

**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
2019**

KEY FINDINGS SUMMARY

- MPD officers reported discharging their firearms at ten people, four dogs, and one deer in 2019; one person was fatally injured in these incidents
- UFRB reviewed three fatal vehicular pursuit cases in 2019, which took place in 2017, 2018, and 2019 respectively
- Reported use of force incidents increased less than 1% in 2019; reported use of force incidents have increased 84% since 2015
- The number of officers who reported using force decreased by 8% in 2019; more than one-third of MPD officers reported using force in 2019
- 98 Officers reported using force five times or more in 2019; 4 officers reported using force 10 times or more
- Subjects reportedly assaulted officers in 28% of reported use of force incidents in 2019
- 20% of uses of force involved subjects who were reportedly armed with some type of weapon in 2019; 11% of uses of force involved subjects who were reported armed with a firearm
- Subjects in 18% 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 2019 each accounting for 17% to 20% of uses of force
- The five Police Service Areas with the most reported uses of force were in the Third, Fifth, and Seventh Districts
- OPC made eight and three recommendations in its 2017 and 2018 Use of Force Reports respectively and; MPD has fully implemented five, partially implemented three, and not implemented four as of May 2020

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 10 human subjects in 2019 and resulted in one fatality, the lowest number of human subject fatality caused by officer firearm discharges since 2014
- The total number of reported use of force incidents increased less than 1% over the previous year
- Subjects were reportedly armed with some type of weapon in 20% of reported uses of force, with 11% 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 55% of all reported use of force incidents
- 91% of all reported use of force subjects were black community members
- Takedowns and control holds were the most common types of force used in 2019, accounting for 70% 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 third 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.

The 2018 Use of Force Report changed the reporting period from fiscal year to calendar year and is a continuation and extension of that report. With statistics presented in the inaugural report updated for 2018, the report also contained new data and information.

Among the new statistics presented in the 2018 report were: 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.

This 2019 report maintains the calendar year reporting period from 2018 and contains new data regarding vehicular pursuits, electronic control devices (ECD), deployment, updated information from our 2017 and 2018 report, and simplified shooting data for 2019 officer-involved shootings.

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 3,796 sworn officers, along with a non-sworn support staff of approximately 622 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

1: “Neighborhood Engagement Achieves Results Act of 2015.” Available: <https://lims.dccouncil.us/Legislation/B21-0360>.

2: “Report on Use of Force by the Washington, D.C. Metropolitan Police Department Fiscal Year 2017.” 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: Numbers of 2019 MPD sworn officers and non-sworn support staff are based on the October 2019 reports OPC received from MPD.

5: Shelley S. Hyland, Elizabeth Davis. “Local Police Departments, 2016: Personnel.” U.S. Department of Justice, Bureau of Justice Statistics; October, 2019. Available: <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6706>.

6: Census of State and Local Law Enforcement Agencies, 2008.” U.S. Department of Justice Officer of Justice Programs, Bureau of Justice Statistics; July 2011. Available: <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=2216>.

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eleventh largest department in the country overall (including county and state law enforcement agencies).⁶ 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 Crime Investigations Division.

MPD officers receive more than 600,000 calls for service per year, resulting in more than 30,000 reported crimes per year in the District, with MPD officers conducting between 30,652 and 33,383 arrests.⁷

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.

7: The data is based on the 2015 to 2018 numbers in MPD's Annual Reports: "Metropolitan Police Department Annual Report 2016", Metropolitan Police Department, 29 December 2017, available: <https://mpdc.dc.gov/page/mpd-annual-reports>; "Metropolitan Police Department Annual Report 2018", Metropolitan Police Department, 28 December 2019, available: <https://mpdc.dc.gov/page/mpd-annual-reports>.

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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 Director of Organizational Impact for the Justice Policy Institute (JPI), a national nonprofit dedicated to criminal justice reform. As Director of Organizational Impact, Mr. Ashton manages JPI's organizational operations and fundraising. He has authored several publications at JPI, including: *Gaming the System*; *Rethinking the Blues*; *Moving Toward a Public Safety Paradigm*; *The Education of D.C.*; and *Fostering Change*.



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

Mr. Ashton received his bachelor's degree in Criminology from The Ohio State University, a master's degree in Criminology from the University of Delaware, and completed an Executive Program in Social Impact Strategy from the University of Pennsylvania. He was appointed by Mayor Vince C. Gray and confirmed by the Council in October 2014, and sworn in on December 22, 2014. Mr. Ashton was re-nominated by Mayor Muriel Bowser and appointed on December 18, 2018 for a new term 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.

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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 an Insurance Examiner with the District of Columbia Department of Employment Services (DOES) Office of Workers' Compensation. 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. She was reappointed on February 25, 2020 for a term ending January 12, 2023.

Commander Morgan Kane currently serves as the Commander of the First District for the Metropolitan Police Department (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. Commander Kane was awarded the Bureau Employee of the Year for the Executive Office of the Chief of Police for 2010. 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. Commander Kane 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.

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Jeffrey H. 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 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 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 included 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. MPD officers continue to complete UFIRs and RIFs electronically in 2019 and the information from the UFIRs/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.⁸

Per MPD's General Order RAR 901.07 "Use of Force" officers are required to complete UFIRs or RIFs anytime they used force other than forcible handcuffing of a resistant subject.^{10,11} 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, requiring that all UFIRs and RIFs be completed

8: 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/GO_120_28.pdf.

9: 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.

10: 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.

11: 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/SO_10_14.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>.

electronically in PPMS.¹²

MPD's requirement that officers complete all UFIRs and RIFs electronically in PPMS improved the process of OPC collecting use of force datasets and corresponding UFIR/RIF PDFs from MPD in 2018. Because the reports were captured electronically, all reports were available immediately upon request. 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 2018 from previous years. PPMS could only export the following data elements in 2018:

- 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 could not provide the PPMS data such as:

- An accurate accounting of the type of force used;¹³
- Officer and subject injuries;
- Whether officers were on duty and in uniform; and
- Subject behavior and activity.

Because that data was 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:

12: 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.

13: The type of force used was captured in PPMS at the incident level rather than the officer level in 2018. 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 in 2018. This issue was eliminated through MPD's July 2019 PPMS enhancement, discussed on the next page.

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- 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 most comprehensive source of information of uses of force. See Appendix A on page 50 for the updated UFIR after MPD's July 2019 enhancement, discussed in the next section.

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;
- Type of force used and category of force used based on the MPD Use of Force Framework; and
- Whether the use of force resulted in property damage.

See Appendix B on page 55 for the version of RIF after MPD's July 2019 enhancement.

In 2019, OPC received the same PPMS data elements as in 2018. In addition to the PPMS data, MPD also provided data directly exported from the electronic version of UFIRs/RIFs. The exported UFIR/RIF electronic data contained all but one required field (whether a subject is unknown). The PPMS data items MPD could not provide in 2018, listed in the four bullets on page 9, were all included in the exported 2019 UFIR/RIF data. These data items include the three most essential fields mentioned in the third paragraph of OPC's 2018 recommendation 5A¹⁴ on page 44: type

of force used, level of subject behavior, and subject activity.

Therefore, this was a significant improvement from 2018.

July 2019 PPMS Enhancement

In July 2019 MPD updated its data collection, referred to as July 2019 enhancement here, improving the efficiency and accuracy of data collection and storage. Three of the improvements are directly related to use of force data collection and are discussed below.

1. Many of the UFIRs/RIFs completed in 2018 were missing data in essential fields such as type of force used and level of subject behavior. To resolve this problem, OPC recommended that MPD make these essential fields with the UFIRs/RIFs in 2018.¹⁵ According to MPD, 91 out of the 99 fields within the UFIR/RIF became mandatory after the July 2019 enhancement.¹⁶ Without completing the mandatory fields, officers would not be able to submit a UFIR/RIF. This change significantly improved the MPD data collection process and the missing essential data.

2. According to MPD, prior to the July 2019 enhancement, if an officer had reported using different types of force on different subjects in one use of force incident, PPMS would indicate that the officer used all the types of force against all the subjects. For example, if an officer used three types of force against three subjects (e.g., an officer uses hand controls to subject A, ASP to subject B, and OC spray to subject C), the data in PPMS would show that the officer used all three types of force on all the three subjects.¹⁷ This was a significant

15: See OPC's recommendation 5A on page 48.

16: MPD provided OPC a list of fields on the post-July 2019 enhancement version of UFIR/RIF in May 2020, with the information regarding whether a field is a required field. The number 91 includes the fields that require an answer only when the previous question has a specific answer. For example, if the answer for the question regarding whether an officer is injured is "yes", the question regarding whether the officer is hospitalized becomes a required field. The not required fields are all regarding subjects: name, address, social security number, phone, pre-existing injury/condition, ambulance number, medic number, and whether photos are taken.

17: This example is provided by MPD as part of the 2019 use of force data explanatory notes in February, 2020.

14: Recommendation 5A was added as an additional part of FY17 recommendation 5 by OPC in 2018 based on MPD's implementation of FY17 recommendation 5.

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data inaccuracy and the July 2019 enhancement resolved this problem for newly entered data. If a use of force incident occurred after the July 2019 enhancement with an officer using the three types of force against three different subjects, PPMS would show that the officer using hand controls against the Subject A, ASP against Subject B, and OC spray against Subject C.

3. Three new answer choices for the Specific Type of Force Used field within the UFIR form were added: (1) ASP-arm extraction, (2) canine bites, and (3) shield. OPC therefore incorporated these new types of force to the new use of force hierarchy. See Appendix C on page 59 for more discussion about the three new types of force and the use of force hierarchy.

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. The data collection process for this report involved receiving three types of data from MPD: (1) PPMS data in an Excel spreadsheet, (2) UFIRs/RIFs in PDF form, and, (3) the exported UFIR/RIF electronic data completed by officers in an Excel spreadsheet for closed cases.

Unlike in 2017 and 2018, OPC did not need to manually enter the data from the majority of UFIR/RIF PDFs to create a consistent dataset. This year, MPD exported the data from the electronically completed UFIRs/RIFs and provided that data to OPC.

Instead, OPC conducted an audit of the UFIR/RIF PDFs against the electronically exported data to ensure consistency.

Specifically, OPC first randomly selected a quantitatively sufficient number of UFIRs/RIFs from the 2,340 UFIR/RIF PDFs MPD provided to OPC.¹⁸ OPC then manually compared the randomly selected UFIR/RIF PDF data to the UFIR/RIF spreadsheet for the samples.¹⁹ The audit showed data inconsistencies for the following two fields:

- Specific type of force used and
- The field to explain the type of force used when “Other” is selected as the type of specific force used.

As the UFIRs/RIFs were completed directly by the officers who used force, the data on the PDFs were considered accurate by OPC. Therefore, OPC replaced the data on the aforementioned spreadsheet that was inconsistent with the data on the UFIRs/RIFs with the data on the UFIRs/RIFs.

While OPC received the UFIR/RIF PDFs monthly and received PPMS data quarterly from MPD in 2018, it did not receive the 2019 use of force data until February 2020. As in 2018, the reporting period for this 2019 report is the calendar year.

OPC ultimately received a UFIR/RIF for 2,413 reported uses of force, 98% of the total 2,471 reported uses of force in 2019. This percentage is higher than both FY17 and 2018, when OPC received a UFIR/RIF for 94% and 88% reported uses of force respectively.

18: Two thousand three hundred-forty is the number of UFIR/RIF PDFs OPC received by the date OPC selected the UFIRs/RIFs for data auditing. OPC received additional UFIR/RIF PDFs on later dates.

19: OPC determined to sample 117 UFIRs/RIFs for potential statistical test, the required sample size for Chi-Square Goodness of Fit Test.

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.”²⁰ 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 Order²¹ 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 14).

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”²² and can be used within the officer's individual discretion during an incident.

Use of Force Training

The Metropolitan Police Department asserts they utilize a use of force framework which states in part that officers are to value and preserve the sanctity of human life at all times, especially when involved in a situation

that requires any type of force. Therefore, MPD officers shall use the minimum amount of force to bring an incident or person under control while keeping the public and the officers safe.²³ MPD's use of force training comprises numerous components including critical incident management, situational awareness, firearms training, de-escalation, scene management, and other topics.²⁴ MPD officers receive mandatory retraining every year to ensure officers are up to date on case law and policy updates. Every use of force is investigated thoroughly and impartially, with the Use of Force Review Board process informing academy training.

MPD states they operate under the fundamental expectation that use of force is only used proportionally to the threat faced and in a manner consistent with legal and agency policies. While many police academies teach use of force as a standalone block of instruction, MPD integrates these skills throughout the curriculum. The Metropolitan Police Academy (MPA) instills a police culture equipping officers with the skills they need to safely intervene before problems occur or escalate. Use of force training is woven into training topics in the context of safety and a means of last resort. For example, during training on how to handle calls regarding domestic violence, officers are primarily taught D.C. laws, civil rights, victims' rights, Constitutional law, and implicit bias. In this context, MPD teaches patrol tactics, pre-arrival, and on-scene tactical considerations all with the intention to reduce the need for the use of force. Training also encompasses emotional and mental health de-escalation techniques. In 2016, MPD changed the diagram of the use of force continuum from a triangle to a circular framework to visually highlight de-escalation.²⁵

20: 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.

21: MPD General Order RAR-901.07, Attachment B, Use of Force Framework.22: MPD correspondence to OPC, 22 November 2017.

