

GOVERNMENT OF THE DISTRICT OF COLUMBIA

**POLICE COMPLAINTS BOARD
OFFICE OF POLICE COMPLAINTS**



**ANNUAL REPORT
FISCAL YEAR 2008**

1400 I Street, NW, Suite 700 ★ Washington, DC 20005
Tel: (202) 727-3838 ★ Fax: (202) 727-7638
Toll-Free 24-Hour Hotline (866) 588-0569 ★ www.policecomplaints.dc.gov



GOVERNMENT OF THE DISTRICT OF COLUMBIA

POLICE COMPLAINTS BOARD

OFFICE OF POLICE COMPLAINTS

May 26, 2009

Dear Mayor Fenty, Members of the District of Columbia Council,
Chief Lanier, and Chief Pittman:

We are pleased to submit the 2008 Annual Report for the Office of Police Complaints (OPC) and its governing body, the Police Complaints Board (PCB). This report covers the agency's operations during the District of Columbia Government's fiscal year from October 1, 2007, through September 30, 2008.

As in prior years, fiscal year 2008 was a year of growth and progress for the agency as it continued to promote greater police accountability in the District. The agency experienced a 36.4 % increase in the number of citizen complaints received, reflecting its highest number of police misconduct complaints ever. Due to this greater volume, the total number of complaints closed by OPC grew by 11%. Although OPC saw a reduction in the number of a complaints adjudicated, the agency closed the most complaints, completed the most investigations, and mediated the most complaints in its history.

An important feature of the District's police oversight model allows the agency to issue policy recommendations that stem from the review of patterns and trends in the citizen complaints investigated by OPC. Over the course of the year, the agency issued four detailed recommendations for police reform, including a report encouraging the enactment of legislation authorizing the agency to monitor and publicly report on citizen complaints filed with and resolved by the D.C. Metropolitan Police Department (MPD) and D.C. Housing Authority Police Department (DCHAPD).

The following is an overview of the agency's work during the year:

- Over 1,300 people contacted OPC to inquire about filing a complaint, which is a 25% increase over fiscal year 2007. The agency received 600 complaints, reflecting a 36.4% increase over the year before. The rise in the number of complaints this year followed 27% and 6% increases in fiscal years 2006 and 2007, respectively. In total, since the agency opened in January 2001, it has had over 6,200 contacts and handled more than 3,000 complaints.
- Although OPC's number of open complaints at the end of the year rose by approximately 26%, OPC closed 569 complaints, which was an 11% increase over the case closure rate for fiscal year 2007. The increase in the number of open and closed complaints was driven by the 36.4% increase in the number of OPC complaints received.

- Eleven complaints were adjudicated and involved 13 MPD officers. The allegations contained in nine complaints were sustained. In one complaint that specified a single allegation of harassment, the officer was exonerated. Another complaint was dismissed on the basis that there was insufficient evidence to sustain an allegation of harassment. The MPD Chief has taken steps to impose discipline for all the sustained complaints.
- As part of the investigations of these complaints, OPC's investigators conducted over 800 interviews, which included more than 450 police officer and 341 citizen interviews, and the agency prepared 336 investigative reports.
- OPC conducted 36 mediation sessions, 29 of which were successful and led to an agreement between the complainant and subject officer that resolved the complaint. Since opening, OPC has mediated 208 complaints, with an overall success rate of 75%.
- PCB issued four reports and sets of recommendations to the Mayor, the Council, and the Chiefs of Police of MPD and DCHAPD, bringing its total number of policy recommendations to 18.
 - In 2007, OPC improved its method of tracking allegations contained in complaints that it receives by expanding the six statutorily-defined categories to include approximately 65 subcategories. PCB released a report and set of recommendations in June 2008, proposing that MPD and DCHAPD use OPC's expanded tracking system, in order to create a common method of capturing citizen allegations of officer misconduct. Adoption of a single tracking methodology would allow for comprehensive reporting about the universe of citizen complaints filed by the public, thereby allowing the police departments to proactively address trends and improve policing.
 - PCB issued a report in August 2008, recommending that MPD obtain funding to establish a pilot program for the installation and operation of Mobile Video Recorder (MVR), or video cameras, in up to 20% of its fleet, because law enforcement agencies throughout the country report that use of MVR technology results in improved officer-citizen interactions. In addition, PCB encouraged the development by MPD of comprehensive policies regarding the use of video cameras and an auditing system to ensure that officers comply with established policies. PCB advised that MPD policies should also address the collection, use, and protection of information obtained from the cameras.
 - In September 2008, PCB issued a report and set of recommendations for the District Council to modify OPC's current investigative authority and establish a rapid resolution program, in order to refer some relatively minor or service-oriented citizen complaints directly to MPD and DCHAPD for resolution. A great majority of these complaints generally are dismissed by OPC and similar police oversight offices around the country because investigations reveal that the officers involved have followed the law and departmental procedures. In referring such matters to the appropriate law enforcement agency, complainants are assured that they will have opportunities both to provide direct input to the

relevant policing agency and to receive an explanation for the officer's actions from departmental officials.

- PCB released a report and set of recommendations in September 2008 urging the enactment of legislation allowing OPC to monitor and report on citizen complaints filed with MPD and DCHAPD, since these agencies, unlike OPC, do not provide the public with detailed statistics about the volume and types of complaints filed or how they are resolved. PCB recommended that the monitoring responsibility include a focus on discipline imposed on officers in sustained complaints. If these recommendations are adopted, the public would be ensured of obtaining a complete picture of the nature of police misconduct in the District.

Overall, fiscal year 2008 was a highly productive year for the agency. In addition to the developments above, OPC brought on board an investigator who is fluent in Spanish to better serve the growing population in the District that speaks Spanish.

One of the advantages of effective and independent police review is the institutional capacity to follow up and report on the implementation of recommendations for police reform. Overall, we have been pleased with the steps taken by MPD and the city to implement the proposals made by PCB. Currently, MPD is in the process of launching its pilot program to install video cameras in police cruisers and has already drafted policies associated with the use of the cameras and management of data received from these devices and supporting equipment. And, following PCB's recommendation in 2005 that the District Government replace its mandatory, police-based bicycle registration with voluntary registration, the Bicycle Registration Reform Act of 2008 was enacted and became effective on May 1, 2008. The Act does not require a person to register a bicycle in the District, but instead provides for MPD to check the identification number of any bicycle recovered by MPD against the National Bike Registry. PCB had found that the sporadic and inconsistent enforcement of the old bike registration requirement led to the perception of biased policing. Finally, as this annual report was being prepared, we received word that MPD had reversed course and is now planning to set up a Crisis Intervention Training program to equip officers to improve interactions with the mentally ill. PCB recommended the establishment of a CIT program in 2006.

In the coming fiscal year, we are looking forward to building on our accomplishments and setting the stage for continued progress in the years ahead. We will continue to be vigilant in monitoring the number of complaints filed with OPC and our ability to investigate and resolve these complaints in a timely and thorough manner. Our success at this primary mission of the agency hinges on having enough investigators to investigate the complaints and adequate funding for mediation sessions, hearings, court reporting, and other services needed to resolve the complaints. Beyond our work investigating and resolving complaints, we also must ensure that the agency can adequately perform its other duties, which include performing community outreach, developing additional recommendations for police reform, and responding to FOIA requests.

We are also looking forward to implementing changes that we think will improve the police accountability system in the District of Columbia. This year's annual report has introduced the use of charts providing more detailed information on the six broad categories of citizen allegations of police misconduct. Due to the addition of approximately 65 subcategories

of allegations that are now tracked, the agency can provide a more precise breakdown of the types of misconduct alleged. Separately, the agency awaits District Council action on a bill that would allow us to monitor citizen complaints handled by MPD and DCHAPD. Over time, both the enhanced tracking of allegations and the monitoring authority, if enacted, can be expected to lead to more targeted proposals for police reform.

In the world of police accountability, our agency already performs a wider range of functions than most other offices – from investigating, mediating, and adjudicating individual complaints, to conducting community outreach, making policy recommendations, monitoring the police department’s handling of protests, and publicly reporting on our operations and MPD – but we will continue to enhance and expand these functions to better serve the District and promote greater confidence in its police.

Respectfully submitted,



Kurt Vorndran
Chair
Police Complaints Board



Philip K. Eure
Executive Director
Office of Police Complaints

Table of Contents

I.	Agency Information.....	5
A.	Agency Structure and Complaint Process	5
B.	Police Complaints Board Members.....	5
C.	Office of Police Complaints Staff	6
II.	The Year in Review.....	8
A.	Introduction	8
B.	Complaint Examination.....	8
1.	Decisions	8
2.	Final Review Panel.....	10
3.	Complaint Examination Examples	10
a.	Example #1	10
b.	Example #2.....	11
c.	Example #3.....	11
C.	Criminal Convictions and Discipline	12
1.	Criminal Convictions.....	12
2.	Complaint Examiner Decisions	12
3.	Failure to Cooperate by MPD Officers	13
D.	Mediation.....	14
1.	Operation of the Program	14
2.	Mediation Examples	15
a.	Example #1	15
b.	Example #2.....	16
E.	Investigations.....	16
1.	Dismissal Example	18
F.	Statistics.....	20
1.	Contacts and Complaints Received	22
2.	Disposition of Complaints	23
3.	Status of Pending Complaints at the End of Each Fiscal Year.....	24
4.	OPC Workload	25
5.	Allegations in Complaints and Time of Incidents	26

6.	Complainant Characteristics	31
7.	Subject Officer Characteristics.....	35
8.	City Wards.....	42
G.	Outreach	43
1.	Fiscal Year 2008.....	43
2.	The Year Ahead	44
3.	Website.....	44
H.	Police Oversight and Law Enforcement Organizations	44
I.	Policy Recommendations	45
1.	Fiscal Year 2008.....	45
a.	Categorization of Citizen Complaint Allegations	45
b.	Video Cameras in MPD Police Cruisers	45
c.	Improving Police-Community Relations Through the Diversion of Some Complaints into a Rapid Resolution Program.....	46
d.	Monitoring Citizen Complaints that are Investigated by the Metropolitan Police Department and the D.C. Housing Authority Police Department.....	46
2.	Status Update for Policy Recommendations.....	47
III.	The Future	47
	Endnotes	48
	Appendix A: Policy Recommendation Status.....	51
	Appendix B: District of Columbia Police Districts	
	Appendix C: District of Columbia Wards	

Report Tables and Charts

Table 1: Complaint Examiner Decisions (FY08).....	9
Table 2: Complaint Examiner Decisions (FY04 to FY08).....	9
Table 3: Discipline for Sustained Complaints (FY03-FY08).....	13
Table 4: Contacts and Complaints Received.....	22
Table 5: Complaints Received per Month.....	22
Chart 5: Complaints Received per Month.....	23
Table 6: Disposition of Complaints.....	23
Table 7: Status of Pending Complaints at the End of Each Fiscal Year	24
Chart 7: Number of Open Complaints at the End of Each Fiscal Year.....	24
Table 8: OPC Workload	25
Chart 8: OPC Workload	25
Table 9: General Categories of Allegations in Complaints.....	26
Chart 9: Allegations in Complaints (as a Percentage).....	26
Chart 9a: Specific Allegations of Force	27
Chart 9b: Specific Allegations of Language and Conduct	27
Chart 9c: Specific Allegations of Harassment.....	28
Chart 9d: Specific Allegations of Discrimination	29
Chart 9e: Specific Allegations of Failure to Identify	29
Chart 9f: Specific Allegations of Retaliation	29
Table 10: Time of Incidents Leading to Complaints.....	30
Chart 10: Time of Incidents Leading to Complaints (as a Percentage).....	31
Table 11: Complainant Race or National Origin.....	31
Chart 11: Complainant Race or National Origin (as a Percentage).....	32
Table 12: Complainant Gender	32
Chart 12: Complainant Gender (as a Percentage)	32
Table 13: Complainant Age.....	33
Chart 13: Complainant Age (as a Percentage)	33
Table 14: Number of Complainants Who Filed Multiple Complaints	34
Table 15: Complainant Race or National Origin with “Unique Complainant” Information	34
Table 16: Complainant Gender with “Unique Complainant” Information	34

Table 17: Subject Officer Race or National Origin.....	35
Chart 17: Subject Officer Race or National Origin (as a Percentage).....	35
Table 18: Subject Officer Gender	36
Chart 18: Subject Officer Gender (as a Percentage)	36
Table 19: Subject Officer Assignment	37
Chart 19: Subject Officer Assignment (as a Percentage).....	37
Table 20: Subject Officer Age	38
Chart 20: Subject Officer Age (as a Percentage)	38
Table 21: Subject Officer Years of Service	39
Chart 21: Subject Officer Years of Service (as a Percentage)	39
Table 22: Subject Officer Rank.....	40
Table 23: Number of Officers Who Were the Subject of Multiple Complaints	40
Table 24: Subject Officer Race or National Origin with “Unique Officer” Information.....	41
Table 25: Subject Officer Gender with “Unique Officer” Information	41
Table 26: Subject Officer Assignment with “Unique Officer” Information	41
Table 27: City Wards	42
Chart 27: City Wards (as a Percentage)	42
Table 28: (Video Cameras in MPD Police Cruisers (August 28, 2008)	51
Table 29: Categorization of Citizen Complaint Allegations (June 11, 2008).....	52
Table 30: Drivers and Cellular Telephones: Increasing Public Awareness of District Law (September 13, 2007)	52
Table 31: Medical Treatment for Arrestees (August 8, 2007)	55
Table 32: Addressing Biased Policing in Washington, D.C.: Next Steps (May 17, 2007).....	56
Table 33: Enhancing Police Response to People with Mental Illness in the District of Columbia by Incorporating the Crisis Intervention Team (CIT) Community Policing Model (September 7, 2006)	58
Table 34: Police Service to Disabled Persons Who Use Service Animals (August 17, 2006)	60
Table 35: Pretextual Stops of Bicyclists (August 4, 2005)	61
Table 36: Publication of MPD Orders on the Internet (July 14, 2005).....	61

I. AGENCY INFORMATION

A. Agency Structure and Complaint Process

Information about the structure and operation of the Police Complaints Board (PCB) and the Office of Police Complaints (OPC), the agency's history, and the complaint process can be found on OPC's website, www.policecomplaints.dc.gov. This information was also included in the agency's annual reports issued for fiscal years 2001 through 2005.

B. Police Complaints Board Members

The current members of the Board are as follows:

Kurt Vorndran, the Chair of the Board, 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. Mr. Vorndran served as the president of the Gertrude Stein Democratic Club from 2000 to 2003 and an elected ANC Commissioner from 2001 to 2004. He received his undergraduate degree from the American University's School of Government and Public Administration and has taken graduate courses at American and the University of the District of Columbia. Mr. Vorndran was confirmed by the District Council on December 6, 2005, and sworn in as the second chair of the Board on January 12, 2006. His first term expired on January 12, 2008, and he continues to serve until he is reappointed or a successor has been appointed.

Assistant Chief Patrick A. Burke is a 19-year veteran of the Metropolitan Police Department (MPD) and the Assistant Chief in charge of MPD's Homeland Security Bureau. During his MPD career, Assistant Chief Burke has served in four of the seven police districts, the Special Operations Division, Operations Command, and the Field and Tactical Support Unit. He received his undergraduate degree in criminal justice from the State University of New York College at Buffalo, a certificate of public management from the George Washington University, and a master's degree in management from the Johns Hopkins University. He is also a graduate of the Federal Bureau of Investigation's National Academy in Quantico, Virginia, the Senior Management Institute for Police (SMIP) in Boston, Massachusetts, and has attended counter-terrorism training in Israel.

Assistant Chief Burke has received a variety of awards and commendations, including MPD's Achievement, Meritorious Service, and Lifesaving Medals, the Cafritz Foundation Award for Distinguished District of Columbia Government Employees, and the National Highway Traffic Safety Administration Award for Public Service. In addition to the Police Complaints Board, Assistant Chief Burke sits on several boards, including the Washington Regional Alcohol Program. He is an active member of numerous community and volunteer organizations within the District of Columbia, where he resides with his wife and four children. Additionally, he takes great joy in coaching youth baseball, basketball, and football, as well as serving as a den leader for the cub scouts. Assistant Chief Burke was confirmed by the District Council as the second MPD member of the Board on January 3, 2006, and sworn in on January

12, 2006. His first term expired on January 12, 2009, and he continues to serve until he is reappointed or a successor has been appointed.

Karl M. Fraser is an associate director who oversees clinical oncology research at a pharmaceutical company in Rockville, Maryland. Mr. Fraser received his undergraduate degree in biology from Howard University, a master's degree in biotechnology from Johns Hopkins University, and a certificate in Project Management from Georgetown University. He has been active in his community, including serving as an elected ANC Commissioner. Mr. Fraser was confirmed by the District Council on December 6, 2005, and sworn in on January 12, 2006. His first term expired on January 12, 2008, and he continues to serve until he is reappointed or a successor has been appointed.

Victor I. Prince is a program manager in the Office of the City Administrator for the District of Columbia. Prior to this appointment in 2008, he was a marketing executive in the internet and financial services industries. He received his undergraduate degree from American University and a master's degree in business administration from the Wharton School of the University of Pennsylvania. Mr. Prince was confirmed by the District Council on March 6, 2007, and was sworn in on March 20, 2007. His first term expired on January 12, 2009, and he continues to serve until he is reappointed or a successor has been appointed.

Margaret A. Moore is a Visiting Professor in the Administration of Justice Program at the University of the District of Columbia. She has more than 25 years of experience in the administration of state and municipal correctional systems. Ms. Moore received her undergraduate and graduate degrees from the University of Pittsburgh in Child Development and Social Work, respectively. She is Vice Chair of the Board of Directors for the Nia Community Public Charter School in Southwest Washington. She is also on the Board of Directors of Hope House, a non-profit organization that provides services to the District's incarcerated citizens and their children. Ms. Moore was confirmed by the District Council on June 5, 2007, and sworn in on June 27, 2007. Her term expires on January 12, 2010.

C. Office of Police Complaints Staff

OPC has a talented and diverse staff of 21 that includes eight employees, or 38%, with graduate or law degrees, and four attorneys. The diversity of the office has generally mirrored the District's population. Taking into account all employees hired since the agency opened in 2001, the racial and ethnic composition of the workforce has been as follows: 46.6% African-American, 32.7% white, 13.8% Latino, 1.7% Asian, and 5.2% biracial. Currently, OPC's staff is 57.1% African-American, 28.6% white, 9.5% Latino, and 4.8% biracial. In addition, since it opened in 2001, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond. As of April 2009, 56 college students and 26 law students have participated in the program.

The current members of OPC's staff are as follows:

Philip K. Eure became the agency's first executive director in July 2000 after working as a senior attorney in the Civil Rights Division at the United States Department of Justice, where he litigated on behalf of victims of employment discrimination. While at the Department, Mr. Eure was detailed in 1997-1998 to Port-au-Prince as an adviser to the Government of Haiti on a project to reform the criminal justice system. Currently, he serves as president of the National Association for Civilian Oversight of Law Enforcement (NACOLE). Mr. Eure has spoken at

various forums in the District, around the country, and outside the United States on a wide range of police accountability issues. He received his undergraduate degree from Stanford University and his law degree from Harvard Law School.

