of the reported fatal incidents, the subject discharged a firearm at officers. All three subjects at whom officers discharged firearms in 2018 were black males.

Between 2014 and 2017, MPD officer-involved firearm discharges resulted in two to four reported fatalities each year.

Non-Fatal Officer-Involved Firearm Discharges

MPD officers discharged their firearms and missed the subject once in 2018. The subject was a suspect in a reported armed robbery. Officers discharged their firearms and missed subjects between two and six times per year from 2014 through 2017.

Officers also negligently discharged firearms in two incidents in 2018. In one incident, the officer accidentally discharged their service weapon while reloading it at their residence. No one was injured in this incident. In the other incident the officer was attempting to unload a recovered firearm and accidentally discharged it. No one was injured in this incident.

There were no officer firearm discharges in 2018 that struck the subject and injured them non-fatally. All firearm discharges by officers were either fatal or missed the subject. Between three and five people were non-fatally injured in officer-involved firearm discharge incidents per year from 2014 through 2017.

OFFICER-INVOLVED FIREARM DISCHARGES

Officer-Involved Firearm Discharges at Animals

Officers discharged firearms at dogs in six incidents in 2018. Two of the incidents resulted in the dogs being fatally injured; two of the incidents resulted in the dogs being non-fatally injured; and in two incidents the officers discharged their firearms but missed the dogs.

In calendar years 2012 through 2017, MPD reported that officers discharged their weapons at animals in five to 18 incidents per year.³³

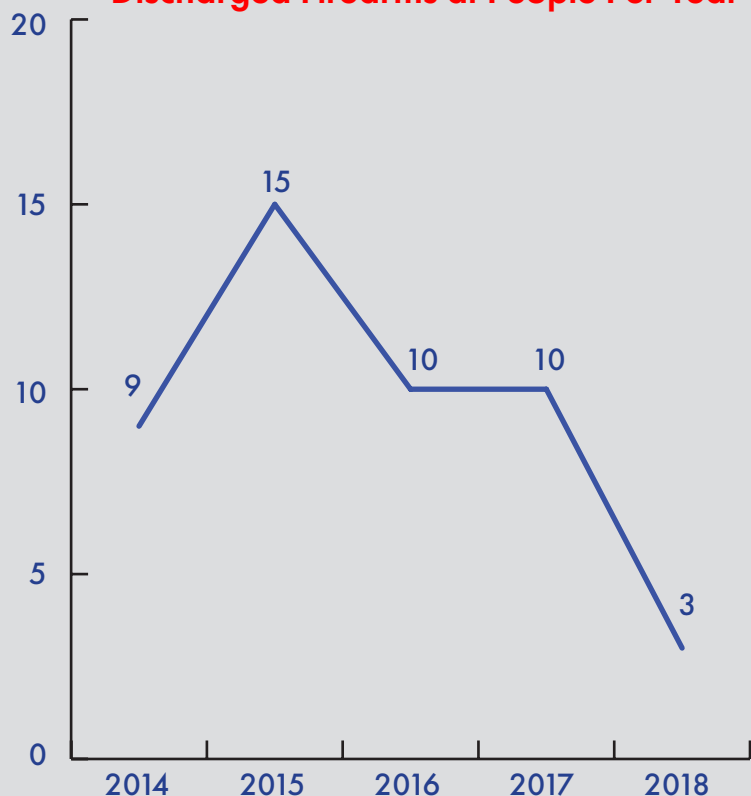
Subject Behavior in Officer-Involved Firearm Discharge or Firearm Pointed Incidents

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 10 for definitions and further description of these categories).

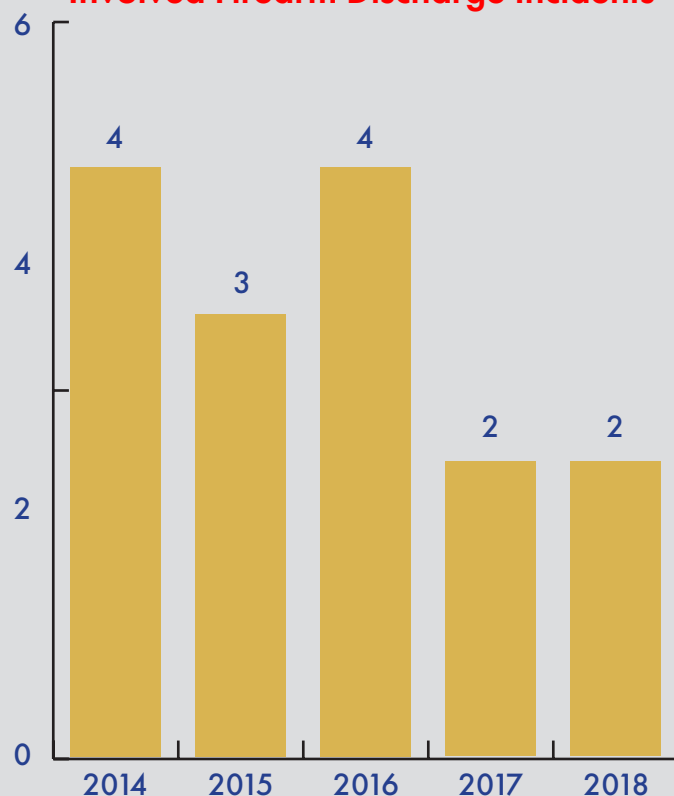
MPD officers discharged their service weapons at human or animal subjects in nine incidents in 2018. OPC received UFIRs for six of these nine incidents (all involving firearm discharges at dogs).³⁴ In four of these incidents the officer failed to identify the level of subject behavior. In the other two incidents the officer reported that the animal was assaultive with the threat of physical injury.

2018 Officer-Involved Shooting Statistics

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



Number of Subject Fatalities in Officer-Involved Firearm Discharge Incidents



33: "Metropolitan Police Department Annual Report 2016." Metropolitan Police Department; 29 December 2017. Available: <https://mpdc.dc.gov/page/mpd-annual-reports>.

