

FISCAL YEAR 2001 ANNUAL REPORT

CITIZEN COMPLAINT REVIEW  
BOARD

*and the*

OFFICE OF CITIZEN  
COMPLAINT REVIEW



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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF CITIZEN COMPLAINT REVIEW



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December 10, 2001

Dear Mayor Williams, District Council Members,  
and Chief of Police Ramsey:

We are pleased to submit the 2001 Annual Report of the Citizen Complaint Review Board (CCRB) and the Office of Citizen Complaint Review (OCCR). The report covers the agency's operations during the District of Columbia government's fiscal year October 1, 2000 through September 30, 2001.

This is the first annual report of the agency, which opened its doors to the public on January 8, 2001. Our goal has been to establish an agency that provides Washington, D.C. with a highly competent, fair and impartial forum for the review and resolution of complaints of misconduct against Metropolitan Police Department (MPD) officers. Although we continue to be in the start-up phase of our development as an independent agency of the District of Columbia government, we have made significant progress during our first (partial) year of operations. Some of the highlights:

- Between January 8, 2001 and December 10, 2001, the OCCR grew from having only an executive director to a staff of 14, adding a deputy director, a chief investigator, two senior investigators, five line investigators, a public affairs specialist, a staff assistant, a clerical employee and a receptionist.
- Investigators have received comprehensive training that includes a week-long course in investigative techniques taught at the Institute of Police Technology and Management at the University of North Florida in Jacksonville, Florida; 40 hours of training provided by the MPD in police procedures; and in-house courses on various topics ranging from mediation to excessive force issues.
- Our mediation program was instituted, resulting in settlements being reached between citizens and subject officers in seven of the ten cases that were referred to mediation.
- The agency established an intern program that attracted a total of seven college students from area schools such as George Mason University, George Washington University and Howard University, as well as two full-time summer law clerks from the Georgetown University Law Center.
- We developed a state-of-the-art case tracking system that will allow our agency, the MPD and the public to track patterns of alleged police misconduct in all seven police districts and eight wards of the city. In addition, we laid the groundwork for the launch of our website, [www.occr.dc.gov](http://www.occr.dc.gov) in December 2001.

- An outreach campaign was implemented to establish and strengthen ties with various stakeholders. Regular meetings were conducted with community groups, District officials, MPD management and union officials and others.
- As part of our strategy to make the agency as accessible as possible, complaint forms were made available in seven languages other than English: Spanish, Mandarin Chinese, Vietnamese, Japanese, French, Creole and Russian.

The CCRB and the OCCR have enjoyed a mostly cooperative relationship with the MPD in getting operations off the ground. As an example of that cooperation, it is significant that the OCCR has not had to subpoena a single MPD officer to appear for an investigative interview, although this authority exists under our governing statute. But the success of our agency will depend on even greater levels of cooperation in the future. In order to prevent the severe backlog of cases that contributed to the demise of the predecessor Civilian Complaint Review Board in 1995, the MPD will have to implement mechanisms to provide the OCCR with more direct and quicker access to subject and witness officers whom we wish to interview as part of our investigations. As well, the OCCR must be permitted timely and unfettered access to relevant documentary evidence in the possession of the MPD if our independent oversight function is to be meaningful.

We recognize that the vast majority of police officers in the District are hardworking professionals who do not engage in misconduct. But given the history of citizen oversight in Washington, D.C. and the distrust held by many people toward the police here and in many areas of the United States, the CCRB and the OCCR have a tall order to fill. However, if this agency is successful, then the level of misconduct within the MPD should necessarily decrease and better relations will ultimately ensue between the public and the MPD. These are worthy goals upon which everyone can agree and we fully intend to do our part. The CCRB and the OCCR are mindful of the fact that we are located in the nation's capital. Thus, how we resolve allegations involving the abuse or misuse of police powers says a lot about us, our city, and perhaps, something about our democracy.

Respectfully submitted,

Maria-Cristina Fernandez  
Chairperson  
Citizen Complaint Review Board

Philip K. Eure  
Executive Director  
Office of Citizen Complaint Review

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## **History and Purpose of the Citizen Complaint Review Board and the Office of Citizen Complaint Review**

The Office of Citizen Complaint Review (OCCR or Office) and its governing body, the Citizen Complaint Review Board (CCRB or Board) were created by statute in 1999 to adjudicate and resolve citizen complaints of abuse of police powers within the Metropolitan Police Department (MPD), the District of Columbia's 3,600 member police force. The agency was created by the District to fill the void left by the 1995 abolition of the Civilian Complaint Review Board, which was plagued by inadequate funding and staff, resulting in lengthy delays in the processing and resolution of citizen complaints. The District's new citizen oversight office is the product of extensive research and review by District officials, with Board members and staff who seek to employ the best practices of citizen oversight of law enforcement. The ultimate goal is to provide the public with an independent, impartial and fair forum for the review of complaints of misconduct against MPD officers.

The purpose of establishing an improved system of citizen oversight in the District is set forth in the statute creating the CCRB and OCCR:

“The purpose of this subchapter is to establish an effective, efficient, and fair system of independent review of citizen complaints against police officers in the District of Columbia which will:

- (1) Be visible to and easily accessible to the public;
- (2) Investigate promptly and thoroughly claims of police misconduct;
- (3) Encourage the mutually agreeable resolution of complaints through conciliation and mediation where appropriate;
- (4) Provide adequate due process protection to officers accused of misconduct;
- (5) Provide fair and speedy determination of cases that cannot be resolved through conciliation or mediation;
- (6) Render just determinations;
- (7) Foster increased communication and understanding and reduce tension between the police and the public; and
- (8) Improve the public safety and welfare of all persons in the District of Columbia.”

D.C. Code Section 5-1102. The agency has set about to fulfill this mission in a comprehensive and goal-oriented manner. Following the appointment of Board members by Mayor Anthony Williams and approval by the District Council in January 2000, the CCRB hired Philip K. Eure as executive director of the OCCR in July 2000. In consultation with Board members, Mr. Eure began the task of building the office from scratch; from hiring key investigative and administrative personnel to securing office space, purchasing computers, phones and office supplies. Because the Board wanted the agency to live up to the mandate of the statute and to become a model agency within the District government, several Board members and Mr. Eure visited other cities, conducted extensive research, met with nationally recognized experts and developed a best practices approach.

After a development period of about four months, the OCCR opened its doors on January 8, 2001. That same day the office took in its first complaint from a citizen who described how his claims of excessive force by police officers had been ignored when reported to police investigators. This first complaint and the new agency were spotlighted in a January 9, 2001 Washington Post article.

Since January 8<sup>th</sup>, the Office has grown to a staff of 14, taken in over 300 formal complaints, mediated ten cases and established productive relationships with various community groups, the MPD and its police officers' union, the Fraternal Order of Police (FOP). The CCRB and the OCCR are pleased with the progress during this first year.

### **Organization and Overview**

#### **The Citizen Complaint Review Board**

According to its enabling statute, the Citizen Complaint Review Board is to be composed of five members, one of whom must be a member of the MPD and four private citizens, all volunteers who have no current affiliation with a law enforcement agency. All must be residents of the District of Columbia and they serve staggered three-year terms. The members appointed by Mayor Williams and approved by the District Council in January 2000 were:

***Maria-Cristina "Mai" Fernandez*** was appointed Chair of the Board and works as the Managing Director for Program Operations of the Latin American Youth Center (LAYC). Prior to joining LAYC, Ms. Fernandez was an associate with a local law firm and worked as a Special Assistant to the Assistant Attorney General for the Office of Justice Programs in the U.S. Department of Justice. Ms. Fernandez also spent two years as a prosecutor with the Manhattan District Attorney's Office following her graduation from American University's Washington College of Law. She received her undergraduate degree from Dickinson College.