Ivelisse Cruz, the deputy director, joined the agency in November 2008 from the D.C. Office of Labor Relations and Collective Bargaining, where she worked as a labor and employment law attorney. Prior to this, she was employed as an attorney for the U.S. Merit Systems Protection Board and before that, she worked for the Office of Hearings and Appeals for the U.S. Social Security Administration. In addition, she was an assistant public defender for the Ohio Public Defender. Prior to obtaining a law degree, Ms. Cruz was an airborne cryptologic linguist for the U.S. Air Force. Ms. Cruz received a bachelor's degree from the University of Arizona and a law degree from Ohio Northern University.

Kesha Taylor, the chief investigator, was hired in July 2002 as OPC's assistant chief investigator and promoted to chief investigator in February 2007. Prior to joining the agency, Ms. Taylor worked with the Investigations Division of the Public Defender Service for the District of Columbia for seven years. While there, Ms. Taylor served most recently as a staff investigator and as the coordinator of the internship program. Ms. Taylor obtained her undergraduate degree in political science and English from the University of Vermont. She also received a master's degree in higher education from Cornell University.

Nicole Porter, the agency's special assistant, joined OPC in August 2006. Ms. Porter came to the office from the United States Department of Justice's Civil Rights Division, where she worked on police misconduct, disability, and housing discrimination issues. Prior to her tenure with the Justice Department, she served as an attorney with the American Civil Liberties Union of Maryland. Ms. Porter received her bachelor's degree from Tennessee State University and her law degree from the University of Tennessee.

As of the issuance of this report, OPC's other staff members are as follows:

Mona Andrews	Supervisory Investigator
Natasha Bryan	Supervisory Investigator
Alpha Griffin	Senior Investigator
Anthony Lawrence	Senior Investigator
Megan Rowan	Senior Investigator
John R. Brunza	Investigator
Norma Bryan	Investigator
Stephanie Clifford	Investigator
Julio Romney	Investigator
Andrew Schwartz	Investigator
Adam Travers	Investigator
Takima Davis	Paralegal Specialist
Jessica Sullivan	Intake Clerk
Nykisha T. Cleveland	Public Affairs Specialist
Stephanie Banks	Administrative Officer
Sonja Wingfield	Staff Assistant
Sherry Meshesha	Receptionist

II. THE YEAR IN REVIEW

A. Introduction

Fiscal year 2008 was a year of record achievement for OPC as it continued to grow and improve its processes. The agency again took in its highest number of complaints ever, with the number of complaints received significantly increasing by 36.4%. Despite this increase, OPC closed the most complaints, completed the most investigations, and mediated the most complaints in its history.

During the year, PCB issued four detailed reports and sets of recommendations to the Mayor, the Council, and the two law enforcement agencies addressing systemic changes in the way MPD and DCHAPD track allegations by citizens of police misconduct, as well as proposing that OPC monitor the handling of citizen complaints filed with and resolved by these agencies. PCB also recommended the establishment of a rapid resolution program that would allow OPC to refer some relatively minor or service-oriented citizen complaints to MPD and DCHAPD for resolution. In addition, PCB recommended that MPD install video cameras in police cruisers.

These developments and others are discussed in more detail below, along with statistics regarding complaints received and closed by OPC in fiscal year 2008.

B. Complaint Examination

In fiscal year 2008, OPC continued the operation of its complaint examination program. The agency's pool of 14 complaint examiners, all of whom are distinguished attorneys living in the District of Columbia, includes individuals with backgrounds in private practice, government, non-profit organizations and academia, as well as a variety of other experiences.

If a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OPC takes steps to ensure that complainants have counsel available to assist them at no cost during these hearings. In general, because officers are represented by attorneys or representatives provided to them by the police union, the Fraternal Order of Police (FOP), OPC has had an arrangement since 2003 with a Washington-based law firm, Howrey LLP, a transnational law firm, to provide free counsel to complainants.

1. Decisions

As the decisions issued by OPC suggest, the complaint examination process is an important forum where members of the public can raise concerns about possible abuse or misuse of police powers and seek protection of their rights when they may not have that opportunity to do so elsewhere. The features of the District's police accountability system offer complainants a relatively unique opportunity to have complaints investigated and resolved by an independent government agency with its own investigative staff and adjudicators. In general, other forums available – principally criminal and civil court – provide few opportunities to raise these issues or have barriers to entry that keep or inhibit people from pursuing them.

To illustrate the issues addressed by the complaint examination process this year, a complaint examiner sustained an allegation of discrimination against an MPD officer brought by a homeless person. Another complaint examiner sustained a harassment complaint alleging that

an MPD officer forced a citizen to pay restitution for a theft that she had not committed. These two decisions are discussed in more detail below.

In fiscal year 2008, OPC referred 11 complaints into the adjudicatory process, resulting in 11 decisions by complaint examiners. Table 1 lists each of the resolved complaints in the order in which they were resolved and identifies the allegations in the complaint and the decision reached by the complaint examiner for each allegation.¹

Table 1: Complaint Examiner Decisions (FY08)

	Harassment	Excessive Force	Language / Conduct	Discriminatory Treatment	Retaliation
06-0239	Sustained in part; exonerated in part				
06-0279			Sustained		
05-0237	Sustained	Sustained			
07-0239	Sustained				
08-0048	Sustained		Sustained		
05-0463	Sustained		Exonerated	Unfounded	
06-0052	Exonerated		Unfounded	Sustained	
05-0461			Sustained		
06-0083			Exonerated		
05-0334	Insufficient Facts				
06-0366	Sustained				

The full text of each decision is available on OPC’s website, www.policecomplaints.dc.gov, and through the online legal databases maintained by LexisNexis and Westlaw.

Table 2 summarizes the decisions reached by complaint examiners for the past five fiscal years, identifying the frequency of the different outcomes. The table reflects the overall outcome for each complaint.

Table 2: Complaint Examiner Decisions (FY04 to FY08)

	FY04		FY05		FY06		FY07		FY08	
	Complaints		Complaints		Complaints		Complaints		Complaints	
Sustained	9	56.3%	13	76.5%	13	68.4%	19	86.4%	9	81.8%
Exonerated	2	12.5%	1	5.9%	--	--	2	9.1%	1	9.1%
Insufficient Facts	3	18.8%	1	5.9%	--	--	--	--	1	9.1%
Unfounded	1	6.2%	--	--	2	10.5%	1	4.5%	0	
Withdrawn	1	6.2%	2	11.8%	4	21.1%	--	--	0	
Total	16		17		19		22		11	

Looking at the resolutions reached by complaint examiners, nine of the 11 complaints, or approximately 81.8%, had at least one sustained allegation.² In one complaint, or 9.1% of the total number of complaints, the complaint examiner exonerated the subject officer. In another, the complaint examiner concluded that there were insufficient facts. Please note that the sustain rate of 81.8% does not reflect all complaints resolved by OPC. Rather, this percentage reflects the number of complaints forwarded to the complaint examiner that were also sustained. Thus,

this rate does not include complaints that resulted in a criminal conviction, were successfully mediated, were dismissed because they lacked merit, or were dismissed because the complainant would not cooperate with OPC's process. When the sustained complaints are considered as part of all OPC complaints resolved through conviction, adjudication, dismissal, and successful mediation, sustained complaints make up 3.0% of this group (or 11 of 366).

In general, OPC's overall sustain rate will fluctuate from year to year depending on a variety of factors, such as the number of convictions, dismissals, and successful mediations, which are not directly related to the complaint examination process. In addition, readers should use caution when comparing sustain rates among independent police oversight agencies and police departments, as well as among agencies in different cities. Each agency and department in each city has different authority and responsibility, which affects the universe of complaints it can consider and resolve, the types of allegations it investigates, and the resolutions it can reach, all of which make direct comparison difficult and of limited value and reliability.³

2. *Final Review Panel*

The statute governing OPC allows for one type of appeal of a complaint examiner decision that may be exercised by the Chief of Police. If the Chief determines that, to the extent a decision sustains any allegations, the decision "clearly misapprehends the record before the complaint examiner and is not supported by substantial, reliable, and probative evidence in that record,"⁴ the Chief may return the decision for review by a final review panel composed of three different complaint examiners. The final review panel then determines whether the original decision should be upheld using the same standard. There were no appeals to the final review panel during fiscal year 2008.

3. *Complaint Examination Examples*

To illustrate the types of complaints that were resolved by complaint examiners in fiscal year 2008, the following are examples of complaints and the resulting decisions:

a. *Example #1*

The complainant alleged that an MPD officer questioned his friend, who was homeless, about a laptop computer that he had in his possession. The complainant informed the subject officer that the computer was not stolen, but belonged to his friend. The complainant also told the subject officer that his friend had shown the complainant a receipt for the computer shortly after he bought it. Despite this information, the MPD officer seized the friend's computer. When the complainant's friend told the subject officer that he had no right to seize the computer because he could prove that the computer belonged to him, the subject officer told the friend that if he did not shut up, he would be arrested. According to the complainant, he went to the police station the day after the incident, bringing with him documentation that showed that his friend had purchased the computer. At the station, he encountered the subject officer, who yelled at the complainant and stated that "he did not care" about the documentation that the complainant had provided.

The complainant alleged that the subject officer harassed his friend when he stopped the friend and seized his laptop computer. The complainant also alleged that the subject officer used language or engaged in conduct toward his friend that was insulting, demeaning, or humiliating.

Finally, the complainant alleged that when he spoke to the subject officer at the police station the day after the incident, the subject officer behaved in a similar fashion.

OPC's investigation revealed that the subject officer might have also discriminated against the complainant's friend because of his homeless status. Following the completion of its investigation, OPC referred the matter to a complaint examiner. The complaint examiner issued a decision without holding an evidentiary hearing after determining that he had all the evidence necessary to resolve the complaint.

The complaint examiner sustained the discrimination allegation against the subject officer, finding that, but for the complainant's homeless status, the subject officer would not have initiated the investigation into the ownership of the computer. However, the complaint examiner exonerated the subject officer of the harassment allegation, finding that the subject officer stopped the complainant's friend to determine whether the laptop computer was stolen and did not intend to agitate the complainant's friend or interfere with his right to use his computer. The complaint examiner further determined that the inappropriate language allegations against the officer were unfounded, finding that there was not sufficient evidence to demonstrate that subject officer used insulting, demeaning, or humiliating language towards the complainant and his friend.

b. Example #2

The complainant, who is of Chinese descent, alleged that, while she was she walking home from work, an MPD officer stopped her and accused her of leaving a local Chinatown hotel without paying the hotel bill. The subject officer drove the complainant to the hotel, where once inside, the complainant was reportedly photographed and handcuffed, and her front pockets searched. The subject officer allegedly removed \$60 from the complainant's pockets. The subject officer then gave the \$60 to a hotel cashier, removed the complainant's handcuffs, and told her to leave. The subject officer later discovered that the complainant was not responsible for the reported theft of services from the hotel.

The complainant alleged that the subject officer harassed her when he detained her and took \$60 from her. Following the completion of its investigation, OPC referred the matter to a complaint examiner. The complaint examiner issued a decision without holding an evidentiary hearing after determining that she had all the evidence necessary to resolve the complaint. The complaint examiner sustained the harassment allegation against the subject officer, finding that, although the subject officer acted reasonably in handcuffing, photographing, and detaining the complainant for questioning, he had no authority to force the complainant to pay restitution for the crime he suspected that she committed. According to the complaint examiner, the subject officer "exceeded his authority by short-circuiting the entire criminal justice system. . . . Had [the subject officer] been convinced . . . that [the complainant] had committed a crime, he should have arrested her and let the criminal justice system play its role in administering justice."

c. Example #3

The complainant alleged that, as he was walking home to his apartment from his parked car, he put a church newsletter in the bag that he was carrying. As he did so, two MPD officers got out of a police car and began questioning him in a derogatory and disrespectful manner. The subject officers asked the complainant where he was coming from, where he was going, and

where he lived. The subject officers also asked the complainant if he “minded being searched.” The complainant responded that he preferred that the subject officers not search him. Despite his assertion, the subject officers searched the complainant by patting him down and removing items from his pockets. The subject officers retrieved the complainant’s driver’s license and discovered that it had expired. They arrested the complainant based on a “No Permit” charge because his driver’s license had been expired for more than 90 days. The complainant alleged that the subject officers harassed the complaint when they stopped him and arrested him on a “No Permit” charge as he was walking home.

Following the completion of its investigation, OPC referred the matter to a complaint examiner. After conducting an evidentiary hearing, the complaint examiner sustained the harassment allegation against the subject officers, finding that the officers did not have reasonable suspicion to stop the complainant. The complaint examiner was unable to determine whether the subject officers searched the complainant in order to obtain the complainant’s driver’s license, as the complainant alleged, or whether the complainant provided the license to the subject officers voluntarily. Nevertheless, the complaint examiner found that the subject officers’ arrest of the complainant on a “No Permit” charge was not supported by probable cause because the complainant’s driver’s license had not been expired for more than 90 days.

C. Criminal Convictions and Discipline

1. Criminal Convictions

The statute governing OPC requires that the agency refer complaints alleging criminal conduct by police officers to the United States Attorney for the District of Columbia for possible criminal prosecution of the officers. OPC makes these referrals on a regular basis after conducting preliminary investigative work, such as interviewing complainants and non-police witnesses, obtaining medical records, police reports, and other documents, and gathering other information requested by the federal prosecutors who review these matters. The agency refers approximately 15 percent of its complaints each year to the United States Attorney’s Office. During fiscal year 2008, OPC did not close any complaints that resulted from criminal convictions.

2. Complaint Examiner Decisions

OPC forwards to MPD’s Chief of Police or the Chief of Police for the DCHAPD all OPC decisions that sustain at least one allegation of misconduct for imposition of discipline. In fiscal year 2008, OPC did not forward any decisions involving DCHAPD officers; however, OPC sent to MPD nine decisions that had sustained at least one allegation of misconduct. However, as of the issuance of this report, MPD has not completed the disciplinary process related to four of these decisions. For this reason, the aggregate totals for discipline imposed on officers have not changed. A summary of the disciplinary actions is included in Table 3.

Table 3: Discipline for Sustained Complaints (FY03-FY08)

Discipline or Action Taken⁵	Total
Terminated	1
Resigned⁶	3
Demoted	1
20-Day Suspension⁷	6
15-Day Suspension	6
11-Day Suspension	1
10-Day Suspension	12
5-Day Suspension	6
3-Day Suspension	8
2-Day Suspension	1
Official Reprimand	14
Letter of Prejudice	2
Dereliction Report	2
Formal Counseling	13
Total	76

In addition to the subject officers included in the table above, three additional subject officers had allegations sustained against them. They were not included in the table because one had retired and another had resigned from MPD before the disciplinary process was initiated, and MPD had already pursued discipline against a third for the same incident based on an investigation conducted by the department.

In reporting discipline information, OPC attempts to obtain the final disposition of each matter, and to keep up to date on any developments that may affect the final disposition. MPD's discipline process is reasonably complex and can go on for quite some time through all of the appeals, and there are subsequent reviews that occur even after the department has taken its final action. But OPC will continue to track discipline imposed by the Chief so that the agency is informed about how MPD handles the decisions referred to it by OPC.

3. *Failure to Cooperate by MPD Officers*

By statute, MPD and DCHAPD employees are required to cooperate fully during investigations and adjudications of OPC complaints.⁸ When OPC refers complaints to mediation, officers also must participate in good faith in the mediation process.⁹ Each time an officer fails to cooperate in the investigation or mediation process, OPC issues a discipline notification, which in accordance with statutory mandate, must result in the imposition of discipline by the relevant law enforcement agency. In fiscal year 2008, OPC issued 53 discipline notices to MPD, involving 44 officers. In turn, MPD stated in its quarterly reports to OPC during this time frame that MPD had exonerated officers in 17, or 32 percent, of these discipline notifications and did not provide any explanations for these exonerations.

The large number of exonerations raise questions as to whether MPD officials are aware that the failure to cooperate with OPC processes is a violation, in and of itself, of District law requiring the imposition of discipline.¹⁰ Absent clear evidence that the violation did not occur, some form of discipline must be imposed when OPC determines that an MPD officer has failed to cooperate with OPC. By failing to consistently impose discipline that is mandated by statute, MPD risks giving the impression that a member's failure to cooperate with OPC will not be viewed as a serious matter. This could have a detrimental effect on the District's police accountability system. Further, by generally not making the explanations for these exonerations available to OPC, confidence in MPD's disciplinary process is undermined.

OPC met with Chief Lanier on March 12, 2009, to discuss OPC's concerns regarding MPD disciplinary practices. OPC and MPD will meet regularly to ensure compliance with the statutory mandate that those MPD officers who fail to cooperate with OPC processes are disciplined appropriately.

D. Mediation

1. Operation of the Program

In fiscal year 2008, OPC, through its mediation service, the Community Dispute Resolution Center (CDRC), mediated 36 complaints, bringing the grand total to 208 complaints mediated since the inception of the agency mediation program in 2001. During fiscal year 2008, the parties reached an agreement in 29 of the 36 mediation sessions, or 80.5%, and these agreements accounted for 8.1% of the 357 complaints resolved by OPC through conviction, adjudication, dismissal, or successful mediation. Experts in the field have used these three measures – “the total number of complaints referred for mediation, the percentage of those cases that were successfully mediated, and the percentage of all complaints that were successfully mediated”¹¹ – to survey and compare the operation of mediation programs used by different police oversight agencies.¹² With 8.1% of its complaints resolved through mediation in fiscal year 2008, a figure that was not exceeded by any other agency, OPC's performance continues to place it at the top when compared to other mediation programs in the United States.

Since the program began in 2001, 208 cases have been referred for mediation and, of those, 156 mediation sessions, or 75%, have been successful and resulted in an agreement between the parties that resolved the complaint. The remaining 52 mediation sessions, or 25%, did not result in an agreement and the underlying complaints were referred back to the executive director for appropriate action. To date, mediators have helped resolve complaints that allege harassment, the use of language or conduct that is insulting, demeaning, or humiliating, discrimination, the use of unnecessary or excessive force not resulting in injury, failure to provide identification, retaliation, or a combination of the six. OPC is pleased that it has achieved and maintained an increased number of complaints referred to mediation, a significant percentage of successful mediations, and a noteworthy percentage of all cases resolved through mediation agreements.

In addition to the statistical success rate, a survey of individuals who participated in mediation during fiscal year 2008 indicated that 97.6% of complainants and subject officers who responded found the mediator to be helpful or very helpful, 88.6% found the mediation session to be satisfactory or very satisfactory, and 96.1% found the resulting agreement to be fair or very fair. With the aim of the program being to enhance community-police relations, it is important

that such a high proportion of participants come away with a positive view of the mediator and the process, as well as the agreement that both sides worked toward reaching.¹³ For fiscal year 2008, 49.7% of the respondents left their mediation session with more positive feelings about the other party, while only 9% had more negative feelings, and 41.3% indicated no change in their feelings. Finally, OPC is proactively taking steps to protect the integrity of the mediation process by dismissing complaints and pursuing discipline of officers when one of the parties fails to appear for mediation or refuses to participate in the mediation process in good faith.

2. Mediation Examples

The following examples illustrate the types of complaints that OPC referred to mediation in fiscal year 2008:

a. Example #1

A citizen filed a complaint against an officer who had pulled her over for a traffic stop, alleging the officer subjected her to insulting language and conduct.