34: MPD did not provide UFIRs or RIFs for cases that were still under investigation, including all three 2018 firearm discharges at people.

OFFICER-INVOLVED FIREARM DISCHARGES

Summary of Officer-Involved Firearm Discharge Incidents in 2018

The following are brief summaries of the three reported incidents of officer-involved firearm discharges at people in 2018:³⁵

- On **May 9, 2018**, one officer discharged a service firearm at a subject in the 2300 block of 15th Street NE, and struck the subject. The subject was reportedly armed with a firearm. The subject was transported to the hospital, and pronounced deceased. Further information was not available as MPD was still investigating the case at the end of the year.
- On **June 12, 2018**, officers were pursuing a subject on foot in the 3700 block of First Street SE. The subject

reportedly discharged one round from a firearm at the officers. Officers discharged their firearms at the subject in response, and struck the subject. The subject died as a result of the gunshot wounds. Further information was not available as MPD was still investigating the case at the end of the year.

- On **September 1, 2018**, officers responded to a report of an armed robbery in the 6500 block of Georgia Avenue NW. One officer confronted the subject and discharged one round at the subject but missed. The subject fled and was not apprehended. It is not known whether the subject was armed. Further information was not available as MPD was still investigating the case at the end of the year.

³⁵: The summaries are based on UFIRs provided by MPD and narrative summary reports.

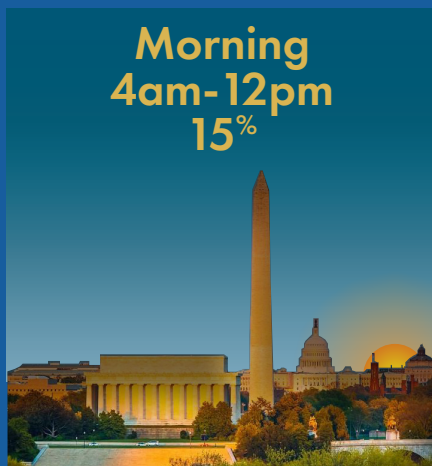
USE OF FORCE INCIDENTS BY TIME AND MONTH

Overview

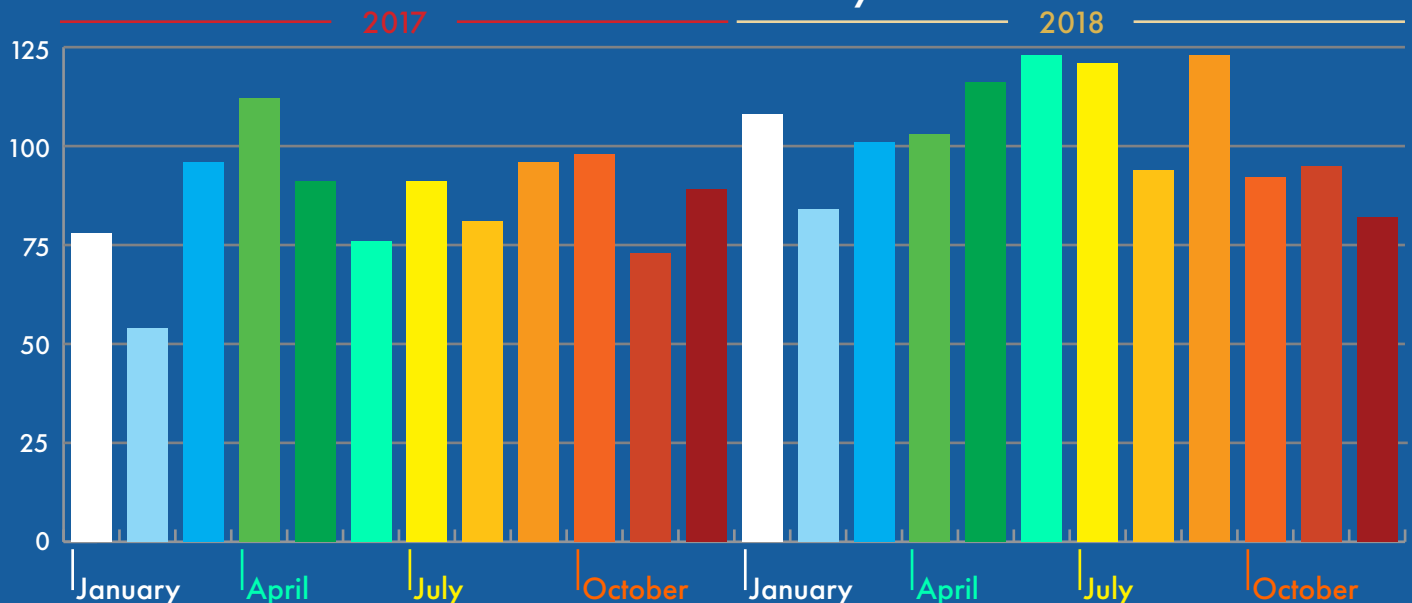
More use of force incidents occurred during the spring and summer months than during the winter months in 2018. June, July, and September were the months with the most use of force incidents, with 123, 121, and 123 incidents, respectively. December and February had the fewest use of force incidents, with 82 and 84 respectively.

Most reported use of force incidents also occurred during the afternoon or night, with few occurring in the morning. The number of use of force incidents was nearly even between the afternoon, with 534 incidents, and the night, with 525 incidents.

Use of Force Incidents: Time of Day, Time of Year



Use of Force Incidents by Month



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. There is no national database of police force or a uniform system of reporting uses of force. Therefore, the definition of force and the types of force that require reporting may vary from department to department. The types of issues officers face vary from department to department and city to city 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 Austin and Indianapolis police departments were selected for comparison because they are both metropolitan areas with similar population sizes and annual number of arrests to Washington, D.C.