23: MPD's General Order RAR-901.07.

24: MPD provided information regarding use of force training and certification on 9 July 2020.

25: For the information about the circular framework, see MPD General Order Go-RAR-901.07, Attachment A, Decision Making Model.

USE OF FORCE OVERVIEW

At the MPA, Recruit Officers complete 80 hours of training in firearms. Because the majority of the recruits do not have prior experience with firearms, MPD's training curriculum is designed to provide sworn officers with the knowledge and skills necessary for safe, proper, and effective operation of police-issued equipment. It is the policy of the MPD to provide basic law enforcement service training that includes extensive de-escalation training. Officers receive firearm training during the basic recruit training and are required to recertify in firearms twice a year. MPD teaches de-escalation in various forms: communication techniques, mental evaluation and assessment, victim and suspect emotional understanding, and sensitivity.

Firearms training at MPA also includes scenario and range simulation training which allows recruit officers to experience complex and nuanced scenarios that adapt in real time, responding to officers' actions. With scenarios reinforcing every facet of training, simulations teach officers to de-escalate themselves and the situation at every stage through presence, communication, tone of voice, judgement, and situational awareness. During scenario training, instructors again reinforce a culture of peer intervention wherein officers are encouraged to step in if they witness a situation escalating.

MPD aims to teach communication, service, and conflict resolution so that use of force is a last resort. MPD states that in the rare instances when use of force is necessary to protect human life, officers are taught to render medical attention as soon as the scene is safe. As part of this mandate, all officers are also certified in Tactical Emergency Casualty Care.²⁶

26: See the definition of Tactical Emergency Casualty Care at <http://www.c-tecc.org/about/faq>.

Subject Behavior and Prescribed Force Response

Subject Behavior Categories²⁷

MPD Officer Force Response Categories

Cooperative/Compliant²⁸ – 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 mental and physical tactics to gain control and cooperation. Includes soft empty hand control and firm grip on the subject.

Compliance Techniques – Actions that may induce pain or discomfort to an actively resisting subject until control is achieved, but will not generally cause an injury when used in accordance with MPD training and standards. Includes control holds, joint locks, OC spray, and solo or team tactical takedowns.



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

Assaultive - 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 or serious physical injury, but meant to ensure the safety of officers and others. Includes ASP baton strikes, chemical agents, and electronic control devices (ECDs).

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. Include but are not limited to the use of a firearm or a strike to the head with a hard object.

27: 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.

28: While the lowest subject behavior category is “cooperative” in MPD’s GO-RAR 901.07, effective 3 November 2017, some MPD officers reported “compliant” as the subject behavior category on UFIRs/RIFs in 2019, which is the term for this category used in an older version of GO-901.07, effective 7 October 2002. Therefore, OPC refers to this category as “cooperative/compliant” in this report. See the October 2002 versions of GO-901.07 at <https://static1.squarespace.com/static/56996151cbced68b170389f4/t/569bf3c740667a727ce7ef39/1453061069584/DC+Metropolitan+police+use+of+force+policy.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 2019, there were 1,246 reported use of force incidents involving 2,471 reported uses of force by 1,220 officers. There are more uses of force than incidents or officers because many use of force incidents involve multiple uses of force.²⁹

Use of Force Incidents

The number of reported use of force incidents increased considerably between 2015 and 2018, from 678 in 2015 to 1,242 in 2018. From 2016 to 2017, there was a 30% increase in use of force incidents. As shown in the Use of Force Incidents chart on the next page, the 2019 use of force incidents was 1,246; only four more incidents than 2018.³⁰

Uses of Force

Similar to the trend of the increase in reported use of force incidents, the number of reported uses of force increased until 2018, from 1,393 in 2015 to 2,289 in 2017 and 2,873 in 2018. In 2019, however, the number decreased to 2,471, 14% less than 2018.³¹

29: 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.

30: See page 12 of “Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018”, District of Columbia Officer of Police Complaints; 19 March 2019. Available: <https://policecomplaints.dc.gov/node/1391936>.

31: 2017, 2018, and 2019 were the only years for which OPC received UFIRs and RIFs along with PPMS data; 2019 was the only year for which OPC received UFIRs/RIFs, PPMS data, and the data exported directly from the electronic version of UFIRs/RIFs.

Officers Using Force

A total of 1,220 MPD officers reported using force in 2019, more than one out of every three MPD officers. While this is an 8% decrease from 2018, it is a 40% increase from 2015, when a total of 872 officers reported using force. In 2018, MPD reported the highest number of officers who reported using force since 2015.

Seventy-six percent of all officers who reported using force in 2019 reported doing so in one or two incidents, while 16% of officers reported using force in three or four incidents. Eight percent of officers who used force reported doing so five times or more in 2019; of those, four officers reported using force in 10 or more incidents. Two of the officers were assigned to the Fifth District and the other two of them were assigned to the Seventh District. See chart Uses of Force Per Officer in 2019 on page 16.

The reported use of force incidents involving only one officer was the largest use of force incident group, reflecting 54% of the total incidents in 2019. This has been the trend since at least 2016, with at least 32% of total reported use of force incidents each year. The percentage of incidents involving more than one officer in 2019 is 54%, the lowest since 2016.

Number of Officers Reporting Using Force Per Incident

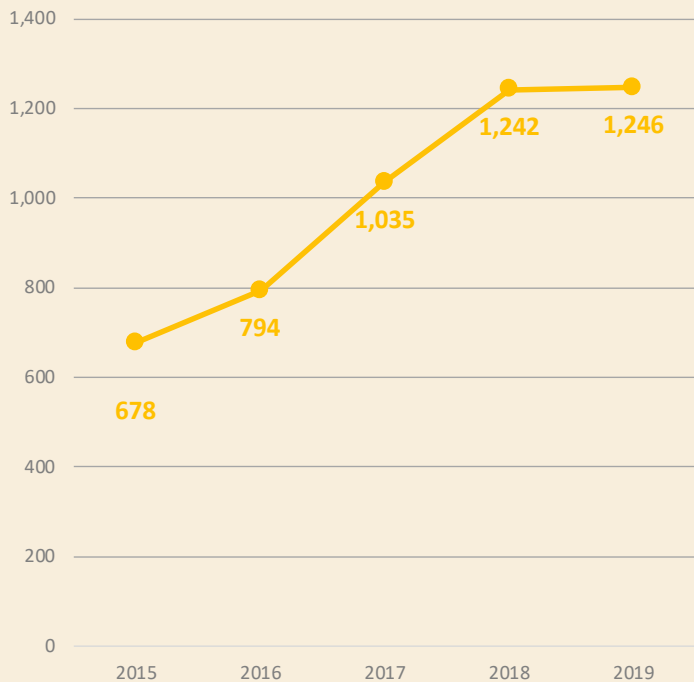
	2016	2017 ³²	2018	2019 ³³
1 Officer	32%	39%	35%	46%
2 Officers	34%	32%	34%	30%
3 Officers	15%	14%	15%	14%
4 Officers	9%	9%	8%	6%
5+ Officers	10%	7%	8%	5%

32: The percentages do not add up to 100% due to rounding.

33: Ibid.

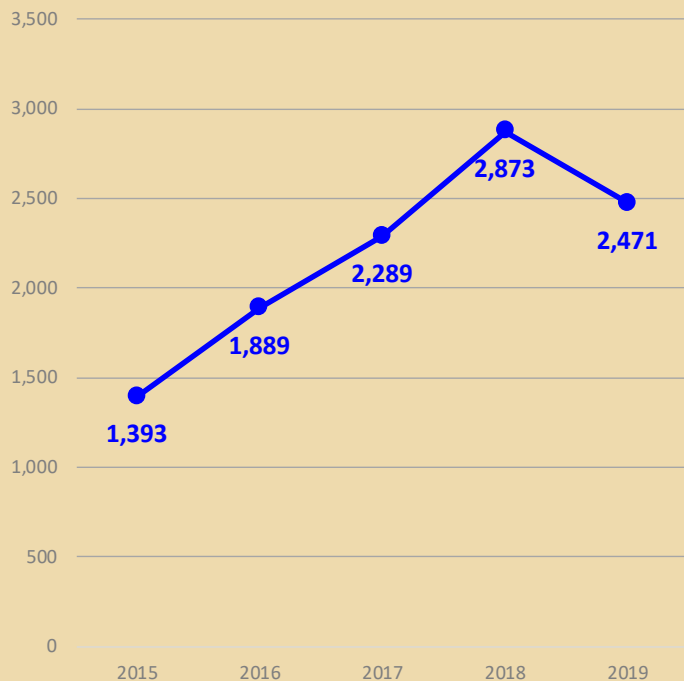
Number of Uses of Force

Use of Force Incidents



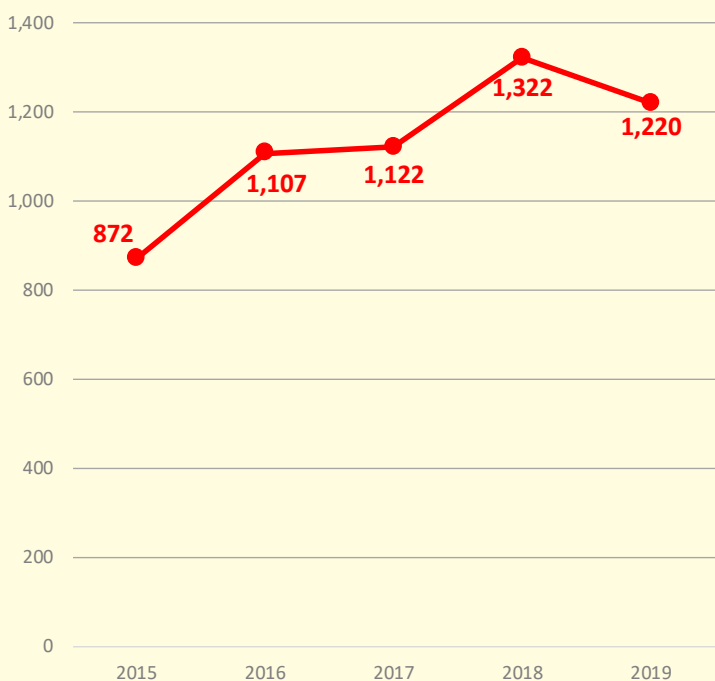
3.4 Average use of force incidents per day in 2019

Uses of Force



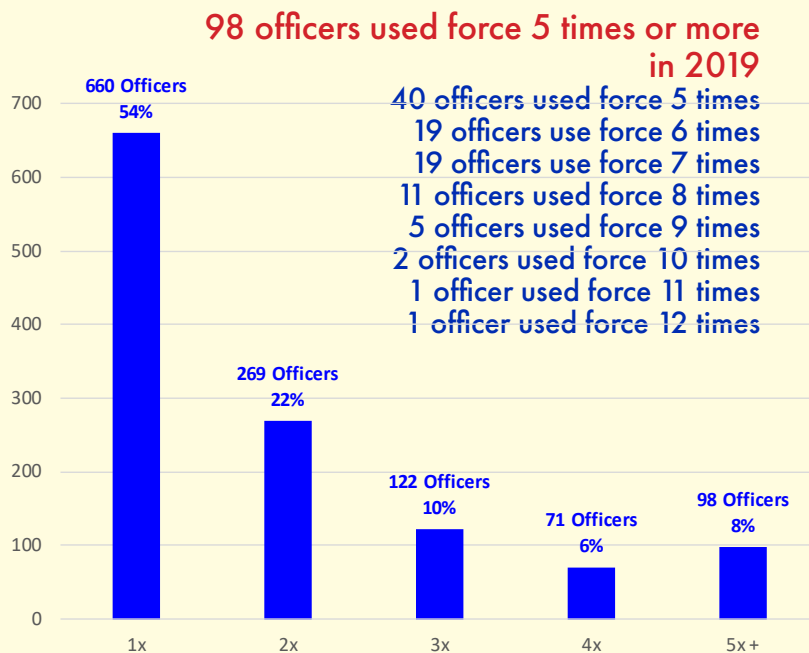
14% Decrease in uses of force in 2019

Officers Using Force



32% of MPD officers used force in 2019

Uses of Force Per Officer in 2019



76% of Officers

who used force did so once or twice in 2019

USE OF FORCE FINDINGS

Subject Behavior in Force Incidents

MPD officers categorize subject behavior into five categories: cooperative/compliant;³⁴ passively resistant; actively resistant; 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.^{35, 36}

From the UFIR/RIF data MPD reported, most subjects in 2019 were reported as being actively resistant, accounting for 55% of subjects. The second most common subject behavior was assaultive, which accounted for 30% of subjects on whom officers reported using force in 2019.

Officers followed MPD's prescribed level of force in response to the subjects' behavior in 1,363 uses of force, 66% of the total reported uses of force in 2019. 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 620 uses of force, 30% of the total reported uses of force in 2019.

Officers used a higher level of force than prescribed in 96 uses of force, 5% of the total reported uses of force in 2019. This is lower than the 200 reported uses of force with officers using higher level of force than prescribed in 2018, which was 9% of the total reported uses of force in 2018. Of the 96 instances of officers using a higher level of force than that prescribed in 2019: two officers reported using ECD, 14 officers reported using ASP strikes, 18 officers reported using fist/knee strikes, one officer reported using a 40mm extended-impact weapon, and one officer reported negligently discharging their firearm.