At mediation, the complainant described the incident as she remembered it: With her daughter in the back seat, she was driving through busy traffic on the highway. She crossed into another lane to exit. Apparently, she had pulled in front of the officer, who put on his siren and lights. She put on her hazard lights, and continued driving until she was off the exit ramp and could find a place to pull over safely. The officer began to yell at her over the loudspeaker to pull over. Once she stopped, she began feeling very nervous and flustered. Because she could not roll down the window, she opened the door to speak with the officer. The officer yelled at her and spoke to her in an unnecessarily rude tone. At one point, the officer referred to the daughter in the back seat as the complainant's granddaughter, which she took to be an age-based insult. The officer ultimately issued a ticket for failing to signal. The complainant added that while she believes she was driving properly, she was not trying to contest the ticket. She simply objected to the officer's treatment of her and she was particularly concerned because her daughter had been very disturbed by the incident.

The officer stated that he did not recall the incident specifically. However, based on the complainant's description of the incident, he stated that certain actions, such as failing to stop when instructed and opening the car door instead of lowering the window, could be interpreted as a threat to the safety of the officer. The officer also clearly stated that, based on the complainant's description of the incident and the information on the ticket, he could have given a ticket for a more severe infraction than the one he actually issued. He had chosen to give the complainant a break once it was clear that she posed no threat. He acknowledged that he might have come across as unnecessarily harsh. He added that he was particularly sorry that the complainant's daughter had been so upset after the incident, because the last thing an officer wants to do is make children afraid or distrustful of the police.

The parties continued to discuss the situation until they were satisfied that all issues had been addressed. At the conclusion of the mediation, the officer and the complainant agreed that the complainant would bring her daughter to the station, to allow the officer to meet the girl and engage her in some of the fun activities that the police department makes available to local children. Both parties agreed that the mediation session sufficiently resolved the case.

b. Example #2

A woman filed a complaint against an officer who was assigned to her son's high school. In her complaint, she stated that she had come to the school to discuss a matter with the principal. A member of the staff stopped her at the door and an argument ensued. Although the staff member told her to leave, she refused and proceeded up a staircase. The staff member called the officer, who then yelled at her to stop and threatened to arrest her and take her to jail. She argued with the officer, but she finally left the school grounds. She then filed a complaint about the officer's language and behavior, which she thought were demeaning and threatening.

At the mediation, the complainant described the incident and explained that she went to the school because personnel had confiscated property from her son. The complainant was trying to find out where she could retrieve the property and was not able to get any information from the staff member. For this reason, when the officer arrived at the staff member's behest, she was angry. The officer listened and expressed sympathy for her frustration with school personnel. He explained that, uppermost in his mind, he was required to stop her from going into the building without permission. That is why he spoke in such strong terms. The complainant and officer discussed how her behavior and language helped to escalate the incident.

The complainant expressed appreciation for the officer's work at the school. The officer noted that he knew her son and that the boy was a good student who did not cause trouble. Both agreed that things had escalated unnecessarily. Each of them apologized to the other for contributing to the conflict. They agreed that it would not happen again. The officer offered to meet the complainant at the police station where the property was stored and assist her in getting it back.

When they left, they expressed appreciation for the opportunity to meet in mediation, to deal with the incident in a productive way, and to repair their relationship. The officer said he had been dreading the meeting because he expected the complainant to be irrational and angry. He was pleasantly surprised that they were able to have a productive conversation and resolve the issue.

E. Investigations

OPC's investigative unit continued its critical work collecting the facts about and analyzing the allegations contained in the police misconduct complaints received by the agency. By statute, OPC has the independence and authority needed to conduct its investigations. For example, while OPC is a District government agency, it is independent of MPD and DCHAPD and not under the direct control of the Mayor, to whom the Chief of Police reports. The agency also has its own non-police staff to investigate complaints, and the law vests OPC with subpoena power to gather necessary evidence and requires that the relevant police department cooperate with its investigations. A considerable amount of work goes into investigating each complaint, even when a complaint is ultimately dismissed, and OPC's investigators are responsible for getting this work done.

OPC conducts extensive and thorough investigations of all allegations made by complainants. Prior to fiscal year 2008, OPC tracked these allegations under six broad categories of misconduct: (1) harassment; (2) use of unnecessary or excessive force; (3) use of language or conduct that is insulting, demeaning, or humiliating; (4) discriminatory treatment;

(5) retaliation against a person for filing a complaint with OPC; and (6) failure of an officer to wear or display required identification or to provide a name and badge number when requested to do so by a member of the public.

These general categories were useful in providing a broad picture of the types of issues that arise between citizens and police officers. However, such interactions are factually varied, and the allegations, which range from the very serious to the relatively minor, can have many parts to them. Before the beginning of fiscal year 2008, the specific details of an incident were captured in a narrative summary by the OPC investigator and, ultimately, in the statements and evidence gathered during an investigation. Over time, however, the staff at OPC recognized that these two extremes of information – the general nature of a complaint described by one of the six statutory categories and the minute detail that comes from reviewing the records gathered as part of an investigation – do not fully advance the agency's ability to track, analyze, and report on the types of complaints received by OPC.

In order to enhance the tracking process, OPC implemented a system that expanded the six categories to include approximately 65 subcategories, in order to capture more detail about the types of allegations that complainants make. For example, under the general category of unnecessary or excessive force, there are now 20 subcategories that cover the myriad of ways that officers use force, including striking an individual with the hand, forcefully pushing an individual to the ground, and directing a police dog to attack an individual. Thus, this new classification system allows OPC to better track, analyze, and report on trends that occur in complaints. The additional detail also helps OPC in conducting its investigations by focusing on and specifically identifying all relevant aspects of an allegation made by a citizen.

Improvements in the analysis of allegations contained in citizen complaints have occurred during a period when the investigative unit's workload has increased. During fiscal year 2008, OPC received 600 complaints, reflecting a 36.4% increase from fiscal year 2007. OPC investigators conducted over 800 interviews, which included more than 450 police officer and 341 citizen interviews. This is an increase of approximately 25% in the total number of individuals contacted and interviewed by OPC investigators. Most notably, of the 600 complaints received in this fiscal year, 438, or 73%, were closed within six months.

In addition to the increased workload, OPC has successfully overcome challenges to its authority to investigate allegations of officer misconduct. In April 2008, OPC reached an agreement with the U.S. Secret Service (USSS) to interview one of the agency's Uniformed Division officers regarding an incident involving an MPD officer that was witnessed by the USSS officer. This agreement came after a protracted process that involved efforts by OPC to arrange the interview, which included issuing a subpoena for the uniformed officer to appear at OPC to provide a statement. Subsequently, after USSS informed OPC that it would not comply with the subpoena, Eleanor Holmes Norton, the delegate representing the District in the U.S. Congress, intervened on behalf of OPC.

At issue in this matter was the position initially adopted by USSS not to authorize its officer to be interviewed by OPC investigators. The USSS officer's statement was crucial in ascertaining whether police misconduct involving MPD occurred during the arrest of a complainant. The federal agency's decision not to cooperate hampered OPC's ability to effectively carry out its mission to gather all evidence and achieve a full and fair resolution of the citizen complaint. In addition, OPC was concerned that USSS did not provide an explanation for

its non-cooperation in the matter. In a letter to the director of USSS, Delegate Norton pointed out that Congress had mandated cooperation between the numerous District and federal government law enforcement agencies operating within the nation's capital and that USSS could not agree to cooperate without giving a valid, explicit explanation. Further, by refusing to make USSS officers available for interviews by OPC investigators, the agency gave the impression that federal law enforcement officers were not "subject to the same responsibilities and obligations as other American citizens."¹⁴ Within days of receiving the letter from Delegate Holmes Norton, USSS reversed course and allowed its officer to be interviewed as part of OPC's investigation.

OPC efforts to ensure that all witnesses are interviewed, including officers from other law enforcement organizations operating within the District, illustrate the complexities inherent in some OPC investigations. Some investigations can be extremely complex due to the number of witnesses that must be interviewed, as well as the amount of data and other evidence that must be gathered and analyzed.

The following is an example of the thorough investigative work involved in a complaint that led to a dismissal:

1. Dismissal Example

Two male complainants filed separate but related complaints alleging that a subject officer harassed them and used language toward them that was insulting and demeaning. In addition, the complainants alleged that the subject officer used unnecessary force while arresting one of the complainants.

The first complainant, who was arrested, provided the following account of the events that allegedly occurred: both he and the second complainant were drinking with friends in the outdoor seating area of a restaurant and bar. At closing time, he attempted to enter the indoor portion of the establishment, but a bouncer denied him access. While he was attempting to ask the bouncer to let him in, the subject officer suddenly approached him from behind and grabbed him without warning, and forcefully pushed him up against a wall. The subject officer then handcuffed him. At this point, the complainant realized that the person who grabbed him was a police officer. He and the second complainant tried to discuss the matter with the subject officer, but the officer refused to explain his actions and told them to "shut up." At some point, he noticed that his right wrist began to hurt because the handcuffs were too tight. Two days later, he saw that his right wrist was bruised.

As is typical in force cases, OPC automatically forwarded this case for review by the United States Attorney's Office (USAO) for possible criminal prosecution of the subject officer. OPC continued its investigation after USAO informed OPC that it had declined to prosecute the matter.

During its investigation, OPC interviewed the two complainants, five witnesses who were friends of the complainants, one witness who was at the restaurant and not associated with the complainants, the bouncer at the bar, the restaurant/bar manager, five witness officers, and the subject officer. OPC attempted to identify and interview an off-duty Arlington County, Virginia, police officer who, according to the subject officer, assisted in the arrest of the first complainant. However, OPC had only the Arlington officer's first name and could not identify the witness solely on this information. OPC also reviewed arrest records and other records regularly

maintained by MPD, as well as police communications recordings for the relevant timeframe. The complainants did not submit any photographs of any injuries or medical treatment records.

After reviewing the considerable evidence gathered during this investigation, OPC concluded that, because the complainants' allegations lacked merit, the two complaints should be dismissed due to numerous and material inconsistencies between the complainants' accounts, as well as discrepancies in the versions provided by the friends of the complainants. In contrast, the subject officer's statements were corroborated by the bouncer, manager, and a restaurant patron, as well as documentary evidence and communications recordings.

According to the subject officer, he noted that the first complainant was heavily intoxicated, loud, argumentative, and displayed physical aggression toward the bouncer. With each statement by the bouncer that the restaurant was closed, the complainant's aggression escalated. The subject officer chose to intervene at this point and explained to the man that the restaurant was closed and that he could not enter. The first complainant then looked at the subject officer, who was in full uniform, and swung and almost hit the subject officer. In response, the subject officer grabbed the complainant's wrist to place him under arrest, but the complainant pulled away from him. In the face of the man's active resistance, the subject officer continued to hold him by the wrist and directed the complainant to the wall. The off-duty Arlington County police officer assisted the subject officer in securing the complainant against the wall, in order for the subject officer to handcuff him.

The second complainant and those witnesses who were friends of the complainants provided conflicting accounts. Most notably, the second complainant stated that the subject officer pushed the first complainant in the back and that the first complainant turned around and raised his hands as a show of submission. The second complainant added that the subject officer then pushed the first complainant two or three times until the individual was up against the wall. In contrast, the first complainant never indicated that he had raised his arms or that the subject officer had pushed him while he was facing the subject officer.

Further, those witnesses who were friends of the complainants admitted that they, including the two complainants, had been drinking heavily during the course of the night and that this may have affected their ability to perceive and recall events accurately. Moreover, three of these witnesses acknowledged that they did not actually witness the subject officer detain and handcuff the first complainant. Finally, these witnesses all stated that they did not recall the subject officer telling anyone to "shut up." Indeed, all the witnesses stated that the subject officer remained calm at all times.

In contrast, a restaurant patron with no ties to any of the parties to the matter, as well as the restaurant/bar bouncer and manager, confirmed the subject officer's account of the events of that evening. In addition, witness officers assisting in the transport of the first complainant confirmed the subject officer's statement that the first complainant never indicated that the handcuffs were hurting his wrists. Indeed, the first complainant acknowledged that he never sought medical attention for any injury associated with being handcuffed.

As a result, it appeared from OPC's review that the subject officer had a legitimate basis for his actions and was warranted in restraining and arresting the first complainant. Further, it was determined that the subject officer did not engage in harassing behavior or exhibit language or conduct that was demeaning or insulting.

F. Statistics

In an effort to describe the work performed by OPC, the nature and location of the complaints that the office received, and the characteristics of the complainants and subject officers, OPC has collected the statistics included in this section. In addition, as a result of the implementation of the PCB policy recommendation to provide more detail about complaint allegations investigated by OPC, this section includes new tables depicting data collected on the subcategories of complaint allegations that correspond with the six broad categories of complaint allegations.

Similar to the annual report for fiscal year 2007, this year's report has less text in and around the charts and tables to streamline and simplify the presentation of the statistics. Nevertheless, some of the information contained below regarding fiscal year 2008 that warrants highlighting includes the following:

- This year, OPC received the most contacts and complaints in the history of the agency. As part of its work, the agency closed the largest number of complaints, completed the most investigations, and mediated the most complaints ever.
- The number of contacts increased by 25.3% (from 1,050 to 1,316), while the number of complaints received increased significantly by 36.4% (from 440 to 600). The increase in the number of complaints this year followed 27% and 6% increases for fiscal years 2006 and 2007, respectively.
- Although the number of open complaints at the end of the year increased by 26.5% (188 to 238), the total number of complaints closed by OPC also grew by 11.6% (510 to 569).
- In assessing the six broad categories of allegations, the total number of allegations made by complainants increased by 37.8% (from 771 to 1,063), which apparently was driven by the 36.4% increase in the number of complaints received.
- With the introduction of the expanded subcategories, OPC has captured more detailed information regarding misconduct allegations. For example, there are 21 excessive force allegation subcategories. Of these, two subcategories comprised 44.9% of the total 294 allegations: push or pull with impact (76) and push or pull without impact (56).
- The proportion of force and language or conduct allegations continued to decrease this year, reaching their lowest levels in the last five years, accounting for 12.1% and 30.3% of all allegations, respectively. The proportion of harassment allegations remained static at 35.8%.
- Discrimination allegations rose slightly to 7.6% from 6.2% in 2007. The allegation subcategory of race discrimination comprised 56% of the discrimination allegations. The second highest subcategory is discrimination on the basis of place of residence or business, at 8.8%.

- For the first time since the agency’s inception, more women (53.8%) than men filed complaints.
- The age and years of service data continue to show that younger and less experienced officers make up a larger proportion of subject officers than their representation in the entire police force, and older and more experienced officers make up a smaller proportion. While this is a noticeable pattern in the data, it could be attributable to a variety of factors that correlate with age and years of experience, including rank, training, assignment, tour of duty, amount of contact and experience working with citizens, and other things, and are more likely to affect the likelihood of being a subject officer in a complaint.

In this section, it should be noted that data regarding complainant and subject officer characteristics generally reflect the information for each complaint, not eliminating duplicates of complainants who filed multiple complaints or officers who were the subject of multiple complaints. In some tables, OPC was able to include information regarding the number of “unique complainants,” meaning that OPC eliminated duplicate complainants. In some tables, OPC was able to include information regarding the number of “unique officers,” meaning that OPC eliminated duplicate officers.

For reference purposes, a map indicating the location of the seven police districts used by MPD is included in Appendix B and a map indicating the location of the District of Columbia’s eight wards is included in Appendix C. To help give a better sense of where complaint incidents occurred around the city, both maps also indicate these locations.

1. *Contacts and Complaints Received*

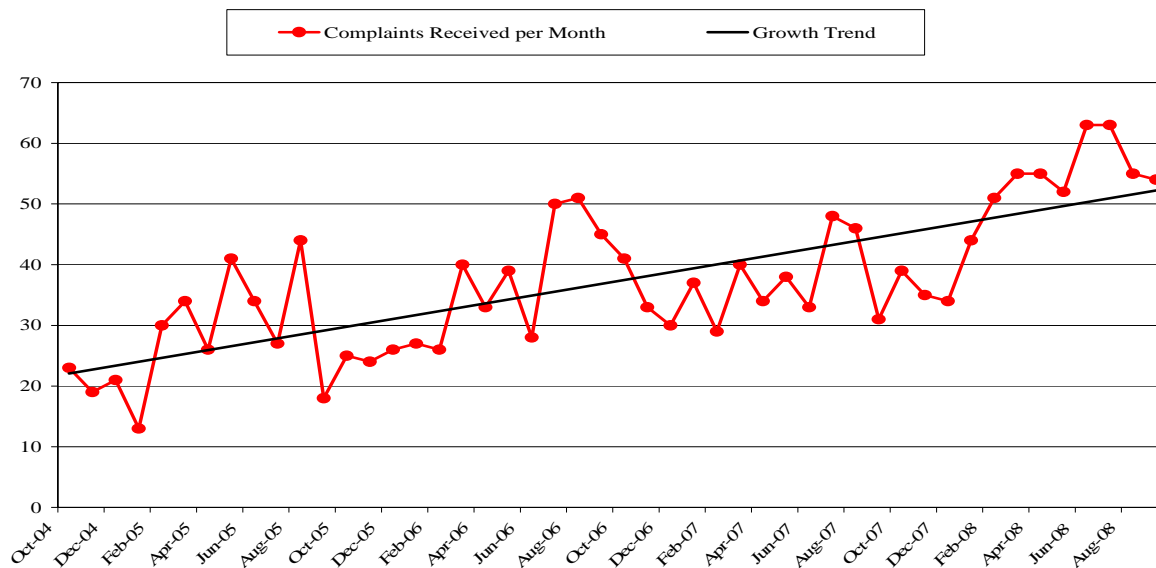
Table 4: Contacts and Complaints Received

	FY04	FY05	FY06	FY07	FY08
Total Contacts	699	674	889	1,050	1,316
Closed – Outside Agency Jurisdiction, Etc.	297	184	232	352	366
Closed – No Complaint Submitted	140	164	243	258	350
Total Complaints Received	262	326	414	440	600

Table 5: Complaints Received per Month

	FY04	FY05	FY06	FY07	FY08
October	28	23	25	41	39
November	38	19	24	33	35
December	15	21	26	30	34
January	21	13	27	37	44
February	21	30	26	29	51
March	21	34	40	40	55
April	24	26	33	34	55
May	17	41	39	38	52
June	33	34	28	33	63
July	21	27	50	48	63
August	22	44	51	46	55
September	24	18	45	31	54