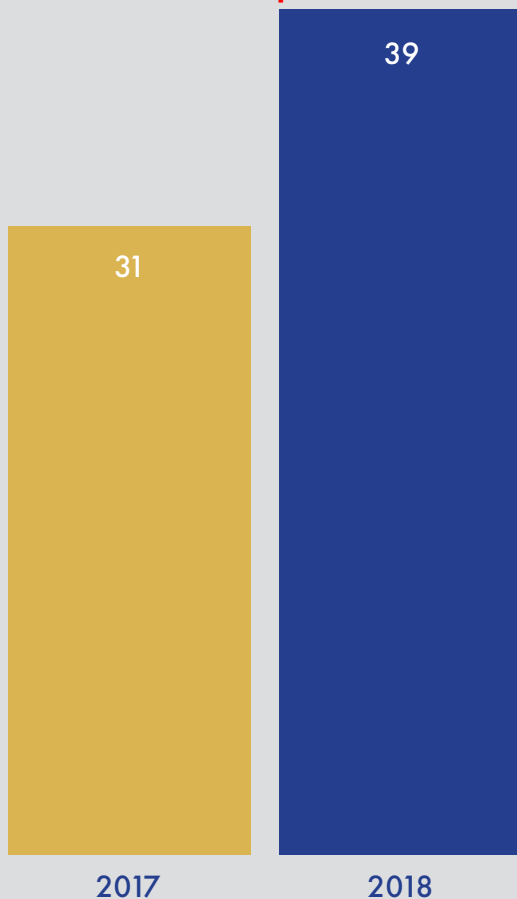
According to the data MPD provided, MPD reported approximately 323 use of force incidents for every 1,000 officers and 39 use of force incidents for every 1,000 arrests in 2018. This is more than in 2017, when there were 273 reported uses of force for every 1,000 officers and 31 uses of force for every 1,000 arrests.

In 2018, MPD had one use of force incident for every 26 arrests, an increase from one use of force incident for every 32 arrests in 2017.

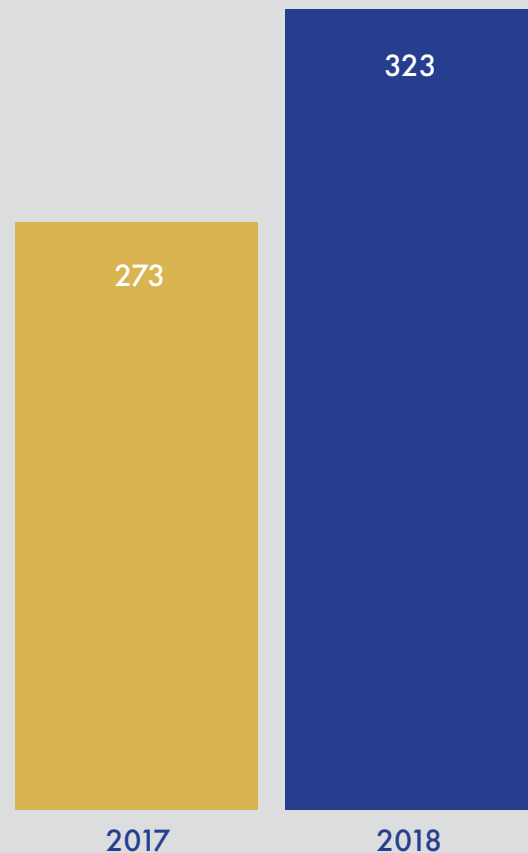
Compared to the other jurisdictions reviewed here, MPD had fewer use of force incidents per 1,000 officers, per 1,000 residents, and per 1,000 arrests than the Austin Police Department. MPD also had fewer use of force incidents per 1,000 officers than the Indianapolis police department, but more use of force incidents per 1,000 residents and per 1,000 arrests.

MPD Use of Force Rates

MPD uses of force per 1,000 arrests



MPD uses of force per 1,000 officers



COMPARISON TO OTHER POLICE DEPARTMENTS

Reported Use of Force Incident Comparison

				
	D.C. MPD 2018³⁶ Use of Force Incidents: 1,242 Sworn Officers: 3,850 Population: 693,972 Arrests: 31,680	D.C. MPD 2017³⁷ Use of Force Incidents: 1,035 Sworn Officers: 3,789 Population: 670,377 Arrests: 33,957	Austin, TX PD³⁸ Use of Force Incidents: 3,293 Sworn Officers: 1,800 Population: 950,715 Arrests: 41,583	Indianapolis, IN PD^{39,40} Use of Force Incidents: 1,362 Sworn Officers: 1,521 Population: 863,002 Arrests: 40,668
Use of Force Incidents per 1,000 Officers	323	273	1,829	896
Use of Force Incidents per 1,000 Residents	1.8	1.5	3.5	1.6
Use of Force Incidents per 1,000 Arrests	39 (1 use of force for every 26 arrests)	31 (1 use of force for every 32 arrests)	79 (1 use of force for every 13 arrests)	34 (1 use of force for every 29 arrests)

36: Number of 2018 MPD sworn officers and number of arrests provided to OPC in 11 January 2019 correspondence.

37: "Metropolitan Police Department Annual Report 2016." Metropolitan Police Department; 29 December 2017. Available: <https://mpdc.dc.gov/node/1297881>.

38: "2016 Response to Resistance Dataset." Austin Police Department; August 2017. Available: http://www.austintexas.gov/sites/default/files/files/Police/2016_response_to_resistance_dataset.pdf

39: "Use of Force Incidents." Indianapolis Metropolitan Police Department. Available: <https://www.projectcomport.org/department/IMPD/useofforce/>

40: "Indianapolis Metropolitan Police Department 2017 Annual Report." Indianapolis Metropolitan Police Department. Available: <file:///C:/Users/matthew.graham2/Downloads/2017%20IMPD%20ANNUAL%20REPORT.pdf>

RECOMMENDATIONS

FY17 Recommendations Update

In its FY17 Use of Force Report, OPC made eight recommendations for MPD to improve its use of force policies, reporting, and data collection. The following is an overview of the progress MPD has made on the recommendations where applicable, from both OPC's and MPD's perspectives. OPC's review process included requests to MPD to determine the status of the recommendations. OPC also took into account its own observations and experiences in producing this 2018 Use of Force Report to determine the extent to which the recommendations had been implemented. Of the eight recommendations OPC made in FY17, MPD has:

- **Partially implemented** four recommendations; and
- **Not implemented** four recommendations.

