

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CITIZEN COMPLAINT REVIEW**

**FINDINGS OF FACT AND MERITS DETERMINATION**

<b>Complaint No.:</b>	01-0332
<b>Complainant:</b>	COMPLAINANT
<b>Subject Officer(s), Badge No., District:</b>	SUBJECT OFFICER, 1st District
<b>Allegation</b>	Insulting, Demeaning, or Humiliating Language or Conduct
<b>Complaint Examiner:</b>	Todd Cox
<b>Merits Determination Date:</b>	June 12, 2003

Pursuant to D.C. Official Code § 5-1107(a), the Office of Citizen Complaint Review (OCCR) has the authority to adjudicate citizen complaints against members of the Metropolitan Police Department (MPD) that allege abuse or misuse of police powers by such members, as provided by that section. This complaint was timely filed in the proper form as required by § 5-1107, and the complaint has been referred to this Complaint Examiner to determine the merits of the complaint as provided by § 5-1111(e).

**I. SUMMARY OF COMPLAINT ALLEGATIONS**

In a complaint filed with the Office of Citizen Complaint Review (OCCR) on April 27, 2001, COMPLAINANT alleged that Metropolitan Police Department (MPD) SUBJECT OFFICER used language that was insulting, demeaning or humiliating. On April 26, 2001, SUBJECT OFFICER spoke at a community meeting at the LOCATION #1, N.W., which was attended by COMPLAINANT, A COMMUNITY LEADER and a number of other community leaders. According to COMPLAINANT, SUBJECT OFFICER described persons who frequented LOCATION #2, N.W., as “scourge.”

**II. EVIDENTIARY HEARING**

No evidentiary hearing was conducted regarding this complaint because, based on a review of OCCR’s Report of Investigation, the Complaint Examiner determined that the Report of Investigation presented no genuine issues of material fact in dispute that required a hearing. *See* D.C. Mun. Regs., title 6A, § 2116.3.

**III. FINDINGS OF FACT**

Based on a review of OCCR’s Report of Investigation, the Complaint Examiner finds the material facts regarding this complaint to be:

1. On April 26, 2001, at approximately 7:30 p.m., COMPLAINANT attended a community meeting at LOCATION #1, N.W.
2. During the meeting, Metropolitan Police Department (“MPD”) SUBJECT OFFICER, then of the 4th District, addressed the audience regarding public safety concerns during which he stated in sum and substance that the patrons of LOCATION #2, N.W., were “scourge” or “the scum of the earth.”
3. During the same meeting, members of the community raised concerns about and asked SUBJECT OFFICER to address police activities and actions at LOCATION #2, N.W.
4. In particular, WITNESS #1, the complainant and others raised concerns and asked questions about these activities. SUBJECT OFFICER was dismissive of WITNESS #1’s questions and the objections to the language that he used to describe LOCATION #2, N.W., and its patrons.
5. While the MPD conducted an investigation into COMPLAINANT’s complaint and classified the allegation as “exonerated,” the MPD failed to identify any of the witness statements or evidence which formed the basis for this conclusion.
6. OCCR requested that the 4th District Commander’s office provide copies of any investigative reports supporting this conclusion, but MPD personnel stated that they were unable to locate additional materials from the investigation. After further inquiry, the MPD did identify the name of one of the witnesses on whose statement the commander based her finding of “exonerated,” WITNESS #2, an MPD employee.

#### **IV. DISCUSSION**

Pursuant to D.C. Official Code § 5-1107(a), “The Office [of Citizen Complaint Review] shall have the authority to receive and to ... adjudicate a citizen complaint against a member or members of the MPD ... that alleges abuse or misuse of police powers by such member or members, including ... use of language or conduct that is insulting, demeaning, or humiliating ....” Language or conduct that is insulting, humiliating, or demeaning, as defined by MPD Special Order 01-01, Part III, Section H “includes, but is not limited to acts, words, phrases, slang, slurs, epithets, ‘street’ talk or other language which would be likely to demean the person to whom it is directed or to offend a citizen overhearing the language; demeaning language includes language of such kind that its use by a member tends to create disrespect for law enforcement whether or not it is directed at a specific individual.” MPD General Order 201.26, Part I, Section C provides that “All members of the department shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, remaining calm regardless of provocation to do otherwise.” MPD General Order 201.26, Part 1, Section C, No. 3 provides: “Members shall refrain from harsh, violent, coarse, profane, sarcastic, or insolent language.

Members shall not use terms or resort to name calling which might be interpreted as derogatory, disrespectful, or offensive to the dignity of any person.”

At the community meeting, SUBJECT OFFICER used language that the complainant and other persons at the community meeting found to be demeaning and offensive. At least three individuals present at the meeting, COMPLAINANT, WITNESS #3 and WITNESS #4, heard SUBJECT OFFICER state that patrons were “scourge” or “scum of the earth,” and another, WITNESS #1, stated that SUBJECT OFFICER’s comments were “degrading.” The complainant and others in attendance were clearly offended by the use of the word “scourge” to describe the patrons of the LOCATION #2, N.W., and interpreted the SUBJECT OFFICER’s remarks as disrespectful. SUBJECT OFFICER does not dispute that he used the word “scourge” to describe these patrons.

In addition, SUBJECT OFFICER dismissed WITNESS #1 when she attempted to question him further about police involvement at the LOCATION #2, N.W. WITNESS #3 thought that the SUBJECT OFFICER spoke to WITNESS #1 “as if she were a nothing,” and WITNESS #4 characterized SUBJECT OFFICER’s response as “rude.” While SUBJECT OFFICER apologized to some persons at the forum, his remarks nonetheless antagonized many of those who were present. While SUBJECT OFFICER denies that his statements were demeaning, given the climate and nature of the meeting a reasonable person should have foreseen that such language could be interpreted as offensive and degrading.

The MPD inquiry into this incident and resulting conclusion are not dispositive of this issue. While the Metropolitan Police Department (“MPD”) conducted an investigation into COMPLAINANT’s complaint and classified the allegation as “exonerated,” the MPD failed to identify any of the witness statements or evidence which formed the basis for this conclusion. OCCR requested that the 4th District Commander’s office provide copies of any investigative reports supporting this conclusion, but MPD personnel stated that they were unable to locate additional materials from the investigation. After further inquiry, the MPD did identify the name of one of the witnesses on whose statement the commander based her finding of “exonerated,” WITNESS #2, an MPD employee. This lack of clear record evidence undermines the MPD’s finding.

Therefore, I conclude that SUBJECT OFFICER used language during the community meeting that was insulting, demeaning or humiliating, in violation of MPD General Order 201.26.

**V. SUMMARY OF MERITS DETERMINATION**

SUBJECT OFFICER

<b>Allegation</b>	Sustained
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Submitted on June 12, 2003.

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Todd A. Cox  
Complaint Examiner