Chart 5: Complaints Received per Month



2. Disposition of Complaints

Table 6: Disposition of Complaints

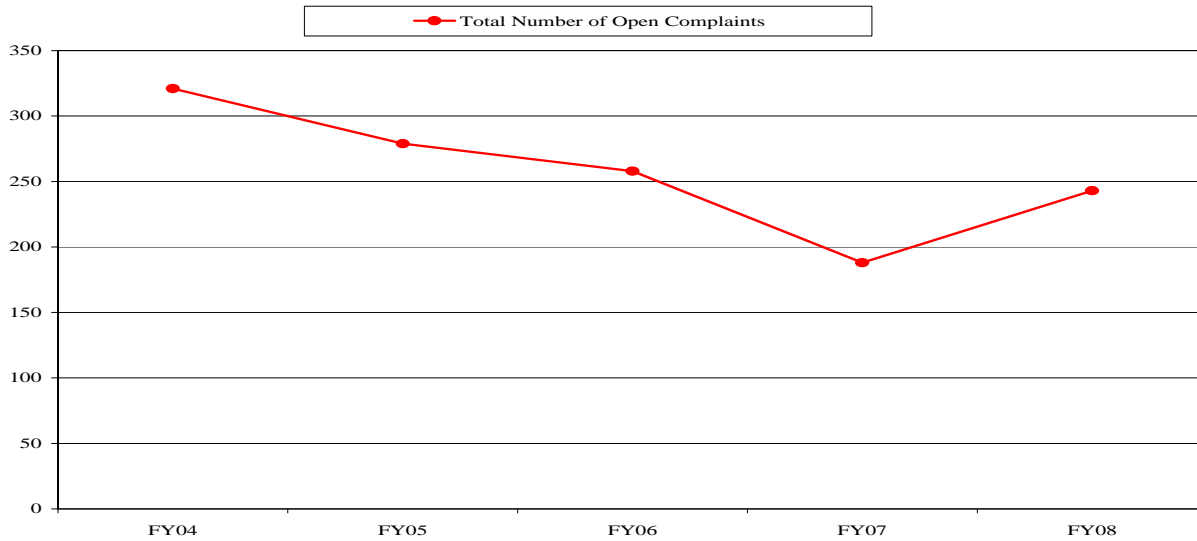
	FY04	FY05	FY06	FY07	FY08
Criminal Conviction	--	--	--	2	--
Adjudicated	16	17	19	22	11
Dismissed	145	211	232	326	327
Successfully Mediated	25	13	21	26	29
Withdrawn by Complainant	26	25	24	24	34
Referred to MPD or DCHAPD	62	65	93	74	135
Referred to Other Police Agencies	11	3	3	6	8
Administrative Closures	27	34	43	30	35
Closed Complaints	312	368	435	510	569

3. Status of Pending Complaints at the End of Each Fiscal Year

Table 7: Status of Pending Complaints at the End of Each Fiscal Year

	FY04	FY05	FY06	FY07	FY08
Assigned to Complaint Examiner	9	5	4	6	2
Referred for Mediation	5	18	12	8	14
Referred to U.S. Attorney’s Office	10	25	30	23	33
Referred to PCB Member	--	14	12	12	7
Awaiting Subject Officer Objections	--	2	2	1	1
Under Investigation by OPC	224	157	163	122	153
Under Investigation / Report Drafted	73	58	35	16	29
Total Number of Open Complaints	321	279	258	188	238

Chart 7: Number of Open Complaints at the End of Each Fiscal Year

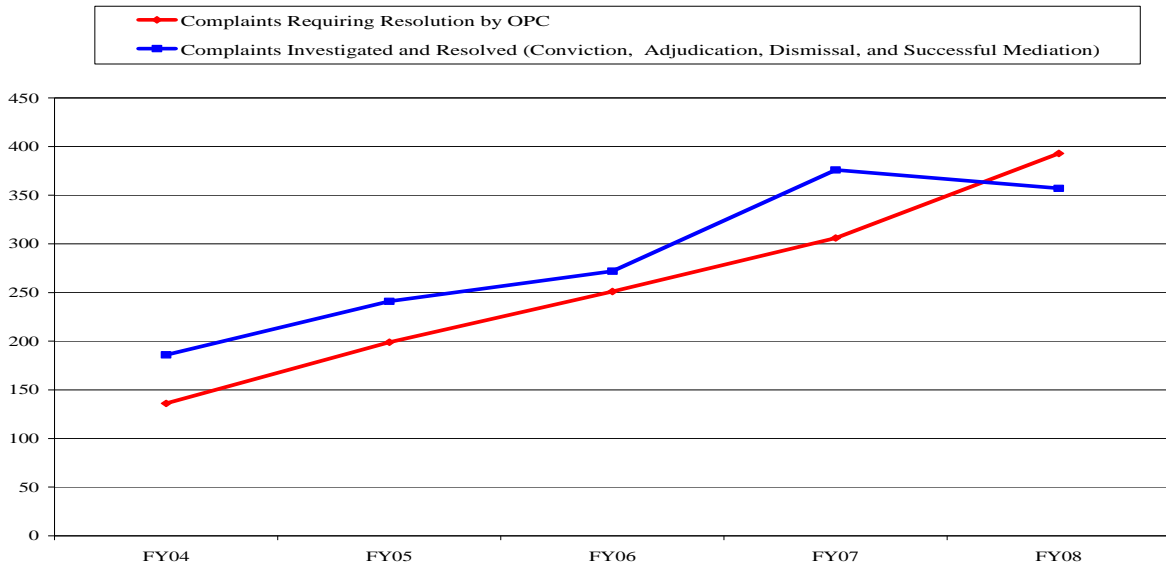


4. OPC Workload

Table 8: OPC Workload

	FY04	FY05	FY06	FY07	FY08
Total Complaints Received	262	326	414	440	600
Referred to MPD, DCHAPD or Other Agency for Investigation	73	68	96	80	143
Complaints in OPC's Jurisdiction	189	258	318	360	457
Withdrawn or Administratively Closed	53	59	67	54	64
Complaints Requiring Resolution by OPC	136	199	251	306	393
Complaints Investigated and Resolved (Conviction, Adjudication, Dismissal, and Successful Mediation)	186	241	272	376	357
Increase / Decrease in Number of Open Complaints	(50)	(42)	(21)	(70)	50

Chart 8: OPC Workload



5. *Allegations in Complaints and Time of Incidents*

Table 9: General Categories of Allegations in Complaints

	FY04		FY05		FY06		FY07		FY08	
Language / Conduct	180	37.0%	188	34.4%	234	31.8%	241	31.3%	322	30.3%
Harassment	131	27.0%	176	32.2%	222	30.1%	276	35.8%	381	35.8%
Excessive Force	97	20.0%	101	18.5%	107	14.5%	101	13.1%	129	12.1%
Discrimination	42	8.6%	39	7.1%	71	9.6%	48	6.2%	81	7.6%
Retaliation	6	1.2%	4	0.7%	3	0.4%	5	0.6%	6	0.6%
FTP Identification	--	--	6	1.1%	34	4.6%	30	3.9%	41	3.9%
Other	30	6.2%	33	6.0%	66	9.0%	70	9.1%	103	9.7%
Total Allegations	486		547		737		771		1063	

Chart 9: Allegations in Complaints (as a Percentage)

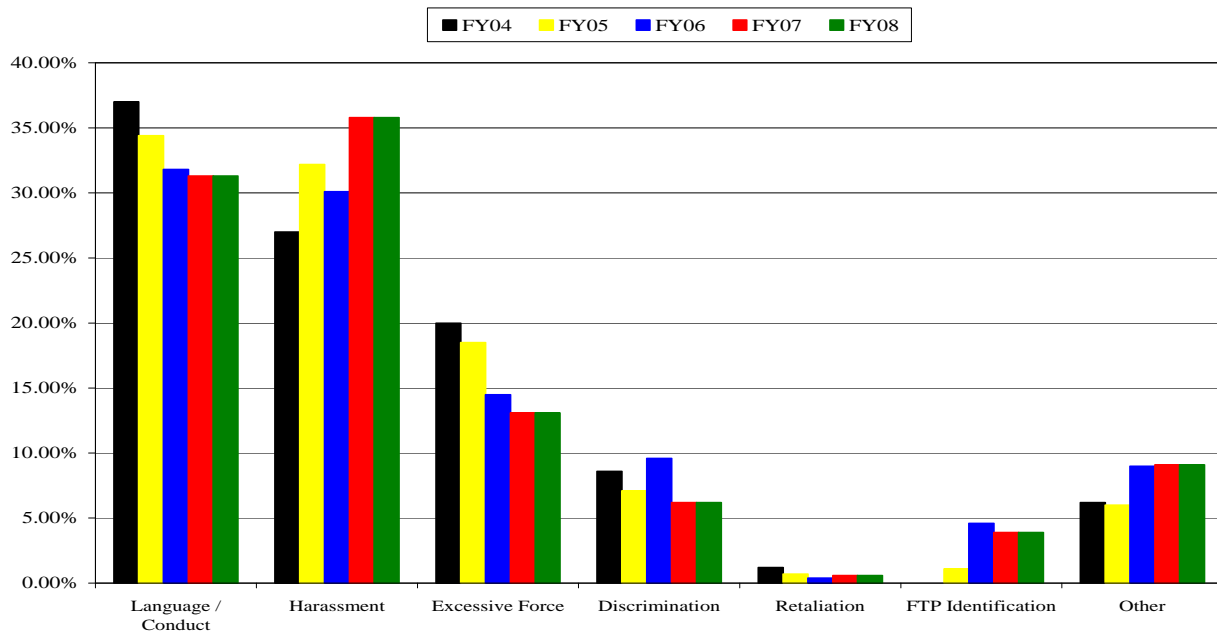


Chart 9a: Specific Allegations of Force

Force Allegation Subcategories	FY08 Number of Allegations	FY08
ASP: all types (displayed, poked, struck, etc.)	7	2.4%
Canine	1	0.3%
Chokehold	8	2.7%
Foot on back	1	0.3%
Forceful frisk	1	0.3%
Forcible handcuffing	10	3.4%
Gun: drawn, but not pointed at person	6	2.0%
Gun: pointed at person	47	16.0%
Handcuffs too tight	22	7.5%
OC spray	4	1.4%
Push or pull with impact (slam to ground, into car, etc.)	76	25.9%
Push or pull without impact (hand controls, drag, shove, throw, etc. without hitting anything)	56	19.0%
Strike: kick	4	1.4%
Strike: officer's body (hand, arm, foot, leg, head; except punch or kick)	9	3.1%
Strike: punch	28	9.5%
Strike: with object	2	0.7%
Strike: while handcuffed	6	2.0%
Vehicle	1	0.3%
Unnecessary or excessive force	1	0.3%
Other	4	1.4%
Total Allegations	294	

Chart 9b: Specific Allegations of Language and Conduct

Language and Conduct Allegation Subcategories	FY08 Number of Allegations	FY08
Demeanor or tone	263	48.8%
Gesture or action	64	11.9%
Profanity	93	17.3%
Racial/Ethnic slur	21	3.9%
Other language	89	16.5%
Other	9	1.7%
Total Allegations	539	

Chart 9c: Specific Allegations of Harassment

Harassment Allegation Subcategories	FY08 Number of Allegations	FY08
Bad ticket	85	9.9%
Contact	19	2.2%
Entry (no search)	14	1.6%
Frisk	27	3.1%
Gun: touch holstered weapon	7	0.8%
Intimidation	83	9.6%
Mishandling property	15	1.7%
Move along order	21	2.4%
Prolonged detention	25	2.9%
Property damage	25	2.9%
Refusing medical treatment	3	0.3%
Search: belongings	10	1.2%
Search: car	37	4.3%
Search: home	48	5.6%
Search: person	30	3.5%
Search: Strip (invasive)	3	0.3%
Stop: bicycle	2	0.2%
Stop: pedestrian	54	6.3%
Stop: vehicle/traffic	68	7.9%
Threat	87	10.1%
Unlawful arrest	138	16.0%
Other	55	6.4%
Other: abuse of power	1	0.1%
Other: children (CPS notified)	1	0.1%
Other: coercion	1	0.1%
Other: deny bathroom access	2	0.2%
Other: false accusation	1	0.1%
Other: landlord-tenant	1	0.1%
Other: not providing explanation	1	0.1%
Other: took money (after arrest)	1	0.1%
Other: traffic order	1	0.1%
Total Allegations	861	

Chart 9d: Specific Allegations of Discrimination

Discrimination Allegation Subcategories	FY08 Number of Allegations	FY08
Age	6	4.8%
Color	1	.8%
Disability	2	1.6%
National origin	4	3.2%
Personal appearance	5	4.0%
Place of residence or business	11	8.8%
Race	70	56.0%
Religion	3	2.4%
Sex	7	5.6%
Sexual orientation	7	5.6%
Source of income	8	6.4%
Total Allegations	124	

Chart 9e: Specific Allegations of Failure to Identify

Failure to Identify Allegation Subcategories	FY08 Number of Allegations	FY08
Display name and badge	9	15.0%
Provide name and badge upon request	48	80.0%
Other	3	5.0%
Total Allegations	60	

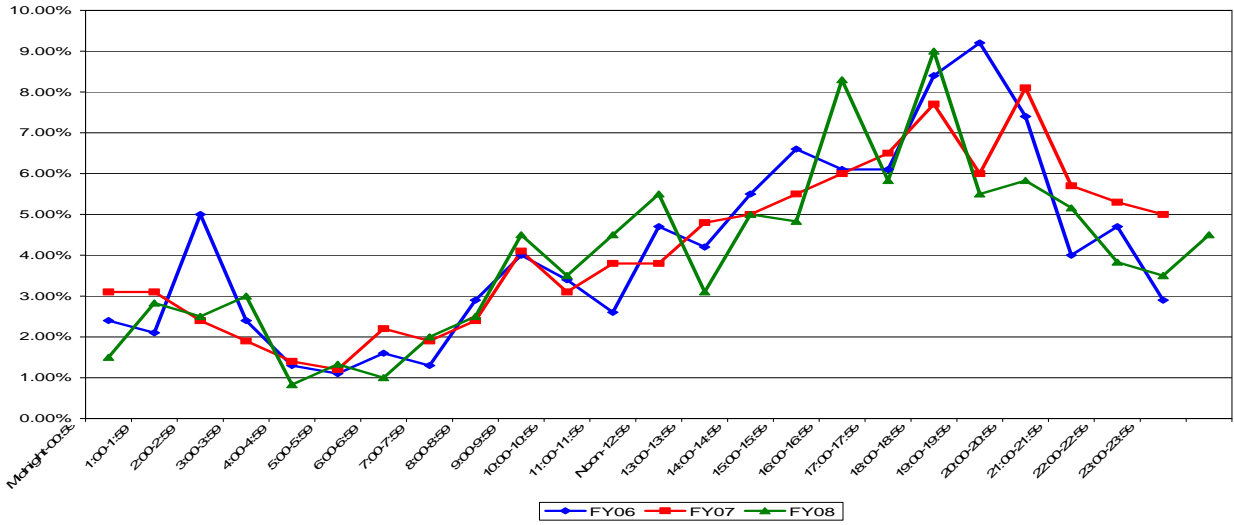
Chart 9f: Specific Allegations of Retaliation

Retaliation Allegation Subcategory	Number of Allegations
Retaliation	7

Table 10: Time of Incidents Leading to Complaints

	FY06		FY07		FY08	
Midnight-00:59	9	2.4%	13	3.1%	9	1.5%
1:00-1:59	8	2.1%	13	3.1%	17	2.8%
2:00-2:59	19	5.0%	10	2.4%	15	2.5%
3:00-3:59	9	2.4%	8	1.9%	18	3.0%
4:00-4:59	5	1.3%	6	1.4%	5	0.8%
5:00-5:59	4	1.1%	5	1.2%	8	1.3%
6:00-6:59	6	1.6%	9	2.2%	6	1.0%
7:00-7:59	5	1.3%	8	1.9%	12	2.0%
8:00-8:59	11	2.9%	10	2.4%	15	2.5%
9:00-9:59	15	4.0%	17	4.1%	27	4.5%
10:00-10:59	13	3.4%	13	3.1%	21	3.5%
11:00-11:59	10	2.6%	16	3.8%	27	4.5%
Noon-12:59	18	4.7%	16	3.8%	33	5.5%
13:00-13:59	16	4.2%	20	4.8%	19	3.1%
14:00-14:59	21	5.5%	21	5.0%	30	5.0%
15:00-15:59	25	6.6%	23	5.5%	29	4.8%
16:00-16:59	23	6.1%	25	6.0%	50	8.3%
17:00-17:59	23	6.1%	27	6.5%	35	5.8%
18:00-18:59	32	8.4%	32	7.7%	54	9.0%
19:00-19:59	35	9.2%	25	6.0%	33	5.5%
20:00-20:59	28	7.4%	34	8.1%	35	5.8%
21:00-21:59	15	4.0%	24	5.7%	31	5.2%
22:00-22:59	18	4.7%	22	5.3%	23	3.8%
23:00-23:59	11	2.9%	21	5.0%	21	3.5%
Unknown	35		22		27	4.5%
Total	414		440		600	

Chart 10: Time of Incidents Leading to Complaints (as a Percentage)



6. Complainant Characteristics¹⁵

Table 11: Complainant Race or National Origin

	FY04		FY05		FY06		FY07		FY08		District Pop. ¹⁶
African-American	179	71.0%	241	78.0%	287	73.0%	327	77.3%	443	73.8%	56.4%
White	51	20.2%	43	13.9%	73	18.6%	62	14.7%	75	12.5%	34.9%
Latino	13	5.2%	9	2.9%	17	4.3%	12	2.8%	19	3.1%	8.3%
Asian	2	0.8%	2	0.6%	6	1.5%	3	0.7%	7	1.2%	3.2%
Middle Eastern	1	0.4%	3	1.0%	2	0.5%	4	0.9%	4	0.5%	0.0%
Native American	6	2.4%	1	0.3%	1	0.3%	7	1.7%	1	0.2%	0.3%
Multiracial/ Other	0	0.0%	10	3.2%	7	1.8%	8	1.9%	2	0.5%	8.3%
Unreported	10		17		21		17		49		
Total	262		326		414		440		600		

Chart 11: Complainant Race or National Origin (as a Percentage)

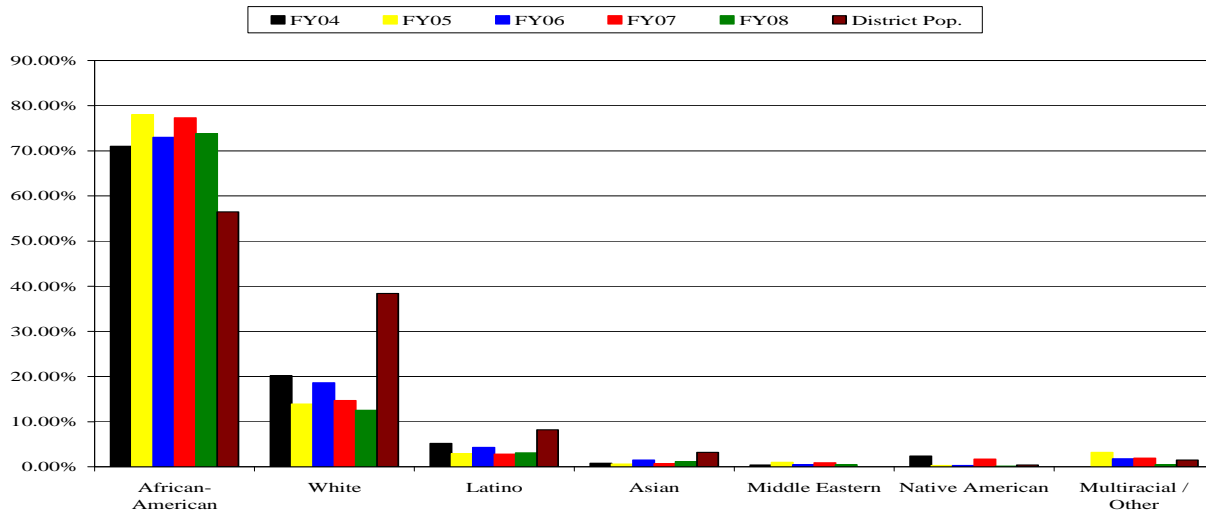


Table 12: Complainant Gender

	FY04		FY05		FY06		FY07		FY08		District Pop. ¹⁷
Male	141	54.2%	176	54.0%	222	53.6%	251	57.0%	277	46.2%	49.2%
Female	119	45.8%	150	46.0%	192	46.4%	189	43.0%	323	53.8%	50.8%
Unreported	2		--		--		--		--		
Total	262		326		414		440		600		

Chart 12: Complainant Gender (as a Percentage)