This report also makes four new recommendations that address deficiencies observed during OPC's review of progress made on the FY17 recommendations and during the data collection and analysis of 2018 use of force data.

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

Status according to MPD

AGREE IN PART, IN PROGRESS

"With the automation of the UFIR and the RIF, MPD is working on a revised GO 901.08 (Use of Force Investigations) that will rescind both S0-10-14 [Instructions for Completing the Use of Force Incident Report (UFIR: PD Forms 901-e and 901-f)] and SO-06-06 [Instructions for Completing the Reportable Incident Form (RIF: PD Forms 901-g and 901-h)] in order to ensure that use of force reporting is addressed in a clear and concise manner and redundant directives are eliminated."⁴¹

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD is working to implement this recommendation. If MPD completes the revised General Order as described above, OPC will consider this recommendation fully implemented.

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

Status according to MPD

DISAGREE

"The creation of the RIF to document pointing firearm incidents was negotiated with and approved by the Department of Justice (DOJ) more than a decade ago as part of our Memorandum of Agreement (MOA) on use of force. The rationale for implementing a more concise form was to enable officers to quickly return to service when a full administrative investigation is not required. The RIF is only used for firearm pointing incidents and for tactical takedowns when there is no other use of force and there are no complaints of pain or injuries to the subject."

OPC Response:

OPC considers this recommendation **not implemented**. OPC continues to believe that maintaining two different force reporting forms is confusing to officers – at least 115 reports were completed as RIFs in 2018 when they should have been completed as UFIRs. OPC also rejects the notion that officers can return to service more quickly by completing a RIF rather than a UFIR – the only differences in the forms are that the UFIR includes ground and lighting conditions, body diagrams to illustrate injuries, and the officer's race, sex, date of birth, height, and weight.

41: All responses attributed to MPD throughout this section are verbatim as received in correspondence from MPD on 28 December 2018.

RECOMMENDATIONS

Given that the forms are so similar, OPC does not agree that requiring officers to complete a UFIR would keep officers off of the streets appreciably longer than requiring them to complete RIFs.

MPD did improve the RIF in 2018 by adding fields for officers to report the type of force used, whether they were equipped with BWC, and officer injuries, if any. This is an improvement in the RIF, but further undermines the claim that the RIF is a more concise form allowing officers to return to service faster. In order for this recommendation to be considered fully implemented, MPD would need to eliminate the RIF and report all uses of force using the UFIR.

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

Status according to MPD

AGREE, COMPLETE

“In January 2018, MPD completed enhancements to PPMS that included improved use of force incident tracking and automation of the UFIR and RIF. Capturing UFIR and RIF information electronically facilitates more accurate reporting and ensures supervisors are automatically notified of required reviews. However, as outlined above, MPD does not believe combining the UFIR and RIF are appropriate.”

OPC Response:

OPC considers this recommendation **partially implemented**. Following the implementation of the PPMS enhancements in January 2018, MPD indicated that the fields from the UFIRs/RIFs that could not be exported as data in 2017 – including the type of force used by the officer; subject and officer injuries; ground and lighting conditions; subject behavior; subject activity; and more – were still not exportable as data in 2018, despite all UFIRs/RIFs now being entered electronically.

In order for this recommendation to be considered fully implemented, MPD would need to collect all information from the UFIRs/RIFs in an electronic data format, not simply entering information electronically. An electronic data format captures and stores all elements, except possibly for the narrative, in a manner that allows the data to be analyzed and exported in an Excel document, a comma-separated values (CSV) file, or a spreadsheet in a similar format consistent with accepted data standards.

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

Status according to MPD

AGREE IN PART, IN PROGRESS

“MPD has deployed enhancements to PPMS which include the collection of additional body worn camera fields as recommended by OPC. We are planning to review additional fields for the UFIR and RIF in the coming year and will consider the other fields recommended for inclusion by OPC as well as any new fields identified in OPC’s forthcoming use of force report. However, we want to ensure that any new fields that are added to PPMS are not duplicative of information already captured in other MPD systems in order to ensure efficiency and ensure data quality.”

OPC Response:

OPC considers this recommendation **partially implemented**. In order for this recommendation to be considered fully implemented, MPD would need to add fields including why the contact with the subject was initiated, whether the subject was arrested, the alleged criminal activity by the subject, and whether the subject was under the influence of alcohol or drugs.

RECOMMENDATIONS

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

Status according to MPD

AGREE, COMPLETE

“Supervisors are required to conduct careful reviews of all reports they approve, including UFIRs and RIFs. With the automation of those forms in PPMS, supervisors now receive an automatic notification that a review is required.”

OPC Response:

OPC considers this recommendation **partially implemented**. While automatic notification to supervisors informs them of the required review, it does not ensure a thorough review.

A large number of UFIRs/RIFs in 2018 were incomplete, inaccurate, or otherwise deficient. In at least 627 UFIRs/RIFs received from MPD (25 percent of those received), officers failed to complete pertinent fields of the UFIR/RIF, in particular the level of subject behavior. At least 115 force reports received by OPC (5 percent) were completed as RIFs when, based on MPD’s own policies, they should have been completed as UFIRs. In 56 UFIRs/RIFs received by OPC (2 percent), officers marked the subject activity as Assault on a Police Officer (APO), but neither they nor other involved officers described an assault in the narrative summary of the incident. There were 43 other UFIRs/RIFs with various reporting issues, such as the type of force indicated on the UFIR not matching that described in the narrative. Ultimately, at least 32 percent of the UFIRs/RIFs received by OPC in 2018 were deficient in one or more of the manners described above. All of these reports were approved by at least one, and usually two, supervisors.

