

GOVERNMENT OF THE DISTRICT OF COLUMBIA

**POLICE COMPLAINTS BOARD
OFFICE OF POLICE COMPLAINTS**



**ANNUAL REPORT
FISCAL YEAR 2011**

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GOVERNMENT OF THE DISTRICT OF COLUMBIA POLICE COMPLAINTS BOARD OFFICE OF POLICE COMPLAINTS

February 27, 2012

Dear Mayor Gray, Members of the District of Columbia Council, Chief Lanier, and Chief Millhouse:

We are pleased to submit the 2011 Annual Report for the Office of Police Complaints (OPC) and its governing body, the Police Complaints Board (PCB). This report covers the agency's operations during the District of Columbia Government's fiscal year from October 1, 2010, through September 30, 2011.

Fiscal Year 2011 has been another year of progress in several areas of the agency's work of investigating, adjudicating, and mediating citizen complaints of police misconduct, making recommendations for police reform, and conducting outreach to underserved communities. For the fourth year in a row, the agency has received 550 or more complaints. This generally upward trend has been occurring since OPC's opening in 2001, with an increase in complaint volume occurring in eight of the agency's eleven years of operation. Despite this trend, OPC managed to increase its performance in many areas.

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

- 1,198 people contacted OPC to inquire about filing a complaint and other agency services. Of this number, 557 filed a formal complaint. In total, since the agency opened in 2001, it has had over 9,500 "contacts" with potential complainants and has handled approximately 4,700 complaints.
- OPC investigators worked on 899 complaints, the most ever in the agency's history.
- OPC closed 563 complaints this fiscal year, an increase of 10.4% over last year. The agency also finished the year with 336 open complaints, a 1.8% decrease from last year, and the first decrease in the last four years.
- As part of investigating these complaints, OPC conducted over 850 interviews, including nearly 500 police officer and more than 350 citizen interviews, and the agency prepared 350 investigative reports.
- OPC conducted 47 mediation sessions, 32 of which were successful and led to an agreement between the complainant and subject officer that resolved the complaint. Since opening, OPC has mediated 329 complaints, with an overall success rate of approximately 74%.
- PCB issued two reports and sets of recommendations to the Mayor, the Council, and the chiefs of police of the Metropolitan Police Department (MPD) and the D.C. Housing Authority Office of Public Safety (OPS), the agency assigned to furnish security for public housing facilities. In total, PCB has issued 27 policy recommendations.

- OPC received several complaints that MPD officers did not issue accident reports. Although motorists are not entitled to accident reports for minor traffic accidents, officers are required to issue a form to drivers that allows the person to collect and report basic information about the accident. PCB issued a report recommending that MPD officers receive thorough refresher training on how to respond to minor traffic accidents and the proper distribution of the form to be completed by motorists for those accidents. The Board also proposed that MPD revise its policy on traffic crashes to require officers to ensure the accurate exchange of information between all drivers involved in traffic accidents. Finally, the Board urged MPD and the D.C. Department of Transportation to work together to revise the form distributed to motorists involved in minor traffic crashes and make the revised form, as well as the two agencies' general policies regarding the completion of traffic reports, more accessible to the public.
- PCB issued a report recommending that MPD improve its investigation of bicycle-motor vehicle crashes, enhance officer training on the District's bicycle regulations, and increase its communication with cyclists in the District. PCB issued this report based on concerns raised at a February 2011 District Council hearing on bicycle and pedestrian safety that officers sometimes did not take statements from bicyclists injured in bicycle-motor vehicle crashes. The Board recommended that MPD revise its policy to allow officers to leave crash investigations open until all necessary statements have been obtained in order to provide appropriate safeguards for bicyclists who are injured. The Board also proposed that MPD better train officers on the applicable bicycling laws and urged the Department to increase its participation in the District's Bicycle Advisory Council (BAC).
- OPC conducted outreach events targeting a variety of audiences, including public school students, tenants of public housing properties, and the Latino and African communities in the District.

These achievements came despite several obstacles encountered by the agency. OPC had several staff vacancies at various times throughout the year. In addition, the agency's mediation and adjudication programs were both temporarily suspended due to changes in District procurement policies. These issues have since been resolved, with the agency now almost fully staffed and both programs fully operational again. In fact, based on current trends, OPC expects to refer more than 15 complaints to complaint examiners for adjudication by the end of Fiscal Year 2012.

OPC, MPD, and OPS maintain regular contact and positive working relationships. As an example, OPC and MPD have worked throughout the year to track more carefully instances of officers who fail to cooperate with OPC's processes, and the result of this cooperation is that all requests for discipline for such failures were reported on by the Department and discipline was imposed in a vast majority of cases. In addition, while MPD has not yet granted OPC's request to obtain direct computer access to police reports and records needed to complete investigations of alleged misconduct, the Department has made efforts to ensure that all OPC documents requests are answered and has taken steps so that this is done in a more timely fashion. In the meantime, OPC will continue to advocate vigorously for electronic access.

One of the advantages of effective and independent police review is the institutional capacity to follow up and report on the implementation of recommendations for police reform. Overall, we have been pleased with the steps taken by MPD and the city to implement the proposals made by PCB. Appendix A of this annual report contains detailed information on the status of these proposals for

police reform. One major example illustrating the effect of PCB policy recommendations is the continued growth of crisis intervention training for MPD officers, which was instituted following PCB's September 7, 2006, report and recommendations entitled "Enhancing Police Response to People with Mental Illness in the District of Columbia by Incorporating the Crisis Intervention Team (CIT) Community Policing Model." MPD and the D.C. Department of Mental Health (DMH) have adopted nearly all of the proposals made in the report. As a result, over 321 MPD officers have received training which allows them to deescalate situations involving individuals experiencing a mental health crisis and are able to quickly connect these persons with necessary services. This complement of officers represents 8.4% of the entire MPD force and 17% of the officers assigned to patrol service areas.

We look forward to furthering changes that we think will improve the police accountability system in Washington, D.C. As noted in the Appendix A policy recommendations section, the District Council did not take action on proposed legislation that would allow our agency to monitor and publicly report on the volume, types, and dispositions of citizen complaints resolved by MPD in the same way that our annual reports have consistently and publically furnished this information regarding the complaints handled by OPC. Appendix A also notes that PCB's proposal in 2008 to launch a "rapid resolution" program has still not been acted upon. This proposal would allow complainants who have alleged police officer conduct that is relatively less serious and may not violate MPD regulations to be referred by OPC directly to MPD supervisors of the subject officers. This process would provide complainants with a meaningful opportunity to address their concerns while also freeing up agency resources to resolve more serious cases more quickly. Over time, monitoring would lead to more targeted recommendations for police reform, and both proposals can be expected to strengthen police accountability in the nation's capital. We will therefore continue to urge the Council to enact a police monitoring bill and legislation authorizing the referral of certain types of complaints to a rapid resolution program.

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

Respectfully submitted,



Kurt Vorndran
Chair
Police Complaints Board



Philip K. Eure
Executive Director
Office of Police Complaints

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I. AGENCY INFORMATION

A. Agency Structure and Complaint Process

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

B. Police Complaints Board Members

The current members of the Board are as follows:

Kurt Vorndran, the chair of the Board, is a legislative representative for the National Treasury Employees Union (NTEU). Prior to his work at NTEU, Mr. Vorndran served as a lobbyist for a variety of labor-oriented organizations, including the International Union of Electronic Workers, AFL-CIO (IUE), and the National Council of Senior Citizens. Mr. Vorndran served as the president of the Gertrude Stein Democratic Club from 2000 to 2003 and as an elected Advisory Neighborhood Committee Commissioner from 2001 to 2004. He received his undergraduate degree from the American University's School of Government and Public Administration and has taken graduate courses at American and the University of the District of Columbia. Mr. Vorndran was originally confirmed by the District Council on December 6, 2005, and sworn in as the chair of the Board on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2014.

Assistant Chief Patrick A. Burke has over 22 years of service with the Metropolitan Police Department (MPD) and currently serves as the assistant chief of MPD's Strategic Services Bureau. He previously served as the assistant chief of the Homeland Security Bureau. During his career with the Department, Assistant Chief Burke has served in four of the seven police districts, the Special Operations Division, the Operations Command, and the Field and Tactical Support Unit. He received his undergraduate degree in criminal justice from the State University of New York College at Buffalo, a master's degree in management from the Johns Hopkins University, a master's degree in Homeland Security Studies from the Naval Post Graduate School's Center for Homeland Defense and Security, and a certificate in public management from the George Washington University. He is also a graduate of the Federal Bureau of Investigation's National Academy in Quantico, Virginia, and the Senior Management Institute for Police (SMIP) in Boston. He has also attended counter-terrorism training in Israel.

Assistant Chief Burke has received a variety of MPD awards and commendations, including the Achievement Medal, the Meritorious Service Medal, the Police Medal, and the Lifesaving Medal. He has also received the Cafritz Foundation Award for Distinguished District of Columbia Government Employees, the Center for Homeland Defense and Security's Straub Award for Academic Excellence and Leadership, and the National Highway

Traffic Safety Administration Award for Public Service. In 2011, The Century Council named him one of “20 People to Watch,” and the American Society for Industrial Security named him “Law Enforcement Person of the Year.”

He has served as MPD’s principal coordinator and incident commander for myriad major events, including the 2008 visit by Pope Benedict XVI, the 2008 G-20 Summit, and the 56th Presidential Inaugural in 2009. In addition to PCB, Assistant Chief Burke sits on numerous boards, including the D.C. Police Foundation and the Washington Regional Alcohol Program. He also serves as the chairman of MPD’s Use of Force Review Board. Assistant Chief Burke is an active coach for youth sports and is a member of numerous community and volunteer organizations within the District of Columbia, where he resides with his wife and four children. He was originally confirmed by the District Council as the MPD member of the Board on January 3, 2006, and sworn in on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council. The assistant chief was sworn in on January 5, 2012, for a new term ending January 12, 2012. He continues to serve until reappointed or a successor has been appointed.

Karl M. Fraser is an associate director who oversees clinical oncology research at a pharmaceutical company in Rockville, Maryland. Mr. Fraser received his undergraduate degree in biology from Howard University and a master’s degree in biotechnology from Johns Hopkins University. He has been active in his community, including serving as an elected ANC Commissioner. Mr. Fraser was originally confirmed by the District Council on December 6, 2005, and sworn in on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2014.

Margaret A. Moore, PhD is a leader in the field of corrections. She has more than 25 years of experience in the administration of both state and municipal prison and jail systems. She is the former director of the D.C. Department of Corrections (DOC).

As director of DOC, Dr. Moore had executive oversight for a complex prison and jail system with more than 10,000 inmates, approximately 4,000 employees, and an annual operating budget of over \$225 million dollars. Prior to coming to the District of Columbia, she was deputy secretary of the Pennsylvania Department of Corrections where she provided executive direction for prison operations within the central region of Pennsylvania. She is known for her track record of promoting women and African Americans into correctional leadership positions and continuously advocating for their advancement and representation at all levels of the corrections profession.

Dr. Moore currently holds the position of assistant professor in the Administration of Justice program at the University of the District of Columbia, Department of Urban Affairs, Social Sciences and Social Work. She was originally confirmed by the District Council on June 5, 2007, and sworn in on June 27, 2007. In 2011, she was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2013.

Iris Maria Chavez currently serves as assistant field director of the Education Trust, a Washington, D.C., based research, analysis, and practice organization promoting high academic achievement for all students at all levels -- pre-kindergarten through college. In her role at the Education Trust, she oversees the organization's field and outreach operations. Previously, Ms. Chavez served as deputy director for education policy and outreach at the League of United Latin American Citizens (LULAC), where she oversaw state and federal education policy work. In this capacity, she worked to deepen LULAC's understanding of state and federal school reform, and expanded the relationships between the organization's grassroots education advocates and state and federal policymakers.

Prior to LULAC, Ms. Chavez worked as a legislative associate for the Food Research and Action Center (FRAC), where she was a junior lobbyist giving advice on food assistance programs and federal-level governmental processes to the center's state and local network of organizations. Before working at FRAC, Ms. Chavez was employed at the Social IMPACT Research Center of Heartland Alliance for Human Rights and with the group Youth Guidance where she was a social worker in the Chicago Public Schools. Ms. Chavez holds a bachelor of arts degree in sociology, history, and African diaspora studies from Tulane University and a master of arts degree in social policy from the University of Chicago.

Ms. Chavez was appointed by Mayor Vincent Gray and confirmed by the District Council in the fall of 2011, and was sworn in on January 5, 2012, for a term ending January 12, 2012. She continues to serve until reappointed or a successor has been appointed.

C. Office of Police Complaints Staff

OPC has a talented and diverse staff of 21, including eight employees with graduate or law degrees, three of whom are attorneys. The diversity of the office has generally mirrored the District's population. Taking into account all employees hired since the agency opened in 2001, the racial and ethnic composition of the workforce has been as follows: 45.1% African-American, 35.2% Caucasian, 15.5% Latino, 1.4% Asian, and 2.8% biracial. In addition, since it opened in 2001, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond. As of September 2011, 70 college students and 35 law students have participated in the program.

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

Philip K. Eure became the agency's first executive director in 2000 after working as a senior attorney in the Civil Rights Division at the United States Department of Justice, where he litigated on behalf of victims of employment discrimination. While at the Department, Mr. Eure was detailed in 1997-1998 to Port-au-Prince as an adviser to the Government of Haiti on a project aimed at reforming the criminal justice system. Currently, Mr. Eure also sits on the board and serves as immediate past president of the National Association for Civilian Oversight of Law Enforcement (NACOLE), a non-profit organization that seeks to reduce police misconduct throughout the nation by working with communities and individuals to establish or improve independent police review mechanisms. Mr. Eure has spoken at various forums in the District, around the country, and outside the United States on a wide range of

police accountability issues. He received his undergraduate degree from Stanford University and his law degree from Harvard Law School.

Christian J. Klossner is OPC's deputy director. Appointed to this position in September 2010, he joined the agency after serving as an assistant district attorney in the Office of the Special Narcotics Prosecutor of New York City and at the Office of the Bronx District Attorney. He also served as an adjunct professor of trial advocacy at Fordham School of Law. Prior to attending law school, Mr. Klossner worked as a policy advocate and as a staff supervisor with the New York Public Interest Research Group, a not-for-profit advocacy organization focused on environmental, consumer, and government reform issues. He received his bachelor's degree from the State University of New York's University at Albany and his law degree from Fordham University School of Law.