***Michael Sainte-Andress*** is a well recognized community activist who has served as an appointee of two former mayors on the District's Ryan White HIV Health Services Planning Council. In addition, Mr. Sainte-Andress has been an advocate on many issues affecting the District's gay and lesbian communities. He is a graduate of Lincoln University in Pennsylvania and has been a teacher, dancer, singer, actor, writer and producer. He also served in the U.S. Navy.

***Michael Selmi*** is a Professor of Law at George Washington University Law School where he teaches courses in civil rights and constitutional law. Prior to entering academia, Professor Selmi was an attorney at the Lawyers' Committee for Civil Rights Under Law and in the Civil Rights Division of the U.S. Department of Justice. He is a graduate of Stanford University and he received his law degree from Harvard University.

***Dr. Patricia Fisher*** is a licensed counseling and clinical psychologist with over 25 years of experience in the mental health and substance abuse fields. She has worked in and served as a

consultant to a variety of governmental, private and public organizations. Dr. Fisher, a native Washingtonian, has maintained a private practice in Washington, D.C. for over 15 years and has been involved in several professional and community organizations. She received her undergraduate and master's degrees from Howard University and she earned her doctorate in counseling psychology from the University of Minnesota.

***Inspector Stanly Wigenton*** is a 23-year veteran of the Metropolitan Police Department and the director of Internal Affairs with MPD's Office of Professional Responsibility, where he previously served as a lieutenant and a captain. Inspector Wigenton has served as an officer and lieutenant in the 2<sup>nd</sup> district, a sergeant and captain in the 4<sup>th</sup> district, a captain and commanding officer in the 6<sup>th</sup> district and an inspector in the Communications, Business Services, and Special Operations divisions. He attended the University of the District of Columbia.

The Board meets on the first Monday evening of each month. At these meetings, Board members are updated by the OCCR executive director, deputy director and chief investigator on various issues, including, developments in office infrastructure, outreach and personnel matters. In addition, they are provided with a report of the complaints received by the Office, along with their dispositions. The Board takes an active role in the work of the OCCR, offering guidance on many issues that arise. They are also charged with reviewing the executive director's recommendations for dismissal of complaints that are found to have no merit or are in some other manner no longer being pursued by the OCCR.

#### The Office of Citizen Complaint Review

The executive director of the OCCR is Philip K. Eure, who was appointed by the Board in July 2000. He is assisted by Deputy Director Tamar M. Meekins and Chief Investigator Chester Longcor. The Office is staffed by an investigative team consisting of two senior investigators and five staff investigators, all of whom take in and investigate complaints. The management team and investigators are assisted by a public affairs specialist, a staff assistant, an investigative clerk and a receptionist. Additionally, OCCR has developed a summer law clerk program and year-round college internships to aid the staff in its regular duties and special projects.

***Philip K. Eure***, the executive director, joined the agency after working as a Senior Attorney in the Civil Rights Division of the U.S. 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. Mr. Eure received his undergraduate degree from Stanford University and his J.D. degree from Harvard Law School.

***Tamar M. Meekins***, the deputy director, recently arrived at the OCCR from the Public Defender Service for the District of Columbia, where she was the Chief of Legal Services and held positions as the Trial Chief and a staff attorney. Ms. Meekins spent two years in private practice at the law firm of Dewey, Ballantine, Bushby, Palmer & Wood. She received her law degree from the University of Virginia School of Law and her undergraduate degree from the University of Pennsylvania.

***Chester Longcor***, the chief investigator, came to OCCR with over 25 years of investigative experience, most recently with the District of Columbia Inspector General’s Office, working on police corruption issues in the Special Investigation Unit. Previously, Mr. Longcor spent 24 years in the U.S. Army where he was an assistant operations officer and a special agent with the Criminal Investigation Command. Mr. Longcor received his undergraduate and master’s degrees in public administration from Troy State University.

Other Staff:

Carole Rice – Public Affairs Specialist  
Justo Diaz – Senior Investigator  
Leslie Katz – Senior Investigator  
Natasha Bryan – Investigator  
Edward Daniels – Investigator  
Karey Hall - Investigator

Kelly Huang - Investigator  
Benjamin Jones – Investigator  
Sonja Wingfield – Staff Assistant  
Beverly Mercer – Investigative Clerk  
Sherry Meshesha – Receptionist

Staff Growth and Development

OCCR staff development and training are given a high priority. Non-investigative employees are initially instructed in the goals and purpose of the Office and undergo a training period. Additionally, all staff are informed of all training programs and courses offered through the District government’s Center for Workforce Development and other specialized training given by private entities and other District or federal agencies in the area. Investigators receive training and professional enrichment through a combination of outside and in-house instruction.

a. Required Initial Training for Investigators

OCCR investigators are required to complete a formalized training program. This program varies for everyone because investigators come to OCCR with differing levels of experience and training. Certain core courses, however, have been identified as required for all investigators. These courses are all taught at the Institute of Police Technology and Management at the University of North Florida in Jacksonville, Florida. The basic curriculum for OCCR investigators includes instruction in investigative techniques, internal affairs, interviewing and interrogations.

OCCR investigators have attended, and will attend on a continuing basis, MPD’s in-service and re-certification training. This instruction is required of all MPD officers and consists of 40 hours in areas such as domestic violence, the use of handcuffs, the law of arrest, search and seizure, rules of evidence, traffic stops, note taking and report writing.

Additionally, in a project spearheaded by Senior Investigator Leslie Katz, the OCCR has developed a draft investigations manual to be used as an initial training tool and reference guide during investigations. The manual includes practical information on how to conduct interviews and obtain documents and evidence and also sets forth the requirements for investigative reports.



b. Continuing Investigator Training and Speaker Series

The OCCR puts a premium on training all investigators and believes that all employees can learn from each other in important ways. Investigators and managers frequently present training sessions on topics of interest to them or bring in outside guests who have expertise in a field relevant to the work of OCCR. These sessions are usually held on a weekly basis.

c. Weekly Staff Meetings

OCCR staff meets as a whole every week to ensure that all employees stay abreast of issues that are important to the mission of OCCR and to discuss different approaches or challenges to providing our services to the public. All are encouraged to share with the group additional resources and new ideas for the Office as a whole or in individual cases. Employees have repeatedly voiced their support for the opportunity to come together as a group on a frequent basis.

d. Professional Organizations

Staff members at OCCR play an active role in several professional organizations related to citizen review of law enforcement and learn from the discussions and training seminars presented by these organizations. For example, employees have attended the annual meetings in 2001 of the International Association for Civilian Oversight of Law Enforcement (IACOLE) and the National Association for Civilian Oversight of Law Enforcement (NACOLE).

### Interns and Law Clerks at the OCCR

The OCCR established an internship program during the summer of 2001. After an application and interviewing period, two law clerks and three college interns were hired for the summer. While the law clerks performed legal research on various policy issues, the college interns complemented the full-time OCCR investigators. The college students were required to complete an intensive training program that combined a period of initial instruction with a continuing education component. The summer interns were also assigned cases, which they investigated with the guidance of a “mentor,” a full-time OCCR investigator who was partnered with each intern. The interns and law clerks were evaluated at the end of their summer with OCCR.

