



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



**ANNUAL REPORT
FISCAL YEAR 2003**

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



January 22, 2004

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

We are pleased to submit the 2003 Annual Report for the Office of Citizen Complaint Review (OCCR) and its governing body, the Citizen Complaint Review Board (CCRB). This report covers the agency's operations during the District of Columbia Government's fiscal year from October 1, 2002, through September 30, 2003.

This is the third 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 the District of Columbia with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints filed by the public against Metropolitan Police Department (MPD) officers. We made substantial progress over the course of the year, and achieved several notable accomplishments, which include:

- Six hundred thirteen people contacted OCCR to inquire about filing a complaint. The agency received 361 complaints, and closed 235. OCCR completed full investigative reports for 106 complaints, adjudicated 19, and mediated 21. Fifteen decisions sustaining police misconduct allegations were forwarded to MPD, and the Chief of Police has taken steps to impose discipline for all of the decisions.
- OCCR launched its complaint examination process, which was the final part of OCCR's overall complaint process, and allows the agency to issue decisions sustaining police misconduct complaints. Each complaint is reviewed by one of OCCR's 16 complaint examiners, who issues a written decision resolving the complaint. OCCR referred 31 complaints into the complaint examination process, and resolved 19 of the complaints by the end of the year. The decisions regarding these complaints are posted on OCCR's website, www.occr.dc.gov.
- OCCR referred 31 complaints to mediation, and completed 21 mediation sessions in fiscal year 2003. Since the agency opened, OCCR has referred 78 complaints to mediation, and mediated 46, with an overall success rate of 76%. The overwhelming majority of participants in the process who have been surveyed continue to be satisfied with the services provided by the mediator, the mediation sessions, and the resulting settlements.
- OCCR wrote to members of Congress regarding the "State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2003," met with Congressional staff about the bill, and encouraged other police oversight and law

enforcement agencies to contact Congress about the legislation. This bill seeks to address issues affecting state and local law enforcement officers. However, several provisions of the bill would have a negative impact on OCCR and other agencies that investigate complaints against the police by requiring changes to each agency's complaint process and imposing costs on the process, among other things.

- OCCR implemented its Community Outreach Strategic Plan for 2003, which included a very successful student interactive training program. In addition, OCCR gave presentations to groups throughout the District, participated in forums related to police accountability and criminal justice issues, and gave media interviews to discuss the agency and its work. OCCR also translated its complaint form and information sheet into 13 languages and distributed these materials to 117 embassies in Washington, and made many changes to its website to increase the information available to the public about the agency.
- OCCR completed much of the supporting research and analysis for a detailed policy recommendation regarding disorderly conduct arrests made by MPD officers, which CCRB ultimately issued on November 19, 2003.
- OCCR significantly improved its information technology (IT) infrastructure and support by obtaining new complaint management software, changing its e-mail service, purchasing and installing a new network server, tape backup system, and uninterrupted power supply in its offices, and making arrangements for regular computer support to maintain its IT systems and address any IT issues that arise.

One of the key elements of OCCR's accomplishments has been the steps the agency has taken to stretch its limited resources and develop creative ways to enhance the agency at low or no cost to the District. For example, OCCR entered into contracts with a complaint examination service and a mediation service, which engage highly skilled attorneys and mediators in the complaint resolution process at a cost well below the market, and at less expense than having full-time staff with comparable experience. OCCR arranged for the assistance of a Washington-based law firm to provide counsel for its complainants at no cost to ensure that they are adequately represented in the complaint process and that OCCR's evidentiary hearings develop full and fair evidentiary records. OCCR began participating in the District's Capital City Fellows Program, which allows the agency to hire recent public policy school graduates at a relatively low cost to OCCR. Finally, OCCR continued its internship program, which has brought talented college and law school students to work at the agency for academic credit or modest pay and expanded the agency's capacity to perform its work.

We are pleased with these accomplishments, and believe that they set the stage for even greater progress in fiscal year 2004. However, as the statistics in this annual report indicate, OCCR is faced with a growing number of complaints being received by the agency that is consistently larger than the number of complaints the agency is able to resolve with the resources it currently has available. The persistent difference between the number of complaints received and the number of complaints resolved, which has become more apparent as the agency has been open for a longer period of time, has caused the number of open complaints to grow, and is beginning to result in a backlog that will only grow as more time passes. There are structural

limits to the number of complaints OCCR can resolve with its current staffing and funding levels. OCCR's experience, along with the standards for funding and staffing used by comparable police oversight agencies, clearly indicate that without more resources to devote to the investigation and resolution of complaints, this trend threatens to overwhelm the agency and undermine its complaint resolution process.

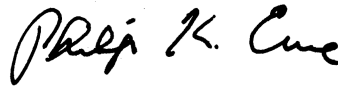
OCCR has an excellent staff and the entire team will be working in fiscal year 2004 to be as efficient as possible, and to resolve as many complaints as possible. Even so, as the statistics in this report illustrate, OCCR needs additional resources simply to keep up with the complaints that the agency is receiving. Such an increase does not even take account of the resources that OCCR needs to resolve the cases that are currently backlogged, to offer competitive salaries that will allow OCCR to retain its staff and attract talented new employees, to expand its capacity to receive and resolve complaints, to increase community outreach, or to develop additional policy recommendations. In general, now that OCCR is a fully operational agency, it needs resources sufficient to allow it to adequately perform its various functions.

During our fourth year of operation, CCRB and OCCR look forward to working with the Mayor, the Council, and MPD to ensure that the agency has the resources it needs to carry out its mission. The support we have received from the Mayor and the Council, as well as the cooperation shown by MPD over the past three years, have made our success to this point possible. We will continue to pursue our goal of establishing an agency that provides the District of Columbia with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints, and to be a positive force for better policing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maria-Cristina Fernandez".

Maria-Cristina Fernández
Chair
Citizen Complaint Review Board

A handwritten signature in black ink, appearing to read "Philip K. Eure".

Philip K. Eure
Executive Director
Office of Citizen Complaint Review

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I. AGENCY OVERVIEW

A. Introduction

The Office of Citizen Complaint Review (OCCR) and its governing body, the Citizen Complaint Review Board (CCRB), were created by statute in 1999, and OCCR opened to the public on January 8, 2001. The agency is independent of the Metropolitan Police Department (MPD), the District of Columbia's 3,700-member police force, and its mission is to receive, investigate, and resolve police misconduct complaints filed by the public against MPD officers. 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 police misconduct complaints. The District's new police oversight office was the product of extensive research and careful thought by District officials. The result was an agency with board members and staff who seek to employ the best practices of citizen oversight of law enforcement, and whose ultimate goal is to provide the public with an independent and impartial forum for the investigation and timely resolution of police misconduct complaints.

B. Citizen Complaint Review Board

According to its enabling statute, CCRB is composed of five members, one of whom must be a member of MPD, while the other four must have no current affiliation with any law enforcement agency. All Board members must be residents of the District of Columbia, and they serve staggered three-year terms. The current Board members are:

Maria-Cristina "Mai" Fernández, the Chair of the Board, is the Managing Director for Program Operations at the Latin American Youth Center (LAYC). Prior to joining LAYC, Ms. Fernández 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 at the U.S. Department of Justice. Ms. Fernández 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, and is enrolled in a graduate program at Harvard University's Kennedy School of Government during the 2003-2004 academic year. Ms. Fernández's term expires on January 12, 2005.

Dr. Patricia Fisher is a licensed counseling and clinical psychologist with over 30 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 for over 20 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. Dr. Fisher's term expires on January 12, 2004.

Michael Sainte-Andress is a community activist who has served as an appointee of two former mayors on the District's Ryan White HIV Health Services Planning Council. Mr. Sainte-

Andress has been an advocate on many issues affecting the District, including human and civil rights, voter registration, adult literacy education, arts education in public schools, HIV/AIDS issues, and gay/lesbian/bisexual/transgender issues. He is a motivational speaker and cultural diversity workshop facilitator, and has been a teacher, dancer, singer, actor, writer, and producer. He is a graduate of Lincoln University in Pennsylvania, and has served in the U.S. Navy. Mr. Sainte-Andress's term expires on January 12, 2005.

Marc Schindler is a staff attorney with the Youth Law Center. Before joining the Youth Law Center, he served as an assistant public defender in Baltimore, where he represented children in juvenile delinquency proceedings. In 1996, Mr. Schindler received the Cahill Award, presented annually to an outstanding public defender in Maryland. He has conducted workshops throughout the United States and has written several publications dealing with legal issues related to children, with particular emphasis on improving the conditions of confinement for institutionalized children. Mr. Schindler received his undergraduate degree from Yale University and his law degree from the University of Maryland School of Law. His term expires on January 12, 2006.

Inspector Stanly Wigenton is a 25-year veteran of the Metropolitan Police Department and the director of Internal Affairs in 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 Second District, a sergeant and captain in the Fourth District, a captain and commanding officer in the Sixth District, and an inspector in the Communications, Business Services, and Special Operations divisions. He attended the University of the District of Columbia. Inspector Wigenton's term expires on January 12, 2006.

The Board meets on the first Monday evening of every other month. At these meetings, OCCR management updates Board members about various issues, including developments in office infrastructure, outreach, and personnel matters. In addition, the Board is provided with a report of the complaints received by OCCR, along with the disposition of these complaints. The Board takes an active role in the work of OCCR, offering guidance on many issues affecting the operation of the office. The Board also is charged with reviewing the executive director's determinations regarding the dismissal of complaints, as well as making recommendations to the Mayor, the Council of the District of Columbia, and MPD, where appropriate, regarding recruitment, training, evaluation, discipline, and supervision of police officers where changes may decrease the incidence of police misconduct.

C. Office of Citizen Complaint Review

OCCR operates under the supervision of its executive director, who is appointed by the Board. The executive director is assisted with the management of OCCR by a deputy director, chief investigator, and assistant chief investigator. The office has its own investigative staff, which consists of one senior investigator and five staff investigators, all of whom take in and investigate complaints. The management team and investigators are assisted by an administrative officer, public affairs specialist, staff assistant, investigative clerk, and receptionist. In addition, OCCR funds the employment of a fellow assigned to the agency from the District's Capital City Fellows Program, and the agency has developed an internship program

that brings in college and law students year-round to assist the staff with its regular duties and special projects. The current members of OCCR's staff are:

Philip K. Eure became OCCR's first executive director in July 2000 after working as a senior attorney in the Civil Rights Division at 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 law degree from Harvard Law School.

Thomas E. Sharp, the deputy director, joined OCCR in October 2002 from the law firm of Wilmer, Cutler & Pickering, where he was an associate in the firm's securities enforcement and regulatory practice. Prior to joining the firm, he served as staff counsel to Newark, New Jersey, City Councilman Cory Booker and as a law clerk to U.S. District Judge Myron H. Thompson in Montgomery, Alabama. Mr. Sharp has a bachelor's degree from the State University of New York at Buffalo and a law degree from Yale Law School.

Clifford C. Stoddard, Jr., the chief investigator, was appointed to his position in June 2003. Mr. Stoddard is a retired Special Agent from the U.S. Air Force Office of Special Investigations and former Assistant State's Attorney and Chief of the White-Collar and Computer Crime Division of the Anne Arundel County State's Attorney's Office in Annapolis, Maryland. He was an adjunct faculty member at the National Advocacy Center and has taught nationally for the National District Attorney's Association and the American Prosecutor's Research Institute on white-collar and computer crime subjects. Mr. Stoddard has a bachelor's degree from Southern Illinois University, Carbondale, and a law degree from the Georgetown University Law Center.

Kesha Taylor, the assistant chief investigator, was hired in July 2002. Prior to joining OCCR, 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.

As of the issuance of this report, OCCR's other staff members are:

Anthony Lawrence	Senior Investigator
Natasha Bryan	Investigator
Sean Mornan	Investigator
Megan Rowan	Investigator
Andrea Del Pinal	Investigator
Sherry Meshesha	Investigative Clerk
Melanie Deggins	Public Affairs Specialist

Stephanie Banks
Sonja Wingfield
Audrey Jewell

Administrative Officer
Staff Assistant
Receptionist

Samuel L. McFerran

Management Analyst / Capital City Fellow

OCCR staff development and training are a high priority for the agency. All employees go through a training program that instructs them on the goals and purpose of the office, as well as the specific functions related to their jobs. Investigators attend training provided by MPD's Institute of Police Science and the Institute of Police Technology and Management at the University of North Florida in Jacksonville, Florida. In addition, all staff members are eligible for, and encouraged to attend, training programs and courses offered through the District Government's Center for Workforce Development, as well as other specialized training given by private entities and other District or federal agencies. The specific training described above is supplemented by weekly staff meetings where all employees are informed about issues that are important to the mission of OCCR, and the staff discusses different issues that arise in carrying out OCCR's work.