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 316 times in 2019, an 8% increase over the 292 times officers reported pointing their firearms at subjects in 2018.³⁷ Officers reported that the subjects were cooperative/compliant, passively resistant, actively resistant, assaultive, and threatening serious physical injury or death in 23%, 19%, 26%, 7%, and 25% of the reported uses of force with officers pointing their firearms at subjects in 2019.

Armed Subjects in Use of Force Incidents

Subjects were reportedly armed in 470 (20%) reported uses of force in 2019, a 6% increase from 352 reported uses of force (14%) in 2018. The most common type of weapon in 2019 was a firearm, which subjects were reported as possessing in 261 uses of force in 2019 (11%). Subjects were armed with knives in 116 reported uses of force (5%) in 2019, and with blunt weapons in 37 reported uses of force (2%). Subjects were armed with miscellaneous other weapons in 75 reported uses of force (3%) in 2019. These weapons included but were not limited to a razor blade and pepper spray.

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 and 2018. Similarly, more than 95% of officers who reported using force in 2019 did so while in full uniform, compared to 94% in 2018. Nearly 4% of officers who reported using force in 2019 did so in plain clothes, approximately 1% reported using force while in casual clothes, and 0.1% reported using force while not in uniform.

34: "Compliant" is the old category name for "cooperative" in Metropolitan Police Department General Order RAR-901.07: "Use of Force, Metropolitan Police Department; 3 November 2017 (available at: https://go.mpdconline.com/GO/GO_901_07.pdf). See footnote 28 on page 14 for details.

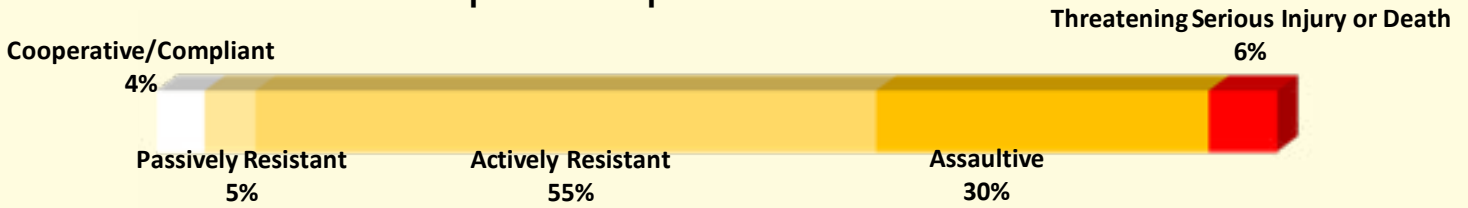
35: See page 15 for further discussion of the levels of subject behavior and officer response.

36: Cooperative controls are not included in the chart on page 19 because cooperative controls are not defined as a use of force by MPD.

37: 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.

Subject Behavior and Level of Officer Force

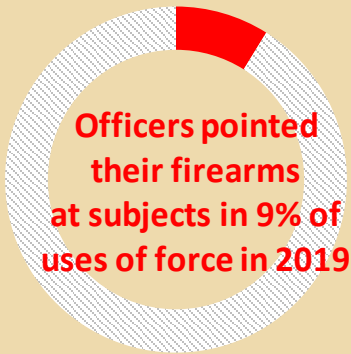
Reported Subject Behavior in 2019



Subject Behavior Categories³⁸

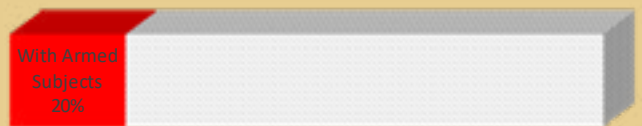
	Subject Cooperative/Compliant	Passively Resistant	Actively Resistant	Assaultive-Physical Injury	Threatening Serious Injury or Death
Contact Controls	--	<1%	<1%	<1%	<1%
Compliance Techniques	<1%	2%	59%	26%	2%
Defensive Tactics	--	<1%	2%	6%	1%
Deadly Force	--	--	<1%	<1%	<1%
Use of force was higher than the Use of Force Framework prescribed response: 5%		Use of force met the Use of Force Framework prescribed response: 66%		Use of force was lower than the Use of Force Framework prescribed response: 30%	

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

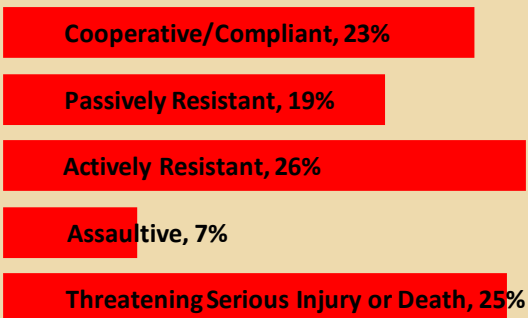
Subjects were reportedly armed in 20% of uses of force in 2019



Subject Weapons in 2019 Uses of Force



Subject Behavior in Reported Uses of Force with Officers Pointing Their Firearms at Subjects in 2019



38: 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.

USE OF FORCE FINDINGS

Types of Use of Force

Tactical takedowns were the most frequent type of force reported in 2019, accounting for 50% of uses of force. Control holds were the highest level of force used in 20% of reported uses of force.

The hierarchy of force used in this report,³⁹ from lowest to highest, is:

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

Firearms pointed at subjects were the highest level of force used in 15% of reported uses of force, while OC spray was the highest level of force used in 7% of reported uses of force in 2019. Fist or knee strikes/40mm extended impact weapon were the highest level of force used in 6% of reported uses of force in 2019, and ASP strikes were the highest level of force used in 1% of reported uses of force in 2019. Tasers/ECDs were the highest level of force used 13 times in 2019, accounting for 1% of 2019 uses of force. Although all officers receive familiarity training with Tasers/ECDs, only sergeants are fully trained and equipped with Tasers/ECDs.

There were 12 intentional firearm discharge incidents in 2019: eight incidents involving firearm discharges at ten people and four incidents involving firearm discharges at five animals (four dogs and one deer). These 12 firearm discharge incidents account for 1% of reported uses of force in 2019, and represent an increase from the nine firearm discharge incidents reported in 2018. For further discussion of the 2019 firearm discharge incidents, see page 29.

Rate of Injuries in Use of Force Incidents

Officers reported receiving injuries in 9% of reported uses of force in 2019. Subject injuries were reported in 61% of uses of force reported in 2019.

The injury rates for the same type of force categories in 2019 were similar to 2018.⁴⁰ The following percent of incidents resulted in reported subject injuries:

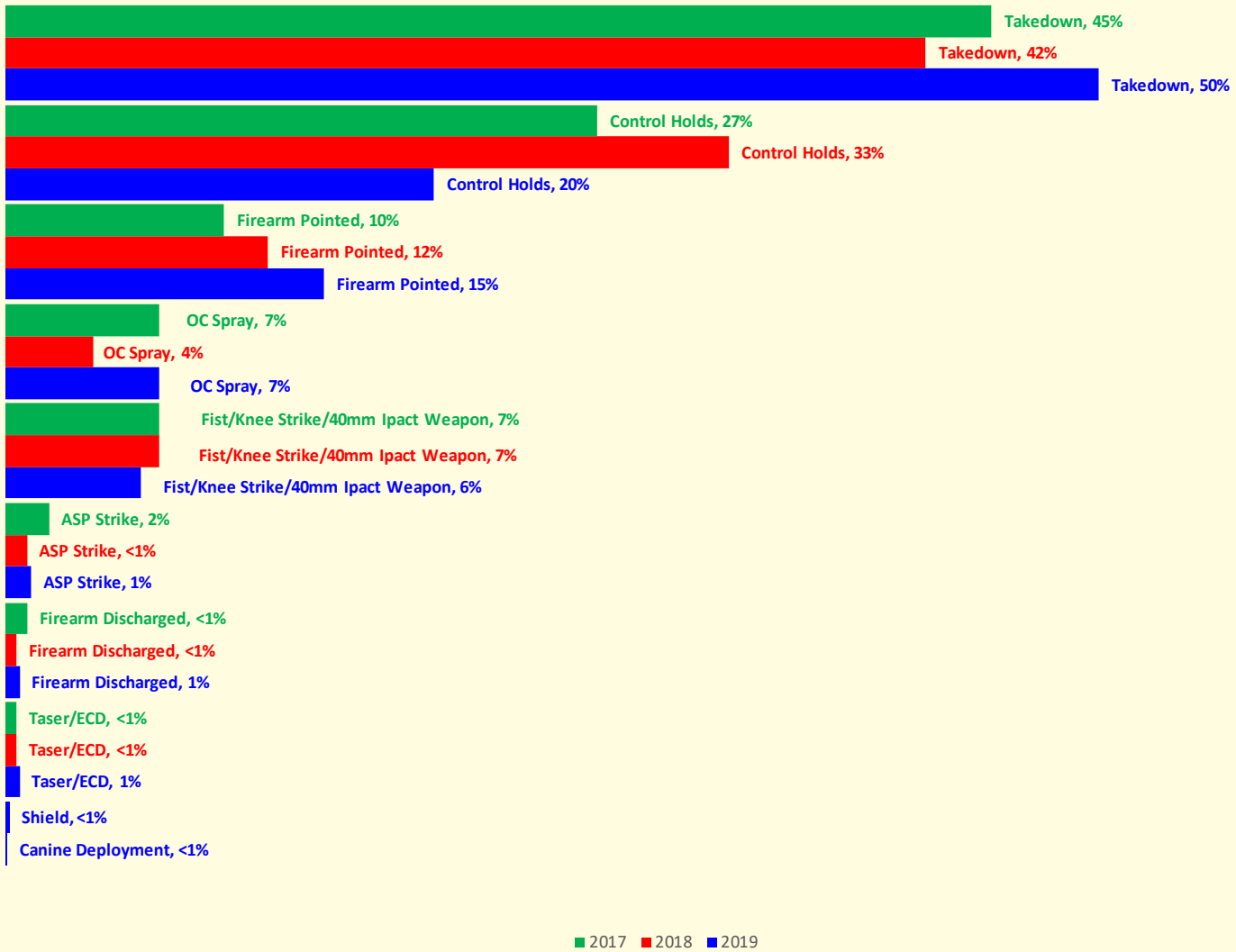
- 100% of canine deployment;
- 100% of shield usage;
- 95% of control holds;
- 83% of fist/knee strikes/40mm extended impact weapons;
- 67% of ASP strikes;
- 65% of OC spray uses;
- 65% of Taser/ECD uses;
- 56% of firearm discharges; and
- 57% of tactical takedowns.

39: MPD added three answer choices for the field Specific Type of Force Used on UFIR through the July 2019 enhancement: ASP-arm extraction, shield, and canine bite(s). OPC accordingly added the three types of force to the use of force hierarchy in 2019. For more discussion about the use of force hierarchy, see Appendix C on page 59.

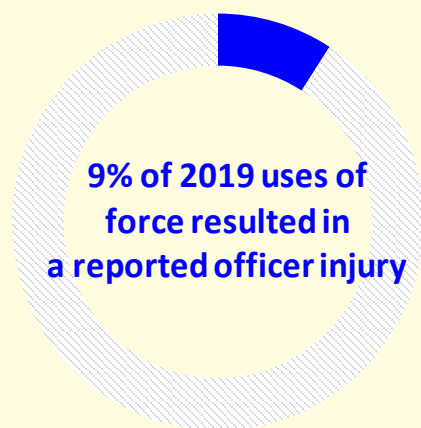
40: Reporting the injury rate by type of force used is complicated by a few factors. First, the injury rate reported here is based on the highest level of force used by each officer, but this may not be the type of force that caused the injury. Second, when multiple officers use force in a given incident, all of the officers may list an injury to the subject even if the injury resulted from only one of the officers' 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

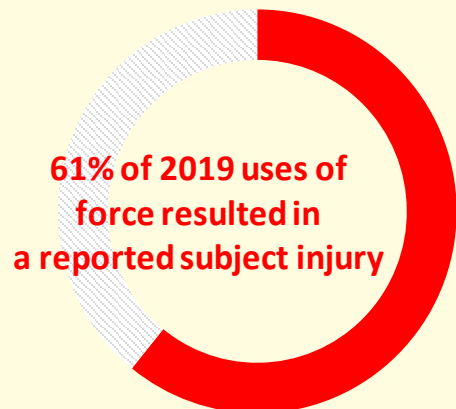
Highest Level of Force Used in Each UFIR/RIF



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 1,220 MPD officers reported using force in 2019, with 560 (46%) of those officers using force in more than one incident. This represents approximately one out of every three MPD officers using force in 2019. The demographics of officers who reported using force in 2019 were similar to the previous four years. White officers and black officers both accounted for between 40% and 47% of officers who reported using force each year since 2014; Hispanic officers accounted for between 6% and 11% of officers who reported using force each year since 2014. Between 84% and 90% of officers who reported using force each year since 2014 were male officers, while 10% to 16% were female officers.

Compared to the overall MPD officers,⁴¹ white officers, male officers, and younger officers reported using force in a proportionately higher number of times:

- 35% of MPD's officers are white, but white officers accounted for 40% of officers who reported using force in 2019;
- 78% of MPD's officers are male, but male officers accounted for 88% of officers who reported using force in 2019; and
- 34% of MPD's officers are under 35 years of age, but these officers accounted for 56% of officers who reported using force in 2019.

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

- 51% of MPD's officers are black, but black officers accounted for 44% of officers who reported using force in 2019; and
- 22% of MPD officers are female, but female officers accounted for 12% of officers who reported using force in 2019.