The internship program continued during the fall 2001 semester, with volunteer college students working at the OCCR as part of their university coursework. While semester interns are assigned to OCCR mentors, they are not given their own cases to investigate, but rather assist full-time OCCR investigators with varying tasks ranging from assistance with witness interviews to research on office-wide projects. They are required to attend a series of in-house training sessions.

## **The Work of the OCCR**

### **The Complaint Process**

The statute creating the CCRB and OCCR sets forth the complaint process. The law embodies a hybrid model for citizen oversight – an independent authority that investigates complaints and makes policy recommendations to the police department. Consequently, the agency operates independently of the MPD, while at the same time interacting with Department officials and fostering a mutually beneficial working relationship.

The OCCR is physically located away from MPD buildings, and complaints may be received at the OCCR office, as well as any police district station. Additionally, because accessibility is a key goal of the Office, complaints may be made in person, by mail, telephone or e-mail by any person who has personal knowledge of alleged police misconduct, irrespective of whether the individual is the actual victim. However, all formal complaints must be signed and certified as true by the complainant. An investigator is on duty every day that the Office is open and speaks directly with complainants when they call or walk in. Also, complaint forms have been translated in seven other languages to serve non-English speaking citizens and several Spanish-speaking investigators are on staff.

In order for OCCR to pursue a matter, the complaint must be received within 45 days of the alleged misconduct and must fall within at least one of five categories: 1) harassment; 2) use of unnecessary or excessive force; 3) insulting, demeaning or humiliating language or conduct; 4) discriminatory treatment; or 5) retaliation for filing a complaint with the OCCR. Complaints that fall outside of these five areas are referred to the MPD's Office of Professional Responsibility. Complaints are screened by the executive director, who decides whether to dismiss, investigate, mediate or conciliate the matter or refer it to the United States Attorney for the District of Columbia for possible criminal prosecution. Whenever the executive director decides to dismiss a complaint, one member of the Board must agree to the dismissal.

The agency believes firmly in the benefits of mediation. Thus, appropriate complaints are forwarded to mediation on a frequent basis. Independent mediators then meet with the complainant and subject police officer in an effort to come to a resolution. Likewise, OCCR's executive director may conciliate appropriate complaints in order to resolve them.

Once a complaint is referred for investigation, an investigator is assigned to the matter. The investigator interviews the complainant, subject officer and witnesses to the incident, obtains documentary materials, and visits the scene of the incident or conducts any other investigation deemed appropriate after consultation with a supervisory investigator. Because the statute mandates MPD cooperation with the OCCR in the investigation and adjudication of complaints, the two agencies have developed a working relationship to facilitate the interviewing of officers and access to documents. If it becomes necessary, the OCCR has the authority to subpoena documents and can report to MPD superiors an officer's failure to appear for an interview, which may result in discipline.

When an investigation is completed, the investigative report is forwarded to the executive director who may dismiss the complaint, request further investigation or refer the matter to a complaint examiner for a merits determination. The OCCR's first complaint examinations will occur in fiscal year 2002. OCCR is assembling a well-respected, experienced and talented pool of lawyers to perform this function for a fee. The complaint examiner may request further investigation or may decide the case after a thorough review of the investigative file or after an evidentiary hearing. However, the complaint examiner is not required to hold a hearing. Should a hearing be scheduled, both parties will have the opportunity to present testimony and evidence. If a complaint is sustained, the executive director will send the determination and the entire OCCR file to the police chief for review and imposition of discipline. If the police chief does not agree with the findings of the complaint examiner, he may return the matter to the executive director for review by a final review panel consisting of three complaint examiners. If the merits determination is upheld by the review panel, the police chief must issue a decision on discipline for the subject officer. If the complaint is not sustained, then the executive director shall issue a written dismissal.

## 2001 Statistics

OCCR was very busy during its first year of operations. The agency was contacted 477 times by citizens during the nine months that it operated in fiscal year 2001, January 8, 2001 through September 30, 2001, averaging 53 “contacts” per month. Of these 477 contacts, 308 resulted in formal signed complaints. The agency reported the following year-end statistics:<sup>1</sup>

<b>Total Citizen Contacts (including phone, mail, walk-ins, etc.)</b>	<b>477</b>
Contacts Closed – No Formal Complaint	147
Closed – Administrative Reasons	12
Pending Formal Complaints	10
<b>Total Formal Complaints Received (signed and certified)</b>	<b>308</b>
Closed Formal Complaints	161
Referred to MPD	112
Referred to Other Police Agencies	3
Dismissed	16
Successfully Mediated Cases	7
Withdrawn by Complainant	10
Administrative Closures	13
Pending Closure	30
Pending Dismissal Determination	15
Pending Mediation	15
Referred for OCCR Investigation	98
Referred to U.S. Attorney for Criminal Investigation	19

Many of the 308 formal complaints contained allegations of misconduct in more than one area. In addition, statistics on the types and number of allegations made are based on how a complainant reports an incident. In fiscal year 2001, citizens most often complained of an officer’s use of inappropriate language or conduct, defined by the statute as insulting, demeaning

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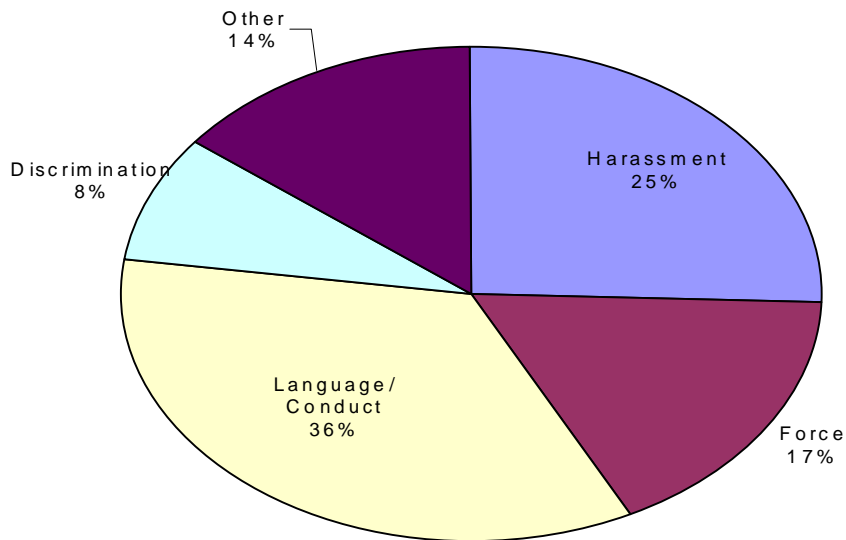
<sup>1</sup>The statistics noted in this annual report are provisional and were compiled by hand from case records of the OCCR. Some of these figures may be reported again in next year’s annual report for comparison purposes and, therefore, may be altered slightly because of revised collection procedures following the installation of OCCR’s new automatic case tracking system.

or humiliating. To decrease the numbers of complaints concerning language and conduct, it seems clear that MPD should review its officer training programs, with an eye toward more emphasis on courteous communications with citizens in initial academy courses, as well as later in-service training sessions.