D. Interns and Law Clerks at OCCR

In the summer of 2001, OCCR established a year-round internship program for both college and law school students. College interns assist with investigations, community outreach, and other projects in the office, while law school interns perform legal research on various policy issues. Interns volunteer their time and receive academic credit for their work during the academic year. Over the summer, budget permitting, interns receive a salary for full-time work. OCCR's internship program has been an excellent way for the agency to stretch its limited budget by engaging talented students in the agency's work, while giving them valuable practical experience in exchange. The program has also been a valuable recruitment tool for the agency, with two former interns currently employed by the agency as investigators.

Since the internship program began, OCCR has attracted many outstanding students. Through the fall of 2003, 21 college students and nine law students have participated in the program. The college students have come from a variety of schools, including American, George Mason, George Washington, Howard, and Niagara Universities and the University of the District of Columbia. The law students have come from the Catholic University of America's Columbus School of Law, the Georgetown University Law Center, the George Washington University Law School, the Howard University School of Law, and the University of the District of Columbia's David A. Clarke School of Law. The internship program has provided substantial benefits to OCCR and the District, and the office plans to continue hiring interns during each semester and the summer.

E. Complaint Process

OCCR's work centers around the complaint process, which is set forth in the statute and regulations governing the agency. The public initiates the complaint process, so it begins only after a person has filed a written, signed complaint with the agency. OCCR has the authority to

investigate complaints that are received within 45 days of the alleged misconduct and that allege abuse or misuse of police powers by MPD officers, including:

- (1) Harassment;
- (2) Use of insulting, demeaning, or humiliating language or conduct;
- (3) Retaliation for filing a complaint with OCCR;
- (4) Use of excessive or unnecessary force; or
- (5) Discriminatory treatment.

To ensure ease of access to its process, OCCR has taken steps to facilitate the filing of a complaint. First, OCCR's office is physically located away from MPD and other government offices to provide the public with a less intimidating environment in which to file a complaint. Second, to make it as convenient as possible to file a complaint, complainants may file in person at OCCR's office or at any MPD district station, or they may initiate a complaint by mail, telephone, fax, or e-mail. Third, to ensure that non-English-speaking residents of and visitors to the District are able to get information about the agency and file complaints, OCCR's information sheets and complaint forms have been translated into 13 foreign languages. Finally, a duty investigator is always available when the agency is open to assist the public with filing complaints, and to interview them about the allegations in their complaints.

After a complaint is received, the executive director reviews it to confirm that it is in OCCR's jurisdiction, and to determine how to proceed with the processing of the complaint. If a complaint is outside OCCR's jurisdiction, the executive director refers it to MPD's Office of Professional Responsibility for investigation or to the appropriate agency. Also, if the complaint alleges conduct by an officer that may be criminal in nature, the executive director refers the complaint to the U.S. Attorney for the District of Columbia for possible criminal prosecution. For the remaining complaints, the executive director determines whether they should be investigated or mediated.

When a complaint is sent for investigation, it is assigned to one of OCCR's staff investigators. The investigator interviews the complainant, subject officer, and any witnesses the complainant identifies, in addition to attempting to locate and interview any other police or non-police witnesses who may be able to provide relevant information. The investigator also collects and reviews other evidence, including MPD documents, hospital records, materials from other sources, the scene of the incident, and any other relevant information. When the investigation is complete, the investigator drafts an investigative report, which, along with all the evidence gathered in the investigation, is reviewed by a supervisor. The executive director then reviews the report of the findings of the investigation, and determines if the complaint should be dismissed, which requires the concurrence of one CCRB member, or referred to a complaint examiner for review and a decision on the merits of the complaint. OCCR's three principal methods of resolving complaints – dismissal, mediation, and complaint examination – are discussed in more detail below.

1. Dismissal

The statute and regulations governing OCCR allow for the dismissal of complaints under three sets of circumstances: (1) the complaint is deemed to lack merit; (2) the complainant

refuses to cooperate with the investigation; or (3) if, after the executive director refers a complaint for mediation, the complainant willfully fails to participate in good faith in the mediation process. Based on information gathered during OCCR's investigation of a complaint, and with the concurrence of one CCRB member, the executive director may dismiss a complaint when these circumstances arise. The dismissal process allows OCCR to conserve resources and more efficiently handle complaints.

2. *Mediation*

OCCR's complaint process includes mediation as a method for resolving complaints and, because OCCR firmly believes in the benefits of mediation, appropriate complaints are forwarded to mediation on a regular basis. Mediation allows the complainant and the subject officer to meet face-to-face to attempt to resolve the issues raised in a complaint. The goal of OCCR's mediation program is to give both parties a chance to work together to achieve a mutual understanding of what happened during their interaction and work out their differences without the stress and expense of a formal investigation and hearing.

A mediation service, the Community Dispute Resolution Center (CDRC), administers OCCR's mediation program, assigning complaints to be mediated by a pool of well trained, experienced, and diverse mediators. There is no cost to the complainant or the subject officer to participate in mediation, but both parties must sign a confidentiality agreement that provides that anything said by either party during the mediation session will not be disclosed outside of the session. The confidentiality agreement is required to encourage parties to be honest and open in attempting to resolve the dispute.

The decision to refer a complaint to mediation is made by the executive director, and not by the parties. If the executive director refers a complaint to mediation, both the complainant and the subject officer are required to participate in the mediation in good faith. Failure to participate in good faith constitutes cause for discipline of the subject officer and grounds for dismissal of the person's complaint. However, even though participation of the parties is required, the outcome of the mediation is completely voluntary because neither the complainant nor the officer is required to reach an agreement or settle the dispute during mediation.

There are some restrictions as to which complaints may be referred to mediation. OCCR will not refer complaints involving allegations of the use of excessive or unnecessary force that result in physical injury. In addition, an officer may not mediate a complaint if he or she has mediated a complaint alleging similar misconduct or has had a complaint sustained by OCCR for similar misconduct in the past twelve months.

3. *Complaint Examination*

The complaint examination process is used to resolve complaints where the executive director determines that there is "reasonable cause to believe" that police misconduct occurred. When the executive director reaches this determination, the complaint is referred to a complaint examiner who reviews it, along with OCCR's investigative report, and issues a written decision regarding the merits of the complaint. The complaint examiner may resolve the complaint based on OCCR's investigative report alone, or, if necessary, may conduct an evidentiary hearing to

further develop the factual record. In practice, complaints that are neither dismissed nor successfully mediated are resolved through complaint examination, which is the only means by which OCCR can issue a decision sustaining a complaint against an officer, although not all complaints that are referred to complaint examination are necessarily sustained.

If a complaint examiner sustains any allegation in a complaint, the executive director forwards the complaint examiner's decision to the Chief of Police for review and imposition of discipline. Under certain limited circumstances, the Chief may send a decision back to OCCR for further review, but, otherwise, the Chief is bound by the decision and must impose discipline on the officer as a result of the decision. If the complaint examiner does not sustain any allegation in a complaint, the executive director dismisses the complaint based on the decision.

The complaint examination process is administered by an outside service, ADR Associates, L.L.C. ADR Associates works directly with the members of the complaint examiner pool, who are responsible for rendering final decisions on the complaints referred to them by OCCR. To carry out this important function, CCRB and OCCR assembled a pool of distinguished attorneys who live in the District of Columbia. In addition to having a reputation for competence, impartiality, and integrity, the complaint examiners must be members of the District of Columbia Bar, have practiced for five years or more, and have litigation or arbitration experience. At the end of fiscal year 2003, OCCR's complaint examiner pool had 16 members. The pool includes attorneys who work in private practice, government, non-profit organizations, and academia, and have a variety of other experiences.

Based on its experience with the operation of the complaint examination process, OCCR fine-tunes and modifies the process to ensure that it operates smoothly and provides adequate protections to officers and complainants. One change OCCR implemented early in the process was an opportunity for officers to submit written objections to the complaint examiner about OCCR's investigative report so the objections can be considered with the report. The objections ensure that the subject officer has an opportunity to raise any issues regarding the investigation before the complaint examiner takes any action. In addition, if a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OCCR has taken steps to ensure that complainants have counsel available to assist them at no cost during hearings. In general, because officers are represented by attorneys provided to them by the police union, the Fraternal Order of Police, OCCR made arrangements with a Washington-based law firm, Howrey Simon Arnold & White, to provide free counsel for complainants. Howrey is an international law firm that is based in Washington, D.C. The firm has over 600 attorneys worldwide, and more than 250 in Washington.

II. THE YEAR IN REVIEW

A. Introduction

Fiscal year 2003 was a very productive year for OCCR. After the agency moved through the startup and early operations phases of its development in fiscal years 2001 and 2002, OCCR came into its stride in fiscal year 2003. The agency launched its complaint examination process, and started issuing final decisions regarding complaints. The complaint examination process

was the final part of OCCR's overall complaint process that will handle the approximately 20% of complaints that are not resolved by dismissal or successful mediation. Since August 2003, OCCR has been posting all of its complaint examiner decisions on its website to make this information available to the public, as well as the parties to the complaint. OCCR also referred 31 complaints to mediation and completed 21 mediation sessions, giving the complainants and officers involved in these complaints the opportunity to meet face-to-face in an attempt to resolve the issues raised in the complaint. In addition, OCCR made improvements to its investigative process to facilitate interviews and the collection of other evidence.

During the year, OCCR spearheaded a national effort to notify other police oversight and law enforcement agencies around the country about a bill pending before Congress that would negatively impact the work of these agencies, and contacted Congress to express its views about the bill. OCCR expanded its community outreach efforts, starting a student interactive training program that provides information to District students about their rights and about the work of the agency. OCCR also expanded the information available on its website and developed new outreach materials, which are translated into 13 foreign languages, to help disseminate information about the agency. The agency continued to monitor the racial profiling policy recommendation it issued in January 2002, and worked on new policy recommendations, one of which, regarding disorderly conduct arrests, was issued in November 2003 after the fiscal year ended. Finally, OCCR made several much-needed changes to its computer infrastructure and purchased new complaint management software to collect information about complaints and help manage complaint investigations.

These developments and others are discussed in more detail below, along with statistics regarding complaints received by OCCR in fiscal year 2003. While there were many accomplishments over the course of the last year, the statistics compiled indicate that OCCR is facing a complaint load that, without additional resources to devote to the investigation and resolution of complaints, threatens to overwhelm the agency and undermine its complaint resolution process. The agency has a growing number of complaints being received by the agency that is consistently larger than the number of complaints the agency is able to resolve with resources it currently has available. This persistent difference, which has become more apparent as the agency has been open for a longer period of time, has caused the number of open complaints to grow, and is beginning to result in a backlog that will only grow as more time passes. This is a trend that needs to be addressed to ensure the continued, successful operation of the agency.

B. Complaint Examination

In fiscal year 2003, OCCR launched its complaint examination process. The complaint examination process was the final part of OCCR's overall complaint process, which also allows for complaints to be resolved through dismissal or successful mediation. The significance of the complaint examination process is that it is the only means by which OCCR can issue a decision sustaining a complaint against an officer, although not all complaints that are referred to complaint examination are necessarily sustained. The launching of the complaint examination process was the culmination of a complex and thoughtful series of steps that were needed to develop an adjudication process from beginning to end, along with the other aspects of the agency's operations. These steps included completing investigations, preparing reports for

referral to complaint examination, drafting and promulgating regulations for the agency to guide the complaint examination process, recruiting a diverse pool of accomplished attorneys to serve as complaint examiners, and developing procedures to guide the complaint examiners' work.

With all of these steps complete, OCCR referred 31 complaints into the complaint examination process during fiscal year 2003, and the agency expects that it will have a regular flow of complaints being referred in the future. As of the end of fiscal year 2003, 19 complaints had been resolved in the complaint examination process. One of the complaints was withdrawn midway through the process, and the remaining 18 were resolved in 17 different decisions.¹ Table A-1 lists each of the complaints that was resolved, and identifies the allegations in the complaint, as well as the decision reached by the complaint examiner for each allegation.