Mona G. Andrews, the chief investigator, was hired in December 2004 as a senior investigator. She was promoted to team leader in December 2005, investigations manager in October 2008, and chief investigator in October 2011. Ms. Andrews came to OPC with 10 years of investigative experience. Prior to joining the agency, Ms. Andrews most recently worked with the Fairfax County, Virginia, Public Defender's Office as a senior investigator where she investigated major felony cases including capital murder, and also developed and coordinated an undergraduate internship program. Ms. Andrews obtained her undergraduate degree in political science and English from Brigham Young University.

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

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

Natasha Smith	Supervisory Investigator
Stephanie Clifford	Senior Investigator
Denise Hatchell	Senior Investigator
Anthony Lawrence	Senior Investigator
Rebecca Beyer	Investigator
KateLyn Claffey	Investigator
Peter Mills	Investigator
Crystal Rosa	Investigator
Emanuel Ryan	Investigator
Arturo Sanchez	Investigator
Andrew Schwartz	Investigator
Sarah Minkin	Paralegal Specialist
Dienna Howard	Intake Clerk
Nykisha T. Cleveland	Public Affairs Specialist
Stephanie Banks	Administrative Officer

Kimberly Ryan
Nydia Figueroa-Smith

Staff Assistant
Receptionist

II. THE YEAR IN REVIEW

A. Introduction

In Fiscal Year 2011, OPC experienced a 16.9% increase in the number of people who contacted OPC to inquire about filing a complaint and other agency services (1025 in FY 2010 and 1198 in FY 2011), although there were 4.3% fewer formal complaints (582 in FY 2010 and 557 in FY 2011). These numbers continue a trend over the past four years of increased complaint rates than in the earlier years of the agency's operations.

OPC closed 10.4% more complaints than in the previous fiscal year. This increase in closures resulted in OPC finishing the fiscal year with fewer open cases than at the close of the prior fiscal year for the first time since Fiscal Year 2007.

OPC referred 47 complaints to mediation, with the parties reaching an agreement in 32 of the sessions, or 68.1%. These agreements accounted for 8.7% of the 368 complaints resolved by OPC through conviction, adjudication, dismissal, or successful mediation. Successful mediations and sustained complaints together comprised 11.9% of the complaints resolved by the agency.

These achievements were attained despite setbacks in the agency's operations. At various times of the year, OPC had seven vacancies, six of which were in the investigative unit. All the vacancies were subject to the District's hiring freeze. In addition, OPC had to suspend its mediation and its adjudication programs for a portion of the fiscal year due to the city's changed contracting procedures.

During the year, PCB issued two reports and sets of recommendations for police reform to the Mayor, the Council, and the two law enforcement agencies under OPC's jurisdiction. The first report and policy recommendation addressed improving MPD's training, policies, and public outreach regarding officer response to minor traffic accidents. The second report and recommendation urged MPD to improve its investigation of bicycle-motor vehicle crashes, enhance officer training on the District's bicycle regulations, and increase its communication with cyclists in the District.

These developments and others are discussed in more detail below, along with statistics regarding complaints received and closed by OPC in Fiscal Year 2011.

B. Complaint Examination

1. The Complaint Examination Process

When an OPC investigation reveals reasonable cause to believe misconduct has occurred, OPC then refers the matter to a complaint examiner who determines the merits of the allegations. The agency's pool of complaint examiners, all of whom are distinguished attorneys living in the District of Columbia, has included individuals with backgrounds in private practice, government, non-profit organizations, and academia, as well as a variety of other experiences.

The complaint examiner can make a determination of the merits based on the investigative report or can require an evidentiary hearing, if necessary. If a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OPC takes steps to ensure that complainants have counsel available to assist them at no cost during these hearings. Generally, officers are represented by attorneys or representatives provided to them by the police union, the Fraternal Order of Police (FOP). In 2003, OPC entered into an arrangement with Howrey LLP, a transnational Washington-based law firm, to provide free counsel to complainants whose cases had been set for a hearing before a complaint examiner. However, Howrey dissolved in 2011. On behalf of the agency, the District of Columbia, and the many complainants ably represented by the law firm over the years, OPC wishes to express its gratitude to the many Howrey attorneys for providing excellent legal assistance from 2003 to 2011.

Arnold & Porter LLP, another Washington-based law firm, has taken over providing free, or "pro bono," counsel to complainants. Arnold & Porter has a demonstrated commitment to handling such matters, with attorneys at the firm averaging over 100 hours a year of pro bono work.¹ OPC looks forward to this partnership.

In Fiscal Year 2011, OPC was also required to change the way it administered its complaint examination program. The agency attempted to renew a contract with a vendor that for approximately eight years had provided cost-effective services to OPC and the District in administering the program. In November 2010, the District's Office of Contracting and Procurement (OCP) determined that the contract required a competitive bidding process. This process concluded at the end of March 2011, four months after the initial request for contract renewal was submitted, and resulted in no acceptable bids. Faced with this situation, OPC determined that, at least in the near term, the agency would administer the program itself using existing staff members. Another seven months went by before the contracting office could identify an acceptable structure for OPC to pay its complaint examiners, who receive a small stipend for their work consistent with OPC's governing statute. This period of time included another attempt to solicit bids from complaint examiners and the departure of two contracting office supervisors who were managing the process.

As a result, there were nine reports of investigation that had been completed by OPC staff and were waiting to be sent to a complaint examiner at the close of Fiscal Year 2011, and a total of 11 reports of investigation that were queued up once the program finally resumed in the early part of Fiscal Year 2012.

2. Decisions in FY 2011

Despite the setbacks described above, complaint examiners issued seven decisions, only four fewer than the previous fiscal year’s eleven decisions. All seven decisions sustained at least one allegation of misconduct.² Please note that the sustain rate of 100% does not reflect all complaints resolved by OPC. Rather, this percentage reflects the number of complaints forwarded to the complaint examiner that were also sustained. Thus, this rate does not include complaints that resulted in a criminal conviction, were successfully mediated, were dismissed because they lacked merit, or were dismissed because the complainant would not cooperate with OPC’s process.

Table 1 summarizes the decisions reached by complaint examiners during the past year, as well as the four previous years, and identifies the frequency of the different outcomes. The table reflects the overall outcome for each complaint.

Table 1: Complaint Examiner Decisions (FY07 to FY11)

	FY07		FY08		FY09		FY10		FY11	
Sustained	19	86.4%	9	81.8%	19	86.4%	9	81.8%	7	100%
Exonerated	2	9.1%	1	9.1%	2	9.1%	1	9.1%	--	--
Insufficient Facts	--	--	1	9.1%	--	--	1	9.1%	--	--
Unfounded	1	4.5%	--	--	1	4.5%	--	--	--	--
Withdrawn	--	--	--	--	--	--	--	--	--	--
Total	22		11		22		11		7	

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

To illustrate the issues addressed by the complaint examination process this year, a complaint examiner sustained allegations of harassment against an officer for the unlawful entry into a complainant’s home. Another complaint examiner sustained a language and conduct allegation and a harassment claim while finding a discrimination allegation to be unfounded in a case where a complainant was arrested for disorderly conduct after he stated out loud that he hated the police. These two decisions are discussed in more detail below.

a. Example #1 – OPC #08-0061

The complainant and his wife, both District residents at the time, were in a neighboring city when his wife received a voice mail message from a relative asking her to

come home immediately. When the couple failed to call back the individual, the relative left a second message stating that he was inside the couple's home. When the complainant and his wife returned to their home in the District, they learned from neighbors that individuals, including the relative and the subject officer, had been inside their home. Later that night, the complainant spoke to the subject officer about the incident. The subject officer acknowledged entering the complainant's home but refused to answer the complainant's questions regarding why he had done so without the complainant's permission. The couple later discovered that the subject officer, the relative, and another family member had entered the home to retrieve the belongings of the couple's son, who had been involved in a domestic incident with the complainant a day earlier. Following completion of its investigation, OPC found reasonable cause to believe misconduct had occurred and referred the matter to a complaint examiner.

After conducting an evidentiary hearing, the complaint examiner sustained the harassment allegation against the subject officer, finding that he lacked justification to enter the complainant's home without a warrant, consent, or exigent circumstances. The subject officer and the relative testified at the hearing that the subject officer had investigated the domestic matter involving the complainant and entered into the home to ensure that the complainant's wife was safe. However, the complaint examiner concluded that because the evidence failed to demonstrate that the wife was present at the home and in harm's way at the time of the entry, there were no exigent circumstances present.

b. Example #2 – OPC #09-0434

The complainant alleged that he and two of his friends were walking down the street when they saw MPD officers conducting a traffic checkpoint. As the complainant and his friends walked by the officers, the complainant said to his friends in a "sing song" voice, "I hate the police, I hate the police." The subject officer came running across the street shouting at the complainant, "Who do you think you are? Who do you think you are talking to?" The officer handcuffed the complainant and walked him to a police car. During this time, the complainant repeatedly asked why he was being detained and if he was being arrested. The subject officer allegedly responded, "Just shut up, faggot." The complainant, who is gay, was offended by the comment. The subject officer arrested the complainant and charged him with disorderly conduct. Following completion of its investigation, OPC found reasonable cause to believe misconduct had occurred, and referred the matter to a complaint examiner for a merits determination.

After conducting an evidentiary hearing, the complaint examiner sustained the harassment allegation against the officer, finding that the complainant's actions "did not amount to an actual or imminent breach of the peace." The complaint examiner also sustained the language or conduct allegation against the subject officer, finding that the officer's comments, "Who do you think you are? Who do you think you are talking to?" were demeaning and insulting to the complainant. Finally, the complaint examiner concluded that the allegation against the officer based on sexual orientation discrimination was unfounded. The complaint examiner found that there was insufficient evidence to determine either that the officer used the phrase "faggot" or that the officer was aware that the complainant was gay, and suggested that even if the subject officer had made the homophobic remark, such a

comment, while inappropriate, would not have been conclusive evidence that the officer's actions amounted to legally cognizable anti-gay discrimination.

2. *Final Review Panel*

The statute governing OPC allows the chiefs of police of the relevant law enforcement agencies to appeal a complaint examiner decision.³ If the chief determines that a decision sustaining any allegation "clearly misapprehends the record before the complaint examiner and is not supported by substantial, reliable, and probative evidence in that record,"⁴ the chief may return the decision for review by a final review panel composed of three different complaint examiners. The final review panel then determines whether the original decision should be upheld using the same standard.

In Fiscal Year 2011, the chief of MPD sent a letter to OPC requesting that a final review panel reconsider a complaint examiner decision sustaining an allegation of harassment and an excessive or unnecessary force allegation. The letter did not state whether the chief believed that the decision clearly misapprehended the record and was not supported by substantial, reliable, and probative evidence. In response, OPC requested that the police chief, in accordance with OPC's governing statute, articulate her belief that the decision misapprehended the record and was unsupported by the evidence, and detail the reasons supporting her determination. OPC is currently waiting for a legally sufficient notice before forwarding the case to a review panel.

3. *Disciplinary Outcomes*

For purposes of imposing discipline, OPC forwards to the MPD and OPS chiefs of police all OPC decisions that sustain at least one allegation of misconduct. Each law enforcement agency must inform OPC of the discipline imposed for sustained allegations in each citizen complaint. As shown above in Table 1, Fiscal Year 2011 included seven decisions by complaint examiners, all of which sustained at least one allegation of misconduct. OPC sent all seven of these decisions to MPD to impose discipline on a total of seven subject officers. Table 2 below lists each of the adjudicated complaints in the order in which they were resolved, identifies the allegations in each complaint, and indicates the decision reached by the complaint examiner for each allegation.⁵ It also shows that discipline has been imposed on five of the officers, that discipline is pending as to one of the officers, and that one officer was terminated for unrelated reasons before discipline could be imposed in the OPC matter. The full text of each decision is available on OPC's website, www.policecomplaints.dc.gov, and through the online legal databases maintained by LexisNexis and Westlaw.

Table 2: Complaint Examiner Decisions by Allegation and Disciplinary Outcomes (FY11)⁶

	Harassment	Excessive Force	Language or Conduct	Discrimination	Discipline Determination
08-0398	Sustained	Sustained	Exonerated		Member was terminated before discipline could be imposed in this case
05-0153		Sustained			Official Reprimand
09-0534	Sustained		Unfounded		2-day Suspension
09-0434	Sustained		Sustained	Unfounded	Official Reprimand
09-0533	Sustained				Official Reprimand
06-0393	Sustained	Sustained	Unfounded		Pending
08-0061	Sustained				PD 62-E

Table 2 correlates the discipline determination by the law enforcement agency with each OPC complaint. In reporting discipline information, OPC attempts to obtain the final disposition of each matter and keep abreast of any developments that may affect the final disposition. Since the discipline process is reasonably complex and can go on for quite some time, there are subsequent reviews that can occur even after MPD and OPS have taken their final action. As a result, OPC continues to track discipline imposed by the two chiefs of police.

For example, OPC reported in the Fiscal Year 2010 annual report that discipline was pending in OPC complaint #09-0012. This complaint involved two subject officers, and OPC learned that each officer received a “Letter of Prejudice.” This type of discipline consists of “a written notice to a member outlining the specific misconduct, and future consequence” and shall also outline: additional supervision; counseling; training; professional assistance; and a statement that such action shall be considered in performance evaluations, in deciding greater degrees of disciplinary action, and be used as a basis for an official reprimand or adverse action for any similar infraction within a two-year period.⁷

The disciplinary outcome for complaint #08-0061, as described in Table 2, was a PD 62-E, also known as a “Job Performance Documentation.”⁸ This is the first instance in which MPD has imposed a PD 62-E in an OPC case with a sustained finding. OPC found this troubling, as a 62-E is not a form of discipline. MPD regulations specifically state that a PD 62-E is used to document non-disciplinary action for “minor performance derelictions,” as opposed to “misconduct requiring disciplinary measures.”⁹ Furthermore, this case involved a sustained finding that the subject officer unlawfully entered the complainant’s home. After OPC raised this concern with MPD, the Department agreed that a 62-E is not discipline and was therefore not an appropriate outcome for a sustained decision from OPC. MPD provided assurances that it would take steps to ensure that, going forward, 62-Es would not be issued in cases of sustained misconduct allegations.