The number of allegations in each category of OCCR’s authority and the percentage of formal complaints filed for each category appear below:

Language/Conduct	148
Harassment	109
Excessive Force	73
Discrimination	36
Retaliation	0
Other <sup>2</sup>	62

**Percentage of Formal Complaints Filed By Category -  
Fiscal Year 2001**

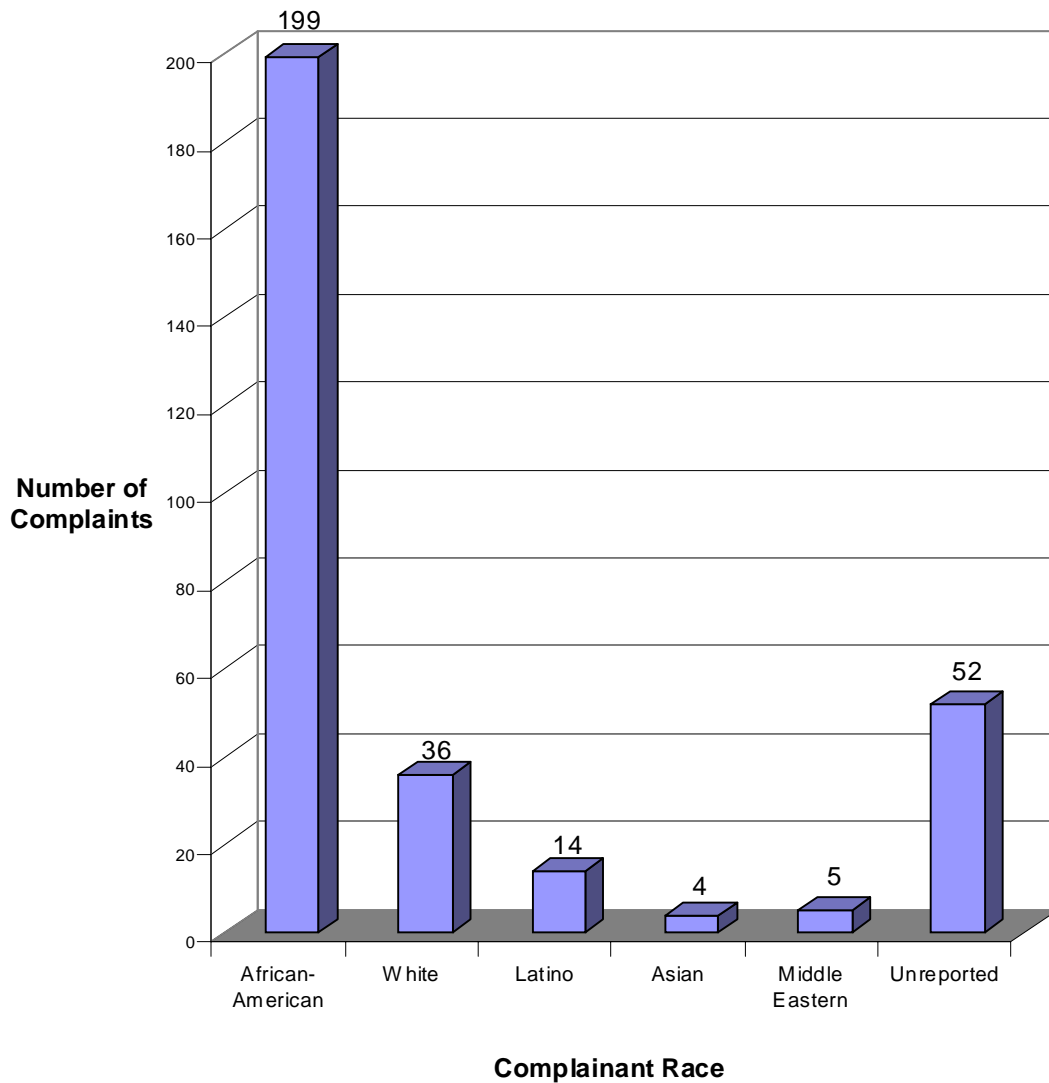


<sup>2</sup> The “other” category includes some complaints that do not fall within the authority of the OCCR , as well as some complaints with multiple allegations where the complainant also indicated “other” on the complaint form.

Although most of the complaints alleging discrimination involved race or national origin, OCCR also received complaints involving other types of discrimination. For example, the agency received two complaints alleging gender discrimination, two alleging age discrimination, three complaints of discrimination based on disability and seven complaints alleging discrimination based on sexual orientation.

The complainants who filed complaints with OCCR represented a diverse population. However, the overwhelming majority of formal complaints were filed by racial minorities -- 222, and represented 71% of the total formal complaints filed.

**Breakdown of Complaints by Complainant Race  
Fiscal Year 2001**

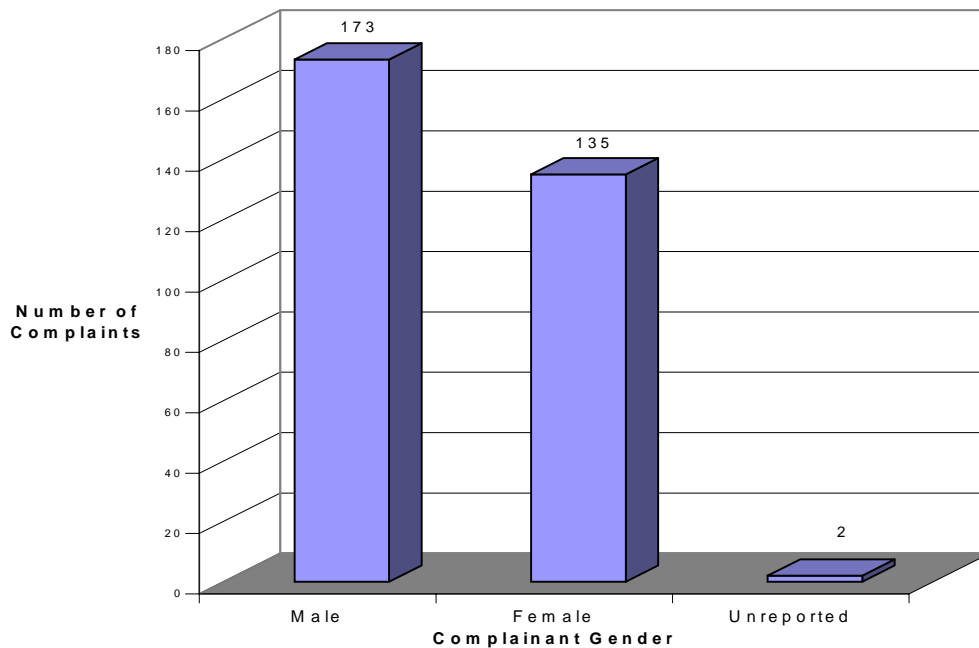


Additionally, as shown below, while the percentage of complaints filed by African American citizens is higher than the representation of African-Americans in the District’s population, the percentages of complaints filed by white and Latino citizens are lower than their respective percentages in the District’s population. It should be noted, however, that anyone, whether a resident of the District or not, can file a complaint with the OCCR.

<i>Racial Group</i>	<i>OCCR Complainants</i>	<i>District Population<sup>3</sup></i>
<b>African-Americans</b>	63%	57%
<b>White</b>	12%	29%
<b>Latino</b>	5%	7%
<b>Asian</b>	1%	3%
<b>Middle Eastern</b>	2%	<sup>4</sup>
<b>Unreported</b>	17%	--

Moreover, the majority of individuals who filed formal complaints with the agency were male – 173 or 55% of the total complaints filed. 135 women filed formal complaints, representing only 44% of the total complaints filed (1% did not report their gender).