In order for this recommendation to be considered fully implemented, MPD would need to implement new policies or practices for supervisors to address and eliminate these reporting deficiencies and verify thorough reviews of all use of force forms submitted.

5A. New Recommendation: MPD should make essential fields of the UFIR/RIF electronically mandatory.

One of the most important pieces of information contained in the UFIRs/RIFs, along with the type of force used, is the subject’s behavior. MPD employs a Use of Force Framework to prescribe and assess the proper officer response given a range of subject behaviors. This includes five levels of subject behavior, and five corresponding levels of officer response.

In order to assess whether officers used an appropriate level of force, officers must indicate both the type of force used and the level of subject behavior. However, officers failed to indicate the level of subject behavior in 627 of the 2,520 UFIRs and RIFs provided to OPC in 2018 – 25 percent of all reports. Each of these incomplete reports was approved by at least one, and usually two, supervisors.

Now that the UFIRs and RIFs are entered electronically, one certain way to eliminate these deficiencies would be to make all essential fields of the UFIR/RIF electronically mandatory. Similar to how online purchases cannot be submitted until the purchaser’s address and payment details are completed in the online form, officers would be unable to submit UFIR/RIF forms until all essential fields – including at least the type of force used, level of subject behavior, and subject activity – are completed.

Given the continuing deficiencies in officer reporting and supervisory review of UFIRs/RIFs, OPC recommends that all essential fields of the UFIR/RIF be electronically mandatory fields, such that officers cannot submit the UFIR/RIF electronically unless these fields are complete.

RECOMMENDATIONS

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

Status according to MPD

DISAGREE

“As previously noted, the teletype referenced in the report was rescinded in 2010, and does not reflect MPD’s current force reporting requirements. The three types of contact controls are listed on the UFIR because if a member uses those types of force, and an injury or complaint of pain occur, the member is required to complete a UFIR, and the use of force is investigated. However, MPD continues to disagree with requiring the reporting of contact controls absent any injury or complaint of pain. Requiring a UFIR and investigation anytime an arrestee resists being put in handcuffs or an officer has to put their hands on an arrestee, when there is neither injury nor complaint of pain, is a waste of scarce and valuable resources, keeping both patrol officers and supervisors off the street.”

OPC Response:

OPC considers this recommendation not implemented. OPC did not recommend that officers complete a use of force report anytime a subject resists being handcuffed or an officer puts hands on an arrestee. Rather, the recommendation’s purpose is to clarify the instructions to officers on what to report. From the directives OPC reviewed, the difference between “hand controls” and “contact controls” is inadequately explained. “Hand controls” is a specific type of force listed on the UFIR, but the guidance provided by MPD implies that “hand controls” are equivalent to “contact controls,” a category of types of force that includes firm grip and control holds. MPD does not require officers to complete UFIRs when the only force used are hand controls and there is no subject injury or complaint of pain. But because hand controls are referenced both as a specific type of force and as a category of force, it is not clear whether this reporting exception applies to the specific type of force referred to as “hand controls,” or to the larger category of types of force referred to as both “hand controls” and “contact controls.” This incongruence results in misunderstanding as to whether a UFIR is required for hand controls and contact controls. In order for this recommendation to be considered fully implemented, MPD would need to provide explicit guidance on what types of force this reporting exception applies to.

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

Status according to MPD

AGREE IN PART, IN PROGRESS

“The Internal Affairs Division continues to complete an ‘onscene sheet’ for its cases. However, this sheet is intended as a tool to quickly capture information when an investigator initially responds to the scene. Some of the information referenced by OPC (e.g., the number of rounds fired by each officer that hit or missed the target) may not be determined until later into the investigation. MPD will provide the data requested by OPC.”

OPC Response:

OPC considers this recommendation partially implemented. In order for this recommendation to be considered fully implemented, MPD would need to provide all available on-scene sheets/checklists for 2018.

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

Status according to MPD

DISAGREE

“The specific procedures detailing when an officer must complete a UFIR were negotiated with and approved by the DOJ, and they have been MPD policy for almost fifteen years. MOA paragraph 60 required that MPD not

RECOMMENDATIONS

compel an officer to make a statement if the United States Attorney's Office (USAO) had not yet issued a written criminal declination for deadly uses of force, serious uses of force, and uses of force indicating potential criminal conduct. A UFIR is an officer's statement regarding a use of force. Accordingly, the MOA required that we not compel an officer to complete the form in those specified cases until the USAO issued a declination.

"For lower level uses of force, MPD worked with DOJ to negotiate a policy that protected the rights of officers against self-incrimination while also ensuring that UFIRs were completed in a timely manner. The policy, approved by DOJ and implemented in 2003, allows for Internal Affairs officials to issue a Reverse-Garrity when a member declines to complete a UFIR. Once the Reverse-Garrity is issued, the officer must complete the UFIR."

OPC Response:

OPC considers this recommendation **not implemented**. In order for this recommendation to be considered fully implemented, MPD would need to require all officers to complete UFIRs/RIFs, or some other type of report, immediately following all uses of force. OPC believes that it is important for officers to record the basic circumstances of use of force encounters as soon as possible following use of force incidents. OPC believes that basic information regarding a use of force incident, at a minimum a narrative summary, can be provided by the involved officer without impeding the officer's rights by compelling answers to questions that would require a USAO declination or Reverse-Garrity statement. Understanding the involved officer's perspective immediately following a use of force is an important aspect of community trust, and contributes to a thorough investigation. MPD should review the MOA that was implemented 15 years ago, along with more recent relevant precedent, to develop an updated protocol that addresses concerns of both the officer and the community.

2018 Recommendations

1. MPD should correctly label fist strikes in PPMS.

When officers use fist/knee strikes on subjects, they are required to, and typically do, indicate the type of force used as a strike in the "type of force used" box on the UFIR. They also typically describe using a fist/knee strike in the UFIR's narrative summary section. However, it appears that PPMS does not reliably categorize fist/knee strikes as such in PPMS, and in many cases misclassifies fist/knee strike incidents as hand control incidents.