Demographics of Subjects of Force

Subject demographics were also similar in 2019 to the previous four years. Black community members made up 91% of the total subjects MPD reported using force on in 2019, while white community members made up 6% of the total subjects in 2019 and Hispanic

community members made up 3% of the total subjects in 2019. Males were 85% of the total subjects MPD officers reported using force on in 2019, while females were 15% of the total subjects in 2019.

Community members in their late 20s and early 30s were more likely to be the subjects of reported uses of force, with 35% of the subjects between 25 and 34 years old in 2019. Community members 18 to 24 years old were the subjects of 24% of the total subjects in 2019, followed by community members 35 to 44 years old, younger than 18 years old, 45 to 54 years old, and 55 years old or older, who were 16%, 11%, 8%, and 5% of the total subjects respectively.

Compared to overall District demographics,⁴² black community members, male community members, and younger community members were the subjects of reported uses of force in a proportionately higher number of times:

- 46% of District residents are black, but black community members were 91% of the total subjects MPD officers reported using force on in 2019;
- 47% of District residents are male, but males were 85% of the total subjects MPD reported using force on in 2019; and
- 57% of District residents are less than 35 years old, but community members in this age range were 70% of the total subjects MPD used force on in 2019.

Officer and Subject Demographic Pairings

The most frequent officer-subject pairings were white officers using force on black subjects, which accounted for 40% of the total reported officer-subject pairings in 2019. Black officers using force on black subjects accounted for 36% of reported officer-subject pairings in 2019, while Hispanic or other officers using force on black subjects accounted for 15% of reported officer-subject pairings in 2019.

White officers used force on white subjects in 3% of reported officer-subject pairings in 2019 and black officers used force on white subjects in 2% of reported officer-subject pairings in 2019.

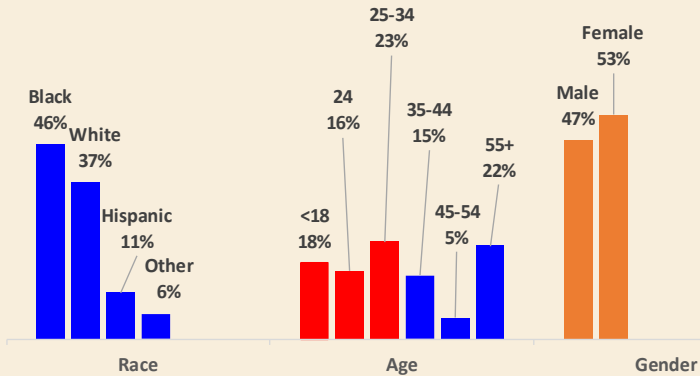
41: The number of 2019 MPD sworn officers is based on the October 2019 reports OPC received from MPD.

42: Overall District statistics are based on the estimate of the United States Census Bureau as of July 1, 2019. For more information see: <https://www.census.gov/quickfacts/DC> and <https://www.census.gov/data/datasets/time-series/demo/popest/2010s-state-detail.html>.

2019 Officer and Subject Demographics

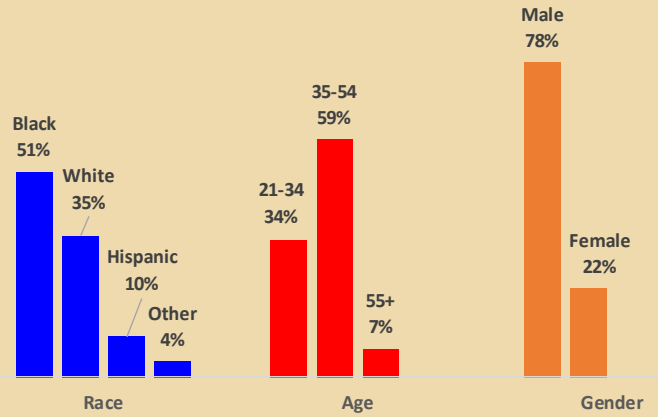
D.C. Population

705,749



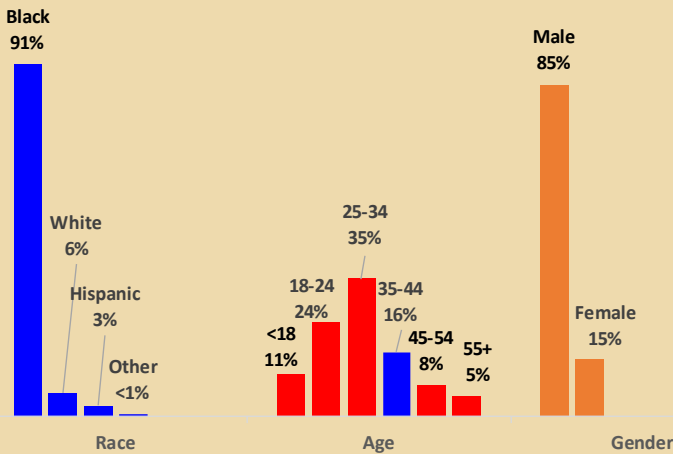
MPD Overall

Sworn Officers: 3,796



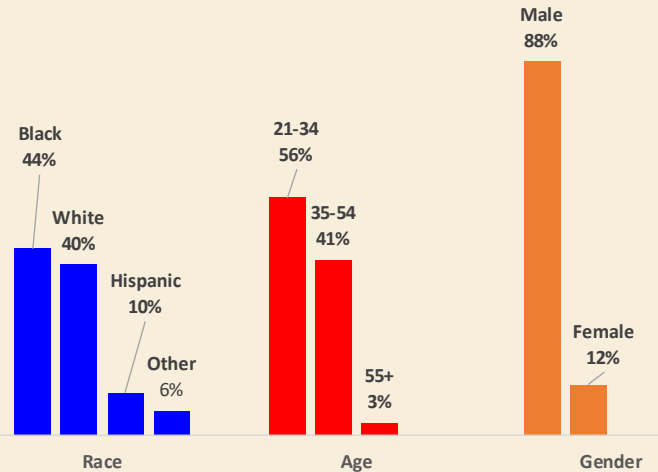
2019 Subjects of Force

Number of Human Subjects of Force: 1,521



2019 Officers Using Force

Number of Officers Using Force: 1,219



Subject and Officer Demographics

Black Subject/White Officer

40%

Black Subject/Black Officer

36%

Black Subject/Hispanic or Other Officer

15%

White Subject/Black Officer

2%

White Subject/White Officer

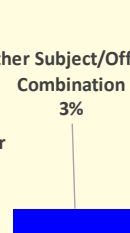
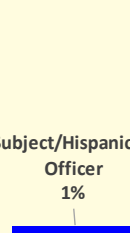
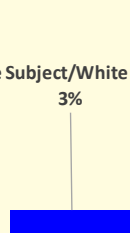
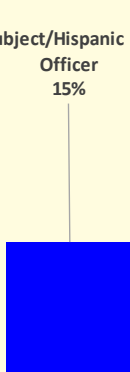
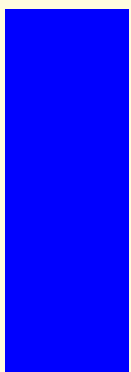
3%

White Subject/Hispanic or Other Officer

1%

Other Subject/Officer Combination

3%



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 comprised of 65% of MPD’s sworn personnel, but accounted for 89% of the officers who reported using force in 2019. Probationers increased from 9% of officers who reported using force in 2016 to 13% in 2018 and 14% in 2019. The percent of sergeants using force decreased from 7% of the MPD officers who reported using force in 2016 and 2017 to 6% in 2018, and increased to 8% in 2019. Master patrol officers, detectives, and lieutenants each accounted for 3% or less of officers reporting using force in 2016 and accounted for 1% per year since 2017.

Years of Service and Age of Officers Using Force

Officers who reported using force in 2019 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 30 and 35; the median age of officers assigned to each district was between 35 and 40. 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 five and 12.

Subjects Impaired or Assaulting Officers

MPD officers record when subjects commit an assault on a police officer (APO). They also at times 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 344 use of force incidents, 28% of the total use of force incidents in 2019, a 43% increase from the 240 incidents with subject assaulting officers 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 226 incidents, 18% of the total use of incidents in 2019. This is a 3% increase from the 171 use of incidents with subjects appearing to be under the influence of drugs or alcohol or exhibiting signs of mental illness in 2018.

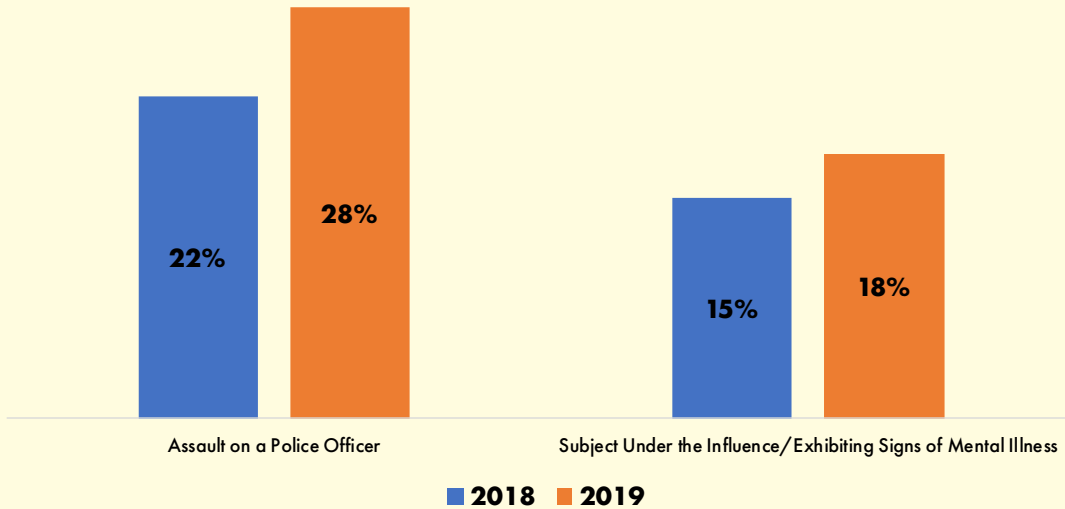
In 64 incidents (5%), officers reported an APO by subjects who appeared to be under the influence of drugs or alcohol or who appeared to be exhibiting signs of mental illness.

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 60% of incidents in 2019. Other types of force used in 2019 were fist/knee strikes, ASP strikes, OC spray, Tasers/ECDs, and pointing firearms, in 17%, 8%, 8%, 5%, and 2% of incidents respectively. The percentage of incidents with the usage of fist/knee strikes increased from 5% in 2018 to 17% in 2019 and the percentage of incidents with the usage of ASP strikes increased from 2% to 8% in 2019.

Rank of Officers Who Reported Using Force

Rank	2016	2017	2018	2019	MPD Overall
Probationer	9%	10%	13%	14%	6%
Officer	77%	80%	77%	75%	63%
Master Patrol Officer	2%	1%	1%	1%	1%
Detective	3%	1%	1%	1%	8%
Sergeant	7%	7%	6%	8%	10%
Lieutenant	1%	1%	1%	1%	3%

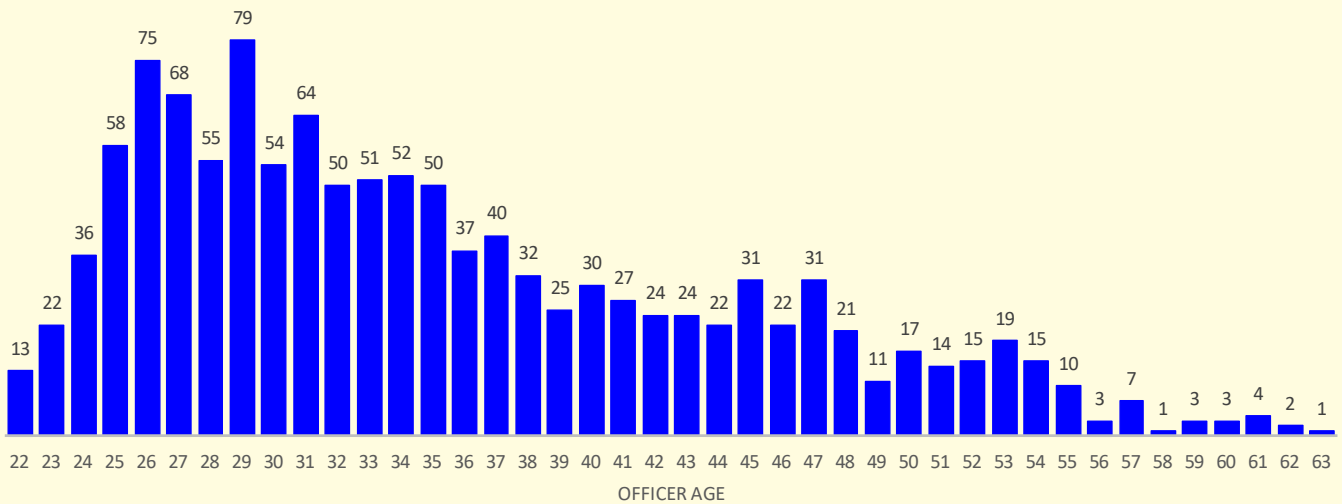
Subject Behavior



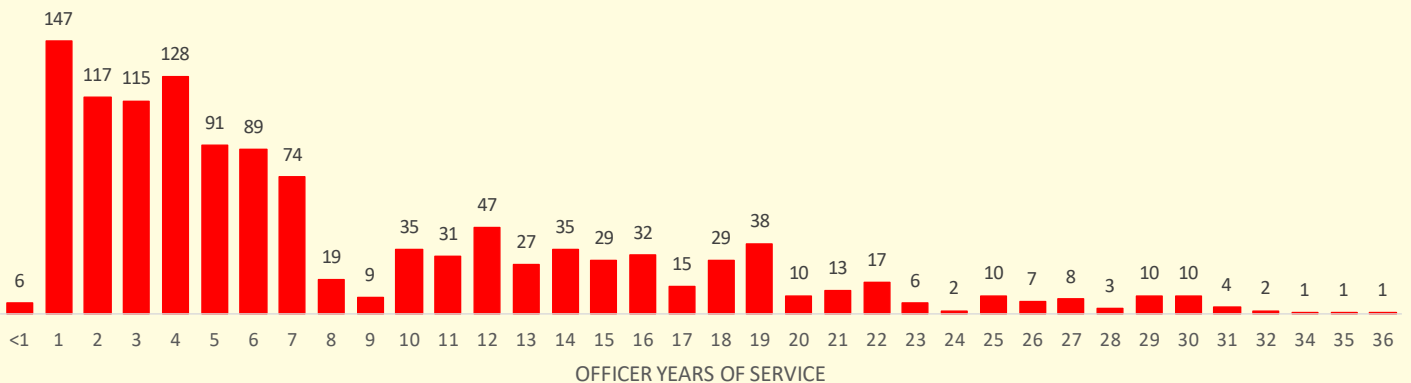
5%
 Suspected subjects under the influence or exhibiting signs of mental illness committed APO