**Breakdown of Complaints by Complainant Gender - Fiscal Year 2001**

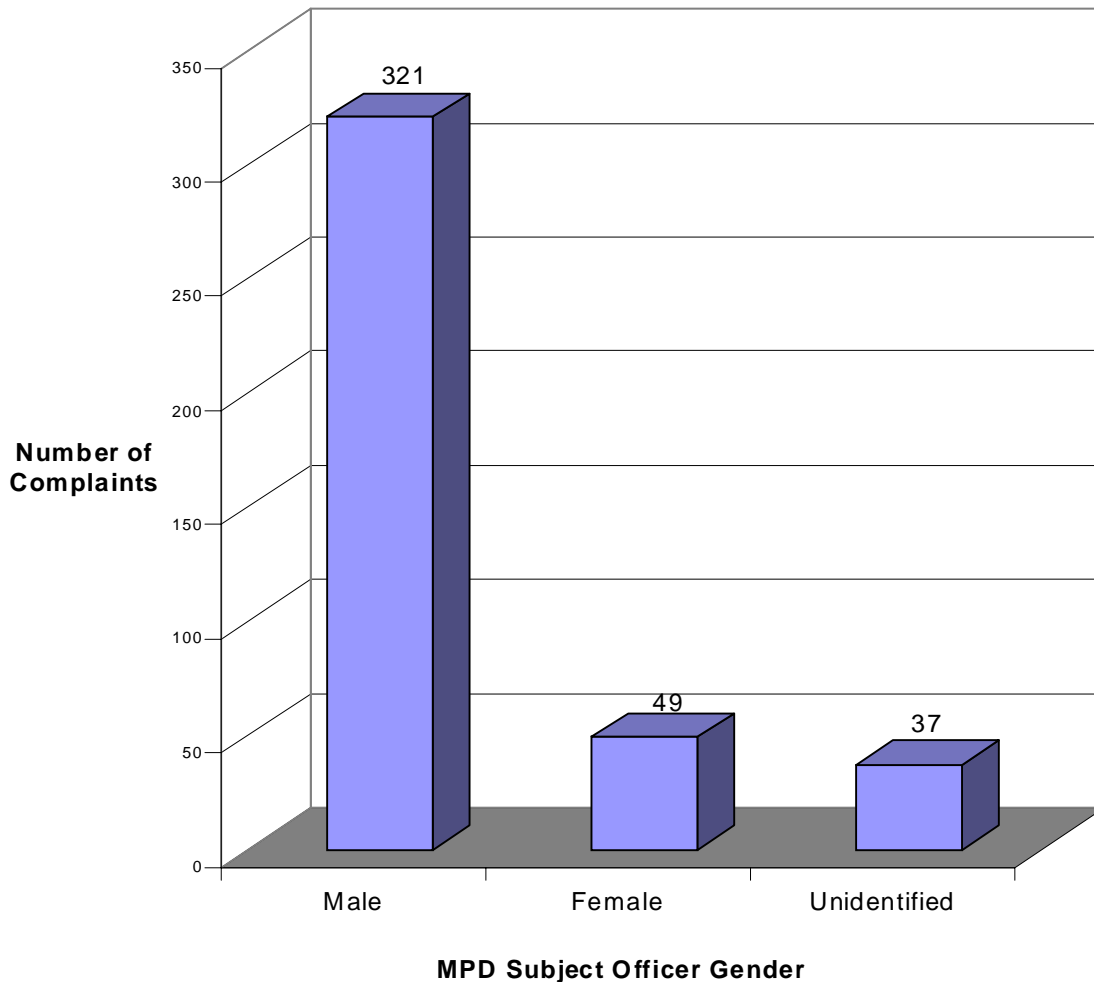


<sup>3</sup> The figures cited in this report regarding the District of Columbia population are calculated from Census 2000 Redistricting Data.

<sup>4</sup> No figures were reported in the Census 2000 Redistricting Data for citizens of Middle Eastern origin.

Seventy-nine percent (79%) of the complaints that were filed with OCCR alleged misconduct by male police officers, as compared to only 12% alleging misconduct by female officers (9% were unreported).<sup>5</sup> This disparity is even more pronounced when compared with the gender composition of the MPD. In 1999, MPD reported that its force was composed of 25% females and 75% males.<sup>6</sup> OCCR's complaint figures seem to indicate that female officers in the District are significantly less likely to have complaints of misconduct filed against them than are filed against their male counterparts.

**Breakdown of Complaints by MPD Officer Gender  
Fiscal Year 2001**



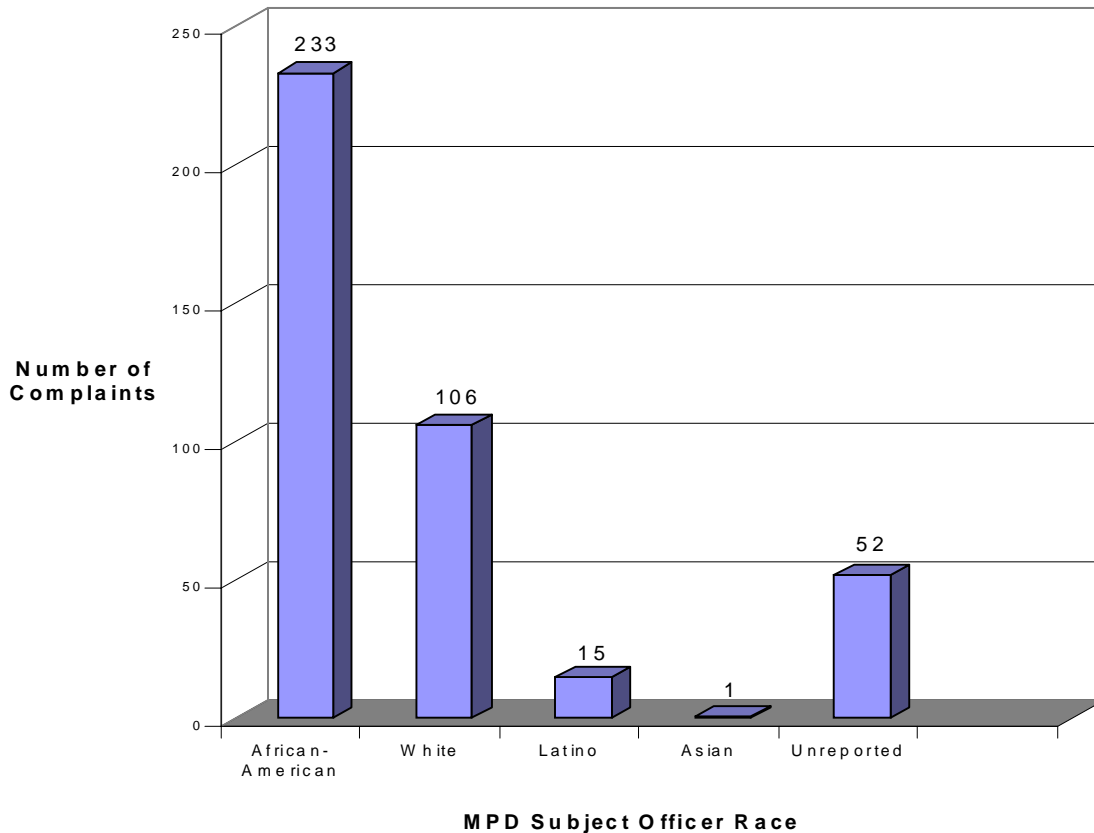
<sup>5</sup> Some complaints allege misconduct by more than one MPD officer.

<sup>6</sup> 1999 Annual Report of the Metropolitan Police Department.