Table 1 also shows that in several instances MPD reported issuing an “Official Reprimand.” This form of discipline is a commanding officer’s formal written censure for specific misconduct, and is considered in performance evaluations and personnel assignment decisions, and in imposing greater degrees of disciplinary action for offenses committed within a three-year period.¹⁰ This form of discipline is more serious than a “Letter of Prejudice.

The most serious of the discipline types listed in Table 1 is a suspension. Suspension is defined as “a temporary cessation of pay and police authority, with or without a definite date of restoration.”¹¹

The discipline imposed for misconduct in the remaining OPC complaint is listed as “Pending” because MPD has not yet furnished any information regarding discipline. OPC will continue to track complete information regarding discipline outcomes.

Table 3 below contains a historical overview of discipline imposed pursuant to sustained decisions by complaint examiners. The table is organized, top to bottom, from the most serious sanctions to the least serious ones.

Table 3: Discipline for Sustained Complaints (FY03 to FY11)

Discipline or Action Taken¹²	Total
Terminated	1
Resigned ¹³	3
Demoted	1
20-Day Suspension	6
15-Day Suspension	6
11-Day Suspension	1
10-Day Suspension	15
5-Day Suspension	6
3-Day Suspension	10
2-Day Suspension	2
Official Reprimand	20
Letter of Prejudice	5
Derelection Report	8
Formal Counseling	15
Job Performance Documentation	1
Unrelated Termination Prior To Discipline Being Imposed	1
Merits Determination Rejected	1
Total	101

The table above includes one outcome of “Merits Determination Rejected.” In last fiscal year’s annual report, OPC reported that MPD’s director of the Disciplinary Review

Division (DRD) “dismissed” the sustained charges against one of three subject officers in OPC complaint #08-0043/44 for “no preponderance of evidence.” Since “dismissal” by MPD of OPC-sustained decisions is not an option under District law, OPC sought clarification. MPD acknowledged that the merits determination as to the subject officer in question was rejected in error and has assured OPC that the Department has taken steps to address the issue with the relevant MPD personnel. OPC will continue to monitor disciplinary outcomes to ensure the integrity of the disciplinary process.

C. Criminal Convictions

The statute governing OPC requires that when the agency determines the allegations in a complaint may be criminal in nature, OPC must refer the complaint to the United States Attorney for the District of Columbia for possible criminal prosecution of the officer(s). OPC makes these referrals on a regular basis after conducting preliminary investigative work, such as interviewing complainants and non-police witnesses, obtaining medical records, police reports, and other documents. During Fiscal Year 2011, OPC did not close any complaints that resulted from criminal convictions.

D. Mediation

1. Operation of the Program

In Fiscal Year 2011, OPC, through its mediation service, the Community Dispute Resolution Center (CDRC), mediated 47 complaints, bringing the grand total to 329 complaints mediated since the inception of the agency’s mediation program in 2001. The parties reached an agreement in 32 of the 47 mediation sessions, or 68%, and these agreements accounted for nearly 9% of the 368 complaints resolved by OPC through conviction, adjudication, dismissal, or successful mediation. Experts in the field have used these three measures – “the total number of complaints referred for mediation, the percentage of those cases that were successfully mediated, and the percentage of all complaints that were successfully mediated”¹⁴ – to survey and compare the operation of mediation programs used by different citizen oversight agencies.¹⁵ With nearly 9% of resolved complaints being resolved through mediation in Fiscal Year 2011, OPC’s performance continues to place it at or near the top when compared to other mediation programs in the United States.

Since the program began in 2001, 519 cases have been referred to mediation. Some cases are not mediated once referred, many because the complainant declines to participate in mediation. However, 329 of the referred cases have resulted in a mediation occurring, and of these, 244 mediation sessions, or more than 74%, have been successful and resulted in an agreement between the parties that resolved the complaint. The remaining 85 mediation sessions, or 26%, did not result in an agreement and the underlying complaints were referred back to the executive director for appropriate action. To date, mediators have helped resolve complaints that allege harassment; the use of language or conduct that is insulting, demeaning, or humiliating; discrimination; the use of unnecessary or excessive force not resulting in physical injury; failure to provide identification; retaliation; or a combination of the six. OPC is pleased that it has achieved and maintained an increased number of

complaints referred to mediation, a significant percentage of successful mediations, and a noteworthy percentage of all cases resolved through mediation agreements.

In addition to the statistical success rate, a survey of individuals who participated in mediations from the program's inception to the end of Fiscal Year 2011 indicated that 98% of complainants and subject officers who responded found the mediator to be helpful or very helpful, 88% found the mediation session to be satisfactory or very satisfactory, and 96% found the resulting agreement to be fair or very fair. With the aim of the program being to enhance community-police relations, it is important that such a high proportion of participants come away with a positive view of the mediator and the process, as well as the agreement that both sides worked toward reaching. In addition, 50% of the respondents left their mediation session with more positive feelings about the other party, while 9% had more negative feelings, and 41% indicated no change in their feelings. Finally, OPC is proactively taking steps to protect the integrity of the mediation process by dismissing complaints and pursuing discipline of officers when one of the parties fails to appear for mediation or refuses to participate in the mediation process in good faith.

2. *Mediation Examples*

The following examples illustrate the types of complaints that OPC referred to mediation in Fiscal Year 2011:

a. *Example #1*

The female complainant alleged that her 14-year-old son called her on the phone, stating he was going to be arrested by the police officer at his school. The woman could hear the officer tell her son to get off the phone. The complainant left her workplace, went to her son's school, and arrived to find her son and his schoolmate sitting in the school office. The son explained that he and his friend were play-fighting, which escalated to his friend hitting him in the face and him pushing his friend.

After the son's explanation of what happened, the officer told the woman that her son and his friend were physically fighting and refused to stop in the presence of the officer. She tried to explain to the officer that her son was friends with the other student, and they were good children who had never gotten in trouble before. The officer told the complainant he did not care and proceeded to arrest both her son and his friend. After processing, her son and his friend sat in jail for five hours. A week later, a school official apologized to the complainant and told her that the officer never notified any school official that he was removing two students from school grounds and arresting them, and that the officer should not have arrested the students.

At mediation, the complainant and her son recounted the incident from their perspectives. The officer explained how he remembered the incident. Through mediation, the officer, the complainant, and her son were able to have a positive conversation that enabled them to move forward and focus on how the son and the officer would interact in the future. All parties acknowledged the importance of the complainant's son and officer having a good rapport with one another, and agreed to work to make that happen.

b. Example #2

The female complainant filed a complaint alleging she was subjected to harassment, discrimination, inappropriate language and conduct, and the use of unnecessary and or excessive force by an officer who responded to her call for help after a domestic dispute with her ex-boyfriend. The woman alleged that when she picked up her five-year old daughter from the house of her ex-boyfriend, he threatened the complainant and then began hitting and kicking her. She pulled his hair and was able to get away from him and call the police.

An ambulance and police officer were sent to the location of the altercation. When the ambulance arrived, the complainant sought medical attention for her injuries. The officer spoke with the ex-boyfriend and the daughter, then questioned the complainant. During the questioning, the officer called her an “educated black” woman in a sarcastic tone. The complainant tried to ignore his comments and provide the officer with a list of witnesses. The officer responded that he would instead speak with her daughter. The daughter told the officer that her mom had pulled her dad’s hair. The officer arrested the complainant and continued to taunt her by calling her an educated black woman.

At mediation, the complainant described the history between her and her ex-boyfriend, detailing the years of verbal and physical abuse she suffered. She then explained how upset she was by the way the officer conducted the investigation. She felt that the officer did not listen to her side of the story, jumped to conclusions after her daughter stated that she had pulled her ex-boyfriend’s hair, dismissed her version of events, and sided with her former boyfriend. The complainant also told the officer that she felt he mocked her for having an education.

The officer listened to this version of events and then explained why he arrested the woman from his perspective. The officer acknowledged that it may have been beneficial for him to speak with other witnesses besides the complainant’s daughter. He also recognized that he was not aware of the history between the complainant and her ex-boyfriend. The officer went on to explain that he intended to be helpful by not arresting both parents, as their daughter would have been placed in Child Protection Services. The officer acknowledged that he made a comment about her being a well-educated black woman, but explained that he did not intend to taunt her.

After talking about all of the issues, both parties felt they understood how the series of events occurred. The complainant and officer indicated that they both felt more positive about one another, and were glad they had an opportunity to talk. The complainant also stated that as a result of the mediation, she felt better about calling the police in the event that another domestic dispute occurred.

c. Example #3

The female complainant alleged that she noticed there was no police presence in a high crime area around her home. The woman had been assured on numerous occasions prior

to that evening that there would be a police officer stationed at a particular intersection known for being a high crime area. She called the watch commander's cell phone and received no answer, so she walked to the police station to speak with the watch commander. Upon arriving at the station, she was greeted by an officer who informed the complainant that the watch commander was busy, and asked how he could help.

The woman explained to the officer that she was there because no one answered the watch commander's cell phone and because there was no police presence in a particular area. She told the officer that citizens were informed that someone would always answer the watch commander's cell phone, excluding emergency situations. The complainant believed the officer was dismissive and rolled his eyes at her. She then repeated that there was no police presence in a high crime area near her home. The officer told the complainant he would look into it. The complainant told the officer she wanted him to actually send someone to the particular area, and he told her not to tell him how to deploy his manpower. The officer then waved the complainant away saying he was done with the conversation.

When the complainant and officer came together for the mediation, they were both very upset. The complainant began by explaining why she filed the complaint. She described their interaction at the police station and told him she felt her safety concerns were ill-addressed. She highlighted her need to feel safe, her need to feel that police officers were concerned about community safety, and her feeling that the officer was unprofessional and rude.

The officer acknowledged the complainant's need to feel safe but disagreed with the complainant's version of events. The officer told the complainant that he felt she was aggressive and rude from the moment she walked into the police station. He explained that the complainant was upset about the watch commander not answering the cell phone and took her frustration out on him. The officer told the complainant that although police presence in the area identified by the complainant was a priority, there were many emergency situations on the evening of their interaction that took precedence. He explained to her that he wished there could be police stationed across the neighborhood, but he lacked the resources to make that happen.

At the conclusion of the mediation, both parties realized that they had common interests. Since the complainant frequently visits the police station, both agreed that they would see each other again soon and that they did not wish to have any hard feelings between them. The officer apologized to the complainant for making her upset and the complainant accepted his apology. They both agreed that they wanted more officers for that police station and that working together was the best way to accomplish their goal.

E. Investigations

OPC's investigative unit continued its critical work collecting the facts about and analyzing the allegations contained in the police misconduct complaints received by the agency. By statute, OPC has the independence and authority needed to conduct its investigations. For example, while OPC is a District government agency, it is independent of MPD and OPS and is not under the direct control of the Mayor. The agency has its own non-

police staff to investigate complaints, and the law vests OPC with subpoena power to gather necessary evidence and requires that the relevant police department cooperate with its investigations. A considerable amount of work goes into investigating each complaint, even when a complaint is ultimately dismissed, and OPC's investigators are responsible for getting this work done.

OPC conducts extensive and thorough investigations of all allegations made by complainants. OPC tracks allegations under six broad categories of misconduct: (1) harassment; (2) use of unnecessary or excessive force; (3) use of language or conduct that is insulting, demeaning, or humiliating; (4) discriminatory treatment; (5) retaliation against a person for filing a complaint with OPC; and (6) failure of an officer to wear or display required identification or to provide a name and badge number when requested to do so by a member of the public. While these six general categories provide a broad picture of the types of issues that arise between citizens and police officers, such interactions are factually varied, and the allegations can range from the very serious to the relatively minor with many distinct parts to them.

In order to capture more detail about the nature and severity of the general allegations made by complainants, OPC also tracks 65 subcategories of allegations. For example, under the general category of unnecessary or excessive force, there are 21 subcategories that cover the myriad ways that officers use force, including striking an individual with the hand, forcefully pushing an individual to the ground, and directing a police dog to attack an individual. This enhanced classification system, implemented in 2008, allows OPC to do a better job tracking, analyzing, and reporting trends that occur in complaints. The additional detail also helps OPC conduct its investigations by focusing on and specifically identifying all relevant ways that allegations made by a complainant can be misconduct.

The investigative unit was busier and more productive in FY11 than in FY10. OPC received 557 complaints in Fiscal Year 2011 and provided information and assistance to the 641 people who contacted OPC, or 17.2% more than the total of 1,025 individuals contacting OPC in FY10. The agency resolved 368 investigations, and produced investigative reports in 336, or 91.3%, of those matters. The remaining 32 were successfully mediated.

In addition, as noted above in the Complaint Examination section, the agency produced investigative reports involving an additional nine complaints that could not be fully resolved due to the disruption in adjudication services. Five of these investigations required two reports each, as OPC formally dismissed a portion of the allegations and referred the remainder of the allegations to a complaint examiner. In total, the agency produced 350 reports during Fiscal Year 2011.

OPC investigations can be complex due to the number of witnesses who must be interviewed and the amount of other evidence that must be gathered and analyzed. The investigators conducted over 850 complaint-related interviews during the year, which included more than 498 police officer and 356 citizen interviews. Consistent with OPC's policy of conducting certain witness interviews with two investigators present, a second investigator participated in over half of the interviews.

This work and level of performance were achieved despite a number of staffing vacancies that arose during the year. OPC filled some of the vacant positions by the end of the fiscal year, and expects to be fully staffed by the end of the second quarter of FY 2012. The agency looks forward to the addition of talented new staff members at various levels in the investigative unit, from management to line investigators and administrative support. With the staffing vacancies resolved and the development of new leadership, OPC looks forward to increased production and efficiency.

The sections below provide an example of an investigation that led to a dismissal and discussions of issues affecting the investigative process.

1. Dismissal Example

The complainant, a 32-year-old African American male, alleged that two subject officers harassed him by unlawfully searching and threatening him. The complainant also alleged that the officers used unnecessary or excessive force against him during the incident and that one of the subject officers used profanity toward him.