Table A-1: Complaint Examiner Decisions

	Language / Conduct	Harassment	Excessive Force	Discriminatory Treatment	Retaliation
01-0041	Insufficient Facts	Sustained	--	--	--
01-0058	Sustained	--	--	--	--
01-0150	Sustained	Sustained	--	--	--
01-0309	--	Sustained	--	--	--
01-0431	Sustained	--	--	--	--
02-0381	Exonerated	--	Sustained	--	--
02-0153	Exonerated	--	--	--	--
01-0332	Sustained	--	--	--	--
02-0041	Sustained	Sustained in Part	Sustained in Part	--	--
02-0042	Sustained in Part	Exonerated	Sustained in Part	--	--
02-0112	--	--	Sustained	--	--
02-0476	Exonerated	--	--	--	--
01-0286	Withdrawn	--	Withdrawn	--	--
01-0242	Sustained	--	--	--	--
02-0396	Unfounded	--	--	--	--
02-0318	--	Sustained	Sustained	--	--
02-0319	--	Sustained	Sustained	--	--
02-0090	Insufficient Facts	Sustained	Sustained	--	--
02-0116	--	Sustained	--	--	--

The full text of each decision is available on OCCR's website, www.occr.dc.gov. As Table A-1 indicates, complaint examiners resolved 31 allegations contained in the 19 complaints. To this point, the decisions have reflected all possible outcomes,² and, although no decisions

¹ Two of the complaints related to the same underlying events, and, therefore, were resolved in one decision.

² The four possible outcomes that a complaint examiner may reach are:

have resolved discriminatory treatment or retaliation allegations yet, the withdrawn complaint raised discriminatory treatment issues, and OCCR anticipates that its decisions will eventually address all types of allegations.

Table A-2 summarizes the decisions reached by the complaint examiners, identifying the frequency of the different outcomes. The table reflects the overall outcome for each complaint, and the individual outcome for each allegation in the complaints. Please note that 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.

Table A-2: Complaint Examiner Decisions

	Complaints		Allegations	
Sustained	15	78.9%	22	71.0%
Exonerated	2	10.5%	4	12.9%
Insufficient Facts	--	--	2	6.5%
Unfounded	1	5.3%	1	3.2%
Withdrawn	1	5.3%	2	6.5%
Total	19		31	

Looking at the decisions reached by complaint examiners, 15 of the 19 decisions, or 78.9%, sustained at least one allegation in the underlying complaint. Four of the 15 decisions had a split outcome where at least one allegation was sustained, and the outcome for at least one other allegation was exonerated or insufficient facts. There were three decisions, or 15.8%, where the officer was either completely exonerated or the complaint examiner concluded that the allegations in the underlying complaint were unfounded. This year's decisions also included two noteworthy occurrences. First, one of the complaints sent to complaint examination was

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.

originally prepared for dismissal by OCCR's executive director.³ The CCRB member reviewing the dismissal did not concur with the executive director's determination, so, under the agency's system of checks and balances, the complaint was sent forward for review and final determination by a complaint examiner. The complaint examiner ultimately exonerated the officer. Second, one of the complaint examiner decisions sustained a complaint based on OCCR's investigation after an internal MPD investigation had exonerated the officer.⁴ Although it is not common, complaints can be filed with both OCCR and MPD, and because of the independence of OCCR's process, the complaint examiner is free to reach a conclusion contrary to MPD's if the evidence collected in OCCR's investigation supports the other conclusion.

Although the rate of sustained complaints may appear to be high – approximately 80% – one must remember that this is not 80% of all complaints, but 80% of the approximately 20% of complaints that are referred to complaint examination. In all of these complaints referred to complaint examination, the executive director has found that there is “reasonable cause to believe” that police misconduct occurred, so one would anticipate a relatively high sustain rate for this specific group of complaints. When the sustained complaints are considered as part of all of the complaints resolved by OCCR through adjudication, dismissal, and successful mediation, sustained complaints make up 14% of this group (or 15 of 107). OCCR's overall sustain rate of 14% is slightly higher than the rate that experts anticipate for police oversight agencies (12% to 13%) and police internal affairs offices (10%) nationwide.⁵

All of the decisions that sustain at least one allegation were forwarded to the Chief of Police for imposition of discipline, and the Chief has not returned any of the decisions for reconsideration. One hundred percent acceptance of decisions by a chief from an independent police oversight agency is exceptional,⁶ and is a positive reflection on the District Government's statute creating OCCR, which limits the circumstances under which a complaint may be returned for reconsideration, as well as on the quality of OCCR's investigations and decisions. As of the date of issuance of this report, three decisions were pending in the discipline process. Of the remaining decisions, the Chief issued a letter of reprimand for one, and imposed suspensions without pay ranging from three days to 15 days. OCCR will continue to track the discipline imposed by the Chief so that the agency is informed about how MPD handles the decisions

³ OCCR Complaint No. 02-0476.

⁴ OCCR Complaint No. 01-0332.

⁵ See Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (2001), at 120.

⁶ See *id.* at 75-77 (discussing the increase from 49% in 1994 to over 90% in more recent years for the rate at which the police chief takes disciplinary action on sustained cases from San Francisco's Office of Citizen Complaints); New York City Civilian Complaint Review Board, CCRB Performance, at <http://www.nyc.gov/html/ccrb/html/about.html> (discussing the increase from 31% in 1995 to 74% in 2000 for the rate at which the police department disciplines officers based on substantiated CCRB cases); Brian D. Crecente, *Police Mostly Reject Review Panel's Advice; Chiefs Have Spurned 70% of Suggestions by Group Since 1992*, Rocky Mountain News, December 22, 2003, at A4 (discussing the relationship between Denver's police department and the city's police oversight panel).

referred to it by OCCR, but early indications are that the decisions are being taken seriously, and meaningful discipline is resulting from them.

C. Mediation

In fiscal year 2003, OCCR mediated 21 complaints, bringing the total number of complaints mediated to 46. Thirty-five of the mediation sessions (or 76%) were successful and resulted in an agreement between the complainant and the subject officer. Eleven of the sessions (or 24%) were unsuccessful, 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, or a combination of both.

In addition to the statistical success rate, survey results indicate that the program has been well received. A survey of the participants in mediation indicates that the overwhelming majority of complainants and subject officers who responded to the survey found the mediator to be helpful or very helpful, the mediation session to be satisfactory or very satisfactory, and the resulting agreement to be fair or very fair. In addition, over one-third of the respondents left their mediation session with more positive feelings about the other party, while only 11% had more negative feelings, and 52% indicated no change in their feelings. Finally, OCCR 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.

OCCR has been very pleased with the success of the mediation program, and plans to continue to use it regularly. The number of complaints referred to mediation has steadily grown over the three years OCCR has been open from 19 in fiscal year 2001 to 28 in fiscal year 2002 to 31 in fiscal year 2003. For fiscal year 2004, OCCR aims to continue the growth in complaints referred to mediation, and to seek out new and different ways to use the mediation program, like the situation described in the first mediation example below.

As an illustration of the type of complaints that were mediated in fiscal year 2003, following are two examples that describe the complaint and the mediation session:

1. Mediation Example #1

Three students at a District charter school filed complaints alleging that a group of MPD officers harassed them and used inappropriate language toward them while the officers stopped and searched the students after they left a convenience store near school. The police officers informed the students that they matched the description of people selling drugs. These complaints were referred to mediation, and OCCR and the Community Dispute Resolution Center developed a special plan for the mediation, which involved three students, school officials, and over 15 officers. The plan involved holding a number of individual meetings with the students and the officers before bringing them all together in a joint mediation session that lasted several hours.

At the start of the mediation process, the students believed that the officers should: (1) acknowledge that they have treated youth differently at the inner-city charter school than youth attending schools in more upscale neighborhoods, (2) admit to racial profiling, and (3) work with students to build a more positive relationship through a dialogue. At the outset, the officers believed that the students: (1) must do something to differentiate themselves from the neighborhood drug dealers and hoodlums because the school is located in a high-crime district with heavy drug use and frequent drive-by shootings, (2) need to work with the police to clean up the community, and (3) should follow officer instructions to defuse tensions during police stops.

The joint mediation session allowed both the students and officers to vent their frustrations and gain a better understanding of the other's perspective. The students and the MPD sergeant in charge of the officers understood that the longstanding issues would not be resolved in one joint session. Acknowledging the need for an iterative process, the students and the sergeant agreed to set up a future meeting with the goal of forming a working group between the charter school and the police department in an effort to improve the relationship among the police, the students of the charter school, and the residents in the community surrounding the school. Satisfied with this joint commitment to cooperate in the future, the students and the sergeant signed an agreement releasing each other from any future administrative or legal claims related to the incident, and agreed that the mediation successfully resolved the issues raised in the complaints.

2. *Mediation Example #2*

The complainant filed a complaint against an officer for harassment and use of disrespectful language. The complainant alleged that she was stopped at a traffic light near her daughter's school when an officer asked her to pull over in an extremely rude and intimidating manner. The officer pulled her over to warn her about not wearing her seatbelt and gave her a written warning. Following the incident, the complainant wrote to the Mayor's office to express her concern and anger regarding the officer's behavior, which she described as verbal and physical intimidation. The Mayor's office referred her to the Office of Citizen Complaint Review.

The complainant is an immigrant from Central America. At the mediation she explained that she felt harassed and that she was shown a lack of respect by the officer when he stopped her in her car on her way to pick up her daughter from school. The incident was frightening to her, and she wanted to address it and not let it pass without taking some action. That is why she took time off from work to participate in mediation. She explained that since coming to the United States, she has taught her daughter to respect the police in this country. She said that she had suffered greatly because of the excesses of power by law enforcement officers in her own country, and that she had come to the United States to escape abuses by the police and the military. She wanted her daughter to know that it was different in the United States, and she was concerned that the behavior of this officer would undermine her message.

Initially the officer was defensive, but, as the complainant explained her feelings, he listened and understood her concerns. After they both had the opportunity to talk about the incident and how each of them felt about it, the officer apologized to the complainant and

admitted that he had had problems dealing with anger in the past. He told her that he would try to work on this problem. They agreed that the matter was resolved and signed a mediation agreement acknowledging that they had settled their issues, and that they both value professional, respectful, and educational approaches to law enforcement.

D. Investigations

Over the course of fiscal year 2003, OCCR made changes and improvements to its complaint investigation process to help the agency conduct investigations more efficiently and quickly. The most significant change was that OCCR purchased new complaint management software at the end of the fiscal year. Although the software implementation was still in progress during the first few months of fiscal year 2004, the early signs were good. OCCR's old software served only as a database to collect information about complaints. Consequently, it was only tangentially connected to the investigative process and filled only the limited role of collecting data. The new software will be much more central to the investigative process, allowing investigators and supervisors to manage the investigation of complaints. The new software will collect data, allow for planning of investigative tasks, store and organize documents, pictures, and other electronic files, generate letters and other documents from templates, and allow for more sophisticated analysis of complaints and data. OCCR has been devoting significant time and resources to implementing the new complaint management software, and has already started to realize its benefits.

In addition to the new complaint management software, OCCR also began electronic notification of officers to appear for interviews and other OCCR proceedings. MPD gave OCCR access to its pre-existing electronic system for summoning officers for court appearances, and worked with OCCR to make the system meet OCCR's needs. The electronic notification is much faster and more reliable than the paper-based notification system OCCR had been using, and is much more efficient because it capitalizes on a pre-existing infrastructure that MPD already had in place.

In fiscal year 2004, OCCR will continue the full implementation of these changes to its investigative process, and will continue to look for other changes, both large and small, that will allow the agency to more efficiently investigate complaints.

E. Statistics

In an effort to describe the work performed by OCCR, the nature and location of the complaints that the office received, and the characteristics of the complainants and subject officers, OCCR has collected the statistics included in this section. These statistics also reflect the data that OCCR has been able to capture most reliably about its complaints, and the data it has been tracking through the end of fiscal year 2003.⁷ OCCR expects that its statistical

⁷ As described above, OCCR purchased new complaint management software at the end of fiscal year 2003, and has been working to implement the software during the first few months of fiscal year

reporting will develop and improve over time as it implements its new complaint management software and explores new ways to provide a more vivid picture of its work and what it has learned about interactions between the public and the police, and patterns and trends in these interactions.

At the end of OCCR's third year of operation, the statistics the agency has collected take on more meaning because they begin to reflect enough data to allow for analysis of the development of the agency, its workload, and its capacity for resolving complaints. These statistics present some cause for concern because they identify a growing number of complaints being received by the agency that is consistently larger than the number of complaints the agency is capable of resolving with resources it currently has available. The persistent difference between the number of complaints received and the number of complaints resolved has caused the number of open complaints to grow, and is beginning to result in a backlog that will only grow as more time passes.⁸ In fiscal year 2004, OCCR will be working to become as efficient as possible to minimize the difference between the number of complaints received and the number of complaints resolved, as well as the growth of the backlog, but there are limits to what the agency can accomplish with its current funding and staffing levels. These statistics are discussed in more detail in this section, and OCCR believes that the statistics, along with the best practices for funding and staffing used by comparable police oversight agencies, are a warning sign that additional resources are needed to keep the agency from becoming overwhelmed by a backlog that could undermine police accountability in the District.