Of the 172 fist/knee strikes reported by officers in 2018, 112 (65 percent) included the designation "strike straight" in PPMS' Force Type field, as they should. However, 35 percent of reports in which officers used fist/knee strikes were not labeled as fist/knee strikes in PPMS. Twenty-nine percent of reported fist/knee strike incidents were labeled as "hand controls" in the Force Type field, while the other 6 percent included neither "strike straight" nor "hand control" designations. MPD should therefore determine why PPMS is misclassifying fist/knee strike incidents – whether it is a defect in the PPMS software, user error, or some other reason – and correct the issue.

If the cause is a software defect, PPMS should be modified to eliminate the misclassification of fist/knee strikes. If the problem is user entry error, MPD should circulate a teletype or roll-call training to officers, supervisors, or other personnel responsible for the accurate entry of use of force data into PPMS, as well as implement a verification process to ensure that the type of force described in the narrative matches the type of force listed in PPMS.

2. MPD should provide officers a training update reminding them that fist/knee strikes are not compliance techniques.

MPD's Use of Force Framework classifies fist/knee strikes as defensive tactics, which, according to the Use of Force Framework, are supposed to be used when faced with assaultive subjects. When officers use fist/knee strikes against subjects the officers themselves describe as resistant rather than assaultive, they are not complying with MPD's Use

RECOMMENDATIONS

of Force Framework and using what, by the department's own definitions, should constitute an unnecessary level of force.

Officers in at least 104 instances in 2018 used fist/knee strikes on subjects that they identified as resistant. For example, in the narrative summary of one UFIR, an officer said, "(The subject) then put his arms under his body so he could not be handcuffed ... I then delivered multiple straight strikes to the side of (the subject), so he would release his arms and be handcuffed."

The issue of officers striking noncompliant subjects gained public attention in the District in 2018 when news media outlets shared a video of officers appearing to strike a subject who was on the ground and resisting arrest.⁴²

MPD should retrain officers or publish a written directive clarifying that fist strikes, knee strikes, and other defensive techniques are not to be used on subjects who are resistant or noncompliant rather than assaultive. MPD should also hold officers who continue to strike resistant subjects accountable for non-compliance with department directives.

3. MPD should reduce the upward trend of use of force incidents.

This reporting period recorded an increase in the total number of reported use of force incidents of 20 percent over the previous calendar year. MPD should use the data presented in this report to inform their policy directives, training, and culture to identify potential causative factors for this increase and implement measures to prevent this upward trend from continuing in future reporting periods.

42: See, for example: <https://www.nbcwashington.com/news/local/Video-DC-Cop-Punches-Man-Under-Arrest-for-Gun-Open-Container-483277981.html>.

APPENDICES

APPENDIX A: MPD USE OF FORCE INCIDENT REPORT FORM



USE OF FORCE INCIDENT REPORT (UFIR)



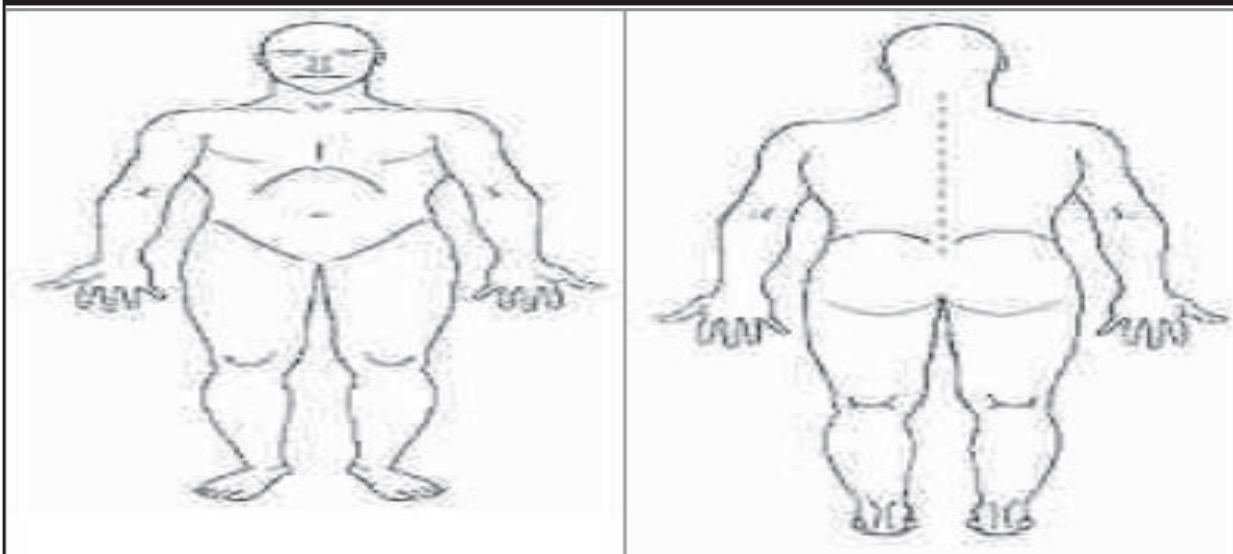
A. REPORTING MEMBER

IS Number	Officer name	Rank	Element
Assignment	PSA	Sex	Race
Height	Weight	Appointment Date	Duty Status
Uniform	DOB	Supv.Notified	Date Notified
Time Notified	Supv.Ntfd Name	Supv.Ntfd Rank	On Scene Supv Name
On Scene Supv.Rank	Were you equipped with BWC	Is BWC activated?	

Member Injured or Complaint of Pain(If yes, Complete Member Injury Section)

Is Hospitalized?