The graph below provides information about the race and national origin of those officers who were the subject of formal OCCR complaints. The table breaks down the percentages of MPD officers by race and national origin. These figures are contrasted in the next column with the racial breakdown of the sworn MPD workforce.<sup>7</sup>

**Breakdown of Complaints by MPD Officer Race  
Fiscal Year 2001**

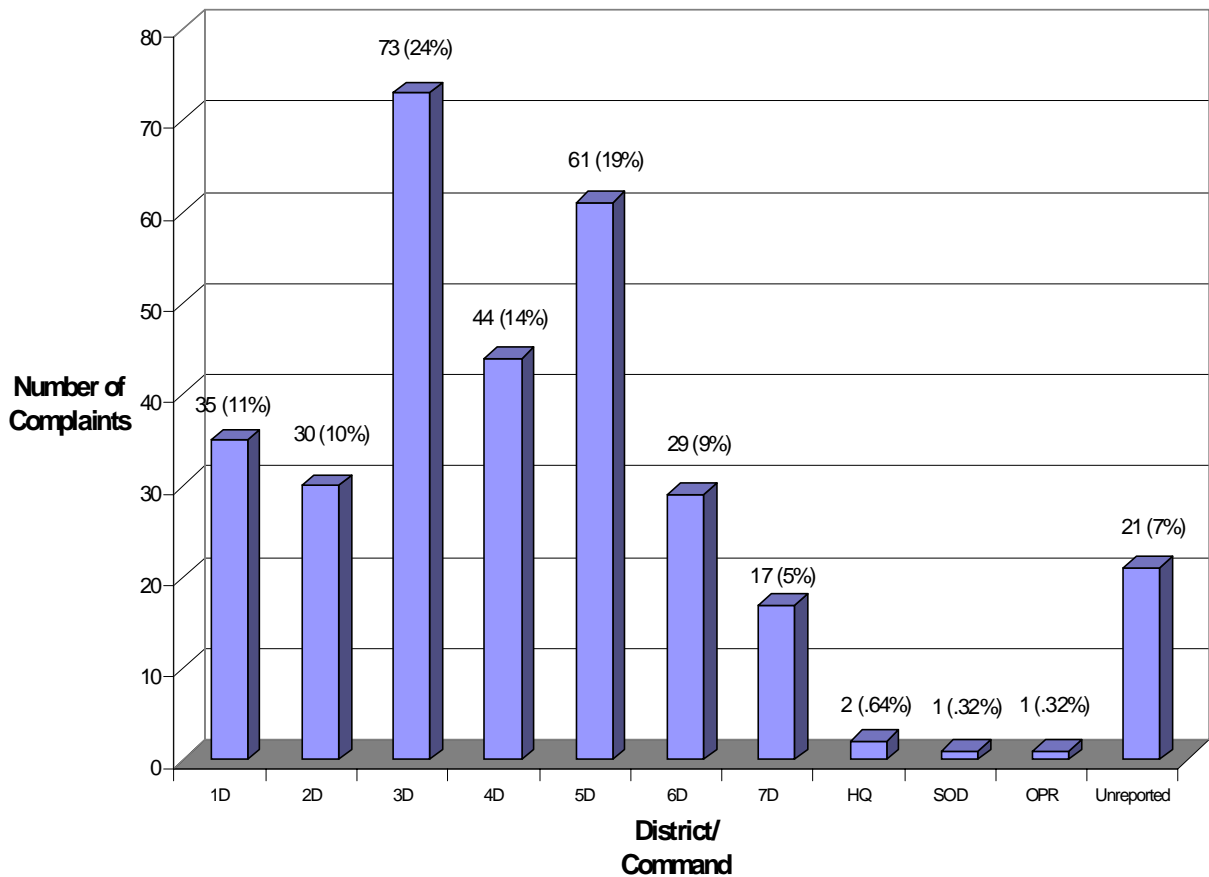


<i>Racial Group</i>	<i>MPD Subject Officers</i>	<i>All MPD Sworn Officers</i>
<b>African-American</b>	57%	67%
<b>White</b>	26%	27%
<b>Latino</b>	4%	5%
<b>Asian</b>	0%	1%
<b>Unreported</b>	13%	

<sup>7</sup> 1999 Annual Report of the Metropolitan Police Department. Although OCCR identifies “Middle Eastern” as an ethnic category of complainants, the MPD does not record such data on its workforce. Thus, there is no “Middle Eastern” category in the bar graph and chart shown on this page.

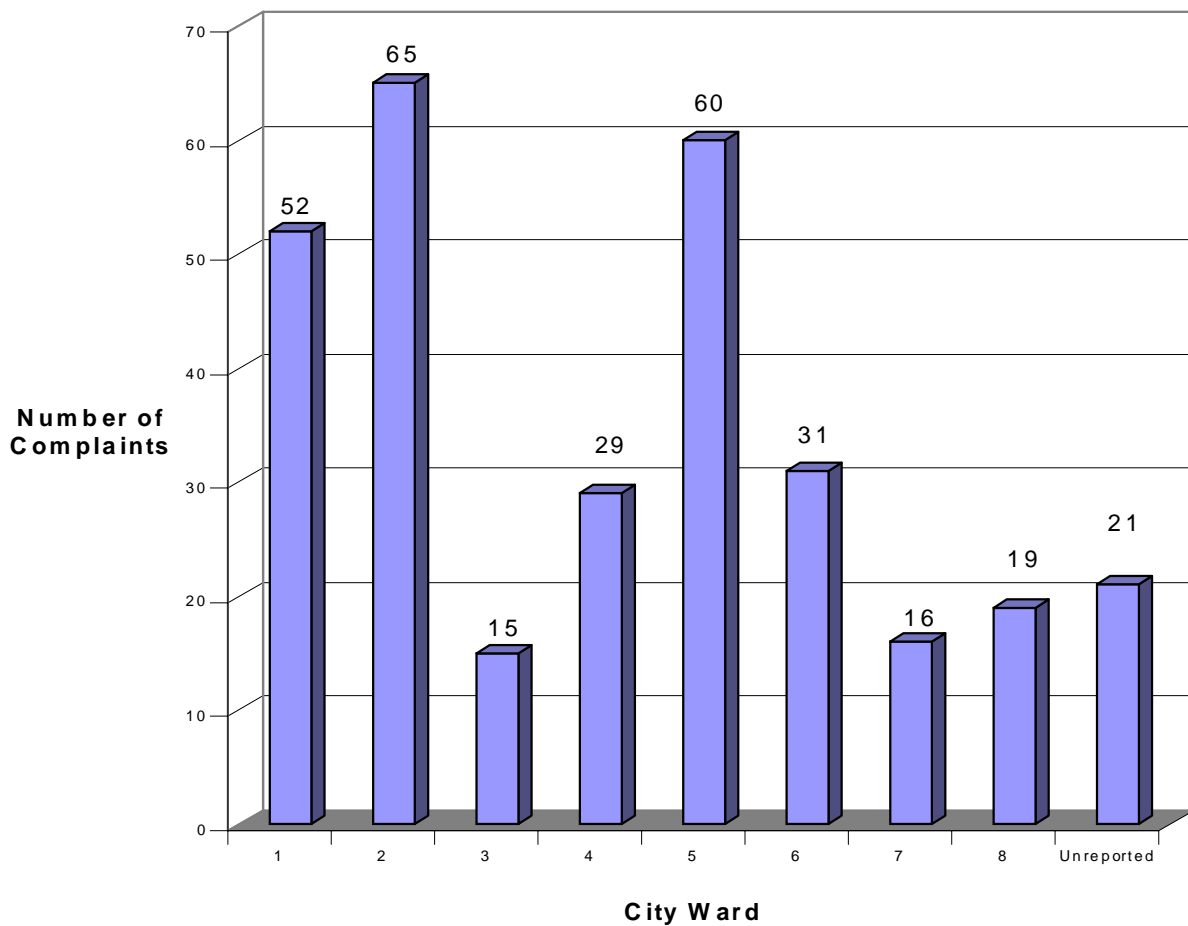
The officers who were the subject of the complaints came from police districts and wards throughout the city, including MPD headquarters units (HQ), the Special Operations Division (SOD) and the Office of Professional Responsibility (OPR). In a few instances, officers from different districts were the subject of a single complaint. The 3<sup>rd</sup> police district, which covers portions of the Adams Morgan, Columbia Heights, Ledroit Park and Dupont Circle areas, had the largest share of complaints, representing 24% of the total formal complaints. However the 5<sup>th</sup> police district followed closely, with 19% of the complaints. The 5<sup>th</sup> police district includes much of the Northeast section of the city, encompassing such neighborhoods as Brookland, Trinidad and Michigan Park. The 7<sup>th</sup> police district, covering a substantial part of the Southeast quadrant of the city that is east of the Anacostia River, reported the lowest number of complaints, with only 17. This number represented only 5% of the total number of formal complaints.