According to the complainant, he was sitting inside a garage waiting for his girlfriend to arrive. Upon hearing a vehicle door shut outside the garage, he opened the garage door to see who was outside: two subject officers. The two officers allegedly asked the complainant whether he had seen anyone in the area making noise, about a vehicle that was in the garage with its lights on, whether the complainant had been using drugs, and if he would consent to being searched. When the complainant said he had not been using drugs and did not consent to the search, one of the officers allegedly grabbed the complainant's arm and pulled him out of the garage. As the subject officer attempted to push the complainant against a vehicle to search him, the complainant broke free from the officer and attempted to run away. However, one of the subject officers allegedly grabbed the complainant by his clothing and swung him head first into a nearby brick wall. The complainant said he fell to the ground and tried to get back up, but was punched repeatedly and held in a chokehold by the officers. The complainant further alleged that while he was in the chokehold, he started to lose consciousness and heard one of the subject officers shout, "Kill him! Choke him out! Kill him. You want to play with us? Kill him. We don't give a fuck about you." About a minute later, the complainant was handcuffed. He observed that several other officers had arrived at the scene. The complainant further claimed that one of the subject officers stated, "I should have kicked your head in." The complainant was arrested and charged with assault on a police officer, possession with the intent to distribute cocaine, and possession of marijuana.

The complainant also told OPC that marijuana and cocaine had "scattered" on the garage floor and that officers took photographs of his hands as evidence that he had tried to crush crack cocaine that fell out of his pocket and onto the floor. Despite his admission, the complainant refused to include this portion of the events in his formal written statement.

During its investigation, OPC interviewed the complainant, four witness officers, and the two subject officers. OPC also reviewed several MPD documents, including the arrest report, property and drug seizure reports, evidence photographs, a use of force incident report,

and the roll call and activity logs for the police district where the incident occurred. OPC took photographs and canvassed for witnesses at the scene of the incident but found no independent witnesses to the incident. OPC also reviewed the complainant's medical records.

The medical records did not support the complainant's claim of excessive force, and only indicated minor injuries consistent with the complainant resisting arrest.

According to the subject officers, they received a call for service to investigate disorderly people drinking and smoking drugs in the area where they ultimately found the complainant. When the officers arrived in the area, they did not see anyone around. But then the complainant opened a garage door. The officers observed several chairs with beer cans nearby. The officers also noticed that the complainant had "red and glassy" eyes, and one of them asked the complainant if anyone had been in the garage with him or had been drinking or smoking anything illegal. The complainant answered, "No." One of the officers asked if he could search the complainant. Both officers claimed that the man consented to the search. When the officers approached the complainant to search him, they both noticed that he had something in his hand. When the officers asked what was in his hand, the complainant attempted to run away from the officers. However, one of the officers was able to grab the man by the hood of his sweater. The complainant then turned and started to punch at the officer. The other subject officer attempted to grab the complainant, gain control of him, and prevent him from assaulting either officer, and a struggle ensued. All three men hit both a nearby brick wall and parked vehicles as the officers struggled to gain control of the complainant, who continued to attempt to fight with the officers. The officers repeatedly gave the complainant commands to stop resisting, but the man continued to fight the officers. Eventually, the officers were able to get the complainant on the ground and secure him in handcuffs. The subject officers further stated that they found cocaine and marijuana in the man's possession as well as evidence that he had attempted to destroy and discard the crack cocaine that was in his hand when the officers initially attempted to search him.

The subject officers acknowledged that they struck back at the complainant in order to defend themselves and to gain his physical compliance. However, the officers denied putting the man in a chokehold, threatening to choke or kill the complainant, or using profanity.

All of the arrest-related reports, the use of force reports, and the witness officer accounts were consistent with the subject officers' versions of events. Although the witness officers arrived at the scene near the end of the incident, they generally supported the subject officers' account of the amount of force used in that none of them saw any injuries on the complainant nor heard the complainant make any claims of injury.

Although the complainant alleged that the subject officers attempted to search him unlawfully, that they threatened him, that the force used against him was not warranted, and that profanity was used toward him, OPC found that the evidence did not support his assertions. OPC also found the complaint to not be credible because he gave varying accounts of the incident and he refused to include relevant yet unfavorable information in his OPC statement. In contrast, the subject officers provided consistent and supported explanations for their interaction with the complainant and for the justified amount of force they used in order to gain control of the man and place him under arrest. Their versions were

also consistent with much of the complainant's account of those events that he chose to include in his written statement. OPC credited the subject officers' recollections of the incident and, after reviewing the evidence gathered during the investigation, concluded that the complainant's allegations lacked merit and should be dismissed. A PCB member reviewed the report and concurred with the dismissal.

2. *Failure to Cooperate by MPD Officers*

By statute, MPD and OPS officers must cooperate fully during investigations and adjudications of OPC complaints.¹⁶ When OPC refers complaints to mediation, officers also must participate in good faith in the mediation process.¹⁷ Each time an officer fails to cooperate in the investigation or mediation process, OPC issues a discipline memorandum to MPD or OPS, which should result in the imposition of discipline by the relevant law enforcement agency in accordance with the statutory mandate. The chart below compares data provided by MPD for fiscal years 2008 through 2011.

OPC records show that in Fiscal Year 2011 OPC sent 56 discipline memoranda to MPD and 2 memoranda to OPS. The total of 58 disciplinary matters is a 29% decrease from last year's total of 84 such instances of officers failing to appear or cooperate. This decrease comes after efforts made by OPC and MPD to improve the scheduling and notification procedures for both agencies to ensure that timely notice is provided to all officers. As a result, the incidence of failures to appear or cooperate has returned to the lower levels that the agency experienced in FY08 and FY09. These trends are shown in Table 4 below.

However, while overall instances of failure to cooperate have decreased, there has been a sharp rise in instances of officers appearing at OPC and refusing to provide or sign statements. Thirteen of the 58 total discipline memoranda are related to an officer appearing when requested but refusing to participate in OPC's process as required, which is more than a four-fold increase over the previous fiscal year's three instances. One such officer was "exonerated," and the explanation MPD provided for this outcome cited the collective bargaining agreement between MPD and the Fraternal Order of Police, which neither trumps District law nor applies to OPC. Lack of cooperation and disciplinary outcomes that are not legally supported, left unchecked, could undermine public confidence in the District's police accountability system. OPC is working with MPD to ensure greater compliance from officers and to avoid officer exonerations in these circumstances based on unsound legal bases.

Despite these concerns about the actions of individual officers, MPD deserves credit for making significant improvements in both imposing discipline for officers who fail to cooperate and reporting these outcomes fully.

Table 4: Discipline for Failure to Cooperate

	FY 2008	FY 2009	FY 2010	FY 2011
Sustained, 10 day suspension	-	-	-	1
Sustained, 5 day suspension	-	-	-	1
Sustained, 3 day suspension	-	-	-	1
Sustained, "Official Reprimand"	3	1	-	3
Sustained, "Letter of Prejudice"	4	1	1	10
Sustained, "Form 750" or "PD 750"	16	14	17	24
Sustained, letter of admonition	-	-	1	2
Sustained, "Form 62E"	2	2	-	2
Officer Exonerated, no reason provided	17	15	1	-
Officer Exonerated, other individual disciplined	1	5	7	1
Officer Exonerated, lack of notification	-	11	2	2
Officer Exonerated, excused by MPD	-	-	6	4
Officer Exonerated, "Article 13 labor agreement"	-	-	-	1
Unfounded	-	4	27	5
No action, officer no longer employed	2	-	5	1
Not reported or information incomplete	7	5	16	-
Withdrawn by OPC	-	1	-	-
Pending	-	-	1	-
Total OPC Notifications Issued	53	59	84	58

In last year's annual report, OPC reported there were a large number of either "unfounded" determinations or outcomes that resulted in no discipline. This year's data show significant improvement. As set forth in Table 4, discipline has been imposed on 44 officers who failed to appear or cooperate. One officer who failed to appear was exonerated based on not receiving the notification, but the MPD staff person who failed to notify the officer was held accountable by MPD. Furthermore, of the 14 situations where no discipline was imposed, eight were based on either valid excusals by MPD for reasons such as illness, overseas military deployment, or the officer no longer working for MPD. As noted above, there are still areas of concern, but overall, MPD is demonstrating that it is taking seriously instances of officers failing to appear or cooperate, which in turn promotes greater confidence in the city's police accountability system.

Table 4 also shows that over the three previous fiscal years, there were, respectively, 7, 5, and 16 instances of MPD not adequately reporting information related to disciplinary outcomes. In FY11, OPC began sending MPD a running list of outstanding discipline requests with the expectation that this increased communication would yield more thorough reporting, and by extension, more consistent discipline. OPC is pleased to report that these lists have resulted in there being no requests by OPC that were not reported on by MPD.

OPC will continue to monitor trends in the imposition of discipline for officers who fail to cooperate, and report on the agency's findings.

F. Statistics

OPC collects data in a variety of categories in order to track agency performance and monitor trends in police misconduct. This allows OPC to describe its work, the nature and location of the complaints that the office received, and characteristics of the complainants and subject officers. As in recent annual reports, this year's report has less text in and around the charts and tables to streamline and simplify the presentation of the statistics. Nevertheless, some of the information contained below regarding Fiscal Year 2011 that warrants highlighting includes the following:

- OPC worked on 899 complaints in Fiscal Year 2011, the most ever in the agency's history.
- OPC increased the number of complaints it closed in the fiscal year by 10.4% (from 510 to 563) and finished the year with 1.8% fewer open complaints (342 versus 336) than in the previous fiscal year.
- Although the number of people who filed complaints with OPC declined 4.3% from the prior year (582 to 557), the number who contacted OPC increased by 16.9% (1,025 to 1,198). The number of complaints is the third highest in the agency's history, and the volume of total contacts registered by OPC is the second highest.
- The agency mediated 47 complaints, a 27% increase over the 37 cases mediated in Fiscal Year 2010. Of the 47 mediations, participants reached successful resolutions in 32 matters, or 68% of the total complaints mediated.
- Tables 8 through 8f show that, as in the several previous fiscal years, harassment is alleged more frequently than the other five categories. Harassment constituted 48.9% of all allegations in all complaints (799 out of 1635).
- The number of complaints where excessive or unnecessary force was alleged decreased from 19.0% to 17.1% of all allegations in all complaints, while the number of complaints where some type of discrimination was alleged increased from 4.6% to 5.7% of all allegations.
- The age and years of service data continue to show that younger and less experienced officers make up a larger proportion of subject officers than their representation in the entire police force, while older and more experienced officers make up a smaller proportion.
- Ward 1 experienced the largest decrease in the number of complaints stemming from incidents within its boundaries, falling from 88 to 60, a decrease of 31.8%. Ward 8 experienced the largest increase, from 64 to 76, an increase of 18.8%.

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

The data used were compiled regardless of whether OPC’s investigation had been completed at the close of the fiscal year. As such, not all complainants had been interviewed nor all officers identified by that time, resulting in a number of entries as “unreported” or “unidentified.” Further, where a formal complaint was received that was outside of OPC’s jurisdiction, or where the complainant either withdrew or failed to pursue the complaint, additional “unreported” or “unidentified” entries occur. In Tables 10, 12, and 16 through 21, the numbers reflect only the percentages of reported complainants and identified officers. OPC attempts to reconcile current data with the data for prior years, but cannot in every case, which can lead to certain totals not being consistent from year to year. OPC also attempts to present corrected data for prior years, which can account for changes from prior annual reports’ data and what is presented here. OPC also relies on demographic descriptors of officers based on official MPD roster data or corrected information from the officer, not on how a complainant describes the officer.¹⁸

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

1. Contacts and Complaints Received

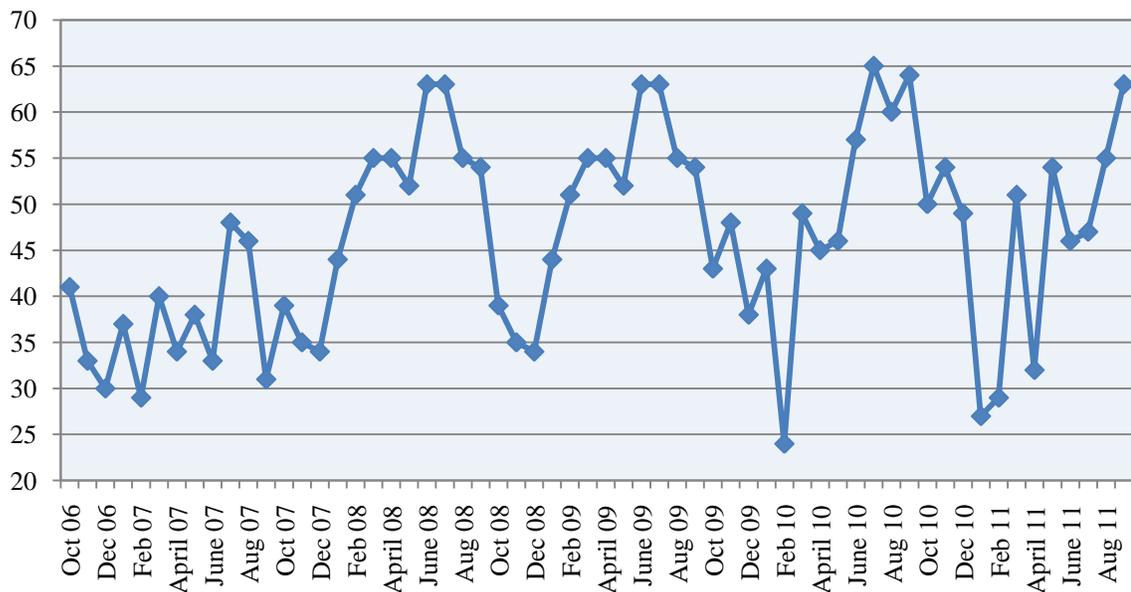
Table 5: Contacts and Complaints Received

	FY07	FY08	FY09	FY10	FY11
Formal Complaints Received	440	600	550	582	557
Contacts Not Resulting in Formal Complaint	610	716	537	443	641
Total Contacts	1,050	1,316	1,087	1,025	1,198

