

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

FINDINGS OF FACT AND MERITS DETERMINATION

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| Complaint No.: | 02 – 0476 |
| Complainant: | COMPLAINANT |
| Subject Officer(s), Badge No., District: | SUBJECT OFFICER, 3rd District |
| Allegation 1: | Insulting, Demeaning, or Humiliating Language or Conduct |
| Allegation 2: | N/A |
| Allegation 3: | N/A |
| Complaint Examiner: | Linda Reese Davidson |
| Merits Determination Date: | July 25, 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 September 9, 2002, the complainant, COMPLAINANT, LOCATION #1, N.W., alleges that on September 7, 2002, WITNESS OFFICER #1, 3rd District, and SUBJECT OFFICER, 3rd District, used language or engaged in conduct that was insulting, demeaning or humiliating toward her when she attempted to file a complaint at the 3rd District police station.

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 September 6, 2002, COMPLAINANT called the police to get their assistance with removing individuals who were loitering and gambling in front of her home and car.
2. A Metropolitan Police Officer (MPD) arrived and knocked on the complainant's door.
3. The complainant did not answer.
4. The complainant received a telephone call from a MPD dispatcher informing her that an officer was at her door.
5. The complainant informed the dispatcher that she did not want to be seen speaking to the police officer.
6. The complainant did not want the group of individuals to know that, it was she, who had called the police.
7. The complainant stated that she called the police in an effort to have the group dispersed from in front of her home and car.
8. After the police officer left, the complainant drove to the 3rd District Police Station. When she arrived at the station, she approached an officer behind the desk, who was later identified as, WITNESS OFFICER #1.
9. COMPLAINANT asked WITNESS OFFICER #1 why the officer had knocked on her door.
10. COMPLAINANT expressed concern that she and/or other family members could possibly suffer retribution as a result of calling the police and complaining about the group of individuals loitering outside her home.
11. COMPLAINANT indicated that she was informed that, it was standard procedure to have the responding officer make direct contact with the complaining party.
12. COMPLAINANT indicated that, in the past, she had called and complained about the group loitering in front of her home. And, that the responding officer had the group move along, without ever knocking on her door.
13. COMPLAINANT asked to speak with a supervisor.
14. SUBJECT OFFICER came out to speak with the complainant.

15. COMPLAINANT complained that the responding officer had knocked on her door.
16. COMPLAINANT expressed concern that, because the officer might have been seen knocking on her door, the individuals in the group would identify her as the party who had called the police.
17. She indicated that she did not feel safe living in the neighborhood.
18. She stated that periodically, she had called the police and complained about the loitering.
19. She requested a complaint form.
20. SUBJECT OFFICER gave the complaint form to COMPLAINANT.

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 (3) 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 include 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, No. 1, “ 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 I, Section F, No.1

“ Members shall be habitually courteous; they shall recognize their responsibility as public servants and shall be particularly attentive to citizens seeking assistance, information, who desire to register complaints, or give evidence.”

At no time is it alleged that, SUBJECT OFFICER used demeaning language that created disrespect for law enforcement. SUBJECT OFFICER’s initial contact with the complainant was that of a mediator. COMPLAINANT felt compelled to find out why the responding officer knocked on her door. She was upset and concerned that if the individuals loitering in front of her home and leaning on her car, observed her talking to the police officer, she would be identified as the party who made the call. COMPLAINANT left her home, having to physically pass, the

very group that was the subject of the complaint, as well as the subject of her concern. COMPLAINANT arrived at the 3rd District Police Station, and inquired as to why the officer knocked on her door. WITNESS OFFICER #1 informed her that, it was standard procedure for an officer responding to a call, to make direct contact with the complaining party. COMPLAINANT indicated that she had called and complained of the loitering in the past. She indicated that, on those occasions, she requested that the officer direct the group to move along. Dissatisfied with the explanation given by WITNESS OFFICER #1, the complainant asked to speak with the supervisor on duty.

SUBJECT OFFICER was the supervisor on duty. He came out to speak with the complainant. She stated that because the officer knocked on her door, the individuals loitering outside her home would know that it was she, who called and complained. She stated that she feared for her safety and for the safety of her family. She reiterated that she felt unsafe living in the neighborhood. She inquired as to why the responding officer knocked on her door. She stated that periodically, she had made calls to the police and complained about the loitering, but that, no officer had ever knocked on her door. SUBJECT OFFICER conveyed information that, at the time, was not necessarily what the complainant wanted, or needed to hear. SUBJECT OFFICER first responded as to why the officer may have knocked on the door. He indicated that the employees in the Telephone Unit may have failed to enter a notation indicating that the caller did not want to be interviewed. Without this specific information, the responding officer may attempt to make direct contact with the citizen. MPD General Order 201.26, Part I, Section C, No. 1 states, "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 the provocation to do otherwise. Members shall be attentive to, and take suitable action on, reports and complaints by a private person...." SUBJECT OFFICER responded to the complainant's inquiry as to why the officer had knocked on her door. SUBJECT OFFICER was expected to respond to COMPLAINANT inquiry with information that, to the best of his ability, he knows to be factually correct. Additionally, SUBJECT OFFICER met with COMPLAINANT while she was in a highly agitated state. In this case, SUBJECT OFFICER provided the complainant with a reasonable and plausible explanation as to why the responding officer may have knocked on her door. During the course of the verbal exchange, COMPLAINANT expressed fear of living in her neighborhood. SUBJECT OFFICER indicated that if she was concerned with the quality of the neighborhood, she should think about moving. A review of the file, in its entirety, showed that at the time SUBJECT OFFICER made the statement, he and the complainant were engaged in an open exchange that was necessary to extract pertinent information that went to the core of the problem.

MPD General Order 201.26, Part I, Section F (1) states, "Members shall: Be habitually courteous; they shall recognize their responsibility as public servants and shall be particularly attentive to citizens seeking assistance, information, who desire to register complaints, or give evidence." SUBJECT OFFICER's response to COMPLAINANT inquiry - why the responding officer knocked on her door, may not have been the response that the complainant desired to hear. However, SUBJECT OFFICER's answer was a direct and appropriate response to the

complainant's inquiry. As supervisor, SUBJECT OFFICER will, from time to time, have to disseminate information that is neither pleasant nor desired. But, his duties require that he respond to the inquiry of the citizen before him. SUBJECT OFFICER was attentive and listened while the complainant shared her concerns. He listened as she expressed her discontent with the constant loitering in front of her home. He listened as she expressed concern of being identified as the party that called and complained. He listened when she indicated that she desired to further pursue the matter and file a complaint. SUBJECT OFFICER responded and gave her the complaint form.

In this matter, SUBJECT OFFICER responded to all of the inquiries made by the complainant. There is no information in the record that indicates that SUBJECT OFFICER violated any governing regulation or code of ethics while meeting with the complainant. SUBJECT OFFICER's conduct does not rise to the level of being insulting, demeaning, or humiliating toward the complainant, in violation of MPD General Order 201.26.

V. SUMMARY OF MERITS DETERMINATION

SUBJECT OFFICER

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| Allegation 1: | Exonerated |
| Allegation 2: | N/A |
| Allegation 3: | N/A |

Submitted on July 25, 2003

Linda Reese Davidson
Complaint Examiner