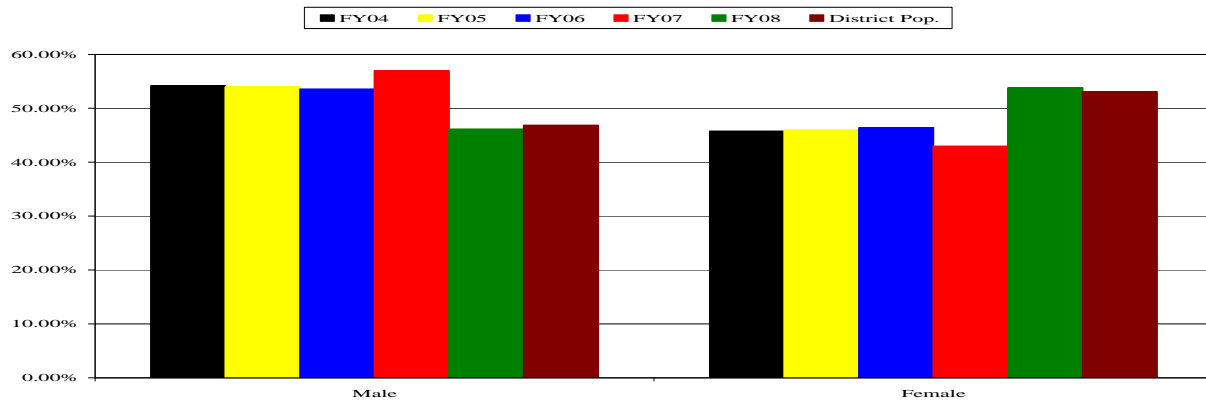


Table 13: Complainant Age

	FY04		FY05		FY06		FY07		FY08		District Pop. ¹⁸
Under 15	1	0.4%	--	--	1	0.3%	1	0.2%	1	0.1%	16.3%
15-24	39	15.8%	57	17.9%	39	10.0%	46	10.7%	60	10.4%	15.7%
25-34	60	24.3%	82	25.8%	109	27.9%	113	26.4%	154	26.7%	18.0%
35-44	68	27.5%	78	24.5%	110	28.1%	101	23.6%	138	24.1%	14.6%
45-54	57	23.1%	72	22.6%	86	22.0%	99	23.1%	146	25.3%	13.1%
55-64	14	5.7%	21	6.6%	30	7.7%	54	12.6%	57	9.9%	10.3%
65 & Older	8	3.2%	8	2.5%	16	4.1%	14	3.3%	20	3.5%	11.9%
Total	247		318		391		428		576		

Chart 13: Complainant Age (as a Percentage)

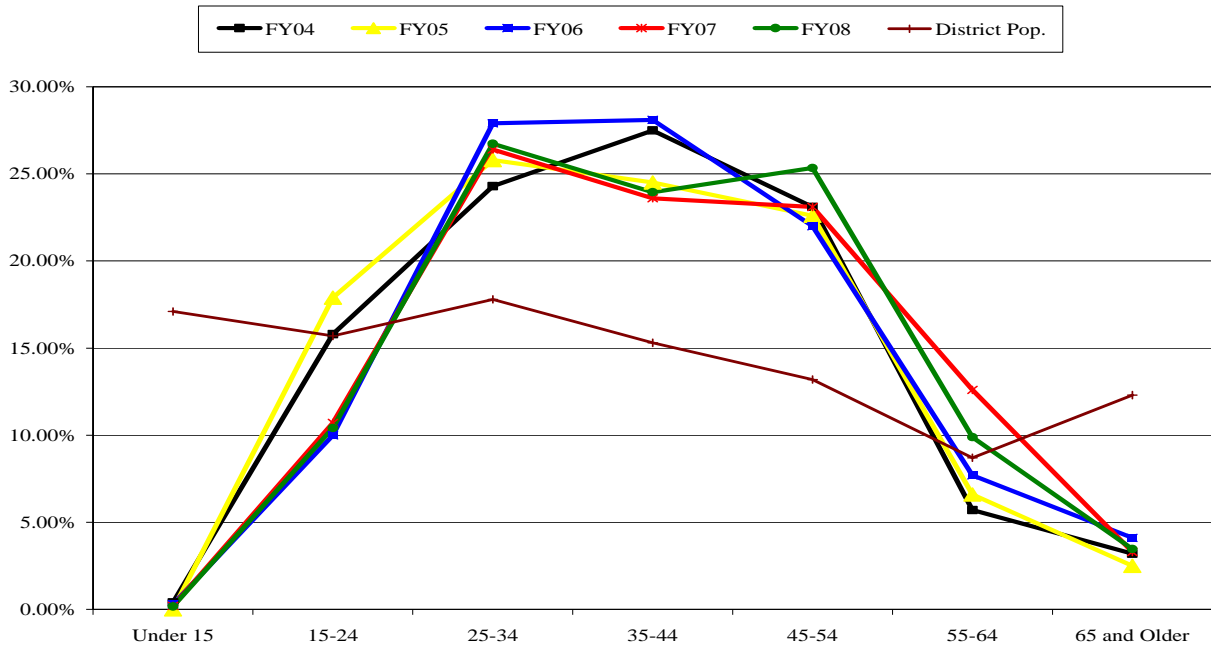


Table 14: Number of Complainants Who Filed Multiple Complaints

	FY06	FY07	FY08
2 Complaints	12	14	17
3 Complaints	--	--	1
4 Complaints	--	--	--
5 Complaints	--	1	1
21 Complaints	--	--	1

Table 15: Complainant Race or National Origin with “Unique Complainant” Information

	FY04	FY04 Unique Comp.	FY05	FY05 Unique Comp.	FY06	FY06 Unique Comp.	FY07	FY07 Unique Comp.	FY08	FY08 Unique Comp.
African-American	179	176	241	225	287	280	327	315	443	401
White	51	43	43	43	73	71	62	60	75	75
Latino	13	13	9	9	17	17	12	12	19	18
Asian	2	2	2	2	6	6	3	3	7	7
Middle Eastern	1	1	3	3	2	2	4	4	4	4
Native American	6	1	1	1	1	1	7	3	1	1
Multiracial / Other	0	0	10	10	7	5	8	8	2	2
Unreported	10	10	17	17	21	20	17	17	49	49
Total	262	246	326	310	414	402	440	422	600	557

Table 16: Complainant Gender with “Unique Complainant” Information

	FY04	FY04 Unique Comp.	FY05	FY05 Unique Comp.	FY06	FY06 Unique Comp.	FY07	FY07 Unique Comp.	FY08	FY08 Unique Comp.
Male	141	126	176	168	222	218	251	238	277	288
Female	119	118	150	142	192	184	189	184	323	269
Unreported	2	2	--	--	--	--	--	--	--	--
Total	262	246	326	310	414	402	440	422	600	557

7. *Subject Officer Characteristics*¹⁹

Table 17: Subject Officer Race or National Origin

	FY04		FY05		FY06		FY07		FY08		Entire MPD Force
African-American	170	59.4%	219	55.3%	270	55.8%	316	58.1%	350	53.6%	60.9%
White	94	32.9%	135	34.1%	161	33.3%	190	34.9%	234	35.8%	30.2%
Latino	17	5.9%	25	6.3%	31	6.4%	27	5.0%	45	6.9%	6.8%
Asian	4	1.4%	9	2.3%	15	3.1%	7	1.3%	23	3.5%	1.8%
Other	1	0.4%	8	2.0%	7	1.4%	4	0.7%	1	0.2%	--
Unidentified	41		72		113		122		206		
Total	327		468		597		666		859		

Chart 17: Subject Officer Race or National Origin (as a Percentage)

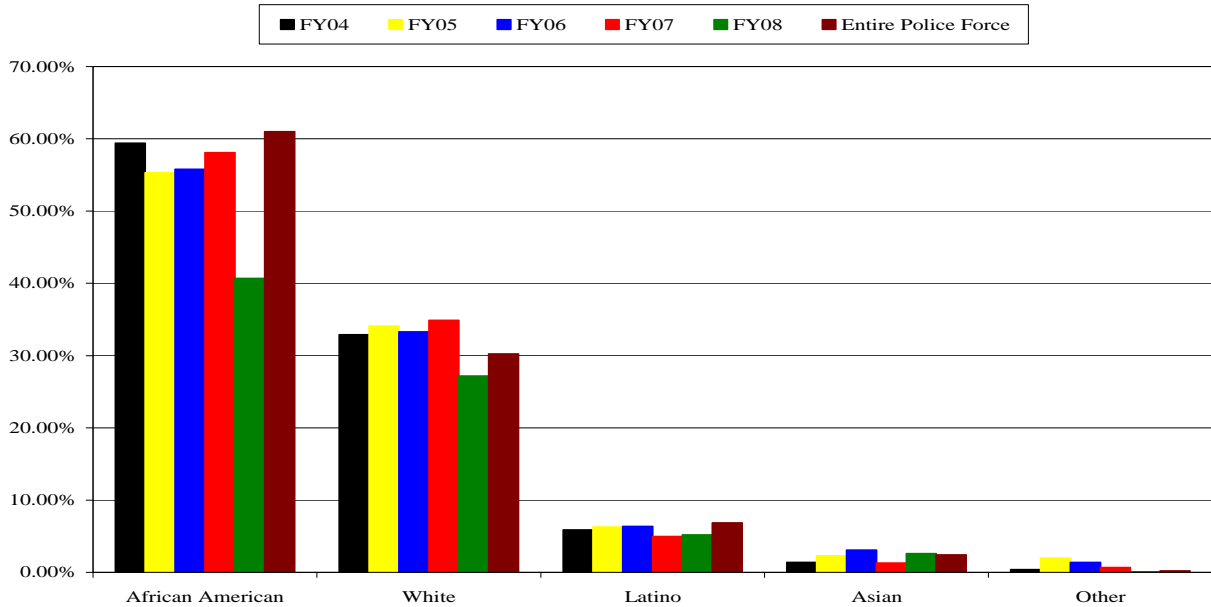


Table 18: Subject Officer Gender

	FY04		FY05		FY06		FY07		FY08		Entire MPD Police Force
Male	266	85.0%	330	83.3%	396	81.8%	463	84.8%	564	85.7%	76.4%
Female	47	15.0%	66	16.7%	88	18.2%	83	15.2%	94	14.2%	23.4%
Unidentified	14		72		113		120		201		
Total	327		468		597		666		859		

Chart 18: Subject Officer Gender (as a Percentage)

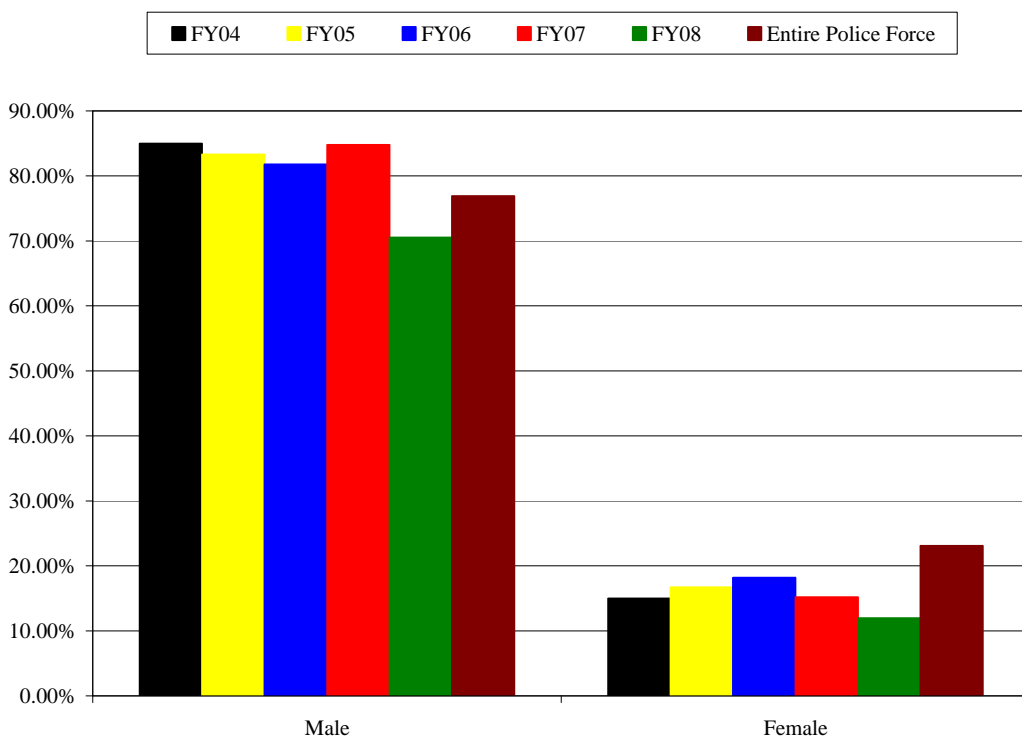


Table 19: Subject Officer Assignment²⁰

	FY04		FY05		FY06		FY07		FY08	
First District (1D)	36	11.1%	67	14.8%	93	16.6%	116	17.6%	100	15.2%
Second District (2D)	34	10.5%	27	5.9%	35	6.3%	49	7.4%	68	10.3%
Third District (3D)	56	17.3%	82	18.1%	128	22.9%	119	18.0%	92	13.9%
Fourth District (4D)	62	19.1%	84	18.5%	87	15.5%	76	11.5%	58	8.8%
Fifth District (5D)	45	13.9%	50	11.0%	55	9.8%	80	12.1%	53	8.0%
Sixth District (6D)	36	11.1%	56	12.3%	54	9.6%	112	17.0%	97	14.7%
Seventh District (7D)	28	8.6%	69	15.2%	57	10.2%	66	10.0%	111	16.8%
Other²¹	24	7.4%	14	3.1%	47	8.4%	29	4.4%	64	9.7%
D.C. Housing Authority	3	0.9%	5	1.1%	4	0.7%	13	2.0%	15	2.2%
Unidentified	3		14		37		6		201	
Total	327		468		597		666		859	

Chart 19: Subject Officer Assignment (as a Percentage)

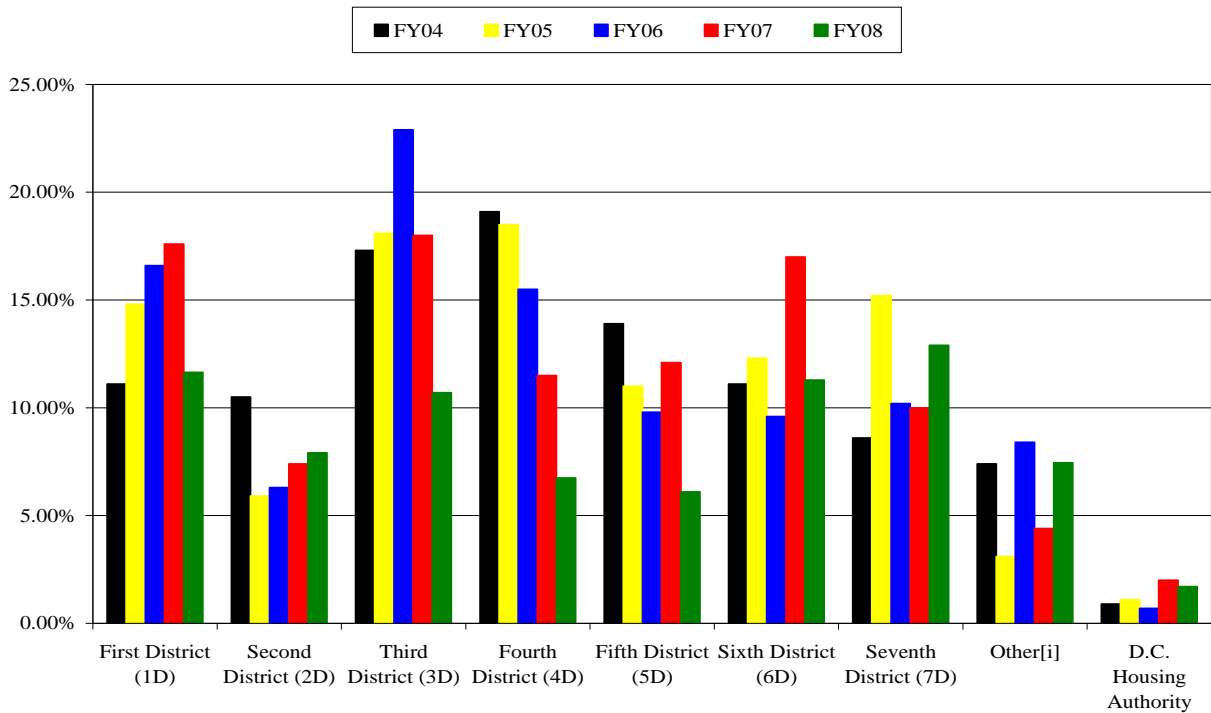


Table 20: Subject Officer Age

	FY06		FY07		FY08		Entire MPD Force	
23 and Under	6	1.20%	6	1.10%	11	1.68%	72	1.80%
24-26	44	9.10%	52	9.60%	66	10.11%	254	6.50%
27-29	49	10.20%	63	11.60%	93	14.24%	261	6.70%
30-32	60	12.40%	62	11.40%	76	11.64%	294	7.50%
33-35	70	14.50%	71	13.10%	73	11.18%	352	9.00%
36-38	70	14.50%	67	12.30%	82	12.56%	489	12.50%
39-41	59	12.20%	65	11.90%	85	13.02%	618	15.80%
42-44	56	11.60%	63	11.60%	65	9.95%	593	15.20%
45-47	33	6.80%	40	7.40%	45	6.89%	464	11.90%
48-50	19	3.90%	31	5.70%	38	5.82%	277	7.10%
51-53	7	1.50%	15	2.80%	17	2.60%	127	3.20%
Over 53	9	1.90%	9	1.70%	2	0.31%	111	2.80%
Unknown	115		122		206			
Total	597		666		859			

Chart 20: Subject Officer Age (as a Percentage)

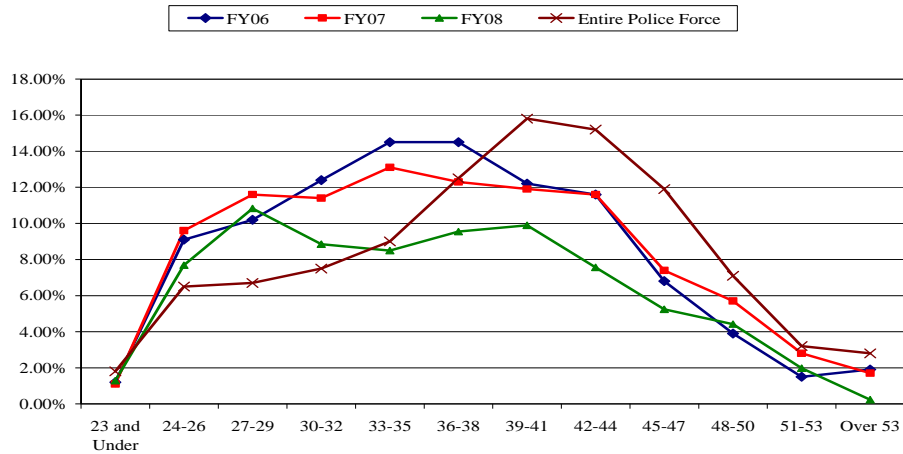


Table 21: Subject Officer Years of Service

	FY06		FY07		FY08		Entire MPD Force	
Under 3 Years	74	15.3%	63	11.6%	84	9.8%	599	15.3%
3-5 Years	126	26.0%	146	26.8%	151	17.5%	504	12.9%
6-8 Years	72	14.9%	103	18.9%	136	15.8%	410	10.5%
9-11 Years	39	8.1%	51	9.4%	58	6.7%	290	7.4%
12-14 Years	33	6.8%	28	5.1%	41	4.8%	197	5.0%
15-17 Years	75	15.5%	68	12.5%	83	9.7%	794	20.3%
18-20 Years	26	5.4%	51	9.4%	57	6.6%	578	14.8%
21-23 Years	18	3.7%	19	3.5%	29	3.4%	273	7.0%
24-26 Years	14	2.9%	12	2.2%	15	1.8%	200	5.1%
27 or More Years	7	1.4%	4	0.7%	1	0.1%	67	1.7%
Unknown	113		121		204			
Total	597		666		859			