1. Contacts and Formal Complaints

Under the statute and regulations governing OCCR, all complaints must be reduced to writing and signed by the complainant, who must certify the truth of the statements in the complaint. Once a complaint has met these requirements, it is referred to as a "formal complaint." Frequently, OCCR is contacted by people who inquire about filing a complaint, but who have not yet submitted a signed complaint form. Where possible, OCCR opens a file for each one of these contacts and attempts to obtain a formal complaint by mailing a form to the

2004. The transition to the new software has made the compilation of these statistics difficult because the agency stopped using its old software as of September 30, 2003, and devoted its effort to entering data into the new software beginning in October 2003. Consequently, these statistics may be subject to minor changes once the data entry process has been completed, and statistics can be compiled using the new software. Although the process had not been completed when the statistics for this annual report were compiled, OCCR expects that re-entering its data into the new software will improve the quality of the data and allow OCCR to capture additional data. In addition, OCCR expects that the full implementation of the new software will allow the agency to develop new and different ways of reporting about the complaints it receives.

⁸ Once OCCR has completed entering and verifying the data in its new complaint management software, it will be able to more accurately calculate the age of its complaints without a significant manual effort. OCCR's old software did not allow for the collection of multiple dates, and, most importantly, the date a formal complaint was received by OCCR, for each complaint, so the information would have to be gathered manually.

person or giving him or her instructions about filing a complaint in person. If no formal complaint is received, the file related to that contact is closed. In addition, contacts may be closed for administrative reasons or may be referred to MPD or another law enforcement agency when the contact clearly relates to an issue outside OCCR's jurisdiction.

Table 1-1 indicates the number of contacts received by OCCR in fiscal years 2001,⁹ 2002, and 2003, the number of formal complaints that resulted in each year, and the disposition of each contact that did not result in a formal complaint. The table also includes a total for all three years in each category. In fiscal year 2003, OCCR experienced significant growth in both the number of contacts and the number of formal complaints. The number of contacts increased by 14.6% (from 535 to 613) and the number of formal complaints increased by 13.5% (from 318 to 361) from fiscal year 2002 to fiscal year 2003. This growth is not surprising considering that OCCR is a relatively new agency that is actively working to educate people in the District about the agency and the process for filing a complaint. OCCR expects further growth in the future as the agency continues its community outreach efforts and considers changes to its process that will increase the number of complaints filed with OCCR.

In addition to the growth in the number of contacts and the number of formal complaints, the statistics also show growth in the number of contacts referred to MPD. These statistics must be considered in conjunction with the statistics in the next section of the report regarding referral of formal complaints to MPD. When considered together, they indicate growth of approximately 9.5% for referrals to MPD overall (from 116 to 127) from fiscal year 2002 to fiscal year 2003. Because the number of referrals grew at rate lower than the rate of growth for contacts and formal complaints in fiscal year 2003, OCCR investigated a larger percentage of the complaints it received, and referred a smaller percentage to MPD.

Table 1-1: Contacts and Formal Complaints

	FY01	FY02	FY03	Total
Total Contacts	477	535	613	1625
Contact Closed – No Formal Complaint	158	181	197	536
Contact Closed – Administrative Reasons	8	3	8	19
Referred to MPD	1	28	37	66
Referred to Other Agencies	--	5	10	15
Total Formal Complaints	310	318	361	989

⁹ Please note that all of the statistics for fiscal year 2001 cover only a nine-month period. OCCR opened to the public on January 8, 2001, which was three months into fiscal year 2001.

2. *Disposition of Formal Complaints*

Each year, OCCR works to resolve as many formal complaints as possible. Complaints are closed because they have been resolved by OCCR, which includes being dismissed in accordance with the OCCR statute, successfully mediated, or adjudicated through OCCR's complaint examination process. Complaints are also referred to MPD because they contain allegations that are not within OCCR's jurisdiction to investigate or they were filed more than 45 days after the incident occurred, and some complaints are referred to other law enforcement agencies when the complaints relate to another agency's officers. Finally, a small number of complaints are withdrawn by the complainant or closed for administrative reasons.

Table 2-1 indicates the total number of formal complaints that were closed in fiscal years 2001, 2002, and 2003, as well as the specific disposition of each complaint. The table also includes a total for all three years in each category. From fiscal year 2002 to fiscal year 2003, the number of formal complaints closed by OCCR grew by approximately 5.9% (from 222 to 235). The relative consistency between the number of complaints closed in fiscal years 2002 and 2003 gives a good indication of the number of complaints the agency realistically can close during any given year with its current level of resources. Nonetheless, OCCR has implemented some changes, such as new report formats and a streamlined review process, and is exploring other methods to become more efficient and close a larger number of complaints.

Table 2-1: Disposition of Formal Complaints

	FY01	FY02	FY03	Total
Adjudicated	--	--	19	19
Dismissed	21	91	75	187
Successfully Mediated Complaints	7	13	15	35
Withdrawn by Complainant	11	17	9	37
Referred to MPD	107	88	90	285
Referred to Other Police Agencies	3	1	18	22
Administrative Closures	12	12	9	33
Closed Formal Complaints	161	222	235	618

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

At the end of each fiscal year, there are a number of formal complaints that are still pending. Table 3-1 indicates the total number of complaints from all years that were open at the end of fiscal years 2001, 2002, and 2003. The table also indicates the general status of the open complaints, which may be assigned to a complaint examiner and awaiting a decision, referred to mediation and awaiting action, referred to the U.S. Attorney's Office for possible criminal prosecution and awaiting action, currently under investigation, currently under investigation with a preliminary investigative report drafted and being reviewed, or awaiting the initial executive decision about how to proceed with a new complaint.

The most noteworthy change for fiscal year 2003 is the substantial growth in the number of complaints under investigation. Generally speaking, the number of complaints in all of the

other categories remained consistent from the end of fiscal year 2002 to the end of fiscal year 2003. As a consequence, the number of complaints under investigation reflects most of the growth that resulted from the growing number of complaints received by the agency and the steady number of complaints OCCR is able to resolve with its current funding and staffing levels. One consequence of the growth in the number of complaints under investigation is that the average number of complaints under investigation per investigator increased from 41.2 in fiscal year 2002 (five investigators with 206 complaints), to 52.5 in fiscal year (six investigators with 315 complaints).

Table 3-1: Status of Pending Formal Complaints at the End of Each Fiscal Year

	FY01	FY02	FY03
Assigned to Complaint Examiner	--	--	12
Referred for Mediation	15	10	11
Referred to U.S. Attorney's Office	20	15	18
Under Investigation by OCCR	99	130	232
Under Investigation / Report Drafted	15	80	79
Executive Decision	--	4	7
Total Number of Open Complaints	149	239	359

4. *OCCR Workload*

OCCR closes complaints each year at one of three different points in the life of the complaint. First, complaints are closed shortly after they are received because they are referred to MPD or another police agency. These are complaints that are outside OCCR's jurisdiction and that OCCR does not have the authority to investigate. In general, the only work that OCCR performs on these complaints is to conduct an initial investigation to confirm the nature of the complaint, and then prepare and send the complaint and related materials to the appropriate agency. Second, complaints are closed because the complainant withdraws the complaint or for other administrative reasons. These complaints require varying amounts of work by OCCR depending on when the complainant withdraws the complaint, which may occur at any point up through a final decision, or when the event occurs that triggers administrative closure. Some of the events that trigger administrative closure, which also may occur at any time, include the resignation of an officer from MPD, or the completion of an investigation by MPD into the same allegations that results in the discipline of the officer. Finally, complaints are closed after they have been resolved by OCCR. OCCR resolves complaints by adjudication, dismissal, or successful mediation. These complaints generally require the most work, including a full investigation, the completion of an investigative report, and any other related adjudication, dismissal, or mediation processes.

Table 4-1 collects statistics from the three preceding sections of this part of the report to illustrate the proportion of complaints that are closed at the three different points in the life of a complaint. First, the table shows the number of formal complaints that OCCR received in all three fiscal years. Next, the table subtracts the number of complaints referred to MPD or another police agency to arrive at the number of formal complaints that fall within OCCR's jurisdiction.

After that, Table 4-1 subtracts the complaints that reach a point short of final resolution where they require no further action, such as those that are withdrawn or administratively closed, to arrive at the number of complaints that require resolution by OCCR. Finally, the table subtracts the number of complaints resolved in each fiscal year to show the number of complaints that require resolution by OCCR, but that are carried over to the next fiscal year unresolved. Thus, each fiscal year begins with a number of complaints already open that need to be resolved. New complaints are received over the course of the fiscal year. For a graphical depiction, Chart 4-1 includes lines indicating the number of complaints that require resolution by OCCR and the number of complaints resolved by OCCR. The area between the two lines on Chart 4-1 represents the number of complaints that are carried over to the next fiscal year unresolved.

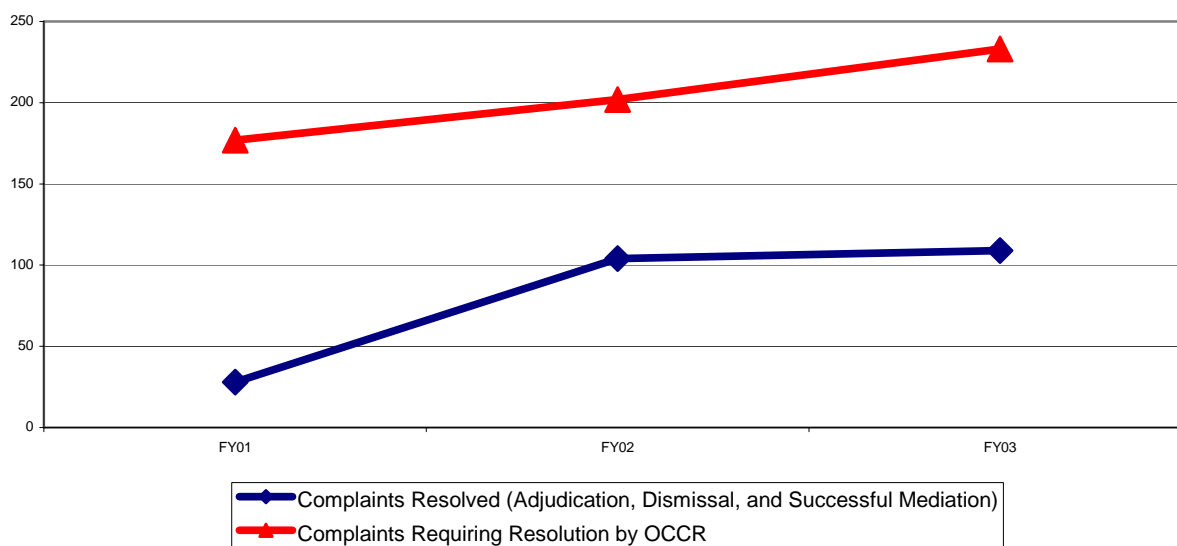
These statistics demonstrate the effect of a persistent difference between a growing number of complaints being received by the agency that is consistently larger than the number of complaints the agency is able to resolve with its current funding and staffing levels. The result is a greater number of complaints open, with an increasing number of them getting older, and, therefore, the agency's backlog of complaints growing. Most of the complaints are still relatively recent, but the agency will continue to fall behind without additional staff to investigate the complaints. Although OCCR will strive to improve its efficiency, the similarity between the number of complaints resolved in fiscal years 2002 and 2003 suggests that this level may be a reasonable benchmark for the quantity of complaints that can be resolved with OCCR's current staffing level, which is a ratio of 617 sworn officers for each line investigator. OCCR's ratio of sworn officers is significantly greater than the ratio in other cities, such as New York, Detroit, and San Francisco, all of which have comparable agencies with their own investigative staff, and have ratios of 409:1, 225:1, and 150:1, respectively. If OCCR had the same ratio as these other agencies, the number of line investigators employed by OCCR would increase by anywhere from three to 18 investigators. The increased staffing would alleviate the danger that OCCR will be overwhelmed by a steadily increasing caseload, like the one that eventually led to the failure in 1995 of OCCR's predecessor agency, the Civilian Complaint Review Board.¹⁰

¹⁰ The history of the Civilian Complaint Review Board that eventually led to the agency being abolished is described in detail in the court's decision in *Cox v. District of Columbia*, 821 F. Supp. 1, 7-9 (D.D.C. 1993). The *Cox* case illustrates the importance of attention by all branches of the government to the functioning of the District's police oversight agency, as well as the importance of vigilance to ensure that the agency has adequate resources to carry out its mission.