MEMBER INJURY



Body Injury :

Observations	Complaints	
Photos Taken	Photos Stored at	If Other, specify location


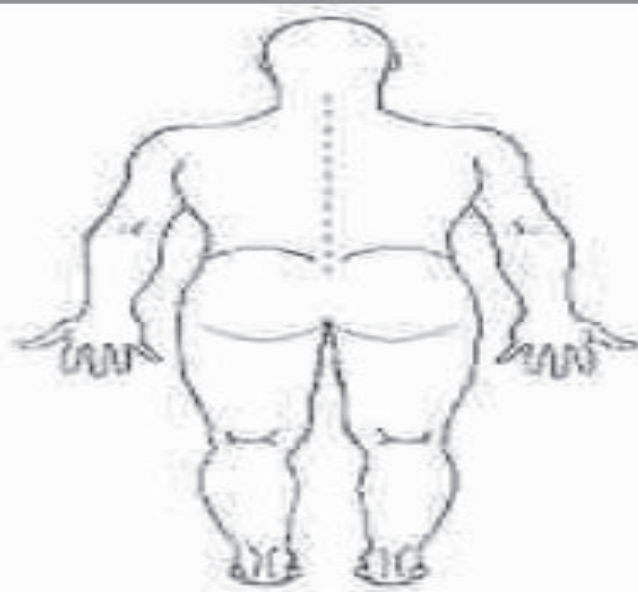
B. EVENT INFORMATION

Incident Date	Incident Time	Date of Report	Time of Report
CCN	District of Incident	PSA of Incident	Other Jurisdiction
Street Address of Incident			
Lighting Conditions	Ground Conditions		

C. FORCE INFORMATION

Type of Force used	FireArm information
--------------------	---------------------

Specific Type of Force Used	Other Force Used	
D. SUBJECT INFORMATION		
Total Number of persons on whom force was used :		

SUBJECT - 1			
Name		Address	
Employment/School	DOB	Sex	Race/Ethnicity
SSN	Phone	Height	Weight
Subject Action		Subject Activity	
SUBJECT WEAPON INFORMATION			
Weapon	Firearm	Blunt Weapon	Edged Weapon
No	No	No	No
	Type:	Type:	Type:
	Recovered	Recovered	Recovered
	No	No	No
	Recovery Location	Recovery Location	Recovery Location
Discharged			
	No		
Other Weapon	Other Weapon Type	Other Weapon Recovered	Other Weapon Recovery loc
No		No	
SUBJECT INJURY			
Subject Injured or Complaint of Pain (If Yes, complete subject injury section and PD-313)			
			
Observations		Complaints	
Ambulance No	Medic No	Photos Taken	

E. OTHER MEMBER FORCE INFORMATION		
Did any other members use force during this incident?		
F. PROPERTY DAMAGE		
Was the property damaged as the result of the Use of Force?		If Yes, Described below
G. MEMBER NARRATIVE		
H. OTHER OBSERVATIONS NARRATIVE		
I. OTHER COMPLAINTS NARRATIVE		
H. REVIEW		
Member Signature		Date
Supervisor Signature		Date
Watch Commander Signature		Date

APPENDIX B: MPD REPORTABLE INCIDENT FORM



REPORTABLE INCIDENT FORM (RIF)



A. REPORTING MEMBER

IS Number	Officer name	Rank	Element
PSA	Duty Status	Uniform	Supv. Notified
Date Notified	Time Notified	Supv. Ntfd Name	Supv. Ntfd Rank
On Scene Supv Name	On Scene Supv. Rank	Were you equipped with BWC	

Is BWC activated?

Member Injured or Complaint of Pain (If yes, Complete Member Injury Section)

Is Hospitalized?

MEMBER INJURY

Body Injury:

Observations	Complaints	
Photos Taken	Photos Stored at	If Other, specify location

B. EVENT INFORMATION

Incident Date	Incident Time	CCN	Other Jurisdiction
Street Address of Incident			

C. FORCE INFORMATION

Type of Force used	FireArm information
Specific Type of Force Used	Other Force Used

D. SUBJECT INFORMATION

Total Number of persons on whom force was used :		
--	--	--

SUBJECT - 1			
Name		Address	
DOB	Sex	Race/Ethnicity	SSN
Phone	Height	Weight	
Subject Action		Subject Activity	
SUBJECT WEAPON INFORMATION			
Weapon	Firearm	Blunt Weapon	Edged Weapon
No	No	No	No
	Type:	Type:	Type:
Other Weapon	Other Weapon Type	Other Weapon Recovered	Other Weapon Recovery loc
No		No	
SUBJECT INJURY			
Subject Injured or Complaint of Pain (If Yes, complete subject injury section and PD-313			No
Injuries :			
Observations		Complaints	
Non-Visible			
Ambulance No	Medic No	Photos Taken	

E. OTHER MEMBER FORCE INFORMATION		
Did any other members use force during this incident?	Yes	
F. PROPERTY DAMAGE		
Was the property damaged as the result of the Use of Force?		If Yes, Described below
G. MEMBER NARRATIVE		
H. OTHER OBSERVATIONS NARRATIVE		
I. OTHER COMPLAINTS NARRATIVE		
H. REVIEW		
Member Signature		Date
Supervisor Signature		Date
Watch Commander Signature		Date

APPENDIX C: HIERARCHY OF FORCE

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 hierarchy of force used in OPC's FY17 Use of Force Report was based largely on MPD's Use of Force ranking as listed on the UFIR form.