Table 6: Complaints Received per Month

	FY07	FY08	FY09	FY10	FY11
October	41	39	37	43	50
November	33	35	29	48	54
December	30	34	41	38	49
January	37	44	35	43	27
February	29	51	34	24	29
March	40	55	42	49	51
April	34	55	47	45	32
May	38	52	47	46	54
June	33	63	59	57	46
July	48	63	63	65	47
August	46	55	71	60	55
September	31	54	45	64	63

Chart 6: Complaints Received per Month



2. *OPC Workload and Complaint Processing*

Table 7: OPC Workload¹⁹

	FY08	FY09	FY10	FY11
Total Complaints Already Open at Start of Fiscal Year	187	220	270	342
Total New Complaints Received During Fiscal Year	600	550	582	557
Total Agency Workload for Fiscal Year	787	770	852	899
Referred to MPD or Other Agency for Investigation	136	105	142	143
Withdrawn or Administratively Closed	63	61	65	52
Complaints Investigated and Resolved During Fiscal Year (Conviction, Adjudication, Dismissal, and Successful Mediation)	368	334	303	368
Total Formal Complaints Closed During Fiscal Year	567	500	510	563
Total Complaints Remaining Open at End of Fiscal Year	220	270	342	336²⁰

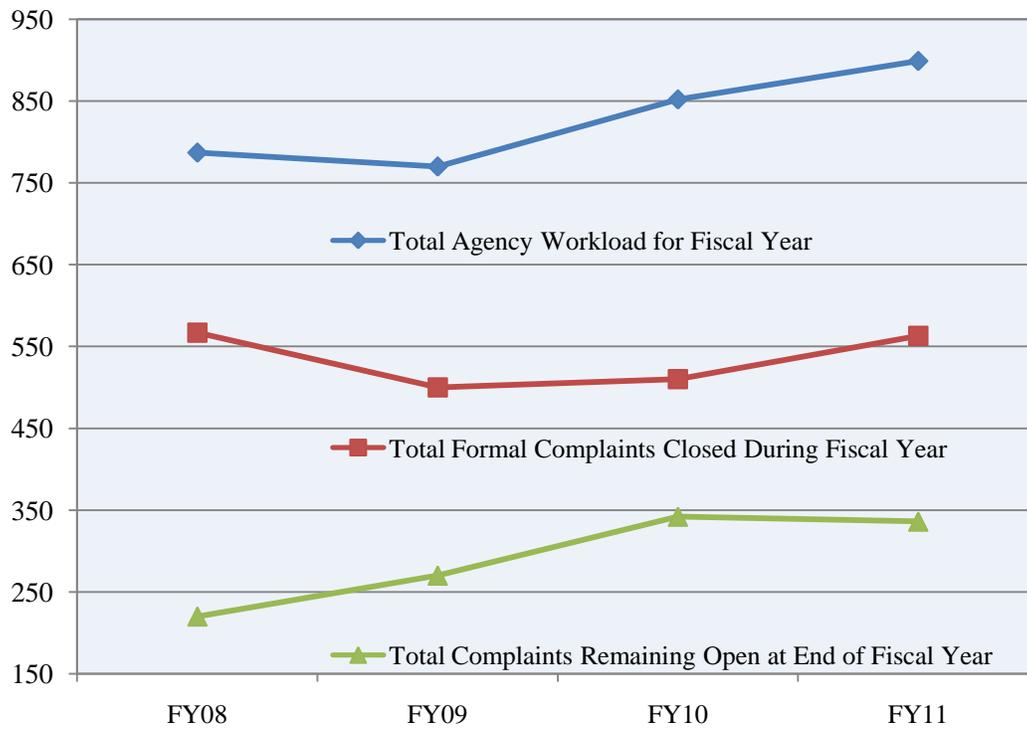
Table 7a: Status of Pending Complaints at the End of Each Fiscal Year

	FY08	FY09	FY10	FY11
Assigned to Complaint Examiner	1	3	4	6
Referred for Mediation	12	10	20	13
Referred to U.S. Attorney's Office	33	44	41	13
Referred to PCB Member	1	4	29	18
Awaiting Subject Officer Objections	1	2	1	4
Under Investigation by OPC	150	152	129	197
Under Investigation / Report Drafted	22	55	118	83
Total Complaints Remaining Open at End of Fiscal Year	220	270	342	334

Table 7b: Disposition of Formal Complaints

	FY08	FY09	FY10	FY11
Criminal Convictions	0	0	0	0
Adjudicated	11	5	10	7
Dismissed	327	296	264	329
Successfully Mediated Complaints	30	33	29	32
Withdrawn by Complainant	34	29	33	15
Administrative Closures	29	32	32	37
Referred to MPD	128	99	123	127
Referred to Other Police Agencies	8	6	19	16
Total Formal Complaints Closed During Fiscal Year	567	500	510	563

Chart 7: OPC Workload



3. *Characteristics of Allegations*

Table 8: Allegations in Complaints by Category

Allegation Category	FY 08		FY 09		FY 10		FY 11	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Force	294	15.6%	351	18.9%	353	19.0%	280	17.1%
Harassment	861	45.7%	867	46.8%	932	50.2%	799	48.9%
Discrimination	124	6.6%	126	6.8%	85	4.6%	94	5.7%
Failure to ID	60	3.2%	65	3.5%	67	3.6%	56	3.4%
Language or Conduct	539	28.6%	443	23.9%	411	22.2%	402	24.6%
Retaliation	7	0.4%	2	0.1%	7	0.4%	4	0.2%
Total Allegations Within OPC Jurisdiction	1885		1854		1855		1635	
Total Complaints	600		550		582		557	

Chart 8: Allegations in Complaints by Percentage

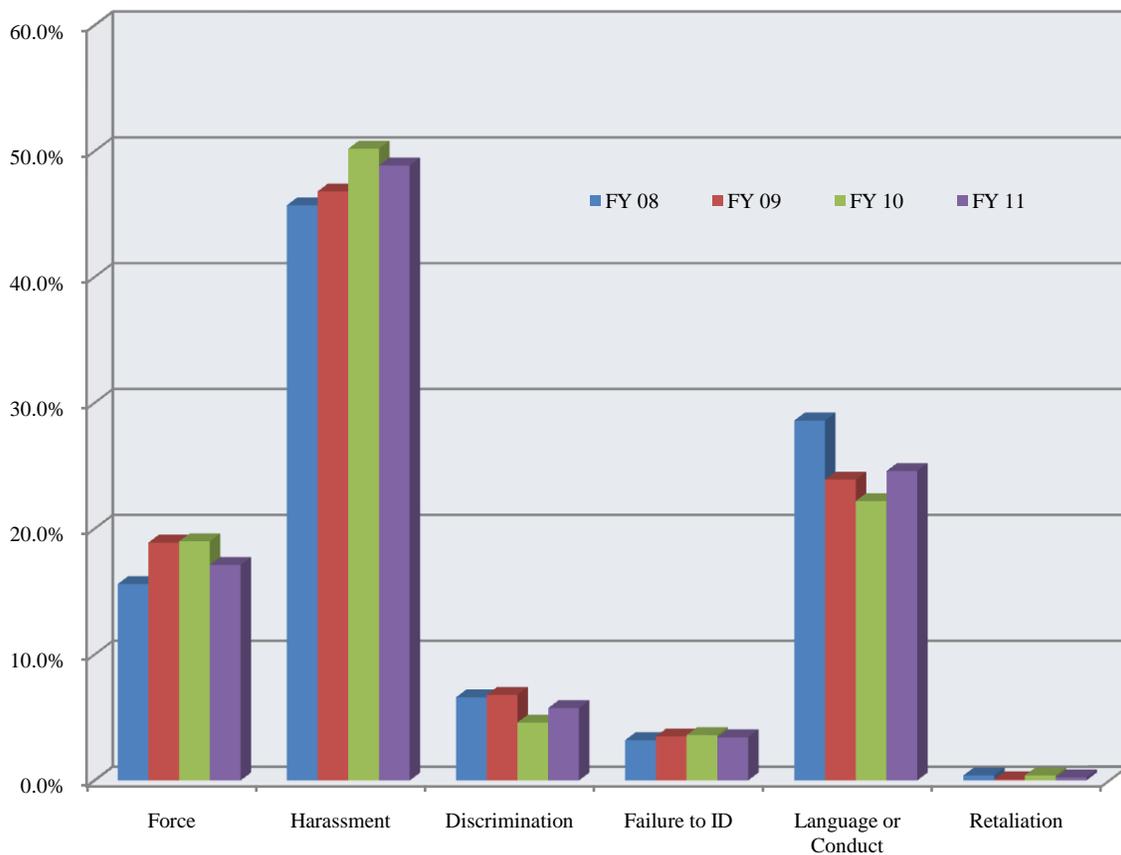


Table 8a: Specific Allegations of Force

Force Subcategories	FY08		FY09		FY10		FY11	
ASP: all types (displayed, poked, struck, etc.)	7	2.4%	7	2.0%	6	1.7%	2	0.7%
Canine	1	0.3%	0	0.0%	0	0.0%	0	0.0%
Chokehold	8	2.7%	9	2.6%	7	2.0%	7	2.5%
Foot on back	1	0.3%	0	0.0%	0	0.0%	0	0.0%
Forceful frisk	1	0.3%	0	0.0%	1	0.3%	0	0.0%
Forcible handcuffing	10	3.4%	32	9.1%	19	5.4%	20	7.1%
Gun: drawn, but not pointed at person	6	2.0%	2	0.6%	9	2.5%	7	2.5%
Gun: Fired	0	0.0%	1	0.3%	10	2.8%	1	0.4%
Gun: pointed at person	47	16.0%	24	6.8%	28	7.9%	13	4.6%
Handcuffs too tight	22	7.5%	39	11.1%	40	11.3%	33	11.8%
OC spray	4	1.4%	1	0.3%	9	2.5%	3	1.1%
Push or pull with impact (slam to ground, into car, etc.)	76	25.9%	93	26.5%	106	30.0%	88	31.4%
Push or pull without impact (hand controls, drag, shove, throw, etc. without hitting anything)	56	19.0%	55	15.7%	52	14.7%	50	17.9%
Kick	4	1.4%	11	3.1%	15	4.2%	9	3.2%
Strike: with officer's body (hand, arm, foot, leg, head; except punch or kick)	9	3.1%	16	4.6%	5	1.4%	7	2.5%
Strike: punch	28	9.5%	41	11.7%	18	5.1%	9	3.2%
Strike: with object	2	0.7%	4	1.1%	8	2.3%	1	0.4%
Strike: while handcuffed	6	2.0%	4	1.1%	3	0.8%	6	2.1%
Vehicle	1	0.3%	2	0.6%	2	0.6%	0	0.0%
Other	5	1.7%	10	2.60%	15	3.7%	24	8.6%
Total Force Allegations	294		351		353		280	

Chart 8a: Specific Allegations of Force

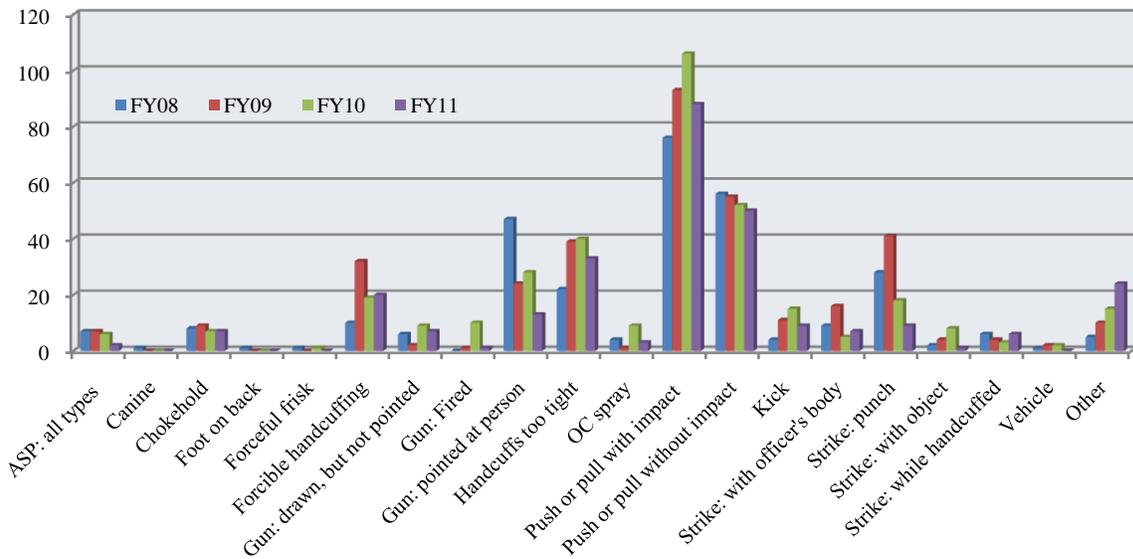


Table 8b: Specific Allegations of Harassment

Harassment Subcategories	FY08		FY09		FY10		FY11	
Bad ticket	85	9.9%	100	11.5%	84	9.0%	96	12.0%
Contact	19	2.2%	37	4.3%	52	5.6%	62	7.8%
Entry (no search)	14	1.6%	35	4.0%	19	2.0%	21	2.6%
Frisk	27	3.1%	1	0.1%	10	1.1%	8	1.0%
Gun: touch holstered weapon	7	0.8%	4	0.5%	12	1.3%	1	0.1%
Intimidation	83	9.6%	23	2.7%	42	4.5%	19	2.4%
Mishandling property	15	1.7%	47	5.4%	63	6.8%	50	6.3%
Move along order	21	2.4%	19	2.2%	10	1.1%	6	0.8%
Prolonged detention	25	2.9%	18	2.1%	37	4.0%	15	1.9%
Property damage	25	2.9%	12	1.4%	10	1.1%	10	1.3%
Refusing medical treatment	3	0.3%	16	1.8%	4	0.4%	3	0.4%
Search: belongings	10	1.2%	6	0.7%	10	1.1%	9	1.1%
Search: car	37	4.3%	44	5.1%	42	4.5%	39	4.9%
Search: home	48	5.6%	36	4.2%	38	4.1%	22	2.8%
Search: person	30	3.5%	18	2.1%	47	5.0%	27	3.4%
Search: strip (invasive)	3	0.3%	5	0.6%	10	1.1%	13	1.6%
Stop: bicycle	2	0.2%	0	0.0%	8	0.9%	1	0.1%
Stop: pedestrian	54	6.3%	56	6.5%	53	5.7%	39	4.9%
Stop: vehicle/traffic	68	7.9%	89	10.3%	95	10.2%	78	9.8%
Threat	87	10.1%	87	10.0%	100	10.7%	84	10.5%
Unlawful arrest	138	16.0%	158	18.2%	157	16.8%	133	16.6%
Other	65	7.5%	56	6.5%	29	3.1%	63	7.9%
Total Harassment Allegations	861		867		932		799	