Table 4-1: OCCR Workload

	FY01	FY02	FY03	Total
Total Formal Complaints	310	318	361	989
Referred to MPD or Other Agency	110	89	108	307
Complaints in OCCR's Jurisdiction	200	229	253	682
Complaints Requiring No Further Action (Withdrawn or Administratively Closed)	23	29	18	70
Complaints Requiring Resolution by OCCR	177	202	233	612
Complaints Resolved (Adjudication, Dismissal, and Successful Mediation)	28	104	109	241
Unresolved Complaints Each Fiscal Year	149	98	124	371 ¹¹

Chart 4-1: OCCR Workload



¹¹ The overall total of the unresolved complaints each fiscal year should be equal to the number of complaints open at the end of fiscal year 2003, as shown in Table 3-1, because the number of unresolved complaints from each fiscal year represents a net number of open complaints that are carried over to subsequent fiscal years. There is a difference of 12 between the totals in the two tables (359 versus 371), which OCCR believes is an error that occurred during regular record keeping and the compilation of statistics. OCCR will attempt to resolve the discrepancy once its complaint data is entered into its new complaint management software.

5. *Allegations in Formal Complaints*

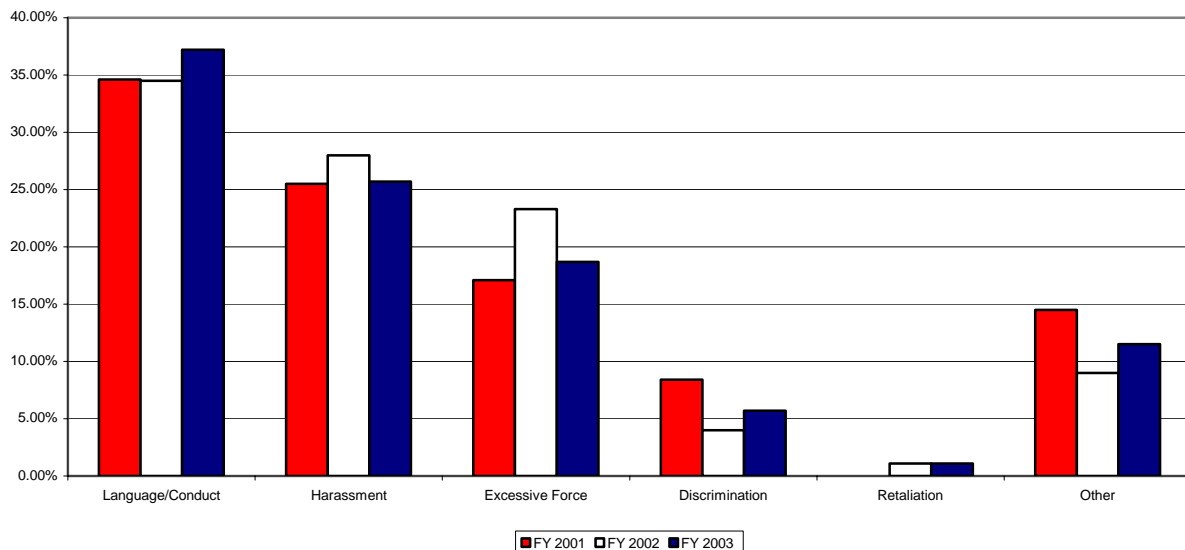
Each formal complaint may contain allegations of more than one type of misconduct, including harassment, use of language or conduct that is insulting, demeaning, or humiliating, retaliation for filing a complaint with OCCR, use of excessive or unnecessary force, or discriminatory treatment. In addition, complainants often allege other conduct that does not fall within the five types of misconduct under OCCR's jurisdiction.

Table 5-1 indicates the total number of allegations contained in all of the formal complaints received in fiscal years 2001, 2002, and 2003, as well as the number of each type of allegation made, and a total for all three years in each category. Table 5-1 and Chart 5-1 also indicate the percentage of the total number of allegations that each type of allegation constitutes. The statistics show that each type of allegation maintained a relatively consistent percentage of the overall number of allegations made in all three years. One noteworthy change was the decrease in the percentage of excessive force allegations in fiscal year 2003 to the same level as fiscal year 2001 after a noticeable spike in fiscal year 2002.

Table 5-1: Allegations in Formal Complaints

	FY01		FY02		FY03		Total	
Language/Conduct	148	34.6%	154	34.5%	197	37.2%	499	35.6%
Harassment	109	25.5%	125	28.0%	136	25.7%	370	26.4%
Excessive Force	73	17.1%	104	23.3%	99	18.7%	276	19.7%
Discrimination	36	8.4%	18	4.0%	30	5.7%	84	6.0%
Retaliation	--	0.0%	5	1.1%	6	1.1%	11	0.8%
Other	62	14.5%	40	9.0%	61	11.5%	163	11.6%
Total Allegations	428		446		529		1403	

Chart 5-1: Allegations in Formal Complaints (as a Percentage)



6. *Race or National Origin of Complainants*

When a person files a complaint, the person is asked to identify his or her race or national origin. Table 6-1 reflects the race or national origin indicated by each complainant.¹² The FY01, FY02, and FY03 columns reflect the race or national origin of the complainant for each complaint filed in fiscal years 2001, 2002, and 2003, not eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one African-American man filed two separate complaints in 2003, the FY03 column would reflect two African-American complainants. The statistics show that the race or national origin of complainants had noticeable changes from fiscal year 2002 to fiscal year 2003, generally moving closer to the racial breakdown in the District's population. The one exception was Latino complainants, who made up a smaller percentage of all complainants and moved further away from the percentage of Latino residents in the District.

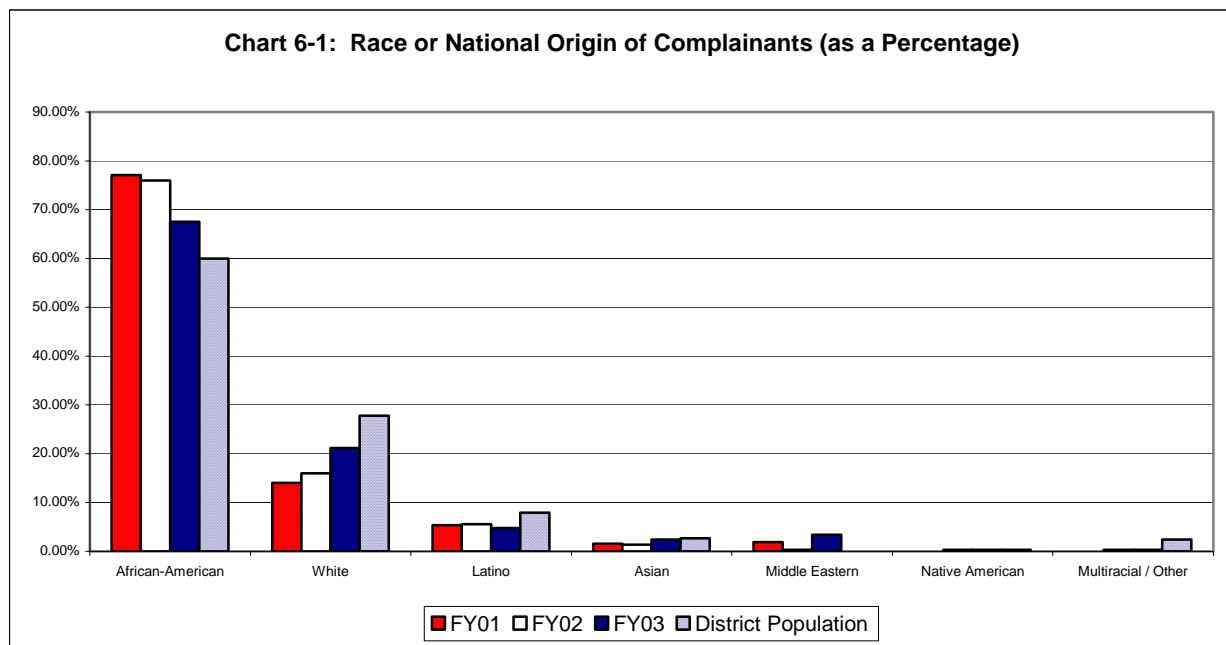
In addition, Table 6-1 and Chart 6-1 indicate the percentage of the total number of complaints (excluding complaints with an unreported complainant race or national origin) that were filed by members of each racial group for fiscal years 2001, 2002, and 2003. The table and chart also includes the racial composition of the population of the District of Columbia as a whole.¹³ The data regarding the composition of the population of the District is included for reference purposes. It should be noted that anyone, whether a resident of the District or not, may file a complaint with OCCR.

¹² In some cases, the person is unwilling to provide race or gender information or fails to include it when completing the complaint form. Complainants in these complaints are counted in the "unreported" category. Considering the larger number of complainants who did not report their race or national origin in fiscal year 2003, OCCR is going to make efforts to improve the voluntary race or national origin reporting of complainants, and, where justified, may rely on visual inspection when the information is not volunteered.

¹³ The racial breakdown of the District population data was obtained from the 2000 Census data available on the U.S. Census website, <http://quickfacts.census.gov/qfd/states/11000.html>.

Table 6-1: Race or National Origin of Complainants

	FY01		FY02		FY03		District Pop.
African-American	199	77.1%	219	76.0%	197	67.5%	60.0%
White	36	14.0%	46	16.0%	62	21.2%	27.8%
Latino	14	5.4%	16	5.6%	14	4.8%	7.9%
Asian	4	1.6%	4	1.4%	7	2.4%	2.7%
Middle Eastern	5	1.9%	1	0.3%	10	3.4%	--
Native American	--	--	1	0.3%	1	0.3%	0.3%
Multiracial / Other	--	--	1	0.3%	1	0.3%	2.4%
Unreported	52		30		69		
Total	310		318		361		



Each complainant may file multiple complaints with OCCR. For fiscal years 2002 and 2003, Table 6-2 adds FY02 Different Complaints and FY03 Different Complainants columns, which reflect the race or national origin of each unique complainant, eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one African-American man filed two or more separate complaints in 2003, the FY03 Different Complainants column would count that complainant only once. One other way to look at the statistics would be that 190 different African-American complainants filed 197 complaints in fiscal year 2003.

Looking at the statistics, they show that there were only 16 complaints that were filed by a person who also filed another complaint. Except for one person who filed five separate complaints, no other single person filed more than a two complaints and over 96% of the complaints received by OCCR came from different people. These statistics indicate that, with

one possible exception, people are not abusing OCCR's complaint process by the repeated filing of complaints.

Table 6-2: Race or National Origin of Complainants

	FY02	FY02 Different Complainants	FY03	FY03 Different Complainants
African-American	219	208	197	190
White	46	46	62	59
Latino	16	16	14	14
Asian	4	4	7	6
Middle Eastern	1	1	10	6
Native American	1	1	1	1
Multiracial / Other	1	1	1	1
Unreported	30	30	69	68
Total	318	307	361	345

7. *Gender of Complainants*

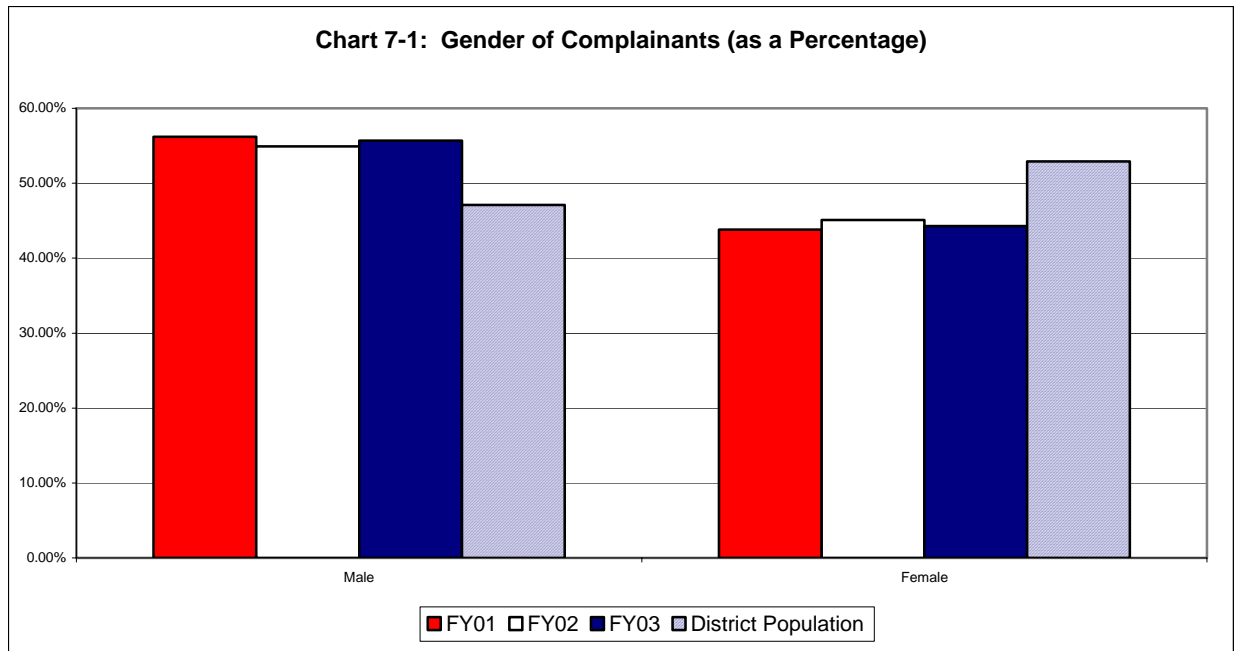
When a person files a complaint, the person is asked to identify his or her gender. Table 7-1 reflects the gender indicated by each complainant. The FY01, FY02, and FY03 columns reflect the gender of the complainant for each complaint filed in fiscal years 2001, 2002, and 2003, not eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one female filed two separate complaints in 2003, the FY03 column would reflect two female complainants.