Officer Characteristics

Age Range of Officers Using Force in 2019



Officer Years of Service in 2019



USE OF FORCE BY DISTRICT

Overview

MPD divides D.C. into seven 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 2019, as they did in 2015, 2017, and 2018. 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 Second District regularly has the lowest proportion of reported use of force incidents, with 6% to 8% per year, followed by the Fourth District, with 8% to 12% per year. The Second District covers the northwest section of the city, including neighborhoods such as Chevy Chase, Cleveland Park, Georgetown, and Foggy Bottom. The Fourth District covers the upper northwest portion of the District, including the Fort Totten, Takoma, and Petworth neighborhoods.

The proportion of incidents occurring in the Third District was between 11% and 13% from 2016 to 2018 and increased to 16% in 2019. 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 12% of uses of force in 2019 – more than one out of every eight uses of force. This percentage is slightly lower than the 14% of uses of force occurred in the five PSAs with the most reported uses of force in 2018, which was also more than one of every eight uses of force.

The five PSAs with the most reported uses of force in 2019 were in the Third, Fifth, and Seventh Districts – PSAs 308, 505, 506, 701, and 707. Out of these five PSAs, 505 and 506 were also among the five PSAs with the most reported uses of force in 2018.

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.”⁴³ Each district has a CST, and each CST contains between 15 to 22 officers.⁴⁴ Although only approximately 3% of officers are assigned to CSTs, CSTs accounted for 16% of reported uses of force in 2019. Compared to 2018, when approximately 4% of officers were assigned to CSTs and CSTs accounted for 13% of reported uses of force, the proportion of reported uses of force by CSTs in 2019 increased.

Use of Force Incidents by District⁴⁵

	District 1	District 2	District 3	District 4	District 5	District 6	District 7
2016	20%	7%	11%	8%	21%	15%	18%
2017	14%	7%	13%	10%	20%	16%	20%
2018	11%	6%	12%	11%	20%	19%	20%
2019	10%	8%	16%	12%	18%	17%	20%

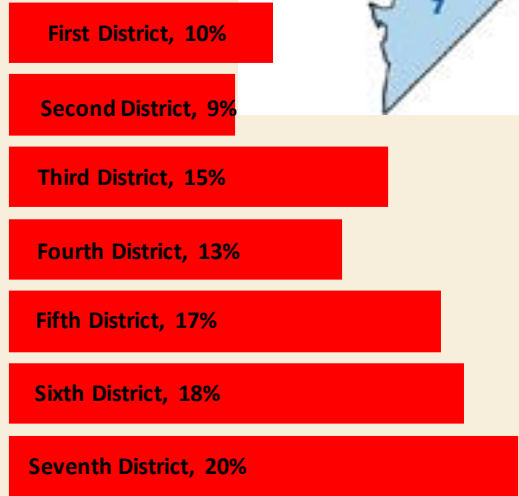
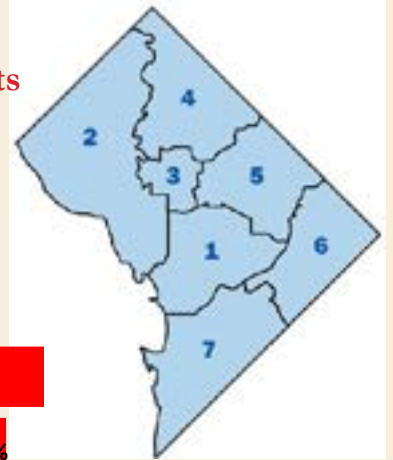
43: Correspondence from MPD to OPC, 28 January 2019.

44: Correspondence from MPD to OPC, 6 July 2020.

Where 2019 Use Of Force Incidents Occurred



MPD Districts



Assignments with Most Uses of Force

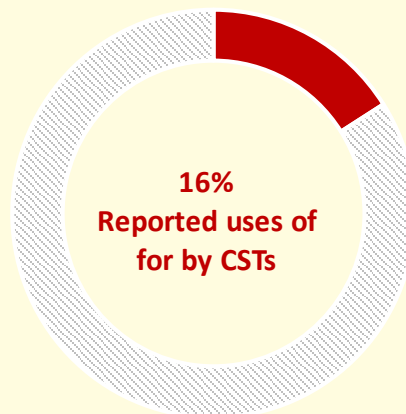
2018

- **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**

2019

- **Field Operations Branch: 159 uses of force (of 2,471 total uses of force)**
- **Fifth District Crime Suppression Team: 79 uses of force**
- **Seventh District Crime Suppression Team: 83 uses of force**
- **PSA 505: 65 uses of force**
- **Club Zone - 3D: 67 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);⁴⁶ 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).⁴⁷ 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 four types of cases: serious uses of force, allegations of excessive force, vehicle pursuits, and electronic control device (ECD) deployment. 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. The definitions for Use of Force and Excessive Use of Force disposition types are

listed on page 28.

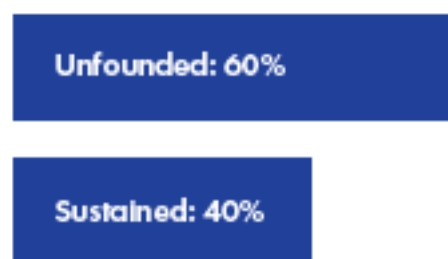
For each decision, the IAD investigator provides a recommended disposition, but the UFRB ultimately makes the final determination through a majority vote of the members. When the UFRB determines that the actions of an officer or officers did violate MPD policy, the case is referred to the director of 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.

2019 UFRB Use of Force Determinations⁴⁸



2019 UFRB Excessive Force Determinations



46: 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>.

47: 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.

48: Percentages do not add up to 100% due to rounding.

SERIOUS USE OF FORCE INCIDENTS

MPD UFRB 2019 Dispositions

The UFRB met 28 times and issued 254 determinations in 2019; compared to 29 meetings issuing 278 determinations in 2018, a 9% decrease in determinations. The 254 determinations in 2019 involved a total of 118 different officers. Of the 254 determinations:

- 182 (72%) were regarding uses of force;
- 15 (6%) were regarding allegations of excessive force; and
- 57 (22%) were for policy violations, 54 of which were sustained, 40 of which involved the three vehicular pursuit cases explained on page 36.

Sixty-six percent of the 182 use of force determinations in 2019 were considered *Justified, Within Departmental Policy*, while 14% were considered *Justified, Tactical Improvement Opportunity*. The UFRB determined that officers' actions in 34 of the 182 uses of force (19%) in 2019 were *Not Justified, Not Within Departmental Policy*. There was also one UFRB determination of *Justified, Policy Violation* and one determination of *Unfounded*.

Six of the 15 excessive force determinations (40%) in 2019 were *Sustained* while nine (60%) were considered *Unfounded*.

Forty of the 57 policy violation determinations involved the three vehicular pursuits and the remaining 17 policy violations reviewed by the UFRB included:

- a lieutenant and an officer failing to immediately notify a supervisor that they used force;
- a lieutenant failing to immediately notify IAD that he/she used force;
- a lieutenant failing to set a good example to their subordinates by not immediately notifying a supervisor that they used force;
- three sergeants and an officer failing to test their ECDs to ensure they were working before deployment;
- a sergeant deploying an ECD without having at least another officer present;
- a sergeant negligently discharging an ECD;
- a sergeant removing ECD prongs from a subject;
- officers failing to provide medical attention after use of force, including after using four counts of neck restraints in an incident;
- an officer carrying and using ammunition in an MPD-issued service firearm while off-duty;
- an officer failing to complete a RIF form;
- a sergeant failing to equip with OC spray; and
- an officer failing to activate BWC.

The UFRB concurred with the recommendations of the IAD investigator in 83% of the 254 determinations in 2019. In 12% of cases, the UFRB did not concur with the IAD's recommendations. The other 6% of allegations were not proposed by the IAD investigator but added by the UFRB.

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/Unfounded** – A use of force is determined to be not justified, and during the course of the incident the officer violated an MPD policy.

Excessive Force and Other Misconduct 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 DISCHARGES⁴⁹

Overview

The highest level of force an officer can use is discharging their firearm. The summaries and data analysis in this section may help the community understand the circumstances of an officer-involved firearm discharge in a more transparent detailed context than provided to the public via media outlets. Tracking the specific circumstances of how, when, where, and why officers discharge their firearms is an important tool for any police department and the community they serve.

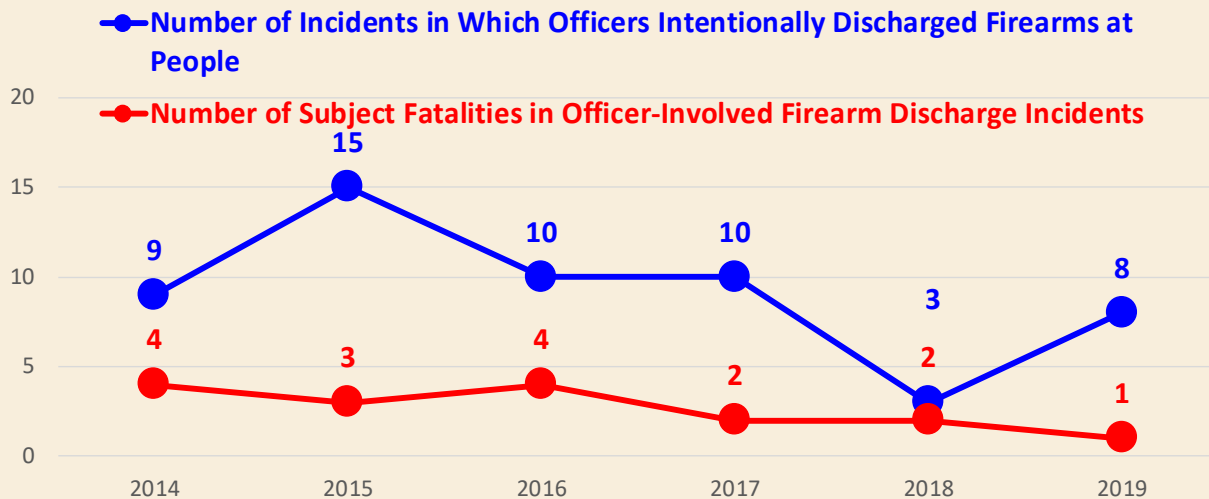
Data in this section is another opportunity for this report to increase community trust in the Metropolitan Police Department and allows MPD to better ensure that deadly force is the only appropriate and necessary option in every instance that it is utilized. The analytical analysis contained in this section provides MPD more review opportunities and possible police practices modifications. However, because of the

limited data MPD provided OPC regarding officer-involved firearm discharges, the review opportunity and potential modifications are limited as well. MPD does not provide OPC with open case information. OPC asked MPD to confirm that MPD provided OPC with all closed case information as of July 2020. MPD did not provide that confirmation nor any additional information thereafter.

In 2019, there were 15 firearm incidents involving 26 MPD officers:

1. Eight incidents involving 16 officers at ten people.
 - The number of officer-involved firearm discharge incidents at people increased from nine in 2014 to 15 in 2015, decreased to 10 in 2016 and 2017, and further decreased to 3 in 2018. In 2019, there were five more officer-involved firearm discharges at people than 2018. However, the number of incidents in 2019 is

Officer-Involved Shooting Statistics



49: This report will not release the names of officers involved in shooting incidents. While D.C. Act 23-336, requires the Mayor to “publicly release the names and body-worn camera recordings of all officers who committed the officer-involved death or serious use of force,” this power and responsibility is vested specifically with the Mayor, not OPC. Further, this section of D.C. Act 23-336 is currently involved in pending litigation, see https://www.washingtonpost.com/local/public-safety/dc-judge-denies-police-union-request-to-block-districts-decision-to-make-public-body-camera-footage-identity-of-officers-who-use-serious-force/2020/08/13/b5bbec14-dd8c-11ea-809e-b8be57ba616e_story.html.