Chart 8b: Specific Allegations of Harassment

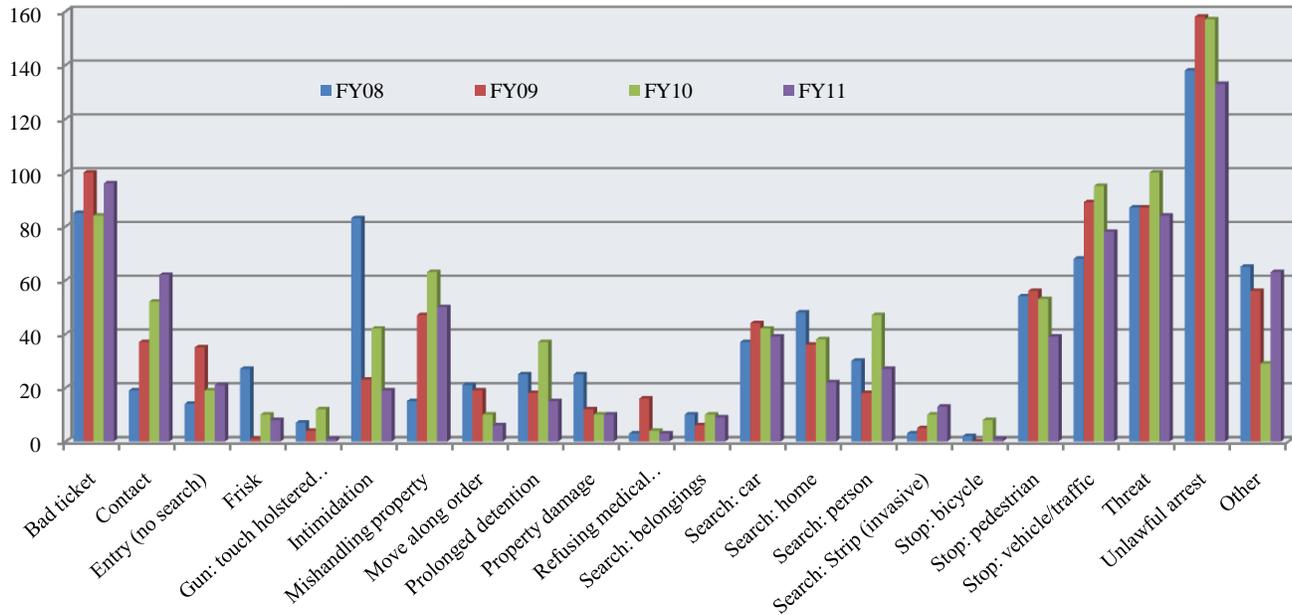


Table 8c: Specific Allegations of Discrimination

Discrimination Subcategories	FY08		FY09		FY10		FY11	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Age	6	4.8%	10	7.9%	3	3.8%	1	1.1%
Color	1	0.8%	3	2.4%	2	2.5%	2	2.1%
Disability	2	1.6%	1	0.8%	0	0.0%	3	3.2%
Language	0	0.0%	0	0.0%	1	1.3%	0	0.0%
National Origin	4	3.2%	12	9.5%	7	8.8%	5	5.3%
Personal Appearance	5	4.0%	11	8.7%	13	16.3%	1	1.1%
Physical Handicap	0	0.0%	3	2.4%	0	0.0%	0	0.0%
Place of Residence or Business	11	8.9%	4	3.2%	4	5.0%	0	0.0%
Race	70	56.5%	54	42.9%	42	52.5%	64	68.1%
Religion	3	2.4%	6	4.8%	0	0.0%	1	1.1%
Sex	7	5.6%	8	6.3%	3	3.8%	3	3.2%
Sexual Orientation	7	5.6%	5	4.0%	2	2.5%	5	5.3%
Source of Income	8	6.5%	9	7.1%	3	3.8%	2	2.1%
Other	0	0.0%	0	0.0%	5	6.3%	7	7.4%
Total Discrimination Allegations	124		126		80		94	

Chart 8c: Specific Allegations of Discrimination

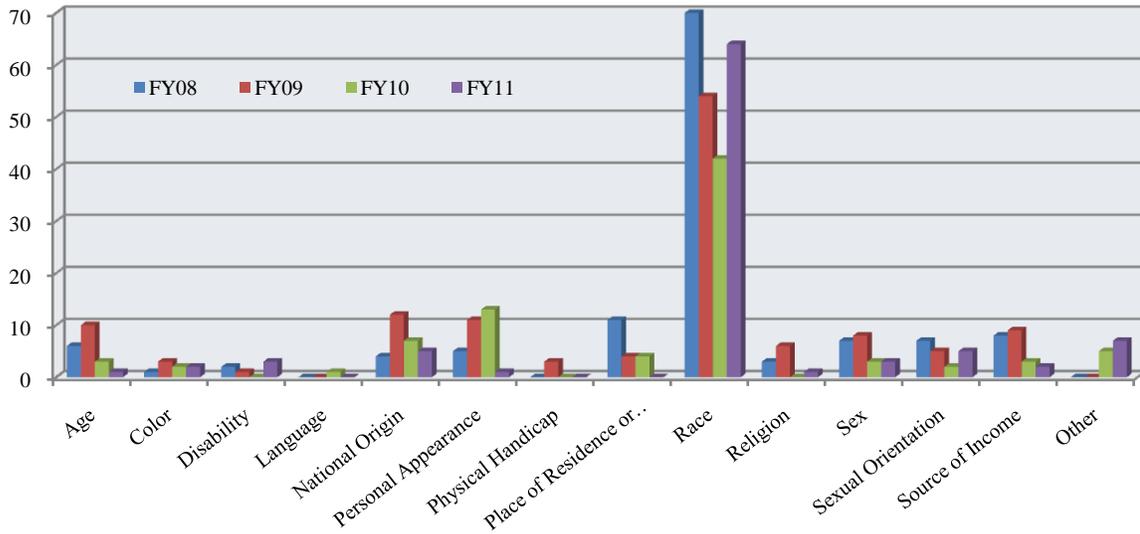


Table 8d: Specific Allegations of Failure to Identify

Failure to Identify Subcategories	FY08		FY09		FY10		FY11	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Display name and badge	9	15.0%	17	26.2%	17	26.2%	4	7.1%
Provide name and badge	48	80.0%	48	73.8%	48	73.8%	50	89.3%
Other	3	5.0%	0	0.0%	0	0.0%	2	3.6%
Total Allegations	60		65		67		56	

Chart 8d: Specific Allegations of Failure to Identify

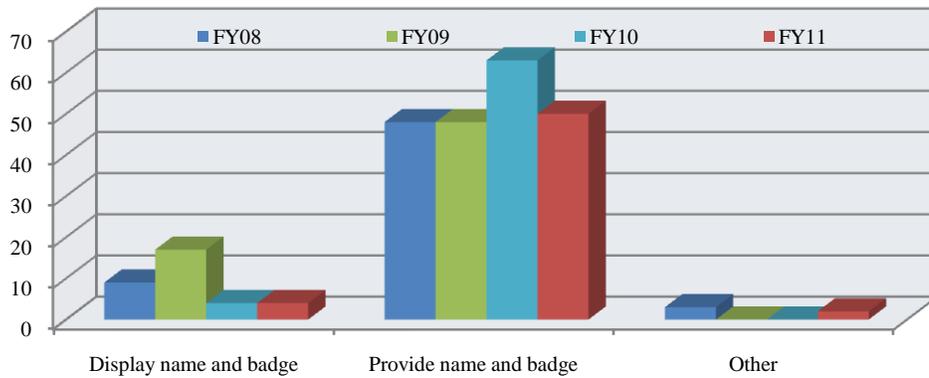


Table 8e: Specific Allegations of Language and Conduct

Language and Conduct Subcategories	FY08		FY09		FY10		FY11	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Demeanor or tone	263	48.8%	198	44.7%	198	48.2%	203	50.5%
Gesture or action	64	11.9%	38	8.6%	19	4.6%	36	9.0%
Profanity	93	17.3%	96	21.7%	94	22.9%	77	19.2%
Racial/Ethnic slur	21	3.9%	15	3.4%	9	2.2%	7	1.7%
Other language	89	16.5%	70	15.8%	74	18.0%	62	15.4%
Other	9	1.7%	26	5.9%	17	4.1%	17	4.2%
Total Language and Conduct Allegations	539		443		411		402	

Chart 8e: Specific Allegations of Language and Conduct

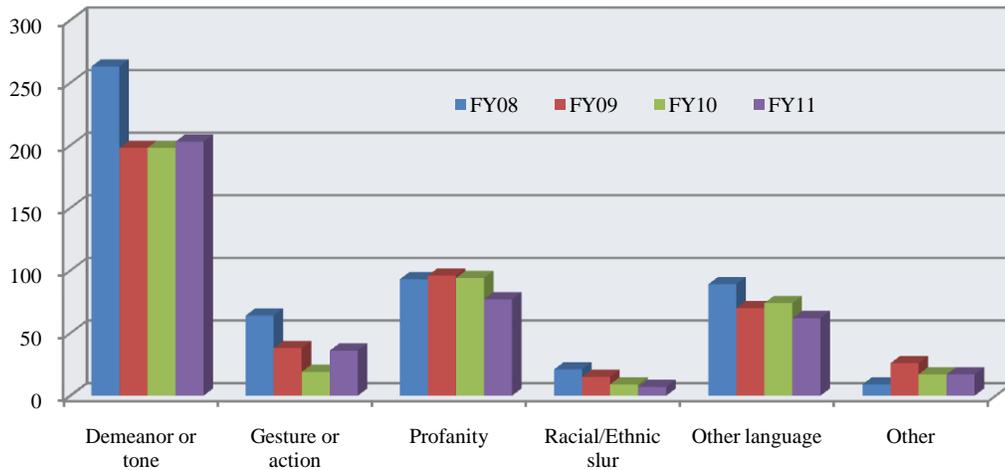


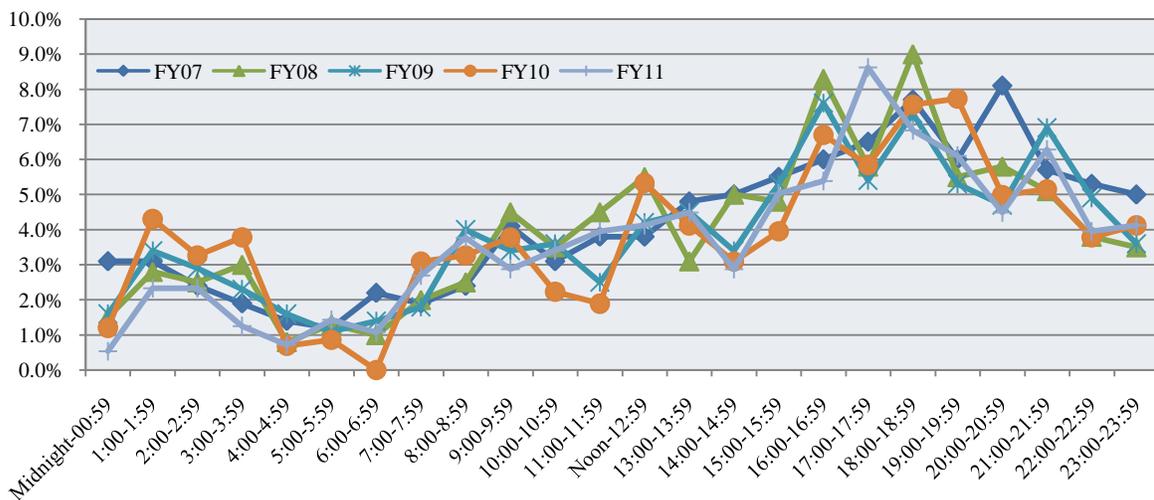
Table 8f: Specific Allegations of Retaliation

FY08	FY09	FY10	FY11
7	2	7	4

Table 9: Time of Incidents Leading to Complaints

	FY07		FY08		FY09		FY10		FY11	
Midnight-00:59	13	3.1%	9	1.5%	9	1.6%	7	1.2%	3	0.5%
1:00-1:59	13	3.1%	17	2.8%	19	3.4%	25	4.3%	13	2.3%
2:00-2:59	10	2.4%	15	2.5%	16	2.9%	19	3.3%	13	2.3%
3:00-3:59	8	1.9%	18	3.0%	13	2.3%	22	3.8%	7	1.3%
4:00-4:59	6	1.4%	5	0.8%	9	1.6%	4	0.7%	4	0.7%
5:00-5:59	5	1.2%	8	1.3%	6	1.1%	5	0.9%	8	1.4%
6:00-6:59	9	2.2%	6	1.0%	8	1.4%	0	0.0%	6	1.1%
7:00-7:59	8	1.9%	12	2.0%	10	1.8%	18	3.1%	15	2.7%
8:00-8:59	10	2.4%	15	2.5%	22	4.0%	19	3.3%	21	3.8%
9:00-9:59	17	4.1%	27	4.5%	19	3.4%	22	3.8%	16	2.9%
10:00-10:59	13	3.1%	21	3.5%	20	3.6%	13	2.2%	19	3.4%
11:00-11:59	16	3.8%	27	4.5%	14	2.5%	11	1.9%	22	3.9%
Noon-12:59	16	3.8%	33	5.5%	23	4.2%	31	5.3%	23	4.1%
13:00-13:59	20	4.8%	19	3.1%	25	4.5%	24	4.1%	25	4.5%
14:00-14:59	21	5.0%	30	5.0%	19	3.4%	18	3.1%	16	2.9%
15:00-15:59	23	5.5%	29	4.8%	29	5.3%	23	4.0%	28	5.0%
16:00-16:59	25	6.0%	50	8.3%	42	7.6%	39	6.7%	30	5.4%
17:00-17:59	27	6.5%	35	5.8%	30	5.4%	34	5.8%	48	8.6%
18:00-18:59	32	7.7%	54	9.0%	40	7.3%	44	7.6%	38	6.8%
19:00-19:59	25	6.0%	33	5.5%	29	5.3%	45	7.7%	34	6.1%
20:00-20:59	34	8.1%	35	5.8%	26	4.7%	29	5.0%	25	4.5%
21:00-21:59	24	5.7%	31	5.1%	38	6.9%	30	5.2%	35	6.3%
22:00-22:59	22	5.3%	23	3.8%	27	4.9%	22	3.8%	22	3.9%
23:00-23:59	21	5.0%	21	3.5%	20	3.6%	24	4.1%	23	4.1%
Unknown	22	5.0%	27	4.5%	37	6.7%	54	9.3%	63	11.3%
Total	440		600		550		582		557	