In addition, Table 7-1 and Chart 7-1 indicate the percentage of the total number of complaints that were filed by male and female complainants for fiscal years 2001, 2002, and 2003. The table and chart also includes the gender breakdown of the population of the District of Columbia as a whole.¹⁴ The statistics show that the gender of complainants remained relatively consistent in all three years.

Table 7-1: Gender of Complainants

	FY01		FY02		FY03		District Pop.
Male	173	56.2%	174	54.9%	201	55.7%	47.1%
Female	135	43.8%	143	45.1%	160	44.3%	52.9%
Unreported	2		1		0		
Total	310		318		361		

¹⁴ The gender breakdown of the District population data was obtained from the 2000 Census data available on the U.S. Census website, <http://quickfacts.census.gov/qfd/states/11000.html>.



Each complainant may file multiple complaints with OCCR. For fiscal years 2002 and 2003, Table 7-2 adds FY02 Different Complainants and FY03 Different Complainants columns, which reflect the gender of each unique complainant, eliminating duplicates of complainants who filed multiple complaints. Stated differently, if one female filed two or more separate complaints in 2003, the FY03 Different Complainants column would count that complainant only once. One other way to look at the statistics is that 155 different female complainants filed 160 complaints in fiscal year 2003.

Table 7-2: Gender of Complainants

	FY02	FY02 Different Complainants	FY03	FY03 Different Complainants
Male	174	166	201	190
Female	143	140	160	155
Unreported	1	1	--	--
Total	318	307	361	345

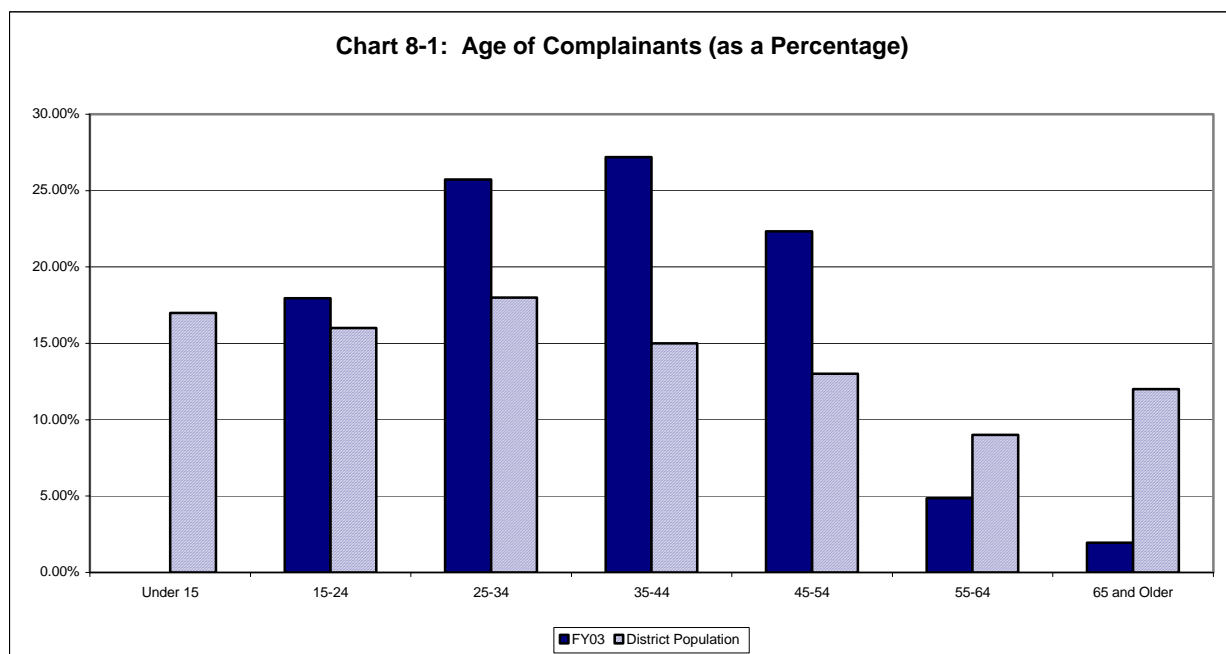
8. *Age of Complainants*

When a person files a complaint, the person is asked to identify his or her date of birth. OCCR collected date of birth information for 57% of its complaints (206 of 361) in fiscal year 2003, and the agency will work to collect more complete date of birth information for its complaints in the future. Table 8-1 reflects the age that corresponds with the date of birth reported by each complainant in fiscal year 2003. In addition, Table 8-1 and Chart 8-1 indicate the percentage of the total number of complaints that were filed by complainants in each age

group, as well as the age breakdown of the District's population.¹⁵ Please note that the age of OCCR complainants is generally skewed toward older ages because minors may not file complaints on their own. Instead, a parent or guardian must file the complaint, and they are considered the complainant, even though they are acting on behalf of a minor.

Table 8-1: Age of Complainants

	FY03		District Population
Under 15	--	--	17.1%
15-24	37	18.0%	15.7%
25-34	53	25.7%	17.8%
35-44	56	27.2%	15.3%
45-54	46	22.3%	13.2%
55-64	10	4.9%	8.7%
65 and Older	4	1.9%	12.3%
Total	206		



¹⁵ The age breakdown of the District population data was obtained from the 2000 Census data available at the General Demographic Characteristics link on the U.S. Census website, <http://quickfacts.census.gov/qfd/states/110001k.html>.

9. *Race or National Origin of Subject Officers*

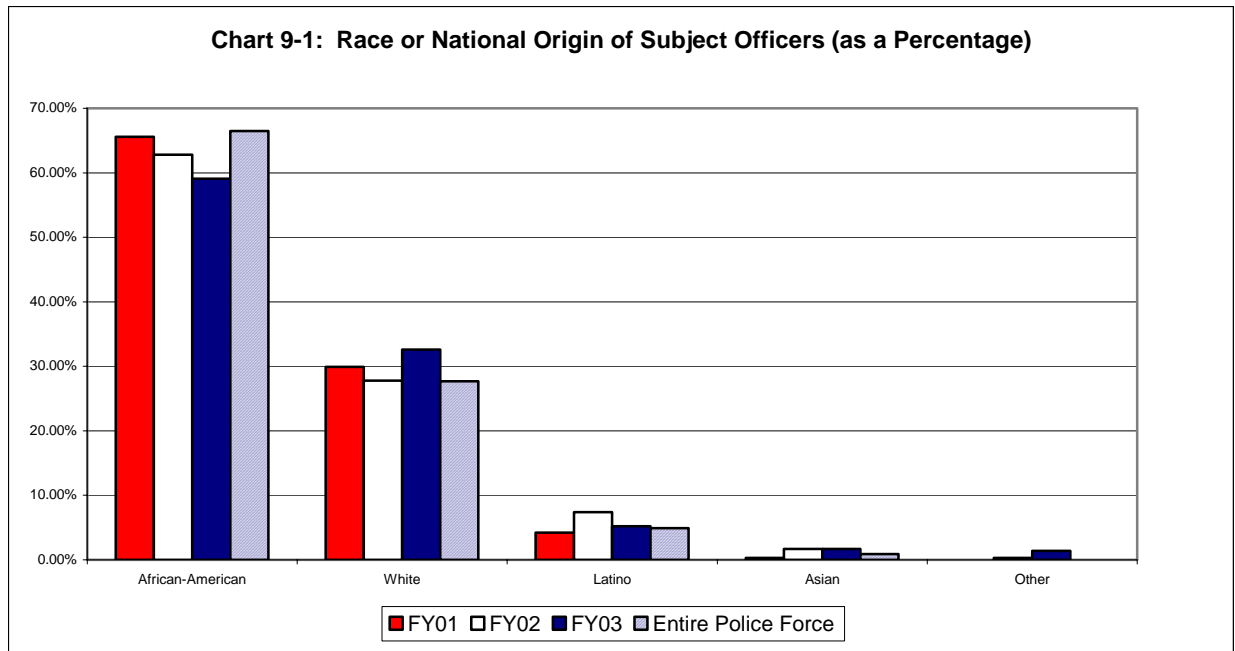
When a person files a complaint, OCCR records the race or national origin of the subject officer in the complaint. In some instances the complainant is able to identify the officer's race, and in others, OCCR determines the identity of the officer and his or her race during the course of its investigation. In other instances, the complainant is not able to identify the race of the officer and the identity of the officer remains unknown. Table 9-1 reflects the race or national origin for officers who could be identified or whose race or national origin was reported by the complainant. The FY01, FY02, and FY03 columns reflect the race or national origin of the officer for each complaint filed in fiscal years 2001, 2002 and 2003, not eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one African-American officer was the subject of two separate complaints in 2003, the FY03 column would reflect two African-American officers.

In addition, Table 9-1 and Chart 9-1 indicate the percentage of the total number of subject officers (excluding complaints with an unidentified subject officer race or national origin) who were members of each racial group for all three years. The table and chart also indicate the racial composition of the entire work force of MPD officers.¹⁶

Table 9-1: Race or National Origin of Subject Officers

	FY01		FY02		FY03		Entire Police Force
African-American	233	65.6%	221	62.8%	205	59.1%	66.5%
White	106	29.9%	98	27.8%	112	32.6%	27.7%
Latino	15	4.2%	26	7.4%	18	5.2%	4.9%
Asian	1	0.3%	6	1.7%	6	1.7%	0.9%
Other	--	--	1	0.3%	5	1.4%	--
Unidentified	52		48		71		
Total	407		400		417		

¹⁶ The racial breakdown of MPD officers was obtained from MPD's 2000 annual report, which was the most recent one available. At the end of 2000, MPD had 3,614 sworn officers. 2,404 were African-American, 1,001 were white, 176 were Latino, and 33 were Asian.



Each police officer may be the subject of multiple complaints filed with OCCR. For fiscal years 2002 and 2003, Table 9-2 adds FY02 Different Officers and FY03 Different Officers columns, which reflect the race or national origin of each unique officer, eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one African-American officer was the subject of two or more separate complaints in 2003, the FY03 Different Officers column would count that officer only once. One other way to look at the statistics is that 165 different African-American officers were the subject of 205 complaints in fiscal year 2002.

The statistics show that there were 45 different officers who were the subject of multiple complaints. Most of these officers were the subject of only two complaints, but there were two officers who were the subject of four complaints, one officer was the subject of five complaints, and two officers who were the subject of six complaints.