**Breakdown of Complaints by MPD District  
Fiscal Year 2001**

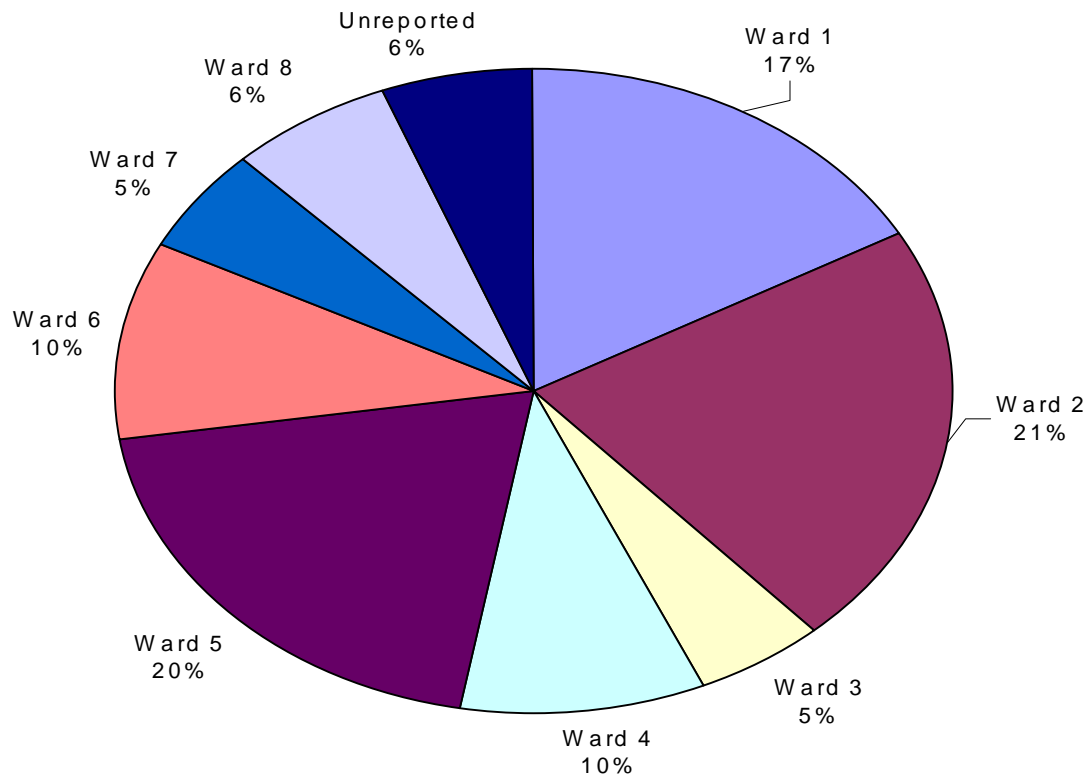


Wards 2 and 5 had the highest percentages of complaints, based upon where the incidents of police misconduct allegedly occurred. Ward 2, which includes Chinatown, Georgetown, the downtown business district and the Shaw community, registered 65 complaints, representing 21% of the formal complaints. Likewise, Ward 5's 60 complaints represented 20% of the filed complaints. Ward 5 covers many parts of the Northeast section of the city including the Brookland, Trinidad, Brentwood and Michigan Park neighborhoods. Ward 3, which had the lowest percentage of complaints filed with OCCR, covers a large section of the Northwest quadrant of the city, including the Friendship Heights, Chevy Chase, Tenleytown and Spring Valley neighborhoods. Ward 7, covering east of the Anacostia portions of the Southeast and Northeast quadrants of the city and Ward 8, including far Southeast and Anacostia neighborhoods, also registered low numbers of complaints in fiscal year 2001.

**Breakdown of Complaints by City Ward  
Fiscal Year 2001**



**Percentage Breakdown of Complaints by City Ward  
- Fiscal Year 2001**



In the months and years ahead, OCCR plans to study these police district and ward statistics to determine if the figures represent instances of more or less police misconduct in certain areas or whether outreach efforts need to be targeted in particular communities to make citizens more aware of our agency.

## Mediation

The OCCR has a mediation program that allows for the citizen and the subject officer to meet face-to-face to resolve some complaints. If the mediation is successful, the two parties will perhaps gain a better understanding of what motivated their actions during the incident. One or both parties may even apologize, or the officer may agree to some type of corrective action as part of the settlement. In short, the goal of OCCR's mediation program is to give both parties a chance to work together to achieve a mutual understanding without the stress and expense of a formal legal dispute.

There is no charge to the citizen or to the accused officer who participate in mediation. The OCCR has contracted with a mediation service, the Community Dispute Resolution Center, that has assembled a pool of well-trained, experienced and diverse mediators. Mediation sessions can include either one or two mediators. Sessions can last up to several hours. Mediators are committed to helping the parties reach a settlement. Another session can be scheduled if the citizen and the police officer believe it might be helpful.

Both parties must sign a confidentiality agreement before the mediation session begins. The agreement provides that anything that is said by either party during the session cannot be disclosed outside of the room. This is to encourage parties to be honest and open in attempting to resolve the dispute.

Under OCCR's mediation program, the subject officer is required to participate if the executive director has referred the matter to mediation. If an officer refuses to attend a mediation session, the police chief has the authority to discipline him or her for refusing to participate. However, the process is essentially voluntary since neither the citizen nor the officer is required to reach an agreement during mediation.

All complaints are potentially eligible for mediation except those involving allegations of the use of excessive or unnecessary force. But OCCR's policy prevents a subject officer from having the opportunity to mediate more than one complaint during the same calendar year.

A total of ten cases were mediated during fiscal year 2001. Of these ten matters, seven were successful because they resulted in an agreement between the citizen and the officer. Three were unsuccessful and were referred back to the executive director for action.

Under the statute creating the OCCR, if deemed appropriate by the executive director and if the parties agree to participate, the executive director may, in the alternative, attempt to resolve some complaints by conciliation. To date, the OCCR has not referred any matters to conciliation, preferring at this time to refer cases having settlement prospects to mediation. The OCCR is currently studying the conditions under which it might conciliate some cases in the future.

The following are two examples of cases mediated by OCCR during its first year:

Mediation Case Study #1

The citizen (or complainant) alleged that the officer used inappropriate language and conducted herself in an unprofessional manner during a traffic stop. The complainant believed that she was mistreated because she was a woman. She filed the complaint in order to prevent the officer from harassing other females during traffic stops and to compel the officer to seek counseling. Even though the complainant felt intimidated during the traffic stop, she was hopeful that meeting with the officer during a mediation session could resolve the matter.