Chart 9: Time of Incidents Leading to Complaints (as a Percentage)



4. Complainant Characteristics²¹

Table 10: Complainant Race or National Origin

	FY07		FY08		FY09		FY10		FY11		District Pop.
African-American	327	77.3%	443	80.4%	392	80.2%	421	78.7%	399	76.9%	50.7%
White	62	14.7%	75	13.6%	49	10.0%	71	13.3%	80	15.4%	38.5%
Latino	12	2.8%	19	3.4%	24	4.9%	21	3.9%	26	5.0%	9.1%
Asian	3	0.7%	7	1.3%	9	1.8%	11	2.1%	3	0.6%	3.5%
Middle Eastern	4	0.9%	4	0.7%	9	1.8%	2	0.4%	4	0.8%	N/A
Native American	7	1.7%	1	0.2%	0	0.0%	0	0.0%	2	0.4%	0.3%
Multiracial / Other	8	1.9%	2	0.4%	6	1.2%	9	1.7%	7	1.3%	2.9%
Unreported	17		49		60		47		36		
Total	440		600		550		582		557		

Chart 10: Complainant Race or National Origin (as a Percentage)

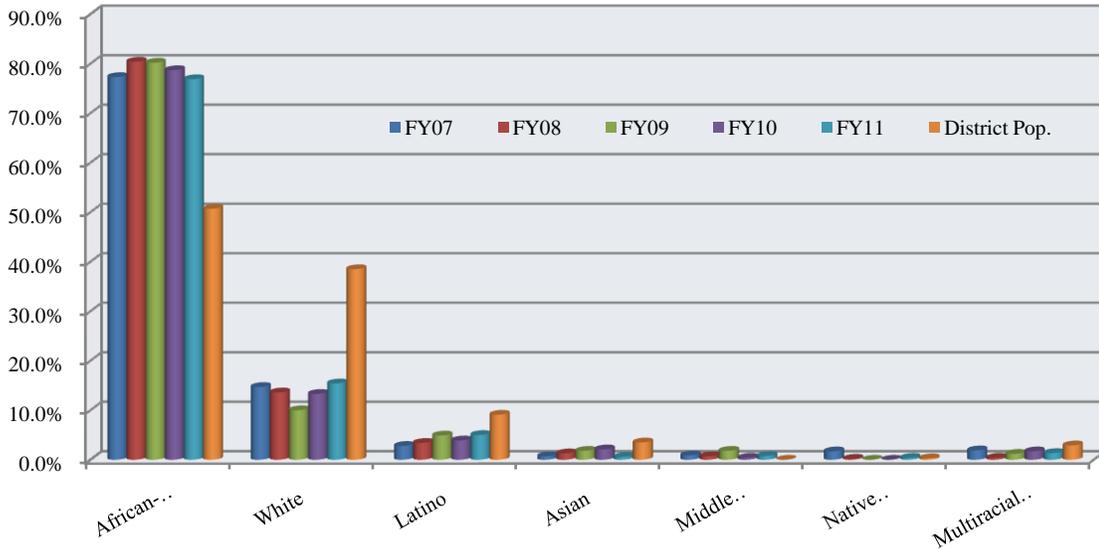


Table 11: Complainant Gender

	FY07		FY08		FY09		FY10		FY11		District Pop.
Male	251	57.0%	277	46.2%	293	53.3%	303	52.1%	293	52.6%	47.2%
Female	189	43.0%	323	53.8%	257	46.7%	279	47.9%	264	47.4%	52.8%
Total	440		600		550		582		557		

Chart 11: Complainant Gender (as a Percentage)

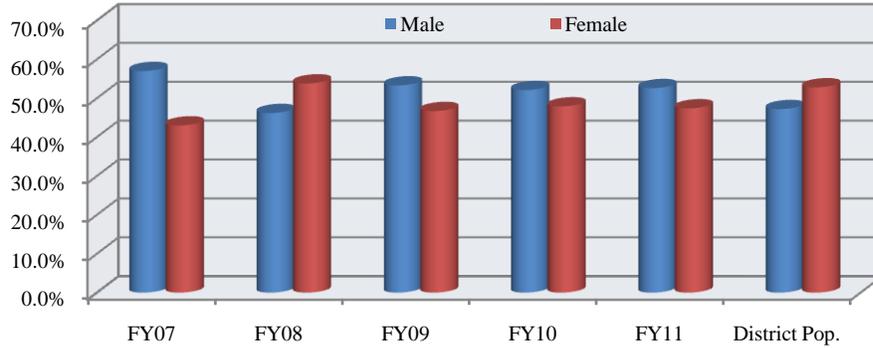


Table 12: Complainant Age

	FY07		FY08		FY09		FY10		FY11		District Pop.
Under 15	1	0.2%	1	0.2%	--	0.0%	1	0.2%	2	0.4%	13.9%
15-24	46	10.5%	60	10.4%	52	10.4%	44	8.1%	42	7.7%	17.2%
25-34	113	25.7%	154	26.7%	129	25.7%	151	27.8%	144	26.5%	20.7%
35-44	101	23.0%	138	24.0%	124	24.7%	131	24.1%	142	26.2%	13.4%
45-54	99	22.5%	146	25.3%	126	25.1%	126	23.2%	119	21.9%	12.6%
55-64	54	12.3%	57	9.9%	51	10.2%	67	12.3%	70	12.9%	10.6%
65 +	14	3.2%	20	3.5%	20	4.0%	24	4.4%	24	4.4%	11.4%
Unreported	12		24		48		38		14		
Total	440		600		550		582		557		

Chart 12: Complainant Age (as a Percentage)

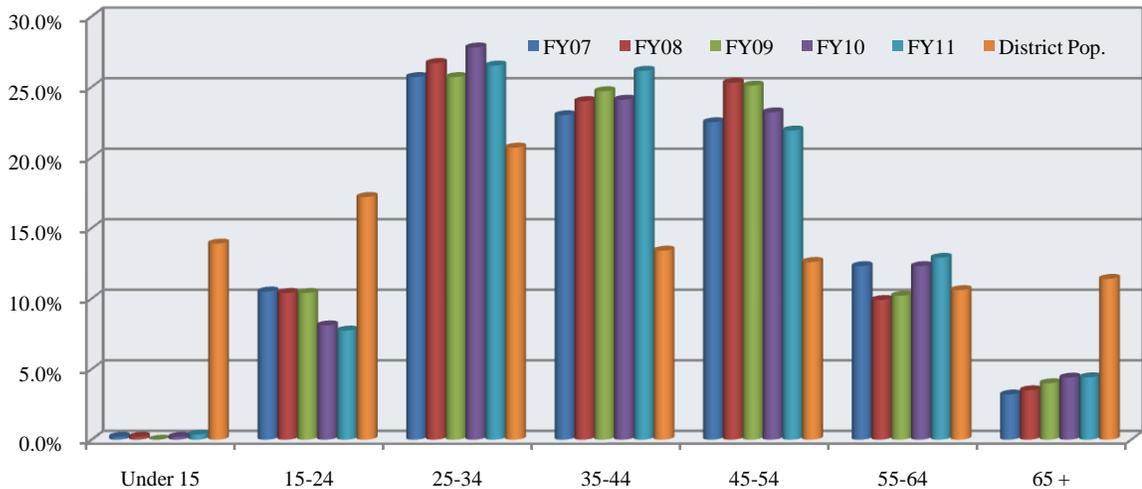


Table 13: Number of Complainants Who Filed Multiple Complaints

	FY07	FY08	FY09	FY10	FY11
2 Complaints	14	17	12	21	28
3 Complaints	--	1	3	4	2
4 Complaints	--	--	1	1	
5 Complaints	1	1	--	2	2
6 Complaints	--	--	1	--	1
21 Complaints	--	1	--	--	--

Table 14: Complainant Race or National Origin with “Unique Complainant” Information

	FY07	FY07 Unique Comp.	FY08	FY08 Unique Comp.	FY09	FY09 Unique Comp.	FY10	FY10 Unique Comp.	FY11	FY11 Unique Comp.
African-American	327	315	443	401	393	374	421	387	399	372
White	62	60	75	75	49	49	71	70	80	67
Latino	12	12	19	18	24	24	21	21	26	24
Asian	3	3	7	7	9	9	11	10	3	3
Middle Eastern	4	4	4	4	9	9	2	2	4	4
Native American	7	3	1	1	0	0	0	0	2	2
Multiracial / Other	8	8	2	2	6	4	9	8	7	6
Unreported	17	17	49	49	60	60	47	46	36	34
Total	440	422	600	557	550	529	582	544	557	512

Table 15: Complainant Gender with “Unique Complainant” Information

	FY07	FY07 Unique Comp.	FY08	FY08 Unique Comp.	FY09	FY09 Unique Comp.	FY10	FY10 Unique Comp.	FY11	FY11 Unique Comp.
Male	251	238	277	288	297	286	303	274	293	270
Female	189	184	323	269	263	248	279	270	264	242
Total	440	422	600	557	560	534	582	544	557	512

5. *Subject Officer Characteristics*²²

Table 16: Subject Officer Race or National Origin

	FY07		FY08		FY09		FY10		FY11		Entire MPD Force
African American	316	58.1%	350	53.6%	453	52.1%	293	46.0%	290	46.2%	59.8%
White	190	34.9%	234	35.8%	332	38.2%	275	43.2%	264	42.0%	30.2%
Latino	27	5.0%	45	6.9%	60	6.9%	48	7.5%	52	8.3%	7.0%
Asian	7	1.3%	23	3.5%	22	2.5%	21	3.3%	20	3.2%	2.0%
Other	4	0.7%	1	0.2%	2	0.2%	0	0.0%	2	0.3%	1.0%
Unidentified	122		206		211		225		185		
Total	666		859		1080		862		813		

Chart 16: Subject Officer Race or National Origin (as a Percentage)

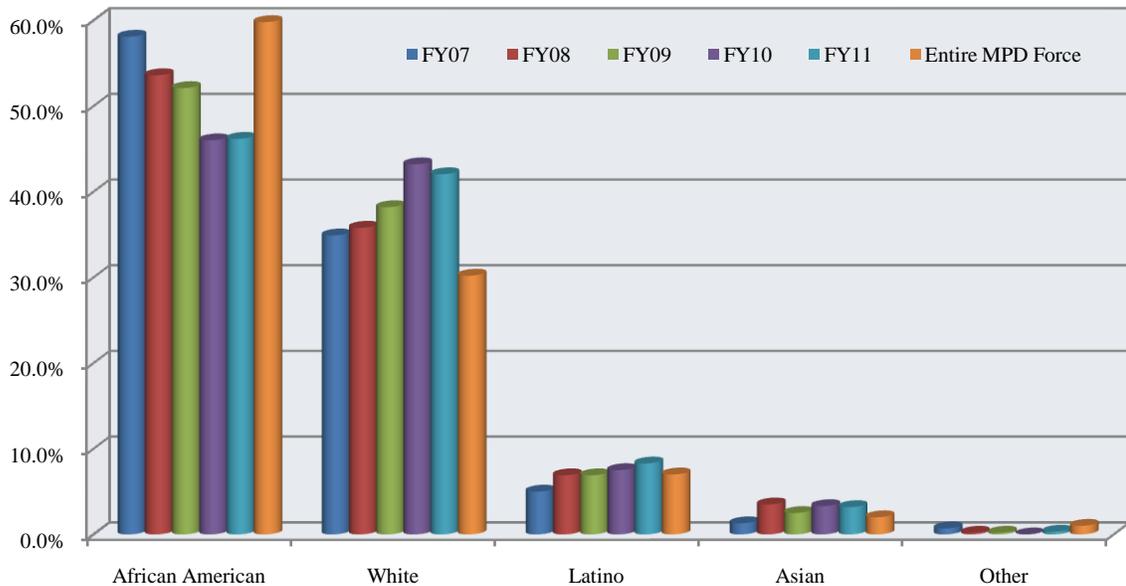


Table 17: Subject Officer Gender

	FY07		FY08		FY09		FY10		FY11		Entire MPD Force
Male	463	84.8%	564	85.7%	770	87.1%	552	86.6%	555	86.7%	76.7%
Female	83	15.2%	94	14.3%	114	12.9%	85	13.4%	85	13.3%	23.3%
Unidentified	120		201		196		225		173		
Total	666		859		1080		862		813		

Chart 17: Subject Officer Gender (as a Percentage)