OFFICER-INVOLVED FIREARM DISCHARGES

lower than each of the years between 2014 to 2017.

- Three officer-involved firearm discharges at people took place in the Sixth District, three took place in the Seventh District, one took place in the First District, and one took place in the Fifth District.
 - Seven of them occurred outdoors and one indoors.
 - All subjects fired at were black males.
2. Four incidents involving seven officers at five animals (one deer and four pitbulls).⁵⁰
 3. Three incidents involving three officers negligently discharging their firearms.

Fatal Officer-Involved Firearm Discharges

Between 2014 and 2018, MPD officer-involved firearm discharges resulted in two to four reported subject fatalities each year. 2019 had the lowest subject fatality caused by MPD officer firearm discharges since 2014. In the one fatal officer-involved firearm discharge in 2019, the subject reportedly discharged a firearm at the five officers as the subject exited a building, and the officers returned fire fatally injuring the subject.

Non-Fatal Officer-Involved Firearm Discharges

Between three and five people were non-fatally injured in officer-involved firearm discharge incidents per year from 2014 to 2017. In 2018, there were no non-fatal officer-involved firearm discharges; all officer-involved firearm discharges were either fatal or missed the subject.

In 2019, MPD officers discharged their firearms and caused subjects' non-fatal injuries in four incidents. In two of these incidents, MPD reported that the subject discharged their firearms at officers; in a separate incident, MPD reported that two subjects pointed their firearms at a victim; and in the fourth incident MPD

reported that the subject was reaching for a firearm. Officers discharged their firearms and missed subjects between one and six times per year from 2014 to 2018. In 2019, MPD officers discharged their firearms and missed the subjects in three intentional firearm discharge incidents. In one of these incidents, MPD reported that a subject struck an officer with his vehicle and the officer returned fire missing the vehicle and the subject. In the second incident, MPD reported an officer discharged several rounds at subject attempting a car theft and all rounds missed the subjects. In the third incident, MPD reported that a subject ran toward an officer firing at the officer, the officer gave pursuit and returned fire missing the subject.

2017 Summary of Officer-Involved Firearm Discharge Incidents – Updated

- On August 14, 2017, officers responded to a call for service regarding a vehicle with occupants smoking marijuana in the 2600 block of Naylor Road SE. As the officer approached the vehicle, a subject fled from the vehicle passenger side and the officer pursued the subject. During the pursuit, the subject reportedly pointed a firearm at the officer and the officer returned one round striking the suspect. In January 2019, the UFRB did not concur with IAD's recommendation that the firearm discharge was *Justified, Within Departmental Policy* finding instead that the firearm discharge was *Not Justified, Not Within Departmental Policy*.

2018 Summary of Officer-Involved Firearm Discharge Incidents – Updated

MPD officers intentionally discharged their firearms at people in three incidents in 2018, and the brief summaries were included on page 28 of the *Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018*.⁵¹

50: The eight firearm discharge incidents were at ten people (two incidents involved two different subjects each) and the four firearm discharges were at five animals in four incidents.

51: "Report on Use of Force by the Washington, D.C. Metropolitan Police Department 2018", District of Columbia Officer of Police Complaints; 19 March 2019. Available: <https://policecomplaints.dc.gov/node/1391936>.

OFFICER-INVOLVED FIREARM DISCHARGES

All three incidents were still under MPD investigation at the time the report was published and no UFRB determination information was provided at the time.

The UFRB made the determinations regarding the three cases in 2019, and the investigation determination information as well as an incident summary is included below.⁵²

- 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. In August 2019, the UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Within Departmental Policy*.
- 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 their 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. In April 2019, the UFRB concurred with IAD's recommendation that the firearm discharges were *Justified, Within Departmental Policy*.
- On **September 1, 2018**, officers responded to a report of an armed robbery in the 6500 block of Georgia Avenue NW. The officers encountered three subjects effectuating an armed robbery of a store. One subject was subdued in the store, another subject successfully escaped, and the third subject fled through a different exit of the store where an officer was standing, the suspect pointed their firearm at the officer, the officer fired one round missing the suspect. In June 2019, the UFRB concurred with IAD's recommendation that the firearm discharge was *Justified, Tactical Improvement Opportunity*.
- On **March 15, 2019**, three officers were canvassing near the 1200 block of Mt. Olivet Road NE for a vehicle that was reportedly involved in an armed carjacking. The driver of the carjacked vehicle reportedly struck one officer and one of the other officers discharged one round and it is unknown if the subject or vehicle were struck. The alleged carjacked vehicle fled the scene. The UFRB concurred with IAD's recommendation that intentional firearm discharge was *Not Justified, Not Within Departmental Policy*.
- On **April 21, 2019**, an officer discharged their firearm seven times at two subjects who were reportedly attempting to steal the wheels of the officer's privately owned vehicle parked in front of the officer's residence near the 600 block of E Street NE. The officer was off-duty and was not wearing his police uniform. The two subjects were reportedly not complying with the officer's order to show their hands and one of the subjects was perceived by the officer allegedly to reach for their firearm. The officer discharged seven rounds with none striking the subjects. The UFRB concurred with IAD's recommendation that the firearm discharges were *Not Justified, Not Within Departmental Policy*.
- On **June 23, 2019**, three officers conducted a traffic stop at the 500 block of Alabama Avenue SE. One officer retrieved a firearm magazine from the driver. As the passenger was being apprehended by other officers, the driver reportedly tried to reach for their waistband attempting to retrieve a potential firearm with one hand and grabbed the steering wheel with the other hand.

2019 Summary of Officer-Involved Firearm Discharge Incidents

The following are brief summaries of the eight reported incidents of officers' intentional firearm discharges at ten people.

52: The summaries are based on UFIRs, UFRB hearing DecisionAction Sheets and the MPD shooting lists of 2018 and 2019 received on 10 February 2020, 6 April 2020, and 8 April 2020.

OFFICER-INVOLVED FIREARM DISCHARGES

One of the officers discharged five rounds and believes the driver's shoulder was struck. The driver fled the scene in the vehicle and escaped. The UFRB concurred with IAD's recommendation that the firearm discharges were *Not Justified, Not Within Departmental Policy*.

- On **September 12, 2019**, two officers reportedly responded to a report of gun shots at the 400 block of 51st Street SE. When officers arrived, the subject was naked and discharging a firearm. The officers discharged their firearms at the subject when the subject failed to comply with their commands and struck the subject multiple times injuring the subject. The subject was transported to a hospital and admitted. Further information was not available as MPD was still investigating the case as of July 2020.
- On **September 16, 2019**, a subject exited a building and reportedly discharged their firearm at officers at the 2200 block of Savannah Terrace SE. The officers discharged their firearms in return, fatally injuring the subject. Further information was not available as MPD stated they were still investigating the case as of July 2020.
- On **September 18, 2019**, a subject reportedly discharged their firearm at an officer while being pursued by that officer at the 1600 block of Morris Road SE. The officer returned fire but missed the subject. The subject fled and was not apprehended. Further information was not available as MPD was still investigating the case as of July 2020.
- On **November 8, 2019**, an officer reportedly observed two subjects pointing firearms at a victim at the 300 block of Anacostia Road SE. The officer discharged their firearm multiple times striking both the subjects. Further information was not available as MPD stated they were still investigating the case as of July 2020.
- On **December 29, 2019**, three officers were executing a search warrant at a home on the 100 block of 26th Street NE. As the officers entered, they reportedly encountered an armed subject who disregarded officers' commands to drop their firearm and surrender. The officers and subject discharged their firearms and the subject was non-fatally injured. Further information was not available as MPD stated they were still investigating the case as of July 2020.

**Officers' Intentional Firearm Discharges –
Incidents in Which Officers Intentionally Aimed at People**

# of Rounds	Hit Target	Weekday	Incident Date	Time	Incident Location	Scene Location	Indoor/Outdoor	District	Officer Rank
1	1 Missed	Fri	03/15/19	010:18 PM	1200 bk Mt Olivet Rd NE	Street	Outdoor	5D	Ofc
7	Missed suspects/ Struck vehicle	Sun	04/21/19	3:20 AM	600 bk E St NE	Street	Outdoor	1D	DII
5	1 Struck Subject/4 Missed	Sun	06/23/19	3:52 AM	500 Alabama Ave SE	Street	Outdoor	7D	Ofc
Unknown	Unknown # struck subject causing injury	Thurs	09/12/19	011:30 PM	400 51st St SE	Street	Outdoor	6D	Ofc
Unknown	Unknown # struck subject causing fatality	Mon	09/16/19	07:03 PM	2200 Savannah Terr SE	Sidewalk	Outdoor	7D	Sgt
Unknown	Missed	Wed	09/18/19	2:19 AM	1600 Blk Morris Rd SE	Street	Outdoor	7D	Ofc
Unknown	Unknown # struck subject causing injury	Wed	11/08/19	06:44 PM	300 Anacostia Rd SE	Street	Outdoor	6D	Ofc
Unknown	Unknown # struck subject causing injury	Sun	12/29/19	4:40 p.m.	100 36th St. NE	House	Indoor	6D	Ofc

**Officers' Intentional Firearm Discharges –
Incidents in Which Officers Intentionally Aimed at People**

Officer Race	Officer Gender	Officer Yrs of Service	Officer Age	District Assign	Officer Injuries	Suspect Gender	Suspect Race	Reported Type of Suspect Weapon	Reported Suspect Threat/ Motive	IAD Findings	UFRB
White	Male	4	29 Yrs.	5D	None	Male	Black	Unknown	Armed/ Carjacking	Not Justified, Not Within	Not Justified, Not Within
Black	Male	14	42 Yrs.	ISB	None	Male	Black	Unknown	Theft/ Attempt UUV	Not Justified, Not Within	Not Justified, Not Within
Black	Male	9	35 Yrs.	7D	None	Male	Black	Unknown	Unknown	Not Justified, Not Within	Not Justified, Not Within
Black	Male	1	31 Yrs.	6D	None	Male	Black	Unknown	Unknown	Open	Open
Black	Male	17	42 Yrs.	7D	None	Male	Black	Unknown	Unknown	Open	Open
Hispanic	Male	6	31 Yrs.	7D	None	Male	Black	Unknown	Unknown	Open	Open
Black	Male	6	41 Yrs.	6D	None	Male	Black	Unknown	Unknown	Open	Open
Hispanic	Male	3	32 Yrs.	7D	None	Male	Black	Unknown	Pointed weapon	Open	Open

OFFICER-INVOLVED FIREARM DISCHARGES

Officer-Involved Firearm Discharges at Animals

In calendar years 2012 through 2018, MPD reported that officers discharged their weapons at animals in five to 18 incidents per year. In 2019, officers reportedly discharged firearms at four dogs in three incidents and at a deer in one incident. Three of the four dogs were fatally injured. The other dog was seriously injured and later put to sleep by Animal Control. One officer killed a wounded deer to end its suffering from an injury caused by a car accident.

Negligent Firearm Discharges

Officers negligently discharged firearms in three incidents in 2019.

- On **February 12, 2019**, an officer accidentally discharged their service weapon while pursuing a subject carrying their service weapon in their left hand near the 900 block of 8th Street SE. The negligently discharged round struck the pavement causing no damage. No one was injured in this incident. The UFRB concurred with IAD's recommendation that the firearm discharge was *Not Justified and Not Within Departmental Policy*.
- On **June 21, 2019**, an officer accidentally discharged their firearm while at home in Maryland. The discharged round went through the townhouse wall into the neighboring townhouse. No one was injured in this incident. Further information was not available as MPD stated they were still investigating the case as of July 2020.
- On **September 25, 2019**, the officer's M4 rifle discharged during a clearing procedure in the trunk of the officer's patrol car. The discharged round penetrated the officer's shield and lodged into the spare tire. No one was injured in this incident. The UFRB concurred with IAD's recommendation that the firearm discharge was *Not Justified and Not Within Departmental Policy*.

FATAL VEHICULAR PURSUITS

UFRB's Determinations – Vehicular Pursuits Resulting in a Fatality

General Order 901.09 requires that UFRB review all vehicle pursuits resulting in a fatality.⁵³ In 2019, UFRB reviewed three vehicular pursuits taking place in 2017, 2018, and 2019 respectively. The UFRB did not review any vehicular pursuit cases in 2017 and 2018. Below are the brief summaries of the three vehicular pursuits the UFRB reviewed in 2019.

- On October 8, 2017, two MPD officers reportedly conducted a vehicular pursuit after observing a vehicle that appeared to be displaying fake tags. The police vehicle's emergency lights, sirens, and air horn were intermittently used. The driver eventually lost control and caused the vehicle to strike a road curb, become airborne, collide with a tree, and catch fire. The collision caused the driver's death from trauma sustained on various parts of his/her body; the two other occupants were also injured and admitted to the hospital.

At the UFRB's March 5, 2019 hearing, the UFRB concurred with MPD IAD's determinations that the two involved officers violated the following policies: (1) failure to follow police regarding pursuing a fleeing felon; (2) pursuit of a vehicle for the purpose of affecting a stop for a traffic violation; (3) failure to provide the fleeing vehicle's description to the dispatcher to issue a lookout; and (4) failure to stop a vehicle pursuit when distance is too great. The UFRB classified the vehicular pursuit as *Not Justified, Not Within Department Policy*.