During the mediation session, both the citizen and the officer stated their respective perceptions about the incident. The officer acknowledged how her actions might have been wrongly interpreted by the citizen and in the end agreed to take a “verbal judo” training course provided by the MPD training academy. The training course is designed to cover relevant subject matter, such as communication and listening skills. In return, the citizen agreed in writing that the mediation process had successfully resolved the issues pertaining to her complaint and agreed to release the officer and MPD from any claim of wrongdoing.

Mediation Case Study #2

The citizen filed a complaint against the subject officer for use of language that was insulting, demeaning and humiliating. The citizen stated that she had been involved in a verbal confrontation with a neighbor when she heard someone calling her name from outside of her house. She opened the door and saw the officer at the bottom of the stairs to her house. The citizen maintained that the officer yelled at her in a commanding voice and ordered her to come downstairs to talk with him regarding the incident. The citizen claimed that she was insulted and embarrassed in the way the officer handled the entire situation. The citizen stated that the officer could have lowered his tone of voice while he was talking to her and could have spoken to her inside of her residence, instead of out on the sidewalk in public view.

During the mediation session, the citizen explained to the officer that although he did not use any profanity or discriminatory language during their conversation near the house, she felt that he could have been less commanding. In turn, the officer explained that due to the physical altercation the citizen had engaged in with her neighbor preceding the verbal confrontation, the officer used a commanding voice in order to control the situation and prevent a further altercation from occurring.

After discussing the matter at length with the officer during the mediation session, the citizen gained a better understanding of police procedures and the perspective of the officer. The citizen willingly agreed to release the officer and the police department from all claims that could arise out of the incident and documented in writing that the officer acted properly in accordance with police procedures.

## Outreach

In June 2001 the OCCR hired Carole Rice to be its public affairs specialist and outreach coordinator. Since that time, Ms. Rice has worked to build bridges with many of the diverse communities of the District. Before and after Ms. Rice's arrival at OCCR, agency personnel have strived to create and strengthen ties with various stakeholders. The agency intends to conduct even more outreach in fiscal year 2002. After almost six years without an external review mechanism in the nation's capital, there exists an enormous challenge of building trust and informing the public that there is an independent and effective avenue of redress for complaints of misconduct against District police officers.

During fiscal year 2001, OCCR staff has made presentations on a number of occasions to the NAACP-MPD Criminal Justice Task Force, an umbrella organization of more than a dozen groups interested in criminal justice reform in Washington, D.C. The task force, which meets monthly at the offices of the local chapter of the American Civil Liberties Union (ACLU), is a diverse body with representatives from organizations advocating the interests of, among others, African-Americans, Latinos, gays and lesbians, juveniles, the homeless, civil rights and civil liberties proponents, domestic violence victims and the criminal defense bar. The task force also played an important role in re-establishing citizen oversight in the District.

In addition to these presentations, OCCR employees have spoken at other community forums ranging from an Advisory Neighborhood Commission meeting to sessions with representatives of the Asian and Latino communities. To assist in outreach to non-English speaking communities and in recognition of the large number of foreign visitors to Washington, D.C., the OCCR has created complaint forms in seven languages other than English: Spanish, Chinese (Mandarin), Vietnamese, Japanese, French, Creole and Russian. The OCCR also has several bi-lingual employees, including investigators who can speak Spanish and Chinese.

The OCCR has also sought to establish better ties with rank-and-file officers of the MPD and to educate them about our agency. The OCCR has provided several briefings to the leadership of the FOP. In the future, the OCCR will provide briefings about the agency to each new recruit class enrolled at the MPD training academy. Similarly, a different OCCR investigator has been assigned to be a liaison to each of the MPD's seven police districts. By establishing these relationships, the OCCR hopes to facilitate investigations and troubleshoot when problems involving access to officers and documents arise. As well, OCCR wants to demystify the investigation, mediation and adjudication processes and thereby clear up misinformation that may exist about the new citizen oversight process in the District.

Just as OCCR staff has benefited from contacts with citizen oversight professionals in other cities, the OCCR has provided information and advice to local governments contemplating new or improved police oversight systems. Executive Director Philip Eure has met or spoken with officials from neighboring Montgomery and Prince George's counties as well from Miami,

Florida, among other places, to share insights about the work of our agency. The OCCR has also welcomed international guests who expressed an interest in the subject of citizen review of police misconduct. For example, as part of a program sponsored by the U.S. State Department, Chief Investigator Chester Longcor and Senior Investigator Justo Diaz hosted the head of Mexico's state police training institute.

By hiring an outreach coordinator, the OCCR has made a commitment to ensure that educating the public and building bridges remain an integral part of this agency's mission. To be credible in the eyes of the public and to gain valuable feedback that will result in the improved delivery of services, the CCRB and OCCR plan to interact even more with all stakeholders in the future. In so doing, the agency believes that it can be more effective while at the same time helping to foster better ties between communities and the police.

### **Information Technology**

Because OCCR anticipates that it will eventually receive about 1,000 complaints per year, the agency is making use of current technologies that will assist in case tracking and management and will allow the public to access the resources of OCCR more easily. Toward that end, in April 2001, OCCR contracted with a consultant to develop the Office's requirements for a case tracking system. The OCCR retained as a consultant the information technology specialist, Lorrie Tanioka, from San Francisco's Office of Citizen Complaints. She had recently designed her agency's state-of-the-art case tracking system. OCCR then took these "business requirements" and contracted with a local vendor to design, develop and maintain the case tracking system and the agency website. The new case tracking system will allow OCCR to manage its cases and track the incidences and patterns of alleged police misconduct across the police districts and wards of the city. The website will be partially integrated with the case tracking system and the prototype has been submitted to the District government's Office of the Chief Technology Officer for review and comment before it goes online in December 2001. The case tracking system is now in the final testing stages of development.

### **The Future**

As of December 1, 2001, OCCR has a total of 14 employees. The budget permitting, the OCCR would like to hire additional investigators to keep up with the caseload. The volume of complaints is expected to grow with increased community outreach efforts and the establishment of a hotline telephone number for reporting complaints about the police. The key to OCCR's success will be its ability to manage this growth in a way that will ensure the timely conduct of investigations.



As the result of the Memorandum of Agreement (MOA) reached between the District of Columbia Government, the MPD and the U.S. Department of Justice on June 13, 2001, the OCCR will set up the hotline number in coming months. The logistics of OCCR's hotline system are currently being worked out. The MOA is largely intended to bring about reforms in the MPD's "use of force" policies.

With the imminent launch of its website and the implementation of its sophisticated case tracking system, the OCCR will serve the public even better in the future. Soon, citizens will be able to file their complaints online. Once the case tracking system is fully operational, the OCCR and the public will be able to analyze statistics regarding citizen complaints and the types of alleged misconduct upon which they are based. This review of citizen complaints will enable the governing CCRB to make informed policy recommendations to the Mayor, the District Council and the MPD concerning those elements of management of the MPD affecting the incidence of police misconduct.

In the coming weeks, the CCRB will issue its first set of policy recommendations. During the latter part of fiscal year 2001, the CCRB and OCCR embarked on an ambitious project to identify and end racial profiling by Washington, D.C. police officers. Under the guidance of the CCRB, the OCCR staff collected documents, studies and reports on racially biased policing and interviewed officials in the District as well as local leaders in jurisdictions that have implemented data collection systems. These efforts will result in the issuance of a comprehensive set of recommendations to monitor bias by MPD officers during traffic stops. In fiscal year 2002, the CCRB anticipates that it will issue several more policy recommendations that are intended to reduce the level of police misconduct in Washington, D.C.