Chart 21: Subject Officer Years of Service (as a Percentage)

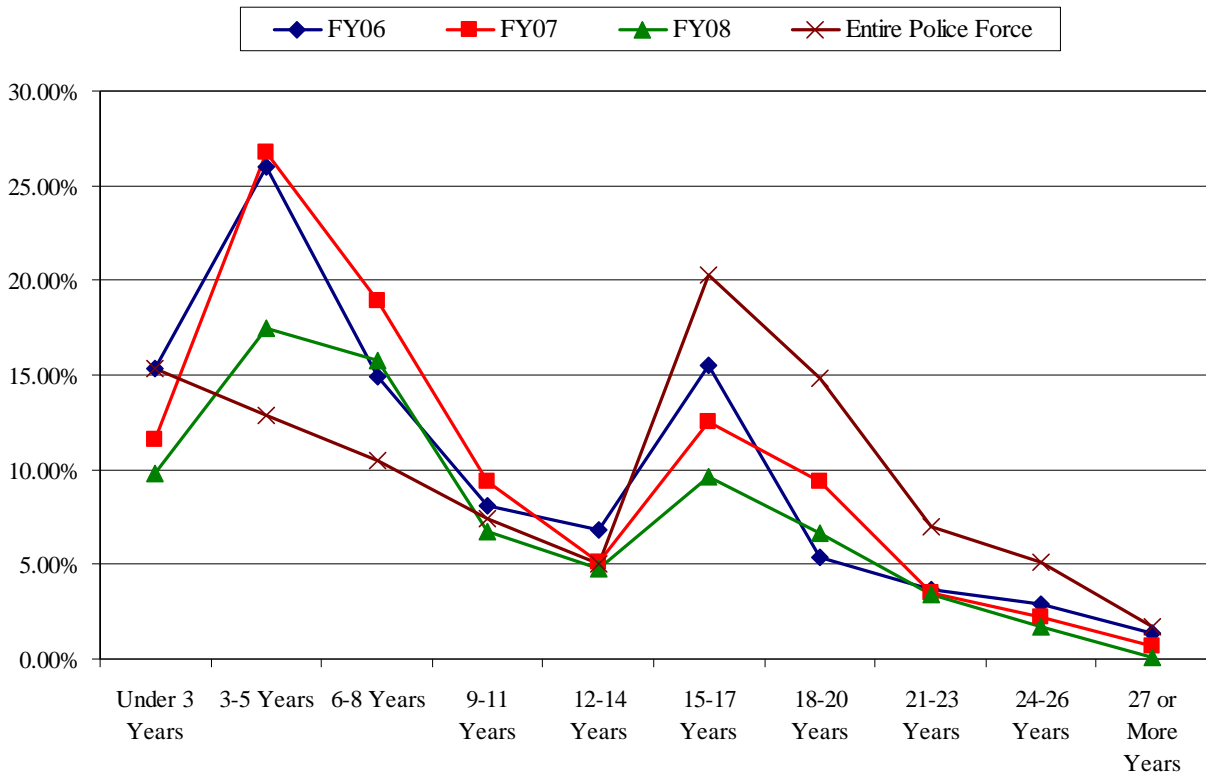


Table 22: Subject Officer Rank²²

	FY06		FY07		FY08		Entire Police Force	
Chief	--	--	1	0.20%	--		1	0.02%
Assistant Chief	1	0.20%	--	--	1	0.15%	5	0.12%
Commander	--	--	2	0.40%	1	0.15%	17	0.42%
Inspector	1	0.20%	--	--	--		15	0.37%
Captain	--	--	1	0.20%	--		41	1.02%
Lieutenant	6	1.20%	4	0.70%	10	1.53%	154	3.83%
Sergeant	31	6.40%	49	9.00%	66	10.08%	478	11.89%
Detective Grade 1	8	1.70%	3	0.50%	16	2.44%	87	2.16%
Detective Grade 2	21	4.30%	23	4.20%	21	3.21%	270	6.72%
Investigator	1	0.20%	2	0.40%	--		37	0.92%
Master Patrol Officer (MPO)	13	2.70%	19	3.50%	26	3.97%	98	2.44%
Officer[i]	402	83.10%	433	80.90%	514	78.47%	2817	70.07%
Unidentified	113		120		204			
Total	597		666		859			

Table 23: Number of Officers Who Were the Subject of Multiple Complaints

	FY06	FY07	FY08
2 Complaints	53	55	56
3 Complaints	21	18	21
4 Complaints	2	7	7
5 Complaints	3	2	4
6 Complaints	--	--	2

Table 24: Subject Officer Race or National Origin with “Unique Officer” Information

	FY04	FY04 Unique Officers	FY05	FY05 Unique Officers	FY06	FY06 Unique Officers	FY07	FY07 Unique Officers	FY08	FY08 Unique Officers
African American	170	147	219	172	270	215	316	251	350	272
White	94	74	135	111	161	122	190	146	234	174
Latino	17	15	25	17	31	20	27	21	45	35
Asian	4	4	9	8	15	9	7	5	23	13
Other	1	1	8	7	7	5	4	1	1	1
Unidentified	41	41	72	72	113	113	122	122	206	206
Total	327	282	468	387	597	484	666	546	859	701

Table 25: Subject Officer Gender with “Unique Officer” Information

	FY04	FY04 Unique Officers	FY05	FY05 Unique Officers	FY06	FY06 Unique Officers	FY07	FY07 Unique Officers	FY08	FY08 Unique Officers
Male	266	226	330	257	396	297	463	356	564	416
Female	47	42	66	58	88	74	83	70	94	84
Unidentified	14	14	72	72	113	113	120	120	201	201
Total	327	282	468	387	597	484	666	546	859	701

Table 26: Subject Officer Assignment with “Unique Officer” Information

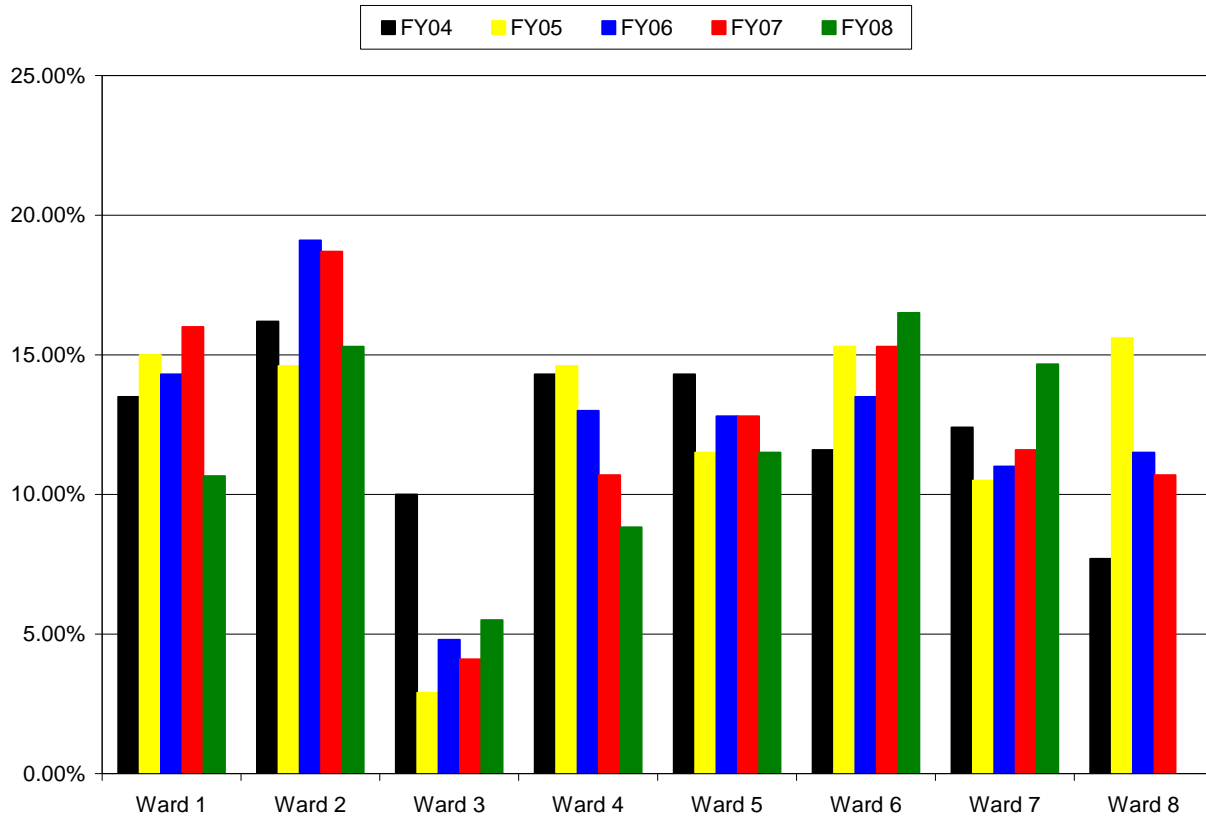
	FY04	FY04 Unique Officers	FY05	FY05 Unique Officers	FY06	FY06 Unique Officers	FY07	FY07 Unique Officers	FY08	FY08 Unique Officers
First District (1D)	36	33	67	56	93	73	116	99	100	78
Second District (2D)	34	31	27	21	35	32	49	43	68	60
Third District (3D)	56	52	82	68	128	92	119	101	92	65
Fourth District (4D)	62	45	84	53	87	63	76	61	58	41
Fifth District (5D)	45	40	50	48	55	48	80	70	53	41
Sixth District (6D)	36	29	56	51	54	44	112	78	97	72
Seventh District (7D)	28	26	69	58	57	50	66	56	111	78
Other	24	20	14	13	47	43	29	25	64	55
D.C. Housing Authority	3	3	5	5	4	2	13	7	15	10
Unidentified	3	3	14	14	37	37	6	6	201	201
Total	327	282	468	387	597	484	666	546	859	701

8. City Wards

Table 27: City Wards

	FY04		FY05		FY06		FY07		FY08	
Ward 1	35	13.50%	47	15.00%	57	14.30%	70	16.00%	64	10.87%
Ward 2	42	16.20%	46	14.60%	76	19.10%	82	18.70%	92	15.62%
Ward 3	26	10.00%	9	2.90%	19	4.80%	18	4.10%	33	5.60%
Ward 4	37	14.30%	46	14.60%	52	13.00%	47	10.70%	53	9.00%
Ward 5	37	14.30%	36	11.50%	51	12.80%	56	12.80%	69	11.71%
Ward 6	30	11.60%	48	15.30%	54	13.50%	67	15.30%	99	16.81%
Ward 7	32	12.40%	33	10.50%	44	11.00%	51	11.60%	88	14.94%
Ward 8	20	7.70%	49	15.60%	46	11.50%	47	10.70%	91	15.45%
Unidentified / Not in D.C.	3		12		15		2		11	
Total	262		326		414		440		600	

Chart 27: City Wards (as a Percentage)



G. Outreach

1. Fiscal Year 2008

OPC successfully implemented portions of its 2008 community outreach strategic plan, which involved developing new partnerships with various youth-centered organizations and academic institutions, as well as providing information to residents who live in areas with a high number of police encounters. Also, as a part of its strategic plan, OPC continued its international outreach efforts.

OPC conducted several student interactive training presentations to teenagers attending Oak Hill Academy, the District's school for adolescents housed at Oak Hill Youth Detention Center. The agency's training program focuses on promoting positive interactions between police officers and youth through role-playing and peer education, as well as educating individuals on their rights. Similar sessions were conducted at Covenant House Washington, a nonprofit organization dedicated to assisting homeless and at-risk teenagers, and Building Leadership Organizing Communities, a national networking organization assisting local community leaders.

In addition, OPC partnered with the University of the District of Columbia (UDC) in sponsoring a forum on police accountability, oversight and racial profiling that attracted university students and staff, as well as the public. OPC staff spoke to students enrolled in American University's Washington Semester program, as well as undergraduate students attending constitutional law classes at Howard University, regarding police accountability and racial profiling. OPC also conducted a presentation regarding the agency's services to a group of property managers and residents who reside in the Fourth Police District.

As a part of the agency's international outreach efforts, OPC's executive director, Philip K. Eure, at the invitation of Brazil's Justice Ministry, spoke to a group of federal Brazilian prosecutors and other government officials at a police oversight conference in Brasilia in June 2008. The OPC representative presented information to the prosecutors on the independent role of the District's police accountability office and the importance of similar agencies throughout the United States.

Beyond the strategic plan, OPC continued to conduct a variety of other outreach activities, such as providing training sessions to new recruits and newly promoted officials at MPD's training academy. The sessions provided information to recruits and officers regarding the role, function, and jurisdiction of OPC.

In addition, OPC continued to gain media exposure on several fronts. Several of the agency's policy recommendations received coverage in the news. For example, the popular radio station, 96.3 WHUR FM, twice interviewed OPC staff. In addition, the *Washington City Paper* featured a lengthy article in April 2008 on the agency's proposals to enhance police response to mentally ill individuals.

2. *The Year Ahead*

For 2009, OPC will continue its current outreach activities. Further, the agency plans to expand outreach efforts to the District's racial and ethnic minority populations, as well as those groups that are targets of bias or hate crimes. The agency also plans to participate in more community forums and events in order to make informational materials about OPC even more widely available to the public.

3. *Website*

The agency continues to make changes to its website in order to provide the public with reliable information regarding police accountability efforts in the District of Columbia, as well as serve as an important community outreach tool. In addition, OPC regularly updates its news items to keep the public informed about agency developments. In order to bring greater transparency to agency activities, OPC began posting the minutes of the Police Complaints Board meetings. In fiscal year 2009, OPC will participate in a website redesign project sponsored by the D.C. Office of the Chief Technology Officer (OCTO), thereby enhancing OPC's ability to provide useful information to the public.

H. *Police Oversight and Law Enforcement Organizations*

Since the agency opened, OPC staff members have played an active role in professional organizations related to citizen review of law enforcement and have learned from and contributed to the discussions and training seminars conducted by these organizations.

Every year since 2001, OPC staff members have attended or participated in panel discussions at conferences sponsored by National Association for Civilian Oversight of Law Enforcement (NACOLE). Since December 2005, OPC's executive director, Philip K. Eure, has served on the board of directors of NACOLE and he was elected president of the national non-profit organization during its annual conference in October 2008. At that conference, Mr. Eure moderated a session entitled, "Successful Strategies for Combating Racial Profiling," in which OPC Special Assistant Nicole Porter also participated as a panelist. OPC's executive director also participated in a panel entitled, "Citizen Review Showcase." Additionally, OPC Chief Investigator Kesha Taylor led a roundtable discussion about various citizen oversight models. During that session, Ms. Taylor explained to veteran and new conference participants details about the investigative model used by OPC.

The executive director also spoke on a panel at the 10th annual conference of the American Bar Association Section of Dispute Resolution in April 2008. The panel, entitled, "Mediating Citizen Complaints Against the Police," included representatives from the police oversight agencies in Denver and Seattle. Panel participants commented on unique issues that arise in mediating citizen complaints against the police.

The agency expects that OPC representatives will continue to take part in conferences and training sessions aimed at keeping OPC staff members apprised of best practices in the field and sharing the agency's expertise with other police oversight professionals.

I. Policy Recommendations

The statute creating PCB authorizes the Board to, “where appropriate, make recommendations” to the Mayor, District Council, and Chief of Police “concerning those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.” This authority allows the agency to go beyond its day-to-day work of investigating and resolving individual police misconduct complaints to examine systemic issues that lead to the abuse or misuse of police powers. To date, PCB has issued 18 detailed reports and sets of recommendations for police reform, and overall, the Board has been satisfied with the steps taken by MPD and the city to implement the proposals made by the Board. Some sets of recommendations have already been fully adopted and most others are in the process of being adopted or are being actively considered. All of the policy recommendations are available on OPC’s website, www.policecomplaints.dc.gov.

1. Fiscal Year 2008

The reports and recommendations issued this year are discussed in more detail below.

a. Categorization of Citizen Complaint Allegations

In October 2007, OPC introduced the use of detailed subcategories to track allegations contained in the complaints received by the office. This change expanded the agency’s six statutorily defined categories to include approximately 65 subcategories. On June 11, 2008, PCB issued a report and set of recommendations urging that MPD, DCHAPD, and OPC adopt a uniform set of citizen complaint categories.

In its report, PCB recommended that MPD and DCHAPD use the same general citizen complaint categories for complaints received by their offices, as well as use the same or similar detailed subcategories. The use of OPC categories and subcategories by MPD and DCHAPD would create a commonality among the forums, allowing for better identification and analysis of trends that could be proactively addressed by the two police departments to improve operations and reduce the risk of liability for the city and individual officers. In addition, the uniform method of capturing allegations would allow for comprehensive reporting about the universe of citizen complaints filed by the public.

b. Video Cameras in MPD Police Cruisers

PCB issued a report and set of recommendations in August 28, 2008, proposing the installation of video cameras in MPD police cruisers. In recent years, law enforcement agencies around the country have adopted programs using Mobile Video Recorder (MVR) technology, or video cameras, mounted in their police cruisers. Police departments with successful programs report that the video cameras have cut down on litigation and liability costs, as well as improved encounters between officers and citizens.

PCB recommended that MPD obtain funding for and establish a pilot program to install MVRs in approximately 10% to 20% of its vehicles. PCB also recommended that MPD develop comprehensive policies regarding, as well as a sound infrastructure supporting, the use of the

video cameras and the storage, management, and use of the information obtained from the cameras. Finally, PCB recommended that MPD establish a strong auditing system to ensure officer accountability in the use of the cameras and the video they capture.

c. Improving Police-Community Relations Through the Diversion of Some Complaints into a Rapid Resolution Program

On September 24, 2008, PCB issued a report and set of recommendations concerning the establishment of a rapid resolution program within OPC. Consistent with national statistics, OPC typically dismisses more than 80% of all complaints investigated by the agency in any given year. In a significant majority of the cases, the officer followed the law and MPD or DCHAPD procedures, and did not engage in police misconduct. However, the dismissal of cases sometimes proves dissatisfying to the individuals who filed complaints because the process does not afford citizens the opportunity to get an explanation from someone within the relevant police department about the reasons for a subject officer's actions in the incident that led to the filing of the complaint. Likewise, citizens in dismissed cases are deprived of the chance to provide input directly to the police department on how the incident affected them.