Table 9-2: Race or National Origin of Subject Officers

	FY02	FY02 Different Officers	FY03	FY03 Different Officers
African-American	221	176	205	165
White	98	73	112	85
Latino	26	14	18	15
Asian	6	3	6	5
Other	1	1	5	3
Unidentified	48	48	71	71
Total	400	315	417	344

10. Gender of Subject Officers

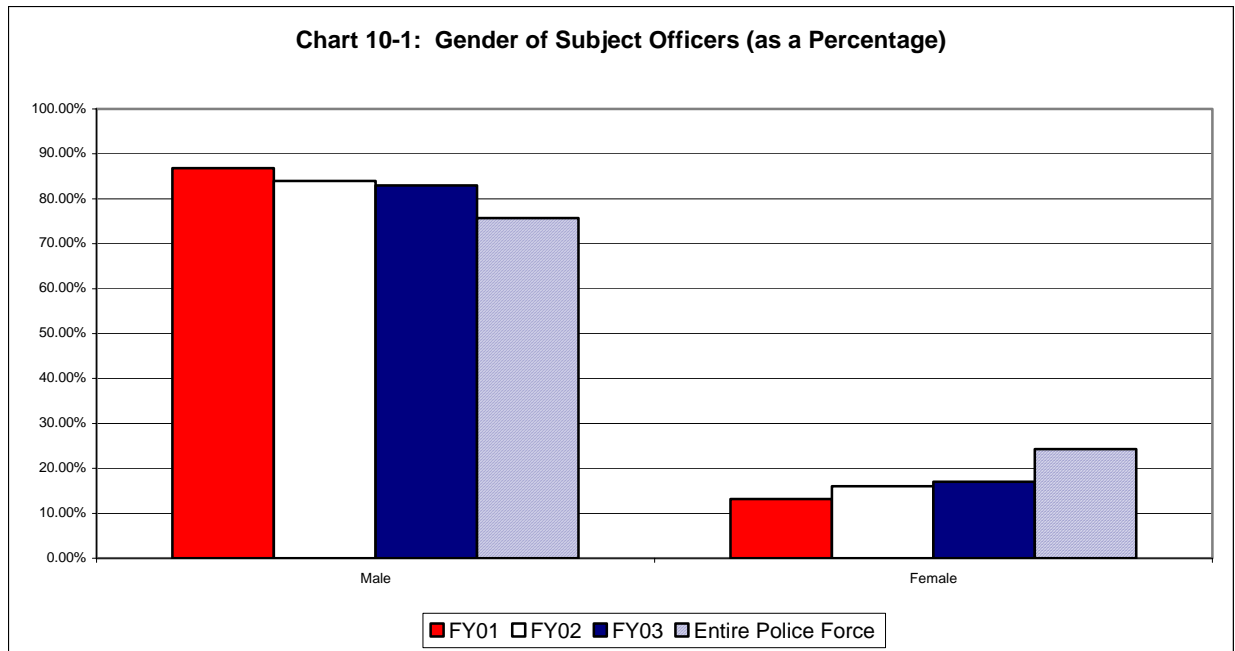
When a person files a complaint, OCCR records the gender of the officer. Table 10-1 reflects the gender for officers who could be identified or whose gender was reported by the complainant. The FY01, FY02, and FY03 columns reflect the gender of the officer for each complaint filed in fiscal years 2001, 2002, and 2003, not eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one female officer was the subject of two separate complaints in 2003, the FY03 column would reflect two female officers.

In addition, Table 10-1 and Chart 10-1 indicate the percentage of the total number of subject officers (excluding complaints with an unidentified subject officer gender) who were either male or female for fiscal years 2001, 2002, and 2003. The table and chart also indicate the gender composition of the entire work force of MPD officers.¹⁷ The statistics show that the gender breakdown of subject officers was generally consistent from fiscal year 2002 to fiscal year 2003.

Table 10-1: Gender of Subject Officers

	FY01		FY02		FY03		Entire Police Force
Male	321	86.8%	300	84.0%	293	83.0%	75.7%
Female	49	13.2%	57	16.0%	60	17.0%	24.3%
Unidentified	37		43		64		
Total	407		400		417		

¹⁷ The gender breakdown of MPD officers was obtained from MPD's 2000 annual report, which was the most recent one available. At the end of 2000, MPD had 3,614 sworn officers. 2,737 were men and 877 were women.



Each police officer may be the subject of multiple complaints filed with OCCR. For fiscal years 2002 and 2003, Table 10-2 adds FY02 Different Officers and FY03 Different Officers columns, which reflect the gender of each unique officer, eliminating duplicates of officers who were the subject of multiple complaints. Stated differently, if one female officer was the subject of two or more separate complaints in 2003, the FY03 Different Officers column would count that officer only once. One other way to look at the statistics is that 49 different female officers were the subject of 60 complaints in fiscal year 2003.

Table 10-2: Gender of Subject Officers

	FY02	FY02 Different Officers	FY03	FY03 Different Officers
Male	300	228	293	231
Female	57	44	60	49
Unidentified	43	43	64	64
Total	400	315	417	344

11. Police Districts and Units

The officers who were the subject of complaints came from police districts throughout the city, as well as several other MPD units. When a person files a complaint and the district or unit of the officer can be identified, OCCR records this information. Table 11-1 reflects the district or unit of the officer in each complaint. The FY01, FY02, and FY03 columns reflect the district or unit of the officer for each complaint filed in fiscal years 2001, 2002, and 2003, not eliminating duplicates of officers who were the subject of multiple complaints. Stated

differently, if one First District officer was the subject of two separate complaints in 2003, the FY03 column would reflect two First District officers. Table 11-1 and Chart 11-1 also indicate the percentage of all subject officers who came from each district or unit (excluding complaints with an unidentified district or unit).

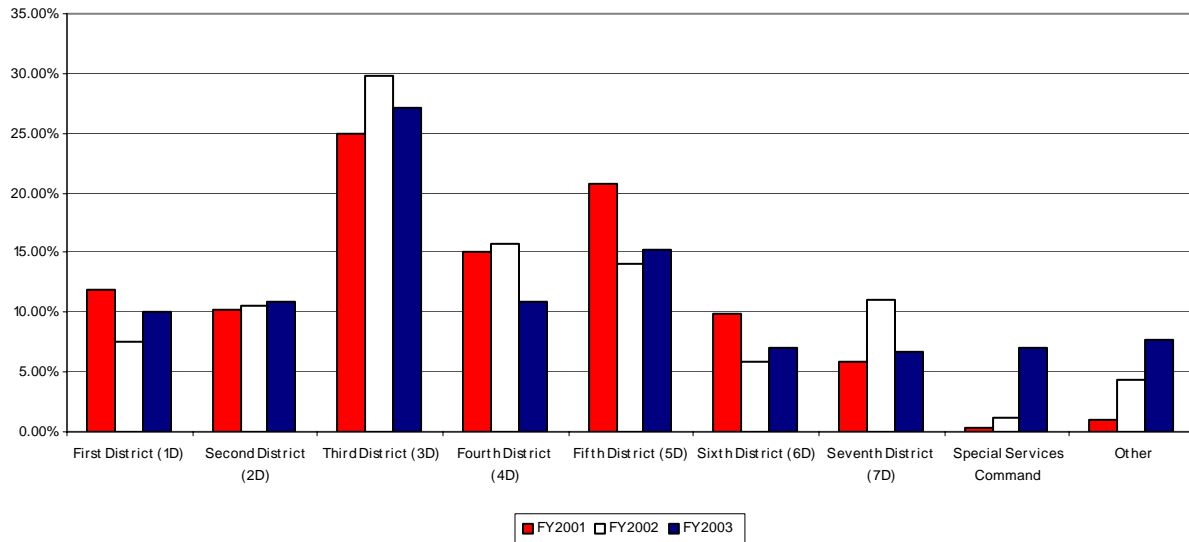
Special care should be taken when attempting to draw conclusions regarding the year-to-year changes from fiscal year 2001 to fiscal year 2002 for each district or unit. The statistics for fiscal year 2001 do not include district or unit information for every officer who was the subject of a complaint, so some of the numbers are understated. Instead, the district or unit was noted for each complaint in fiscal year 2001 and counted only once even if multiple officers were the subject of the complaint. At this point in time, OCCR is not able to recalculate the statistics for fiscal year 2001.

The most notable change in fiscal year 2003 was the increase in the percentage of subject officers from the Special Services Command. The Special Services Command conducts investigations for special citywide functions. It has units whose specialties range from canine and emergency response/SWAT team to forensic science and investigation of violent crimes. The fiscal year 2003 statistics also show an increase in the percentage of subject officers from the First District, which covers the White House, the U.S. Capitol, and the downtown business district, as well as Capitol Hill, the waterfront, and the Washington Navy Yard. There was a noticeable reduction of the percentage of subject officers in both the Third District, which covers portions of the Adams Morgan, Columbia Heights, LeDroit Park, and Dupont Circle areas, and the Fourth District, which covers much of the Northwest quadrant of the city east of Rock Creek Park, including Mount Pleasant, Brightwood, Columbia Heights, Fort Totten, Shepherd Park, and Petworth.

Table 11-1: Police Districts and Units

	FY01		FY02		FY03	
First District (1D)	35	12.0%	27	7.5%	34	9.7%
Second District (2D)	30	10.2%	38	10.5%	37	10.6%
Third District (3D)	73	24.9%	108	29.8%	92	26.4%
Fourth District (4D)	44	15.0%	57	15.8%	37	10.6%
Fifth District (5D)	61	20.8%	51	14.1%	52	14.9%
Sixth District (6D)	29	9.9%	21	5.8%	24	6.9%
Seventh District (7D)	17	5.8%	40	11.1%	23	6.6%
Special Services Command	1	0.3%	4	1.1%	24	6.9%
Other¹⁸	3	1.0%	16	4.4%	26	7.4%
Unidentified	21		38		68	
Total	314		400		417	

Chart 11-1: Police Districts and Units (as a Percentage)



Each police officer may be the subject of multiple complaints filed with OCCR. For fiscal years 2002 and 2003, Table 11-2 adds FY02 Different Officers and FY03 Different Officers columns, which reflect the district or unit of each unique officer, eliminating duplicates

¹⁸ Other includes MPD Headquarters, the Office of Professional Responsibility, Major Narcotics Branch, the Major Crash Investigations unit, the Maurice T. Turner, Jr., Institute of Police Science, Emergency/Non-Emergency Communications, the Air Support Unit, the Regional Operations Command – Central, the Juvenile Processing Center, and the District of Columbia Housing Authority.

of officers who were the subject of multiple complaints. Stated differently, if one First District officer was the subject of two or more separate complaints in 2003, the FY03 Different Officers column would count that officer only once. One other way to look at the statistics is that 29 different First District officers were the subject of 34 complaints in fiscal year 2003.

Table 11-2: Police Districts and Units

	FY02	FY02 Different Officers	FY03	FY03 Different Officers
First District (1D)	27	24	34	29
Second District (2D)	38	29	37	28
Third District (3D)	108	73	92	61
Fourth District (4D)	57	45	37	29
Fifth District (5D)	51	41	52	40
Sixth District (6D)	21	21	24	23
Seventh District (7D)	40	28	23	22
Special Services Command	4	4	24	23
Other	16	13	26	21
Unidentified	38	38	68	68
Total	400	316	417	344

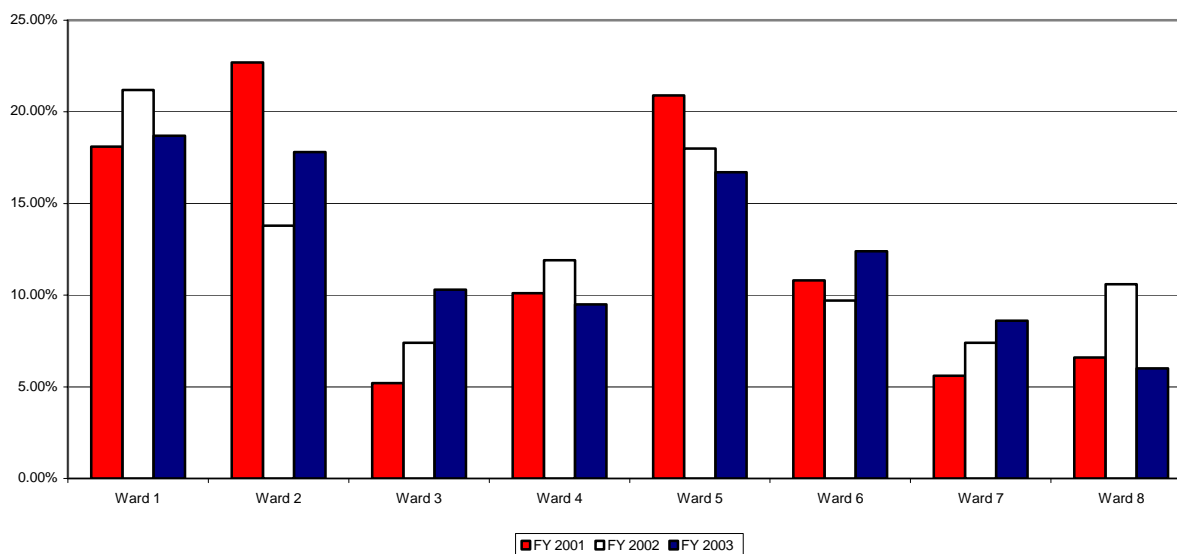
12. City Wards

When a complaint is filed, OCCR records the city ward in which the underlying incident occurred. Table 12-1 reflects the ward that was the site of each complaint filed in fiscal years 2001, 2002, and 2003. Table 12-1 and Chart 12-1 also reflect the percentage of all complaints that occurred in each ward. The statistics show some notable trends. Over the course of the three fiscal years, Ward 3, which covers a large section of the Northwest quadrant of the city, including the Friendship Heights, Chevy Chase, Tenleytown and Spring Valley neighborhoods, and Ward 7, which covers east of the Anacostia portions of the Southeast and Northeast quadrants of the city, have shown steady growth in the percentage of complaints occurring in these wards, while Ward 5, which covers Brookland, Michigan Park, Trinidad, and Ivy City, has shown a steady decline. The percentage of complaints occurring in the other wards has fluctuated up and down over the course of the three years. OCCR will continue to monitor the trends to try to determine what causes any year-to-year fluctuations among the wards.