- On May 4, 2018, two MPD officers were reportedly in a police vehicle canvassing for suspects who fired multiple gunshots when one of the suspects drove by on a dirt bike. The officers therefore attempted to conduct a traffic stop. At the same time, a third officer who happened to be parked nearby heard about the suspect on police radio and started to drive. When this third officer entered into an intersection, the officer observed the dirt bike traveling directly toward the officer on the wrong side of the road. The officer accelerated in an attempt to clear the roadway, so the dirt bike could

pass behind the police vehicle. However, the dirt bike skid and collided with the police vehicle. As a result, the driver of the dirt bike was ejected off the dirt bike, struck the police vehicle, and became pinned beneath the dirt bike. The wounded dirt bike driver then was transported to a hospital and later pronounced dead in the hospital.

In the UFRB's June 18, 2019 hearing, it was determined that the allegation of the three officers conducting an unjustified vehicular pursuit was *Unfounded*.

- On June 24, 2019, five MPD officers started to pursue a vehicle in two police vehicles after the vehicle struck a different police vehicle. The pursuit spanned from Washington, D.C. to Maryland and approximately 6.1 miles for the officer who was operating the first police vehicle, with an average speed of 70.6 miles per hour. The pursuit was approximately 4.3 miles long for four other officers in the second police vehicle, with an average speed of 69.2 miles per hour. While being pursued by both vehicles, the driver of the suspect vehicle struck another vehicle, causing it to flip onto the driver's side and slide 50 feet. The person inside the flipped vehicle did not survive the impact. The suspect driver also sustained multiple fractures to their body.

At the UFRB's October 25, 2019 hearing, the UFRB concurred with IAD's determination that the vehicular pursuit was *Not Justified, Not Within Departmental Policy*. The UFRB also concurred with IAD's determinations that the five officers violated the following policies: (1) failure to monitor the police radio; (2) failure to notify dispatcher and request authorization from the Watch Commander to proceed into adjoining jurisdiction; (3) failure to obey orders or directives issued by the Chief Police; (4) failure to properly assess the circumstances of the pursuit and continued the pursuit despite facts requiring it be terminated; and (5) failure to terminate pursuit when it became apparent that the vehicular pursuit could lead to unnecessary property damage or injury of citizens or officers.

53: 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

ELECTRONIC CONTROL DEVICE (ECD) DEPLOYMENTS

Overview

In 2019, the UFRB made 24 determinations regarding ECD deployments in 14 cases. The UFRB concurred with 21 out of the 24 recommendations by IAD:

- 18 ECD deployments were determined *Justified, Within Department Policy*;
- One was determined *Justified, Tactical Improvement Opportunity*; and
- One was determined *Not Justified, Not Within Department policy*.

The UFRB did not concur with IAD recommendations in the other three cases:

- Two were changed from *Justified, Tactical Improvement Opportunity* to *Justified, Within Department Policy* and
- The third ECD deployment incident involved an officer who deployed his ECD twice: the first time was intentional and the second time was negligent.

The intentional ECD deployment was determined *Not Justified, Not Within Department Policy* by IAD and the UFRB concurred. The negligent discharge was also determined *Not Justified, Not Within Department Policy* by IAD. However, since this negligent discharge did not strike the subject, based on MPD Executive Order 18-007,⁵⁴ it should have been considered a misconduct violation instead of use of force. Therefore, the UFRB changed the determination to *Sustained* misconduct.

54: Metropolitan Police Department Executive Order 18-007: "Investigations of Negligent Discharges of Electronic Control Devices and Extended Impact Weapons." Metropolitan Police Department; 29 May 2018. Available: https://go.mpdonline.com/GO/EO_18_007.pdf.

RECOMMENDATIONS

In its FY17 and 2018 Use of Force Reports, OPC made eight and three recommendations respectively, while expanding an FY17 recommendation in 2018, for MPD to improve its use of force policies, reporting, and data collection. The following is an overview of MPD's progress in implementing those recommendations from both OPC's and MPD's perspectives. OPC's review process included requests to MPD to determine the status of the recommendations as of May 2020. OPC also considered its own observations and experiences in producing this 2019 Use of Force Report to determine the extent to which the recommendations were fully implemented.

This report makes no new recommendations that address new deficiencies observed during OPC's review of progress made on the FY17 and 2018 recommendations and during the data collection and analysis of 2019 use of force data. The updates to the FY17 and 2018 recommendations provide additional input towards full implementation. With the implementation of more of our FY17 and 2018 recommendations, OPC is encouraged that this collaboration will continue to better MPD's use of force policies and training, use of force data collection, and use of force emerging trends analysis.

FY17 Recommendations Update

Of the eight recommendations OPC made in FY17, including recommendation 5A in 2018, as of May 2020 MPD has:

- **Fully Implemented** three recommendations;
- **Partially implemented** three recommendations; and
- **Not implemented** three recommendations.

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

Status according to MPD as of December, 2018

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.”⁵⁵

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.

Status according to MPD as of May, 2020

AGREE IN PART, IN PROGRESS

“We are in the process of combining our use of force and use of force investigations general orders as well as guidance on completing the force incident report (FIR) into one general order.

⁵⁵: All 2018 responses attributed to MPD throughout this section are verbatim as received in correspondence from MPD on 28 December 2018. All 2019 responses attributed to MPD throughout this section are verbatim as received in correspondence from MPD on 11 May 2020.

RECOMMENDATIONS

OPC Response:

OPC considers this recommendation **not implemented**. OPC will review the revised General Order when it becomes available.

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

Status according to MPD as of December, 2018

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. 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.

Status according to MPD as of May, 2020

AGREE, COMPLETE

“MPD replaced the Use of Force Incident Report (UFIR) and the Reportable Incident Form (RIF) with the combined FIR which was deployed in our Personnel Performance Management System (PPMS) on January 1, 2020.”

OPC Response:

OPC considers this recommendation **fully implemented**. As the replacement of the UFIR and RIF with one document, the Force Incident Report (FIR) did not take place until January 1, 2020,⁵⁶ there were no FIRs for the 2019 use of force data. OPC will review the FIRs provided by MPD in the 2020 use of force data analysis.

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

Status according to MPD as of December, 2018

AGREE, COMPLETE

“In January 2018, MPD completed enhancements to PPMS that included improved use of force incident

56: Metropolitan Police Department Executive Order 19-009: “Force Incident Report.” Metropolitan Police Department, 31 December 2019. Available: https://go.mpdconline.com/GO/EO_19_009.pdf.

RECOMMENDATIONS

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.

Status according to MPD as of May, 2020

AGREE, COMPLETE

“MPD implemented enhancements to PPMS in 2019 that allowed us to provide compiled force data electronically to the Office of Police Complaints (OPC), and we began providing that data to them at the end of the 2019.

OPC Response:

OPC considers this recommendation **partially implemented**. Based on MPD’s explanation, the use of force PPMS data MPD provided OPC in 2018 and 2019 in spreadsheets is based on MPD’s investigations regarding use of force incidents, not directly exported from the electronic version of UFIRs/RIFs. In February 2020, in addition to the PPMS data, MPD also provided the use of force data that was directly exported from the 2019 electronic UFIRs/RIFs in spreadsheet format. The spreadsheet contained the data of most of the fields within the electronic UFIRs/RIFs, which is a significant improvement from 2018. However, three issues, discussed below, need to be addressed before the implementation of this recommendation could be considered as fully completed.

- The exported data spreadsheet OPC received from MPD did not include the data of a few fields, including the number of subjects on whom force was used, whether the subject of force is unknown, and subject’s pre-existing injury conditions.
- The data of at least 43 UFIRs/RIFs for the use of force incidents that MPD completed the investigation were not included in the exported data spreadsheet, and it is unclear why it was not included.
- There were inconsistencies between the UFIR/RIF exported data spreadsheet and the data within the electronic UFIR/RIF PDFs provided to OPC from MPD. There are 236 UFIRs/RIFs with data inconsistencies in the field Specific Type of Force Used, representing 142 use of force incidents. While all the data inconsistencies in the Specific Type of Force Used field are for pre-July 2019 enhancement UFIRs/RIFs, considering the whole year of 2019, the data inconsistencies in this field remains an issue for 2019.

OPC will consider the recommendation fully implemented when the FIR exported data spreadsheet provided to OPC contains all data from the electronic FIRs.

RECOMMENDATIONS

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

Status according to MPD as of December, 2018

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.

Status according to MPD as of May, 2020

AGREE, COMPLETE

“MPD previously deployed enhancements to PPMS which included the addition of fields related to body-worn cameras (BWCs). PPMS was further modified in January of 2020 to link uses of force with arrest information in MPD’s record management system (RMS). Fields were also added to PPMS to capture subject impairment information and whether the subject appears to be a mental health consumer.

OPC Response:

OPC considers this recommendation **fully implemented** with the creation of the FIR beginning in January 2020. MPD has added the fields regarding whether an officer was equipped with a BWC, whether the BWC was activated, whether a subject had an impairment, the alleged criminal activity by the subject/charges, and the arrest number associated with the subject arrest to the FIR.

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

Status according to MPD as of December, 2018

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

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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.

Status according to MPD as of May, 2020

AGREE, COMPLETE

“Supervisors are required to conduct careful reviews of all reports they approve, including FIRs. MPD has also taken additional steps to ensure FIRs are complete by making certain fields on the form mandatory so they are not inadvertently skipped. Our Internal Affairs Division also reviews the forms to ensure they are complete upon receipt.”

OPC Response:

OPC considers this recommendation **partially implemented**. Making the majority of the fields on UFIRs/RIFs mandatory with the July 2019 PPMS enhancement significantly improved the issue of UFIRs/RIFs missing essential data. However, the issue of data deficiencies still exists. There were seven UFIRs/RIFs with no information regarding whether subjects had a weapon. There were 6 UFIRs/RIFs with no answer in the UFIR/RIF field whether the subject had a weapon” but stated “yes” to the specific type of weapon either firearm, blunt weapon, edge weapon, or other weapon. At least 89 UFIR/RIFs OPC received (5%) were completed as UFIRs when, based on MPD’s own policies, they should have been completed as RIFs. Of course, with the creation of the FIR in January 2020, this issue may be mute; however, in OPC’s analysis of the 2019 UFIR/RIFs continues to show the unnecessary nature of two forms. OPC will analyze the effectiveness of the FIR along with the data regarding effective supervisor review in 2020.

5A. New Recommendation: MPD should make essential fields of the UFIR/RIF electronically mandatory (Recommended in 2018).

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.

RECOMMENDATIONS

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.

Status according to MPD as of May 2020

AGREE, COMPLETE

In July 2019, MPD reviewed the fields on the UFIR and RIF and made more than 50 fields mandatory for completion in the system. Those same fields are also mandatory in the new FIR.

OPC Response:

OPC considers this recommendation **fully implemented**. Making the majority of the fields on UFIRs/RIFs mandatory with the July 2019 PPMS enhancement significantly improved the issue of UFIRs/RIFs missing essential data. There were 270 UFIRs/RIFs with no answer for “Specific Type of Force Used” field but all 270 UFIRs/RIFs were completed prior to the July 2019 enhancement. All UFIRs/RIFs completed after the July 2019 enhancement have an answer for “Specific Type of Force Used” field. OPC will analysis the effectiveness of the mandatory fields within the FIR in 2020.

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.

RECOMMENDATIONS

Status according to MPD as of May 2020

AGREE IN PART, IN PROGRESS

“We disagree with requiring a FIR for contact controls absent injury or complaint of pain. However, we will ensure that our updated policy clearly explains what types of force are included under contact controls.”

OPC Response:

OPC considers this recommendation **not implemented**. OPC has never recommended that MPD require the completion of UFIR/RIF and FIR for contact controls absent injury or complaint of pain. Instead, OPC recommended that MPD provide clear explanation regarding what type of force would be the exception of the requirement to complete UFIR. As the FIR replaced UFIR and RIF in 2020, OPC will re-evaluate the implementation status of this recommendation when MPD’s updated policy is available for review.

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

Status according to MPD as of December, 2018

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.

Status according to MPD as of May, 2020

AGREE IN PART, COMPLETE

“Our understanding is that the purpose of this recommendation is for OPC to have a data source for firearm discharges that includes information contained on the on-scene checklist (e.g., the number of rounds fired, the number of rounds that missed, and the number that took effect). However, information collected at the scene of the incident is preliminary in nature, and we have better sources for that data. Accordingly, MPD has discussed this issue with OPC, and we have agreed to provide data based on final investigations going forward.”

OPC Response:

OPC considers this recommendation **partially implemented**. The UFIR/RIF exported data spreadsheet for closed cases contained information regarding whether the MPD officers’ firearm discharged missed, injured the subject, or was fatal. For the three closed officer-involved firearm discharge cases that OPC received complete data, OPC extracted the number of rounds fired from the MPD officer’s completed UFIR narrative. OPC did not receive onscene sheets for these three closed investigations.

Nonetheless, if the information is extractable from the officer’s narrative and thus included in the UFIR, why not create mandatory fields for the officer to list how many rounds the officer expended, how many rounds hit the target, how many rounds missed the target, and how many rounds injured the subject or caused a fatality. In fact, this would assist MPD’s Internal Affairs Division in their investigation of the firearm discharge – investigators would have a clear initial report from the officer and the onscene sheet (information collected from the crime scene). We assume, in practice, MPD’s Internal Affairs Division is effectuating this already, and/or should be. The suggested mandatory fields will innovate the investigation process for MPD and provide transparency to the community.