To help improve police-community relations and encourage public faith in MPD's and DCHAPD's ability to hold officers responsible for misconduct, PCB recommended the enactment of legislation that would modify OPC's current investigative authority to allow the agency, through a new "rapid resolution" process, to refer some relatively minor or service-oriented citizen complaints to MPD and DCHAPD for resolution.

d. Monitoring Citizen Complaints that are Investigated by the Metropolitan Police Department and the D.C. Housing Authority Police Department

PCB issued a report and set of recommendations on September 30, 2008, urging the enactment of legislation allowing OPC to monitor and report on citizen complaints filed with MPD and DCHAPD. OPC provides the public each year with detailed statistics about the volume and types of complaints that are filed with OPC, along with information about how those complaints are resolved. In contrast, MPD and DCHAPD do not provide the public with the same level of information regarding citizen complaints investigated by those departments.

To ensure that the public has a complete picture of the nature of police misconduct in the District, PCB recommended that OPC's current authority be expanded to include monitoring the number, types, and dispositions of citizen complaints investigated or otherwise resolved by MPD and DCHAPD. In addition, PCB recommended that this monitoring responsibility include a focus on the discipline proposed by MPD and DCHAPD, as well as the amount of discipline eventually administered by the two police departments. In addition, PCB recommended that OPC be provided with complete and unfettered access to relevant MPD and DCHAPD materials, including information pertaining to discipline, to carry out the monitoring function.

PCB also recommended in its report that the District Council enact legislation to provide OPC with full access to information and supporting documentation from MPD and DCHAPD concerning disciplinary actions taken by the two departments following the receipt of OPC sustained complaint examiner decisions. PCB further proposed that this access be extended to allow OPC to obtain all underlying materials from MPD and DCHAPD concerning any decisions

by these two departments to either impose discipline or not to impose discipline in response to “failure to cooperate” notifications received from OPC.

On February 3, 2009, Council members Phil Mendelson, Mary M. Cheh, and Muriel Bowser introduced a bill to amend the statute governing the agency to incorporate the policy recommendations issued by PCB. If enacted, the law will not only ensure increased transparency of interactions between police officers and citizens, but it will also lead to more targeted proposals for police reform in the District.

2. *Status Update for Policy Recommendations*

In this year’s report, details about any steps taken in response to PCB’s specific recommendations are included in Appendix A. The appendix has a table for each report that lists the specific recommendations made by the Board and the status of the implementation of those recommendations. The full reports and any updates that were included in earlier annual reports are available on OPC’s website, www.policecomplaints.dc.gov.

III. THE FUTURE

If the bill to amend OPC’s monitoring authority is enacted into law, OPC will need to focus on how best to use existing resources to monitor the citizen complaint processes of both MPD and DCHAPD while maintaining OPC’s own citizen complaint process. Meeting this new challenge may be complicated by static or reduced funding levels in fiscal year 2010, due to the economic difficulties faced nationally and by the District government. If the agency experiences a marked increase in the number of complaints in fiscal year 2009, as it has since 2005, any budget reductions would place a severe strain on OPC operational capabilities. However, OPC will work with the Executive Office of the Mayor and the District Council to ensure that the agency has adequate resources to fulfill its obligations to the public.

The agency will continue to analyze best practices to pursue changes designed to improve the police accountability system in the District of Columbia. With this objective in mind, PCB plans to issue five policy recommendations in fiscal year 2009. One set of recommendations will encourage MPD to develop policies and directives concerning police interactions with individuals who have limited English-speaking ability, in order to ensure that such people are provided appropriate language support services during encounters with MPD officers.

Endnotes

¹ The four possible outcomes that a complaint examiner may reach are:

Sustained – where the complainant's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper;

Exonerated – where a preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training;

Insufficient Facts – where there are insufficient facts to decide whether the alleged misconduct occurred; or

Unfounded – where the investigation determined no facts to support that the incident complained of actually occurred.

² When counting the overall outcome for a complaint, a complaint that has at least one sustained allegation is counted as a sustained complaint. The number of sustained complaints is determined by this method because if a complaint has at least one sustained allegation, it must be forwarded to the Chief of Police for imposition of discipline, even if the other allegations are not sustained. The only time that a complaint is not forwarded to the Chief of Police for discipline is when no allegations are sustained. In these cases, the complaint is dismissed after the complaint examiner issues his or her decision.

³ See, e.g., Michael Clancy, *NYCLU: Nobody's Policing the Police*, Village Voice, Sept. 6, 2007, available at http://www.villagevoice.com/blogs/runninscared/archives/2007/09/nyclu_nobodys_p.php. The article quotes statistics purporting to compare the sustain rates at different police oversight agencies. One expert in the field, Professor Samuel Walker, has discussed the difficulty of comparing and analyzing sustain rates at police departments and independent agencies. See Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (2001), at 120.

⁴ See D.C. Official Code § 5-1112.

⁵ As of the date of issuance of this report, disciplinary determinations regarding four officers are still pending.

⁶ The three resignations reported in this table include two that resulted from the criminal convictions discussed in Section II.C.1 of the Police Complaints Board Annual Report for fiscal year 2007, available at http://policecomplaints.dc.gov/occr/frames.asp?doc=/occr/lib/occr/pdf/opc_fy07_annual_report.pdf. Resigning from MPD was part of the plea agreements entered into by both subject officers.

⁷ MPD imposed 20-day suspensions on four officers resulting from complaint examination decisions that were sustained in fiscal year 2008. One officer's suspension was rescinded because MPD did not reach a final determination on the matter within the 90-day period, as required by District law. See D.C. Official Code §5-1031(a). In addition, MPD held ten days of a 20-day suspension in abeyance for one officer and the full 20 days for another officer for a period of one year. If these two officers do not engage in further misconduct within the one-year period, they will not have to serve the portions of the suspension held in abeyance.

⁸ See D.C. Official Code § 5-1111(d).

⁹ See D.C. Official Code § 5-1110(k).

¹⁰ In accordance with D.C. Official Code §5-1111(d), OPC issues discipline notifications to MPD when it finds that officers have failed to cooperate with OPC's investigative, adjudicative, or mediation processes. The statute also provides that, upon receiving a notification that an officer has failed to cooperate, "the Police Chief shall cause appropriate disciplinary action to be instituted against the employee, and shall notify the Executive Director of the outcome of such action."

¹¹ Samuel Walker, Carol Archbold, and Leigh Herbst, *Mediating Citizen Complaints Against Police Officers: A Guide For Police and Community Leaders*, U.S. Department of Justice, Office of Community Oriented Policing Services, at 40 (2002), available at <http://www.cops.usdoj.gov/files/ric/Publications/e04021486.pdf>.

¹² Given the complexity of comparing the work of independent police review agencies, the care used by Professors Walker, Archbold, and Herbst in developing their measures is significant. Each agency has different authority and responsibility, which affects the universe of complaints it can consider and resolve, the types of allegations it investigates, and the resolutions it can reach, all of which add to the challenge of finding suitable methods of comparison. Consequently, readers should use caution when attempting to compare agencies and

carefully scrutinize measures and what they purport to show because some comparisons are of questionable validity. *See, e.g.*, Denver Office of the Independent Monitor, 2008 Annual Report, at 1-4 (2008), available at <http://www.denvergov.org/Portals/374/documents/2008%20Annual%20Report%20FINAL%20for%20Web.pdf>. Denver's use of a "mediation-per-capita" standard, the only city known to use this measure, is particularly inappropriate to assess OPC's success in the use of mediation, given that OPC's mediation program does not extend to citizen complaints filed with and investigated by the police department, which has a separate complaint process and no mediation program. This may also be true of some of the other agencies examined by Denver. Moreover, the mediation-per-capita analysis also does not appear to take into account the actual volume of citizen complaints handled by any of the agencies that are compared.

¹³ To the extent other agencies survey mediation participants about their satisfaction with the process and the agreement reached through mediation, the District's program compares quite favorably. *See, e.g., id. at 1-5* (2008) (in Denver, 81% of officers and 77% of citizens were satisfied with the process, while 70% of officers and 59% of citizens were satisfied with the mediation outcome). But even this comparison is difficult to make because not all agencies require an agreement by the parties to consider a mediation session successful. *See, e.g.*, Denver Office of the Independent Monitor, 2007 Annual Report, at 7-6 to 7-7, available at <http://www.denvergov.org/Portals/374/documents/2007%20OIM%20Annual%20Report%20WebVersion.pdf>. As Professors Walker, Archbold, and Herbst point out, this is an uncommon exception to the way that mediation programs typically operate, and they do not favor it. *See Walker, et al., supra* n.9, at 36. And one can see how it would be difficult to compare the satisfaction of participants in a mediation program where an agreement is the hallmark of success with a program where an agreement is not expected nor required to consider the mediation successful.

¹⁴ Letter from Eleanor Holmes Norton, District of Columbia Delegate to the U.S. Congress, to Mark Sullivan, Director, U.S. Secret Service (March 28, 2008) (on file with the D.C. Office of Police Complaints).

¹⁵ The "District Population" data in Tables 11, 12, and 13 are included for reference purposes, and reflect the most current data available. It should be noted that anyone, whether a resident of the District or not, may file a complaint with OPC. Readers should also use caution when making comparisons between the population data and the complaint data for any particular fiscal year. The breakdown of the District population has changed some over time, so the value of these data as a comparator may vary as the difference in the age of the data sets increases.

The data in Tables 11 and 12 was obtained from the American Community Survey Demographic and Housing Estimates: 2005-2007, U.S. Census Bureau, which can be found at <http://factfinder.census.gov>. Please note that for race or national origin, the District population data add up to more than 100%. The 2007 data set considers Latino identification as an ethnic group that can include individuals who identify as members of different races, and the data set does not adjust the others categories (such as white or African-American) to separate out people who identify as both Latino and one of the other categories.

The data in Table 13 was obtained from the "Profile of General Demographic Characteristics: 2000" for the District of Columbia on the United States Census website, www.census.gov. The more current American Community Survey data used in the other tables do not include detailed data about the age breakdown of the District's population.

¹⁶ Based on the American Community Survey Demographic and Housing Estimates: 2005-2007, U.S. Census Bureau, which can be found at <http://factfinder.census.gov>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ The "Entire Police Force" data included in Tables 17, 18, 20, 21, and 22 were obtained from information provided by MPD on December 3, 2008. On that date, MPD had 3,782 sworn members, and the data reflect the breakdown of those officers. Readers should note that the police force data do not include information about DCHAPD officers.

Caution should be used when making comparisons between the police force data and the complaint data for any particular fiscal year. The breakdown of the police force has changed some over time, so the value of these data as a comparator may vary as the difference in the age of the data sets increases.

²⁰ The data regarding the assignments of subject officers have fluctuated from year to year, as they did again this year. The data may be somewhat skewed as a result of the reentry of data regarding all complaints in fiscal year

2004 or the accuracy of the assignment data available to OPC at any given time. Another factor that may be relevant is the reorganization of the department's Police Service Areas (PSAs) in May 2004 and the transfer of PSA 306 to the Second District in September 2007. At the time of the transfer, the PSA was renamed to "PSA 208." In any event, readers should use caution when attempting to draw conclusions from the year-to-year trends regarding the assignments of subject officers.

²¹ "Other" includes MPD Headquarters, the Office of Professional Responsibility, the Regional Operations Command – Central, the Regional Operations Command – East, the Superintendent of Detectives Division, the Violent Crimes Branch, the Narcotics and Special Investigations Division, the Major Narcotics Branch, the Youth Investigations Branch, the Special Operations Division, the Emergency Response Team, the Air Support Unit, the Harbor Patrol, the Canine Unit, the Major Crash Investigations Unit, the Environmental Crimes Unit, the Maurice T. Turner, Jr., Institute of Police Science, Emergency/Non-Emergency Communications, the Central Cell Block, and the Juvenile Processing Center. Please note that this list includes mostly assignment names used before a significant reorganization of MPD occurred on October 1, 2007. Some of the assignments that existed before the reorganization no longer exist or changed names as part of the reorganization.

NOTE: In reference to table 22, the police force data for the "officer" category includes 41 senior police officers and 197 police recruits. The police force data for the "sergeant" category includes 10 desk sergeants.

²² The police force data for the "officer" category includes 41 senior police officers and 197 police recruits. The police force data for the "sergeant" category includes 10 desk sergeants.

Appendix A: Policy Recommendation Status

Table 28: (Video Cameras in MPD Police Cruisers (August 28, 2008))

Recommendation	Status
<p>Establish a pilot program to install Mobile Video Recorder (MVR) technology, or video cameras, in 750 police cruisers, approximately 10-20% of the current MPD fleet, with accompanying infrastructure that ensures that officers are trained to operate the camera systems and transmit data. The infrastructure must also provide procedures for data management.</p>	<p>Pending. On December 19, 2008, MPD reported that Chief Lanier supported the pilot program in the percentage of the fleet that PCB suggested. However, overall implementation of the program depends on available funding. According to MPD, the pilot project has been initiated in the Narcotics and Special Investigations Division with the purchase of ten camera systems, along with a workstation to download and catalog files. In addition, six external hard drives have been purchased to store video. Installation of all equipment is pending upon delivery of the workstation by the vendor.</p> <p>In addition, MPD has prepared a draft of a division order explaining the operation and use of the cameras. However, a final version of the division order is pending until all equipment has been delivered and involved officers receive training on the system from the vendor.</p>
<p>Draft a comprehensive policy regarding MVR use by MPD officers that ensures legal and procedural safeguards, such as: prevent arbitrary enforcement, provide notice to citizens, address individual privacy concerns, and inform officers of the consequences resulting from abuse of the system by individual officers.</p>	<p>Pending. On December 19, 2008, MPD stated that it would delay drafting a policy until an analysis of the MPD pilot program currently awaiting implementation in the Narcotics and Special Investigations Division is completed.</p>
<p>Provide actual notice to individuals under MVR surveillance by (1) generally publicizing the adoption of MVRs; and (2) personally notifying each person subject to recording whenever practicable and at the first opportunity to do so.</p>	<p>Pending. On December 19, 2008, MPD reported that it will incorporate the PCB recommendation instructing officers to personally notify each person who may be subject to being recorded. MPD will delay implementing the PCB proposal to publicize generally the use of MVRs until an analysis of the MPD pilot program is completed.</p>
<p>Develop a comprehensive program that addresses the storage, management, and use of MVR data, as well as training for staff regarding management.</p>	<p>Pending. On December 19, 2008, MPD stated that it will delay development of a comprehensive storage and data management program until an analysis of the MPD pilot program has been completed.</p>
<p>Develop a comprehensive retention policy for MVR data that includes formal guidelines for data retention for a reasonable period of time and data disposition, as well as establishing the Chief's authority to extend or amend guidelines. The policy should reflect a balance between the need to retain evidence for possible adjudication and privacy concerns. Data retention time periods should be tailored to the expected use of the data, such as evidentiary</p>	<p>Pending. On December 19, 2008, MPD stated that development of a comprehensive retention policy for MVR data will be placed on-hold until it reviewed the results of the MPD pilot program.</p>

Recommendation	Status
support in criminal case or in cases in which MPD may be subject to civil liability, as well as for training purposes. However, a maximum storage time period of three years is recommended, subject to extension by the Chief.	
<p>Establish an MVR auditing system to ensure that each officer is operating the equipment, recording data, and uploading information in accordance with MPD policies. Periodic checks should be accomplished to ascertain if officers are behaving on camera in a manner consistent with MPD officer standards. Technology that encodes video footage with officer identification codes could facilitate periodic review.</p> <p>If MPD funds are not adequate to establish and maintain an MVR program, seek appropriations from the District council and apply for grant funding from federal and private sources.</p>	<p>Pending. On December 19, 2008, MPD reported that an auditing system would not be developed until it concluded its analysis of the MPD pilot program.</p> <p>Pending. On December 19, 2008, MPD stated resolution of this matter delayed until it analyzed the results of the MPD pilot program.</p>

Table 29: Categorization of Citizen Complaint Allegations (June 11, 2008)

Recommendation	Status
<p>Adopt a uniform citizen complaint tracking system by using:</p> <p>(1) General citizen complaint categories currently being used by OPC; and</p> <p>(2) Detailed subcategories that are the same or similar to those used by OPC.</p>	<p>Adopted in part. On December 19, 2008, MPD reported that it had changed its tracking system to incorporate those cases being investigated by OPC. The department has added the six broad categories used by OPC, specifically denoting each category as being associated with OPC. For example, MPD now tracks allegations under categories labeled, “OPC Harassment,” “OPC Language,” and “OPC Conduct.” MPD did not adopt the subcategories used by OPC because the proprietary nature of the software created by IBM and Motorola made the cost associated with such changes not feasible at this time.</p>

Table 30: Drivers and Cellular Telephones: Increasing Public Awareness of District Law (September 13, 2007)

Recommendation	Status
<p>Develop and implement a long-term plan that effectuates the purposes of the Act. The District, under the guidance of DDOT, should develop a comprehensive plan to educate the public about the law. The effort could involve issuing news releases to media outlets asking that they remind the public of the law, creating public service announcements for broadcast on television and radio, and incorporating the other elements below. The plan should take into account the input of the Executive Office of the Mayor, MPD, DMV, and other interested stakeholders.</p>	<p>Adopted. On January 12, 2008, the District Department of Transportation (DDOT) informed OPC that because funding for this effort is limited, DDOT’s Communications Office plans to cooperate with MPD in one of the less costly initiatives, specifically the distribution of news releases. As described below, DDOT is also adding information about the law to its electronic message boards and working with MPD to produce and distribute information cards about the law.</p>
<p>Place signs at entry points into the District alerting drivers to the law. Placing</p>	<p>Not adopted. On December 15, 2008, DDOT informed OPC that it would</p>

Recommendation	Status
<p>signs at various entry points to the District is an easy and effective way to notify drivers of the law. DDOT should consider installing signs on major roads leading into and passing through the District, such as Interstate 295, Interstate 395, Route 1, Route 50, and Connecticut, Wisconsin, Georgia, Massachusetts, and Pennsylvania avenues.</p>	<p>not consider adding signs concerning the law regarding cell phone usage at entry points into the District because these areas already have too many signs and additional signs would not be seen by citizens.</p>
<p>Use electronic display boards in the District to remind drivers of the law. There are no electronic display boards in the District that alert motorists to the requirements of the law. DDOT should consider strategically placing electronic display boards in high traffic areas to assist with increasing compliance with the law.</p>	<p>Adopted. On January 12, 2008, DDOT informed OPC that electronic message boards have been up and running for several weeks, notifying motorists of the District’s cell phone legislation. Display boards are currently in place at ten (10) locations, which are: (1) the inbound Theodore Roosevelt Bridge; (2) the Key Bridge; (3) Reservoir Road and MacArthur Boulevard, N.W.; (4) inbound Rhode Island Avenue, N.E.; at the Metro Station; (5) inbound East Capitol Street outside RFK Stadium; (6) the 14th Street Bridge northbound main lane; (7) the 14th Street Bridge northbound HOV lane; (8) eastbound and westbound at the 11th Street Bridge on the SE/SW Freeway; (9) inbound New York Avenue, N.E., near the Washington Times Building; and (10) southbound 16th Street, N.W., at Columbia Road.</p> <p>The standard messages reads: “DC Cell Phone Law; Hands Free or \$100 Fine.”</p>
<p>Provide informational pamphlets to car rental companies. The District should encourage car rental companies operating in the city to distribute informational pamphlets to customers. If those efforts are unsuccessful, the District should consider requiring that these materials be provided to customers. In addition, the District should encourage car rental companies in the metropolitan area outside of the District, including those located at Reagan National, Dulles, and BWI Marshall Airports, to do the same.</p>	<p>Pending. On April 14, 2009, DDOT informed OPC that it is still considering these recommendations and how to coordinate implementation with MPD.</p>
<p>Provide informational pamphlets to mobile phone retailers. The District should encourage mobile phone retailers in the city to display posters and provide informational pamphlets to customers about the law. If those efforts are unsuccessful, the District should consider requiring that information about the law be displayed in stores and distributed to customers. The District should also encourage other mobile telephone retailers in the metropolitan area to provide customers with similar information.</p>	
<p>Provide informational pamphlets to driving school or driver education businesses that operate in the District. The District should develop an informational pamphlet that can be distributed to driving schools and their students in the metropolitan area.</p>	
<p>Provide informational pamphlets to hotels, District visitor centers, museums, and other places of interest. The District should develop an informational pamphlet that can be made available at sites visited by large numbers of people from out of town.</p>	