Table 12-1: City Wards

	FY01		FY02		FY03	
1	52	18.1%	66	21.2%	65	18.7%
2	65	22.7%	43	13.8%	62	17.8%
3	15	5.2%	23	7.4%	36	10.3%
4	29	10.1%	37	11.9%	33	9.5%
5	60	20.9%	56	18.0%	58	16.7%
6	31	10.8%	30	9.7%	43	12.4%
7	16	5.6%	23	7.4%	30	8.6%
8	19	6.6%	33	10.6%	21	6.0%
Unidentified / Not in D.C.	21		7		13	
Total Formal Complaints	308		318		361	

Chart 12-1: City Wards (as a Percentage)



F. State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2003

In June and July 2003, the “State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2003” was introduced in both the United States Senate and the United States House of Representatives. This bill seeks to address issues affecting state and local law enforcement officers, but would have a negative impact on OCCR and other agencies, including police departments, that investigate complaints against the police. While the bill includes some provisions that provide important protections for law enforcement officers, the bill also contains

several provisions that would fundamentally alter OCCR and impose significant financial costs on the agency that would limit its ability to function. Beyond these specific changes, other provisions of the bill are confusing and contradictory, and would introduce uncertainty into the work of police oversight agencies because it would not be clear how the provisions would affect them. In general, the bill is an unsuccessful attempt to address a variety of issues, in a huge variety of agencies – police and non-police, large and small, and urban and rural – with an inadequate one-size-fits-all solution.

After learning about the bill, OCCR conducted research about the bill and studied its impact on the agency. Based on its research, OCCR's executive director wrote to the sponsors of the bill in the Senate and the House, as well as other members of Congress, to express OCCR's concerns about the bill. OCCR provided the senators and representatives with a section-by-section analysis of the bill that identified specific problems with the bill and its impact on OCCR and other agencies, including police departments, that investigate police officer misconduct. After sending its letter, OCCR met with the staff of three senators to discuss the bill and provide additional information about OCCR's concerns, and also encouraged other agencies around the country to write to Congress to share their views on the legislation. So far, the Los Angeles County Sheriff's Department, the Portland, Oregon, City Auditor, the San Jose, California, Independent Police Auditor, and the National Association of Civilian Oversight of Law Enforcement (NACOLE) have submitted letters.

To date, the bill has not moved forward in the legislative process since its introduction. OCCR will continue to monitor this legislation and oppose it. In short, the bill would not increase police accountability, but, rather, would directly limit OCCR's ability to achieve its mandate of providing the District of Columbia with effective, meaningful, independent oversight of the police force. In addition, the bill would limit the autonomy of the District and other local jurisdictions to decide how to structure their police oversight mechanisms.

G. Outreach

1. Fiscal Year 2003

Over the past year, OCCR implemented its Community Outreach Strategic Plan for 2003. The aim of the plan was to target communities that may be underrepresented in their use of the OCCR process. The communities that were the focus of the plan were the District's youth population, Latino community, and residents who live east of the Anacostia River in Wards 7 and 8. OCCR had great success with some parts of the plan, and will be continuing to work on other parts of the plan in 2004. Overall, OCCR had a very good year with its community outreach efforts, engaging its entire staff in the process, including its executive director, deputy director, public affairs specialist, investigators, and interns, and made the most of its limited resources.

OCCR's greatest success was its student interactive training program. This targeted outreach program engages teachers and students in an interactive session about a person's rights during a police stop. The program includes an overview of the agency, as well as role-playing scenarios that give students the opportunity to evaluate public and police behavior in various

encounters. OCCR conducted the program six times with students at Anacostia Senior High School's Public Service Academy, the Youth Court program sponsored by University of the District of Columbia's David A. Clarke School of Law, and the Street Law program. The program was well received on each of these occasions, and has generated return invitations and additional invitations from other organizations. OCCR also was successful with scheduling presentations to three community groups in Wards 7 and 8 to share information with them about the agency. Finally, OCCR is still attempting to hold training sessions with the staff of organizations that serve the Latino community to provide them with information they could share with their clients, and supplemented this aspect of its Latino outreach with participation in four different forums that provided information about government services.

Beyond the strategic plan, OCCR conducted a variety of other outreach activities. OCCR gave presentations to community groups throughout the District, met with professional and college groups to discuss the agency's work, participated in forums related to crime and criminal justice issues, and gave radio interviews to discuss the agency and its work. OCCR also made a special effort to increase its outreach to residents and visitors who do not speak English as their primary language. OCCR translated its complaint form and information sheet into 13 foreign languages, which include Arabic, Chinese Simplified Text, French, German, Haitian Creole, Italian, Japanese, Korean, Portuguese, Russian, Spanish, Tagalog, and Vietnamese. OCCR is not aware of any police accountability office that has translated its complaint materials into as many languages. In addition to making these materials available at its office and on its website, OCCR sent these materials to 117 embassies in Washington so they would be able to provide the materials to the people they serve.

In general, the agency has limited resources, but community outreach resources are stretched even further because of the high number of Freedom of Information Act (FOIA) requests the agency receives each year. FOIA requests affect community outreach activities because OCCR's public affairs specialist is responsible for coordinating community outreach and for FOIA. To the extent that the number of FOIA requests increases, it takes staff away from community outreach. In fiscal year 2003, OCCR's public affairs specialist responded to 297 requests, up from 258 in fiscal year 2002. The 258 requests that OCCR received in fiscal year 2002 accounted for approximately 7% of all FOIA requests received by the District, and the requests were processed primarily by one member of OCCR's 16-person staff.¹⁹ Processing each request is labor intensive, and requires searching for complaints for multiple officers in OCCR's files and the files of OCCR's predecessor agency, the Civilian Complaint Review Board, gathering and redacting any responsive documents, preparing and sending a response letter along with the documents, and recording information about the requests made to the agency, in addition to a review by OCCR management before the responses are sent out. OCCR has attempted to limit the impact that FOIA requests have on community outreach and the other work of the agency by developing better systems for processing requests, and by using interns to

¹⁹ During fiscal year 2002, MPD reported to the Secretary of the District of Columbia that it processed 224 FOIA requests using three full-time and 27 part-time staff members.

conserve other staff time. Nevertheless, FOIA requests significantly limit the staff available for community outreach and other work at OCCR.

2. *Community Outreach Strategic Plan for 2004*

For 2004, OCCR is going to continue some of the elements of its 2003 Strategic Plan, expand or change other elements, and add new elements. Based on the success of the student interactive training program, OCCR will continue to conduct these sessions. OCCR will make some return visits to schools and organizations that took part in the program in 2003 and will pursue opportunities to work with students in other schools and organizations throughout the District. In addition, OCCR will continue to pursue opportunities to give presentations to community groups throughout the District and to attempt to arrange training sessions with service providers who can pass information about the agency along to their clients who may need the information. With respect to new activities, OCCR is going to work to develop a public education program for the Latino community to disseminate information about the agency. Although OCCR has worked to share information throughout the city, the agency believes that special effort is needed in the Latino community to overcome past difficulties with MPD and the District Government, as well as the language barrier, which may prevent members of the community from filing complaints with OCCR. OCCR also is going to reinvigorate its efforts to reach out to police groups. OCCR plans to meet with MPD supervisor, officer, and recruit classes to introduce them to the agency, explain the complaint process, and answer any questions they may have.

3. *Website*

OCCR made significant changes to its website, www.occr.dc.gov, during fiscal year 2003. As described in earlier sections of this report, OCCR began publishing its complaint examiner decisions on its website in August 2003, making this information available to the public, as well as to the parties to the complaint. By publishing its decisions, Washington, D.C., joins Philadelphia and Boise, Idaho, as the only cities in the United States that publish their police misconduct decisions online. OCCR also translated its complaint form and information sheet into 13 foreign languages to serve residents and visitors who do not speak English as their primary language, and these materials are available on the agency's website. In addition, OCCR added a link with information about the agency's community outreach activities and services, and added Spanish-language prompts that will take Spanish-speaking users of the website to materials available in Spanish. Finally, OCCR regularly updated its news items to keep the public informed about developments at the agency, and its links to assist the public in finding police oversight resources in the United States and worldwide.

Since it was created, the agency's website has served as an important community outreach tool. OCCR made significant changes and improvements to the website during fiscal year 2003, and will continue to use the website as a tool to make information about the agency and police accountability available to the public.

H. Professional Police Oversight Organizations

As in previous years, OCCR responded to inquiries about the agency from jurisdictions seeking to create or reform their police accountability process in fiscal year 2003. In addition, since the agency opened, OCCR 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. Employees have attended the annual conferences in 2001, 2002, and 2003 of the National Association for Civilian Oversight of Law Enforcement (NACOLE). At the 2003 NACOLE conference, which was held in September 2003, OCCR staff members made presentations on two panels at the conference. OCCR's executive director, Philip K. Eure, gave a presentation on a panel entitled "Success in Civilian Oversight: Best Practices and Strategies to Counter Resistance," and OCCR's deputy director, Thomas E. Sharp, gave a presentation on a panel entitled "Mediation in Oversight: A Means for Changing Behavior." On both of these panels, OCCR was featured along with only one other oversight agency – San Jose, California, on the first panel, and Portland, Oregon, on the second. OCCR plans to continue its involvement with these professional organizations to learn from, and share with, other police oversight agencies around the country and the world.

I. Policy Recommendations

The statute creating CCRB places an obligation on 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." In fiscal year 2003, OCCR completed much of the supporting research and analysis for a detailed policy recommendation regarding disorderly conduct arrests made by MPD officers, which CCRB ultimately issued on November 19, 2003. The report, which is available on OCCR's website, detailed a variety of information regarding disorderly conduct arrests and decisions that had been issued by OCCR complaint examiners sustaining harassment allegations prompted by improper disorderly conduct arrests. The recommendations accompanying the report suggested steps that MPD should take to examine the large number of disorderly conduct arrests made by its officers to ensure that improper arrests identified in the complaint examiner decisions are not a sign of a larger problem with improper arrests. At present, OCCR does not have comprehensive statistics regarding complaints alleging improper disorderly conduct arrests, but OCCR will track this information in the future and report on it in more detail in next year's annual report. In addition, OCCR will report on developments and action taken by the Mayor, Council, and MPD in response to the report and recommendations.

In January 2002, the Board also issued a policy recommendation regarding the identification and prevention of racial profiling by police officers in the District of Columbia, which is also available on OCCR's website, www.occr.dc.gov. Specifically, CCRB recommended five specific policy changes that MPD should implement to identify and prevent racial profiling: (1) collect data on traffic stops; (2) implement a simple and inexpensive paper-based system of data collection; (3) ensure the statistical reliability of the data by including experts on data collection and analysis, chosen by community groups, civil liberties organizations, OCCR, and MPD; (4) implement officer education and training on laws against

racially biased policing; and (5) adopt a racial profiling policy and data collection system by June 1, 2002. OCCR has been participating in the task force formed by MPD to examine biased policing issues. To date, however, MPD has not taken steps to implement OCCR's five specific recommendations on racial profiling.

J. Information Technology

In fiscal year 2003, OCCR made significant progress in resolving several persistent problems with its information technology (IT) infrastructure and support. During the year, OCCR moved its e-mail service off of the Office of the Corporation Counsel's (OCC) mail servers onto the mail servers maintained by the Office of the Chief Technology Officer. In addition, OCCR purchased its own network server that the agency maintains in its offices, and left OCC's network servers. OCCR also added a tape backup system and uninterrupted power supply to its server to ensure the continued operation and protection of OCCR's network.

As described above, OCCR purchased new complaint management software toward the end of the fiscal year and began the process of implementing it in the early months of fiscal year 2004. Finally, thanks to additional money allocated to OCCR's fiscal year 2004 budget by the Mayor and the Council, OCCR made arrangements for regular computer support to maintain its IT systems and address any IT issues that arise.

III. THE FUTURE

In fiscal year 2004, OCCR is poised to make even greater progress than it did this year. OCCR's entire staff will be working to be as efficient as possible, and to resolve as many complaints as possible. In addition, the agency will try to conduct as much community outreach and take on as many other special projects as its staffing and funding will allow. As this report indicates, however, OCCR's number of open cases and backlog of complaints is growing, and this presents a problem that needs to be addressed. If the agency does not receive any additional resources to devote to the investigation and resolution of complaints, the trend threatens to overwhelm the agency and undermine its complaint resolution process in the not-too-distant future. While the outlook is good, CCRB and OCCR will be working closely with the Mayor and the Council to ensure adequate staffing and funding for the continued successful operation of OCCR through fiscal year 2004 and beyond.