RECOMMENDATIONS

In order for this recommendation considered fully implemented, OPC will need the specific numbers for each officer-involved firearm discharge incident to include: how many rounds the officer expended, how many rounds hit the target, how many rounds missed the target, and how many rounds injured the subject or caused a fatality.

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

Status according to MPD as of December, 2018

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 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 legal precedent stating that pro forma complete of investigative documents is not a compelled statement, to develop an updated protocol that addresses concerns of both the officer and the community.

Status according to MPD as of May, 2020

DISAGREE

“MPD’s current policy governing the completion of UFIRs (now FIRs) was negotiated with and approved by the Department of Justice (DOJ), and has been MPD policy for almost fifteen years. Officers cannot be compelled to provide a statement until they receive a declination or are issued Reverse Garrity. For the majority of cases, we have a procedure for issuing Reverse Garrity when the force incident occurs so the FIR can be completed immediately. However, in cases that are under review by the United States Attorney’s Office (USAO), completion of the form may not occur until a declination is issued.”

OPC Response:

OPC considers this recommendation **not implemented**. OPC continues to recommend that MPD require officers to complete a FIR (as of January 2020) immediately following all uses of force based on current legal precedent regarding compelled statements.

RECOMMENDATIONS

FY18 Recommendations Update

Of the three recommendations OPC made in 2018, as of May 2020, MPD has:

- Fully Implemented two recommendation; and
- Not implemented one recommendation.

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.

Status according to MPD as of May, 2020

AGREE, COMPLETE

“In July 2019, PPMS was updated, and we have not experienced any issues with PPMS misclassifying strikes as hand controls. The only time a force option would be different between a FIR and the investigation summary in PPMS would be if the officer reported one type of force in the FIR, and the investigation revealed that a different type of force was used.”

OPC Response:

OPC considers this recommendation **fully implemented**. OPC will analyze the consistency of the 2020 FIRs compared to the MPD provided PPMS data.

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

RECOMMENDATIONS

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.⁵⁷

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.

Status according to MPD as of May, 2020

AGREE, COMPLETE

“MPD provided roll call training in August, 2019, that included a review of our use of force framework which categorizes strikes as defensive tactics. This information was also included in the 2019 use of force portion of Professional Development Training and is also taught in recruit training during the classroom portion of use of force.”

OPC Response:

OPC considers this recommendation **fully implemented**. Officers used fist/knee strikes on subjects that they identified as resistant in 21 instances in 2019, an 80% decrease from the 104 instanced in 2018. OPC hopes to see a continued decrease in 2020.

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.

Status according to MPD as of May, 2020

AGREE IN PART, ONGOING

“MPD remains committed to providing our officers with the training, tools, and support necessary to limit the use of force and de-escalate situations whenever possible. MPD will continue to ensure use of force incidents are investigated thoroughly and impartially, and we will use our use of force data to analyze emerging trends. However, we must also recognize that officers will, when lawful and appropriate, be in situations where it is necessary to use the minimum amount of force necessary to effectively bring an incident or person under control. Additionally, looking at the raw number of use of force incidents, with no analysis of whether that force was justified provides an incomplete and misleading picture. We would encourage OPC to provide this additional context regarding use of force incidents in subsequent reports.”

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

RECOMMENDATIONS

OPC Response:

OPC considers this recommendation **not implemented**. While OPC considers the recommendation not implemented, it recognizes the much lower increase rate of use of force incidents. The number increased from 1,242 in 2018 to 1,246 in 2019, a less than 1% increase, compared to the 20% increase from 2017 to 2018. However, MPD states in their May 2020 response that they will “use *our* use of force data to analyze emerging trends (emphasis added).” OPC considers the independent nature of this report of MPD supplied data as a collaboration. As MPD has worked to implement our recommendations from our past reports, it is clear that MPD’s use of force data collection improvements support better trend analysis by OPC. We encourage MPD to continue not just analyzing their data but also the data analysis from this report as we believe they currently are doing so. When MPD completes the recommendations from our reports, OPC will have the information necessary to analyze the justification of force as MPD is requesting of us.

APPENDICES

**APPENDIX A: MPD USE OF FORCE INCIDENT
REPORT FORM**



USE OF FORCE INCIDENT REPORT (UFIR)



A. REPORTING MEMBER

IS Number	Officer name	Rank	Branch/District
Division	Sex	Race	Ethnicity
Height	Weight	Appointment Date	Duty Status
Uniform	Age		
Were you equipped with BWC		Is BWC activated?	
Supv. Notified	Date Notified	Time Notified	
Supv. Notfd Name		Supv. Notfd Rank	
On Scene Supv Name		On Scene Supv. Rank	

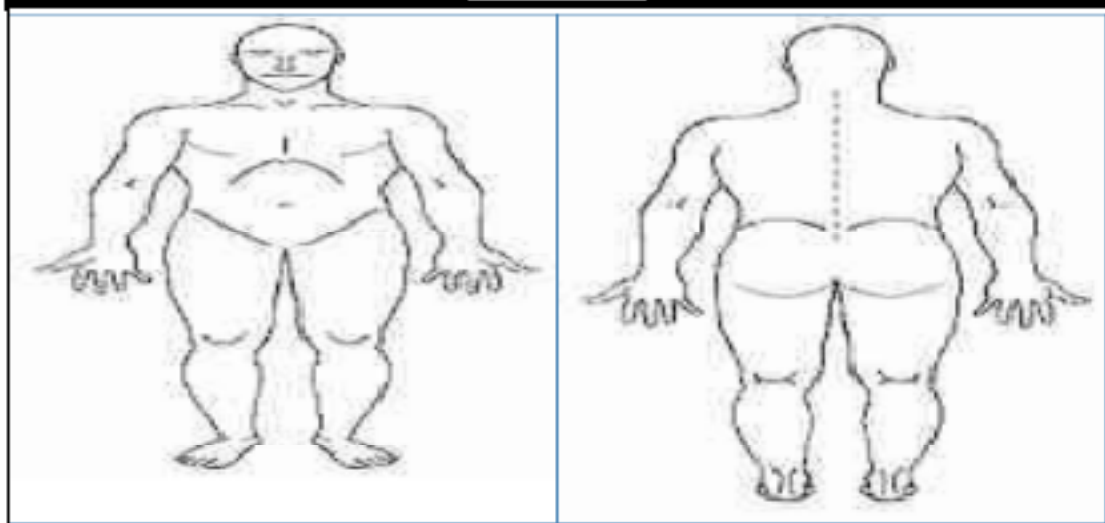
B. EVENT INFORMATION

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. MEMBER'S INJURY

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

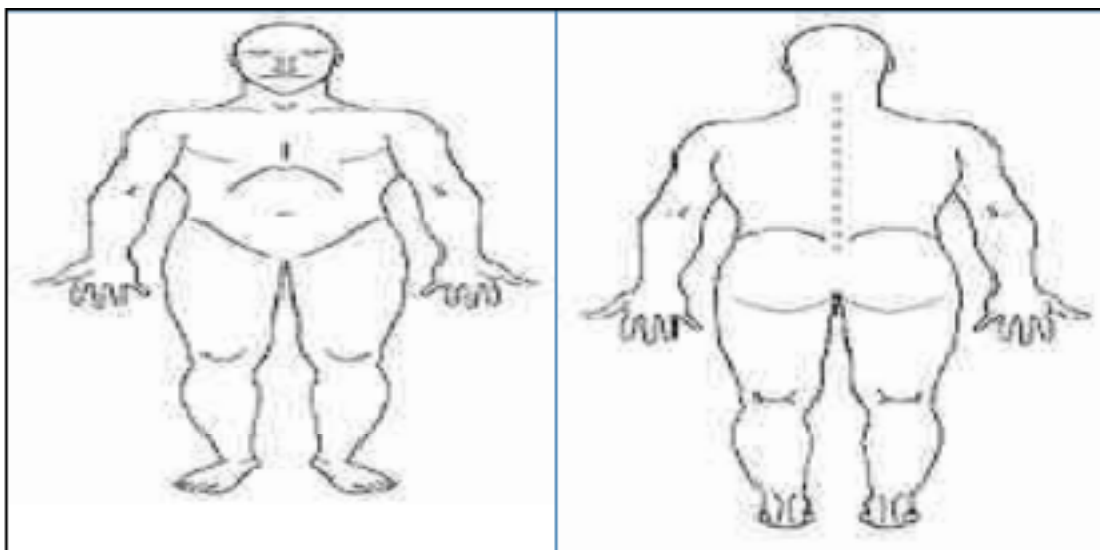
MEMBER INJURY



Body Injury:	
Observations	Complaints

Photos Taken	Photos Stored at
--------------	------------------

If Other, specify location			
D. SUBJECT INFORMATION			
Total Number of persons on whom force was used :			
SUBJECT - 1			
Is Subject Unknown?		If yes, Age Range	
Name		Address	
DOB	Sex	Race/Ethnicity	SSN
Phone	Height	Weight	
SUBJECT'S ACTION & ACTIVITY			
Subject Activity		Other Subject Activity (if any)	
Subject Action			
FORCE INFORMATION (Used on Subject)			
Specific Type of Force used on Subject		If other specific type of force used,	
Category of Force		Firearm Information	
SUBJECT WEAPON INFORMATION			
Weapon	Firearm	Blunt Weapon	Edged Weapon
	Recovered	Recovered	Recovered
	Recovery Location	Recovery Location	Recovery Location
	Discharged		
Other Weapon	Other Weapon Type	Other Weapon Recovered	Other Weapon Recovery Loc
SUBJECT INJURY			
Pre-Existing Injury/Condition (if any)			
Subject Injured or Complaint of Pain (if Yes, complete subject injury section and PD-313)			



Location of Injuries			
Injuries:			
Observations		Complaints	
Other Observations (if any)		Other Complaints (if any)	
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	Branch/District
Division	Sex	Race	Ethnicity
Height	Weight	Appointment Date	Duty Status
Uniform	Age		
Were you equipped with BWC		Is BWC activated?	
Supv. Notified	Date Notified	Time Notified	
Supv. Ntfd Name		Supv. Ntfd Rank	
On Scene Supv. Name		On Scene Supv. Rank	

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. MEMBER'S INJURY

Member Injured or Complaint of Pain (If yes, Complete Member Injury Section)	
Is Hospitalized?	
Body Injury:	
Observations	Complaints
Photos Taken	Photos Stored at
If Other, specify location	

D. SUBJECT INFORMATION

Total Number of persons and vehicles that were involved:

SUBJECT - 1			
Is Subject Unknown?		If yes, Age Range	
Name		Address	
DOB	Sex	Race/Ethnicity	SSN
Phone	Height	Weight	
SUBJECT'S ACTION & ACTIVITY			
Subject Activity		Other Subject Activity (if any)	
Subject Action			
FORCE INFORMATION (Used on Subject)			
Specific Type of Force used on Subject			
Type of Force used			FireArm Information
SUBJECT WEAPON INFORMATION			
Weapon	Firearm	Blunt Weapon	Edged Weapon
	Type:	Type:	Type:
	Firearm Recovered	Blunt Weapon Recovered	Edged Weapon Recovered
	Recovery Location	Recovery Location	Recovery Location
	Discharged		
Other Weapon	Other Weapon Type	Other Weapon Recovered	Other Weapon Recovery loc
SUBJECT INJURY			
Pre-Existing Injury/Condition (if any)			
Subject Injured or Complaint of Pain (If Yes, complete subject injury section and PD-313)			
Location of Injuries			
Injuries:			
Observations		Complaints	
Other Observations (if any)		Other Complaints (if any)	
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 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 information provided by MPD in 2017, a new hierarchy was developed in 2018 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 was therefore ranked higher than takedowns, as neither were likely to cause

APPENDIX C: HIERARCHY OF FORCE

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.^{60, 61} 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, ASP arm-extraction, and handcuffing)
- (2) Tactical takedown
- (3) Firearm pointed
- (4) OC spray
- (5) Fist/knee strike, 40mm extended impact weapon (foam or sponge rounds), or shield
- (6) ASP strike, canine bite(s)
- (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.⁶²

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.^{63, 64} Firearm discharges are considered the highest level of force on both hierarchies – level 5 of MPD's

60: "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>.

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

62: 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.

63: 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.

64: 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.

APPENDIX C: HIERARCHY OF FORCE

Use of Force Framework corresponds to level 8 of the new hierarchy.

In 2019, three new types of force were added to the new hierarchy by OPC, as the three types of force – ASP arm-extraction, shield, and canine bite(s) had been added to the answer choices for the Specific Type of Force Used field on UFIR.⁶⁵ ASP-arm extraction has been added to level 1 because it was considered a type of control holds. The use of a shield is considered as a defensive tactic based on MPD’s Use for Force Framework. While Defensive Tactics are level 4 in the Use of Force Framework, considering that the usage of a shield is unlikely to cause the type of injuries that are as serious as those caused by ASP strikes or canine bites, it has been added to level 5 of the hierarchy. Canine bite(s) has been added to level 6, considering the potential injury level it would cause the subjects of the bites. NYPD also categories both intentional strike with an object and canine bites at the same use of force level.⁶⁶

65: As discussed on page 11, the three new types of force were added as new answer choices for the Specific Type of Force Used field on UFIR as part of MPD’s PPMS July 2019 enhancement.

66: <https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2017.pdf>.



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