Recommendation	Status
<p>Ensure that Metrobus and D.C. Circulator operators are aware of the Act. The District should work with the Washington Metropolitan Area Transit Authority (WMATA) and the D.C. Circulator bus system to make sure that all bus drivers know about the law and are complying with it.</p>	
<p>Ensure that overnight delivery companies and their drivers are aware of the Act. The District should work with overnight delivery companies to ensure that their drivers know about the law and are complying with it.</p>	
<p>Place logos or decals about the law on MPD police cruisers. Under this plan, MPD's efforts would go a long way towards helping to educate residents, commuters, visitors to the city, and MPD officers about the requirements of the Act.</p>	<p>Not adopted. On December 20, 2007, MPD notified OPC that it has explored the idea of signs on police vehicles and decided that the risks associated with such decals outweigh the potential benefits. According to a 2006 study commissioned by the American Automobile Association, the odds of a crash more than double when the driver's eyes are off the road for more than two seconds. Any decals on police vehicles would need to be fairly small; if drivers were focusing on reading small decals, the distraction would be a danger, and therefore not the best option for promoting traffic safety.</p>
<p>Provide continued training to MPD officers on the importance of enforcing and complying with the law. MPD should continue to emphasize to its officers – through roll calls, training opportunities, and internal MPD publications – the importance of officer compliance with the law and of the need to apply it fairly and consistently. Officers who do not follow the law or enforce it fairly should be disciplined.</p>	<p>Adopted. On December 20, 2007, MPD reported that MPD officers continue to receive training through roll call training (most recently in September 2007) and 40-hour in-service training. Officers are trained to enforce the law fairly. Disciplinary action is taken if it is determined that officers have violated the law.</p>
<p>Furnish adequate funds to carry out the Act. The District should explore a variety of options to help pay for the initiative, including applying for other federal grants and arranging for intra-District transfers of funds from MPD and DMV to DDOT. Having enacted the law, the District Council also has a special responsibility to ensure that it appropriates sufficient funds to support efforts related to the Distracted Driving Safety Act.</p>	<p>Adopted in Part. On December 15, 2008, DDOT informed OPC that grant funding was limited for this type of educational initiative. However, DDOT would continue to explore other funding sources.</p>

Table 31: Medical Treatment for Arrestees (August 8, 2007)

Recommendation	Status
<p>Issue revised and updated general orders that reflect the department’s current reliance on local medical facilities and that explicitly prohibit officers from discouraging arrestees to seek medical treatment. The revised and updated general order would address the procedures that officers should follow now that D.C. General Hospital is no longer the full service inpatient facility it was when MPD General Order 502.7 was issued. Like the policies of the Portland and San Francisco police departments, the updated general order should also list specific and objective criteria for the transportation of an arrestee to a medical facility. By setting forth in its general order a list of illnesses and injuries that require immediate medical attention, MPD would reduce the likelihood of officers making uninformed assessments of an arrestee’s medical state, and would ensure that an arrestee who complains of, or appears to have, a serious injury or medical condition such as chest pains, seizures, or head wounds receives appropriate medical care.</p>	<p>Pending. On December 19, 2008, MPD reported that it is working with the Executive Office of the Mayor and the medical director of the D.C. Fire and Emergency Medical Services (FEMS) to create a central processing facility that will be capable of providing minor medical care to arrestees at the processing center. The central processing facility will provide continuous access to health care consistent with the in-house care provided at the D.C. Department of Corrections facility. MPD anticipates that the central processing facility will be operational in 2009.</p>
<p>Establish “best practices” and quality assurance mechanisms that would ensure that MPD officers are providing arrestees with prompt access to medical care when needed. Such practices and mechanisms could include cross-checking use of force complaints where the citizen was arrested and alleged an injury with the corresponding PD 313. MPD should also conduct audits of the PD 313s on a regular basis to make sure that the form is being fully and accurately completed by the appropriate officer, that citizens have an opportunity to present on the form their account of how the injury was obtained, and that supervisors are adequately investigating the incident. MPD should post information at its processing stations explaining to arrestees the procedures for seeking medical treatment if the individual needs it.</p>	
<p>Explore the feasibility of adopting alternative approaches to MPD’s current method of providing medical treatment to arrestees. One possible approach to consider is having a trained health care or emergency medical professional on call, perhaps from the District’s Fire and Emergency Medical Services, to assess an arrestee’s medical condition and determine the proper mode of transport to a hospital where further medical care is warranted. Another idea would be to staff each district with trained health care or emergency medical professionals who can conduct assessments of arrestees around the clock. A third alternative would be to contract with a local university hospital to have trained health care professionals available and conducting assessments at some or all of the police districts.</p>	

Recommendation	Status
Review the MPD Form PD 313, Arrestee's Injury/Illness Report, and make changes where appropriate. Although the PD 313 appears to be adequate, PCB recommends that MPD review the form and make changes to it based on whatever changes are made to General Order 502.7.	Not adopted. On December 19, 2008, MPD reported that, although its Office of Risk Management routine updates the PD 313, it has not completed changes to this form.
Provide enhanced in-service and new recruit training to MPD officers. Such training should focus on making sure that officers are aware that arrestees complaining of medical illness or injury should be treated immediately, and that officers do not have the discretion to refuse medical treatment for an arrestee who requests it. In addition, the training should prohibit the practice of dissuading arrestees from seeking medical care, and explicitly inform officers that under no circumstances can they fail to seek medical treatment for those arrestees who appear to have a serious injury or illness.	Adopted. On December 20, 2007, MPD reported that this topic was included in the October 2007 roll call training and was to be included again in December 2007 for new recruit training. Additionally, this subject will be a module in the 2008 in-service training.

Table 32: Addressing Biased Policing in Washington, D.C.: Next Steps (May 17, 2007)

Recommendation	Status
MPD officially reconvene and expand the Biased Policing Task Force, with respect to both membership and responsibilities, to provide input to MPD on future steps to address biased policing in the District. At a minimum, the newly organized task force should consist of both new and established members of the District's African American, Latino, Muslim, Asian, and Lesbian, Gay, Bisexual, and Transgender (LGBT) communities. The task force should also consist of representatives from all levels and ranks of MPD, including patrol officers. Finally, in an effort to pinpoint areas where police-community relations could be strengthened, task force members should come from various geographic areas in the District, and, in particular, those areas where the MPD study found that disproportionate numbers of minorities were being stopped. Having a diverse group of community advocates and MPD officials on the task force would give the task force better practical knowledge about officer and community perceptions throughout the District. Such knowledge would greatly facilitate the department's efforts to achieve state-of-the-art practices to address the problem and perception of biased policing.	Adopted. MPD has held two meetings, on September 17, 2007, and November 14, 2007, and is working with the current membership to determine the best ways to grow, structure, and engage the Task Force. For instance, MPD has asked the group to provide materials to support revisions to MPD's training on cultural understanding. The Task Force is also providing MPD with feedback on its unbiased policing policy.
With the input of the Biased Policing Task Force, review MPD's policy prohibiting racially biased policing and make changes where needed.	Adopted. On December 20, 2007, MPD reported that Chief Lanier reissued MPD's policy on unbiased policing to the entire force in March 2007. The department has shared this with the Biased Policing Task Force, and is open to updating and reissuing the policy as appropriate.
With the input of the Biased Policing Task Force, educate officers on how to most effectively interact with people of varying races, ethnicities, and traditions and provide officers with professional traffic and pedestrian stop	Adopted. On December 20, 2007, MPD reported that all MPD recruits receive training on cultural understanding while at the academy. In addition, the assistant chief in charge of MPD's Professional Development Bureau is

Recommendation	Status
training.	working with the Task Force to identify ways to enhance recruit training, as well as in-service and roll call training for all members, to address biased policing.
<p>With the input of the Biased Policing Task Force, develop and implement strong police supervision and accountability systems and practices. Such police supervision and accountability mechanisms could possibly include the installation of car surveillance videos to identify and address any biased policing issues.</p>	<p>Adopted in part. In 2007, MPD implemented Phase I of the Personnel Performance Management System (PPMS) and the Supervisory Support Program (SSP). PPMS is a comprehensive information management system and SSP provides the tools to link this information to enhance MPD efforts at accountability and early intervention.</p> <p>On December 19, 2008, MPD reported that SSP currently incorporates a tracking mechanism that flags any allegation involving discrimination by assigning an “indicator point.” Once an officer accrues a threshold number of indicator points for allegations involving discrimination, MPD initiates a mandatory assessment and, as necessary, designs and implements an intervention plan in order to correct behavior. MPD also notes that a mandatory assessment and intervention plan is conducted when MPD finds that a single allegation of discrimination is sustained.</p>
<p>With the input of the Biased Policing Task Force, develop screening mechanisms, such as background investigations and personal interviews, to identify biased behaviors in candidates and establish a police workforce that can use its police powers in an unbiased manner and in a manner that reduces perceptions of bias.</p>	<p>Pending. On December 19, 2008, MPD stated that it had not selected National Criminal Justice Officer Selection Inventory (NCJOSI) as a replacement for the current entrance examination, due to the extensive availability of study programs and practice examinations designed to prepare individuals for the NCJOSI examination. However, MPD is conducting further research to determine if NCJOSI would be more effective than the current entrance examination in identifying biased behavior patterns in candidates.</p>
<p>With the input of the Biased Policing Task Force, conduct outreach to diverse communities in order to increase trust and cooperation between police officers and residents.</p>	<p>Adopted in part. On December 19, 2008, MPD reported that its Asian, Latino, and Gay and Lesbian Liaison Units continue to be available to members of these communities on a 24-hour basis. In addition, MPD created a training module as part of its mandatory in-service training program designed to address officer interactions with transgender individuals.</p>
<p>With the input of the Biased Policing Task Force, evaluate the MPD study and OPC report, and determine whether further stop data collection is needed to address issues raised in the study and report. MPD should also, with the input of the Biased Policing Task Force, determine whether expanded data collection and analysis is needed to examine post-stop practices such as searches and arrests, as well as biased policing issues involving Muslim, LGBT, and other diverse communities.</p>	<p>Adopted in part. On December 19, 2008, MPD stated that stop and contact information is currently being entered and maintained in a searchable database.</p>

Table 33: Enhancing Police Response to People with Mental Illness in the District of Columbia by Incorporating the Crisis Intervention Team (CIT) Community Policing Model (September 7, 2006)

On September 7, 2006, PCB issued a report and recommendations concerning police response to people with mental illness. PCB recommended the use of the Crisis Intervention Team (CIT) community policing model in Washington. Since OPC opened to the public in January 2001, it has regularly received complaints about MPD officer treatment of people suffering from mental illness.

Until recently, MPD had resisted implementing the CIT model. Our FY 2007 annual report discussed MPD’s reactions to PCB’s recommendations concerning the adoption of a CIT program. In February 2009, however, we were informed by the District Department of Mental Health (DMH) that MPD has decided to go forward with a CIT program in conjunction with DMH. We are unaware of the precise details, but we understand that CIT training for some officers will begin in April 2009. Since MPD’s position regarding our CIT recommendations changed several months after the end of fiscal year 2008, we have decided to provide the status information in the chart below as the situation existed at the end of fiscal year 2008. Our fiscal year 2009 annual report, therefore, will provide more information concerning MPD’s implementation of its CIT program in the coming months.

Recommendation	Status
The District Government should designate a subgroup of the Criminal Justice Coordinating Council’s (CJCC) Substance Abuse and Mental Health Workgroup (SAMHW) to serve as the District’s CIT task force.	Adopted in part. On August 30, 2006, the CJCC’s SAMHW established a subgroup to examine all of the alternatives available for responding to people with mental illness to create a model unique to the District. Even though the subgroup discussed CIT, MPD has decided not to adopt the model.
MPD should select a CIT coordinator now so this person can participate in the development of the program.	Adopted in part. Although there is no CIT coordinator because there is no CIT, a member of MPD’s command staff is assigned to coordinate the Department’s alternative to CIT.
The District should apply for CIT grant funds.	Adopted in part. On December 19, 2008, MPD reported that it had partnered with DMH to develop a strategic plan for providing services to mentally ill people who have contact with various parts of the criminal justice system in the District. MPD did not provide the details to this plan.
A subcommittee of the CIT task force should participate in a two-day planning workshop in Memphis.	Adopted in part. On December 19, 2008, MPD stated that it had met with representatives from the Memphis Police Department to examine the Memphis CIT model, but decided not to adopt the CIT model.
Following receipt of the subcommittee’s report, the CIT task force should outline key elements of the District’s CIT program.	Adopted in part. In 2007, MPD reported that it had not adopted the CIT model. On December 19, 2008, MPD stated that a sub-committee, made up of DMH staff, mental health advocates, pre-trial services groups, MPD representatives, community leaders, and mental health consumers, worked over a two-year period to develop an alternative model to assist the mentally-ill. As a result, the sub-committee decided to develop a mobile crisis response capacity in the District, to work with MPD’s comprehensive response model.

Recommendation	Status
<p>Task force members responsible for CIT officer training should participate in 40-hour training program in Memphis.</p>	<p>Adopted in part. On December 19, 2008, MPD stated that, despite not adopting the CIT model, it has trained the entire patrol force in aspects of crisis intervention involving mentally-ill individuals. Each officer attended a total of 32 hours of instruction, which included training on responding to individuals experiencing a mental health crisis and simulations of police interventions.</p> <p>In addition, MPD updated the following general orders and special orders that either specifically address or concern individuals with mental illnesses: G.O. 204.7 (Provisions for Homeless Persons During Periods of Cold Weather); G.O. 306.01 (Canine Teams); G.O. 308.4 (Processing of Persons Who May Suffer From Mental Illness); G.O. 901.01 (Handling Service Weapons); G.O. 901.04 (Oleoresin Capsicum (OC) Spray Dispensers); G.O. 901.07 (Use of Force); G.O. 901.08 (Use of Force Investigations); G.O. 901.09 (Use of Force Review Board); and S.O. 03-09 (Juvenile Mental Health Services).</p>
<p>The District should prepare dispatch operations for changes necessitated by CIT.</p>	<p>Not adopted. Although MPD chose not to develop CIT training for officers, the agency stated on December 19, 2008, that the agency participated with DMH in a pilot project that was conducted in the first district in order to assess joint mobile crisis response.</p>
<p>The District should coordinate with the Emergency Medical Services Bureau of the D.C. Fire and Emergency Medical Services.</p>	<p>Adopted. FEMS has participated in a pilot project that is examining the agencies' joint responses to the mental health community. In addition, FEMS is working closely with DMH to develop an agreement to address training and other issues involving services to people with mental illness.</p>
<p>MPD should prepare to collect and analyze CIT service call data.</p>	<p>Adopted in part. Although MPD has decided not to adopt the CIT model, MPD is collecting and analyzing service call and other data to examine its responses to people with mental illness..</p>
<p>DMH should prepare to collect and analyze data on outcome of CIT officer referrals.</p>	<p>Not adopted. MPD has not adopted the CIT model.</p>
<p>MPD should ensure that CIT officers develop knowledge of and a close working relationship with community-based mental health service providers.</p>	<p>Not adopted. MPD reported on December 19, 2008, that it was developing a city-wide approach consistent with the CAR model.</p>
<p>DMH should strengthen and expand its mobile crisis unit.</p>	<p>Pending. DMH is in the process of expanding this unit and creating mobile crisis outreach teams. The goal is for these teams to be available citywide, 24 hours a day, seven days a week, and be available to respond to the requests of MPD, FEMS, and people with mental illness..</p>
<p>DMH's Comprehensive Psychiatric Emergency Program (CPEP) should be relocated to a facility that includes emergency medical treatment and alcohol and drug detoxification services.</p>	<p>Pending. Although there are no plans to relocate CPEP, DMH is planning on adding addiction counseling services at the facility in 2008. In addition, DMH acknowledges the need for and is working toward having the capacity to conduct initial medical evaluations and basic lab work at CPEP.</p>
<p>DMH should ensure that CPEP policies emphasize use of community-based resources and outpatient observation, evaluation, and treatment to the greatest</p>	<p>Pending. DMH recognizes this issue and appears to be committed to drawing on community-based resources. In addition, DMH is focusing</p>

Recommendation	Status
extent possible.	training and communication in this area.

Table 34: Police Service to Disabled Persons Who Use Service Animals (August 17, 2006)

Recommendation	Status
MPD should issue a general order that provides information to officers on handling requests for service that involve service animals.	<p>Adopted in part. On December 19, 2008, MPD stated that is had created a training module as part of its mandatory training for all members of the department, but has not completed policy updates. The training provides definitions, identifies types of service animals, and details mandatory provisions under the Americans with Disabilities Act. The training also provides etiquette to be demonstrated by officers while interacting with any service animal.</p>
MPD should include a specific section on service animals in training on disabilities and ADA compliance.	
MPD should conduct a roll-call training lesson for all officers on service animals as soon as possible.	

Table 35: Pretextual Stops of Bicyclists (August 4, 2005)

Recommendation	Status
The District Government should replace mandatory, police-based bicycle registration with voluntary registration through a national registry.	Adopted. The Bicycle Registration Reform Act of 2008 was signed by the Mayor on January 24, 2008, and became effective on May 1, 2008. The Act does not require a person to register a bicycle in the District. Instead, MPD will check the identification number of any bicycle recovered by MPD against the National Bike Registry.
MPD should collect bike stop data as part of the department’s Biased Policing Project to assess the issue of racial profiling in bicycle stops.	Adopted in part. On November 1, 2005, MPD informed OPC that it was collecting this data on the MPD Form PD 76, which is the same form being used to record motor vehicle stop data for the department’s racial profiling study. This data was collected but not analyzed by MPD, and the department stopped mandatory collection of data in December 2006.
MPD should provide better training for officers and recruits regarding the scope of the bicycle laws.	Adopted. On December 20, 2007, MPD reported that recruit training now includes a week-long class addressing traffic enforcement and safety. Recruits are trained on what is needed in order to make legal bicycle stops. These issues are reinforced in the laws of arrest, search and seizure, and traffic lessons. In addition, there has been a renewed emphasis on traffic enforcement and safety in roll-call training.
The District Government and MPD should take steps to better inform bike riders of their duties under the law.	Adopted in part. On December 20, 2007, MPD reported that information for the public will be updated following the adoption of the legislation to eliminate the registration requirement. MPD previously linked information about the helmet laws to the “Traffic Safety” section of its website.

Table 36: Publication of MPD Orders on the Internet (July 14, 2005)

Recommendation	Status
MPD should publish its orders and directives, along with an index, on the department’s website to make this information readily available to the public at no cost.	Adopted in part. In an ongoing effort, MPD has made available many of the most frequently requested general orders through a link on MPD’s website, http://www.mpd.org/GO/index.htm .