MPD UFIR Use of Force ranking:

- (1) Handcuffs
- (2) Hand controls
- (3) Firm grip
- (4) Control holds
- (5) Joint locks
- (6) Pressure points
- (7) Fist strike
- (8) Takedown
- (9) OC spray
- (10) ASP – control
- (11) ASP-strike
- (12) Taser/ECD
- (13) 40mm extended impact weapon
- (14) Firearm pointed
- (15) Firearm discharged

MPD's Use of Force Framework:

- (1) Cooperative Controls – Verbal and non-verbal communication
- (2) Contact Controls – Handcuffing, firm grip, hand controls
- (3) Compliance Techniques – Control holds, joint locks, takedowns, OC spray
- (4) Defensive Tactics – ASP strikes, fist strike, feet kick, 40mm extended impact weapon, Taser/ECD
- (5) Deadly Force – Firearm discharged

OPC evaluated MPD's UFIR Use of Force ranking with MPD's Use of Force Framework, as described in General Order 901-07, "Use of Force." While MPD's Use of Force Framework closely resembled MPD's UFIR Use of Force ranking, the latter does not appear to have been intended as a hierarchy, as there are instances where it does not match MPD's Use of Force Framework. In particular, on MPD's UFIR Use of Force ranking, fist strikes were ranked as a lower level of force than takedowns, which is different than MPD's Use of Force Framework; and ASP-control was ranked as a higher level of force than OC spray and fist strikes, which is different than MPD's Use of Force Framework. MPD did not provide the types of force in each category on the Use of Force Framework until late 2017, and so this discrepancy was not caught before the data was analyzed and the hierarchy published as shown above in OPC's FY17 Use of Force Report.

MPD does not consider pointing a firearm a use of force and therefore does not include it in its Use of Force Framework. On MPD's UFIR Use of Force ranking, firearm pointed was ranked as the second-highest type of force, which does not align with the ranking used by other police departments. NYPD, for example, considers pointing a firearm a higher type of force than a takedown, but lower than OC spray.

The Use of Force Framework also imposes no explicit hierarchy between different types of force at the same level. In particular, there is no explicit hierarchy between takedowns and OC spray (Use of Force Framework level 3), and there is no explicit hierarchy between ASP strikes, fist strikes, Taser/ECD use, and 40mm extended impact weapon (Use of Force Framework level 4).

After analyzing the current information provided, a new hierarchy was developed that follows MPD's Use of Force Framework, and extends the hierarchy to include firearm pointed and to impose an explicit hierarchy between force types that MPD groups together in the five Use of Force Framework categories. The differentiations between types of force in levels 3 and 4 of MPD's Use of Force Framework were based on the likelihood of the force to cause pain; the likelihood of the force to cause injury; and the likelihood of the force to cause serious injury or death. OC spray

APPENDIX C: HIERARCHY OF FORCE

was therefore ranked higher than takedowns, as neither were likely to cause injury, but OC spray was more likely to induce pain. Similarly, of the types of force contained in level 4 of MPD's Use of Force Framework, Tasers/ECDs were ranked highest as their use was most likely to be associated with a subject's death.^{43,44} ASP strikes were ranked next highest as they were the most likely to cause injury or serious injury, and fist or knee strikes were ranked next highest as they were less likely than ASP strikes to cause injury.

MPD's Use of Force Framework:

- (1) Cooperative Controls – Verbal and non-verbal communication
- (2) Contact Controls – Handcuffing, firm grip, hand controls
- (3) Compliance Techniques – Control holds, joint locks, takedowns, OC spray
- (4) Defensive Tactics – ASP strikes, fist strike, feet kick, 40mm extended impact weapon, Taser/ECD
- (5) Deadly Force – Firearm discharged

New Hierarchy

- (1) Control holds (including hand controls, firm grip, joint locks, pressure points, ASP controls, and handcuffing)
- (2) Tactical takedown
- (3) Firearm pointed
- (4) OC spray
- (5) Fist/knee strike or extended impact weapon strike (40mm foam or sponge rounds)
- (6) ASP strike
- (7) Taser/ECD
- (8) Firearm discharged

The new hierarchy matches MPD's Use of Force Framework except:

- The new hierarchy does not include cooperative controls (Use of Force Framework level 1), as these are not physical uses of force and are not tracked by MPD;
- The new hierarchy groups all types of control holds together (level 1), rather than splitting them between two levels as on MPD's Use of Force Framework (levels 2 and 3);
- The new hierarchy does include firearm pointed (new hierarchy level 3); and
- The new hierarchy imposes an explicit hierarchy between takedowns and OC spray use; and between fist strikes, ASP strikes, and Tasers/ECDs.

Level 1 of the new hierarchy contains all hand control techniques. These fall into levels 2 and 3 of MPD's Use of Force Framework. The other types of force in level 3 of MPD's Use of Force Framework make up levels 2 (takedown) and 4 (OC spray) of the new hierarchy. Between them is firearm pointed, which is not included in MPD's Use of Force Framework. The placement of firearm pointed on the new hierarchy was based on NYPD's ranking, where firearm pointed falls between "push to ground" and pepper spray.⁴⁵

The types of force in level 4 of MPD's Use of Force Framework make up levels 4, 5, 6, and 7 of the new hierarchy.^{46,47} Firearm discharges are considered the highest level of force on both hierarchies – level 5 of MPD's Use of Force Framework corresponds to level 8 of the new hierarchy.

43: "Reuters finds 1,005 deaths in U.S. involving Tasers, largest accounting to date." Reuters. 22 August 2017. Available: <https://www.reuters.com/article/us-axon-taser-toll/reuters-finds-1005-deaths-in-u-s-involving-tasers-largest-accounting-to-date-idUSKCN1B21AH>.

44: Zipes, Douglas P. "Sudden Cardiac Arrest and Death Following Application of Shocks From a TASER Electronic Control Device." *Circulation*. 2012;125:2417–2422.

45: Fryer Jr, R. G. (2016). An empirical analysis of racial differences in police use of force. NBER Working Papers 22399, National Bureau of Economic Research, Inc.

46: Although fist and knee strikes and ASP strikes are both considered defensive techniques by MPD, there is an implied hierarchy in MPD's policies in that ASP strikes to the head are not allowed, while fist strikes to the head are used regularly by officers. Therefore ASP strikes are placed higher on the hierarchy than fist or knee strikes.

47: Extended impact weapon strikes are ranked with fist strikes in the new hierarchy. The reason for grouping these types of force is that extended impact weapons are not currently used often enough by MPD to warrant their own rank in the hierarchy. They were therefore placed with the most similar type of force from the same level in MPD's Use of Force Framework.



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