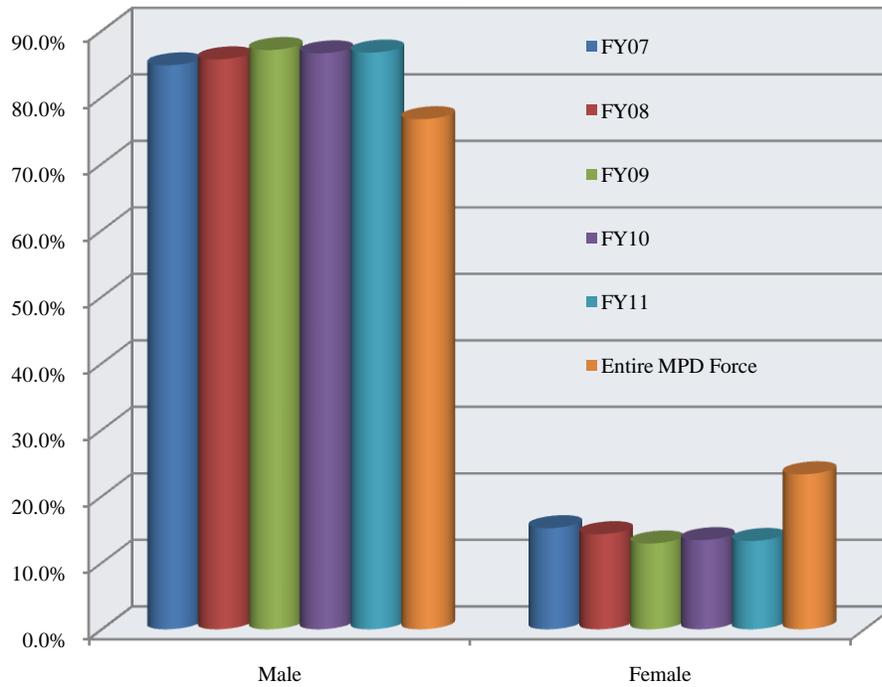


Table 18: Subject Officer Assignment²³

	FY07		FY08		FY09		FY10		FY11	
First District (1D)	116	17.6%	100	15.2%	142	16.3%	88	13.8%	70	11.4%
Second District (2D)	49	7.4%	68	10.3%	76	8.7%	50	7.8%	48	7.8%
Third District (3D)	119	18.0%	92	14.0%	98	11.3%	134	21.0%	102	16.6%
Fourth District (4D)	76	11.5%	58	8.8%	77	8.9%	76	11.9%	69	11.2%
Fifth District (5D)	80	12.1%	53	8.1%	72	8.3%	51	8.0%	70	11.4%
Sixth District (6D)	112	17.0%	97	14.7%	189	21.7%	112	17.6%	135	21.9%
Seventh District (7D)	66	10.0%	111	16.9%	129	14.8%	78	12.2%	67	10.9%
Other	29	4.4%	64	9.7%	73	8.4%	45	7.1%	47	7.6%
D.C. Housing Authority	13	2.0%	15	2.3%	13	1.5%	3	0.5%	8	1.3%
Unidentified	6		201		211		225		197	
Total	666		859		1080		862		813	

Chart 18: Subject Officer Assignment (as a Percentage)

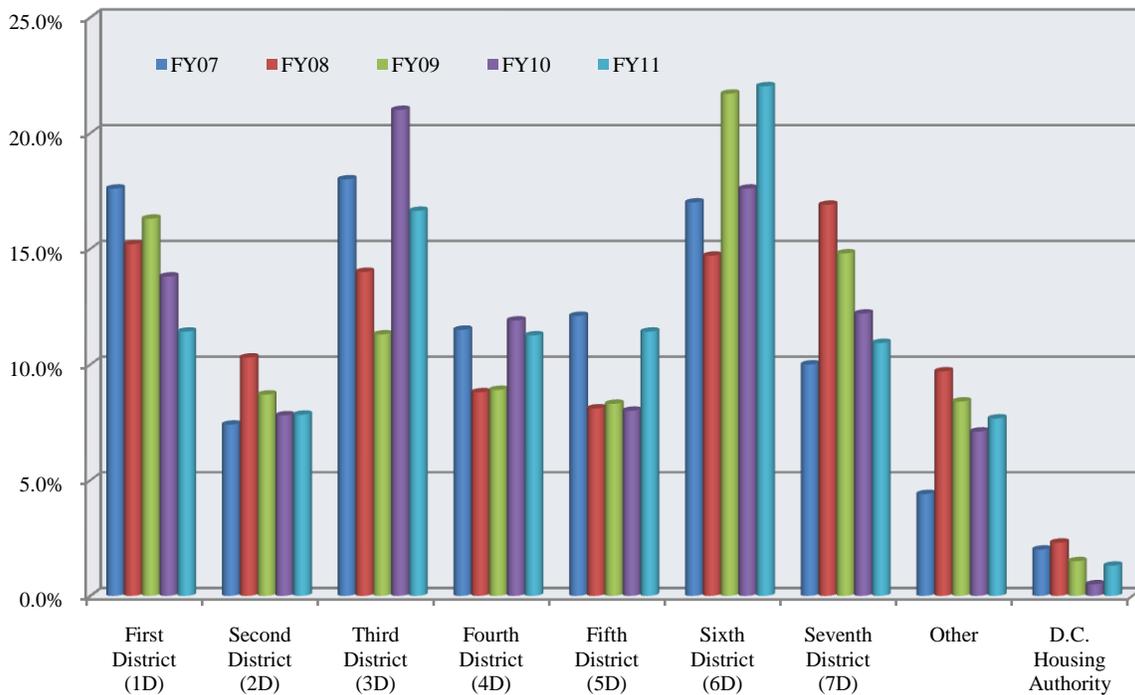


Table 19: Subject Officer Age

	FY07		FY08		FY09		FY10		FY11		Entire MPD Force
23 and Under	6	1.1%	11	1.7%	2	0.2%	5	0.9%	9	1.4%	0.9%
24-26	52	9.6%	66	10.1%	74	8.6%	43	7.4%	51	8.1%	5.2%
27-29	63	11.6%	93	14.2%	114	13.2%	77	13.3%	92	14.6%	8.8%
30-32	62	11.4%	76	11.6%	107	12.4%	96	16.6%	99	15.7%	7.1%
33-35	71	13.1%	73	11.2%	101	11.7%	58	10.0%	61	9.7%	7.5%
36-38	67	12.3%	82	12.6%	102	11.8%	62	10.7%	51	8.01%	8.6%
39-41	65	11.9%	85	13.0%	97	11.3%	64	11.1%	54	8.5%	12.4%
42-44	63	11.6%	65	10.0%	91	10.6%	54	9.3%	78	12.3%	15.5%
45-47	40	7.4%	45	6.9%	73	8.5%	52	9.0%	75	11.9%	14.5%
48-50	31	5.7%	38	5.8%	60	7.0%	31	5.4%	33	5.2%	11.0%
51-53	15	2.8%	17	2.6%	27	3.1%	28	4.8%	21	3.3%	5.2%
Over 53	9	1.7%	2	0.3%	14	1.6%	9	1.6%	8	1.3%	3.3%
Unknown	122		206		218		283		181		
Total	666		859		1080		862		813		

Chart 19: Subject Officer Age (as a Percentage)

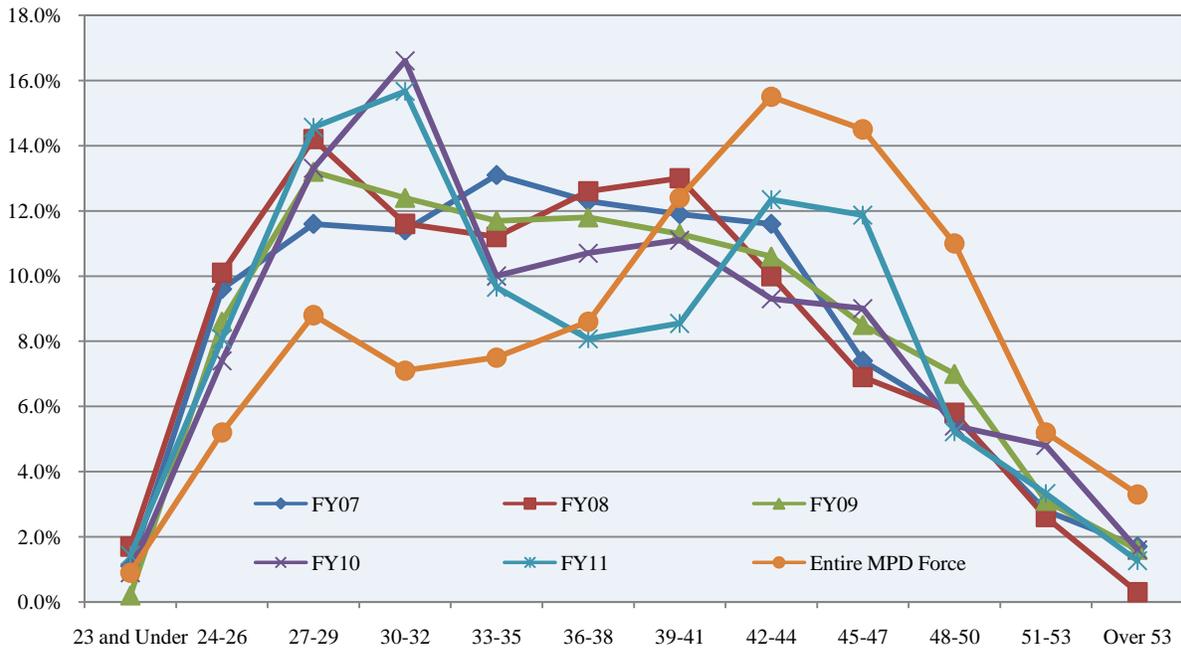


Table 20: Subject Officer Years of Service

Years of Service	FY07		FY08		FY09		FY10		FY11		Entire MPD Force
less than 3	63	11.6%	84	12.8%	71	8.4%	85	13.4%	97	15.3%	10.6%
3-5	146	26.8%	151	23.1%	245	29.1%	163	25.6%	179	28.1%	13.0%
6-8	103	18.9%	136	20.8%	149	17.7%	140	22.0%	92	14.5%	11.2%
9-11	51	9.4%	58	8.9%	101	12.0%	68	10.7%	77	12.1%	9.6%
12-14	28	5.1%	41	6.3%	32	3.8%	32	5.0%	25	3.9%	5.8%
15-17	68	12.5%	83	12.7%	52	6.2%	20	3.1%	17	2.7%	5.4%
18-20	51	9.4%	57	8.7%	98	11.6%	64	10.1%	52	8.2%	20.1%
21-23	19	3.5%	29	4.4%	52	6.2%	35	5.5%	59	9.3%	13.8%
24-26	12	2.2%	15	2.3%	27	3.2%	18	2.8%	29	4.6%	5.7%
27 or more	4	0.7%	1	0.2%	15	1.8%	11	1.7%	9	1.4%	4.7%
Unknown	121		204		238		226		177		
Total	666		859		1080		862		813		

Chart 20: Subject Officer Years of Service (as a Percentage)

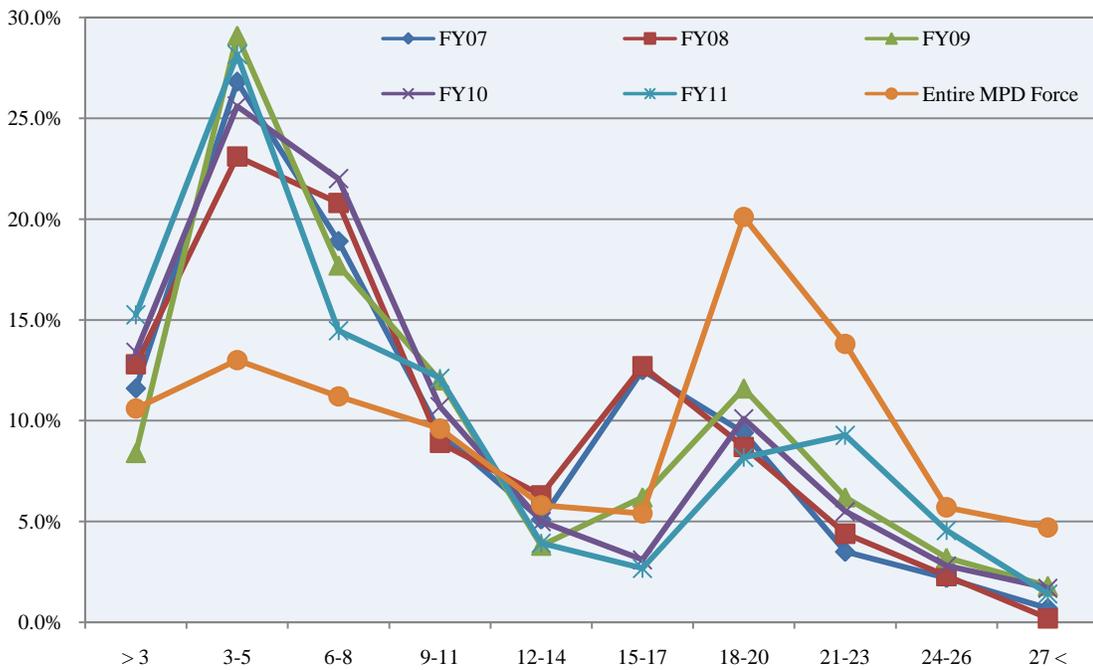


Table 21: Subject Officer Rank

	FY07		FY08		FY09		FY10		FY11		Entire MPD Force	
Chief	1	0.2%	--		--		--	--	--	--	1	0.0%
Assistant Chief	--	--	1	0.2%	1	0.1%	1	0.2%	1	0.2%	7	0.2%
Commander	2	0.4%	1	0.2%	--	--	--	--	1	0.2%	13	0.3%
Inspector	--	--	--	--	--	--	--	--	2	0.3%	10	0.3%
Captain	1	0.2%	--	--	3	0.3%	1	0.2%	3	0.5%	42	1.1%
Lieutenant	4	0.7%	10	1.5%	15	1.7%	9	1.4%	7	1.1%	135	3.5%
Sergeant	49	9.1%	66	10.1%	83	9.4%	36	5.7%	36	5.6%	429	11.2%
Detective	26	4.9%	37	5.6%	19	2.1%	15	2.3%	24	3.8%	371	9.7%
Investigator	2	0.4%	--	--	7	0.8%	1	0.2%	1	0.2%	2	0.1%
Master Patrol Officer (MPO)	19	3.5%	26	4.0%	33	3.7%	25	3.9%	21	3.3%	76	2.0%
Officer	433	80.6%	514	78.5%	723	81.8%	548	86.2%	544	85.0%	2730	71.5%
Unidentified	120		204		196		226		173			
Total	666		859		1080		862		813			

Table 22: Number of Officers Who Were the Subject of Multiple Complaints

	FY07	FY08	FY09	FY10	FY11
2 Complaints	55	56	111	78	75
3 Complaints	18	21	29	18	18
4 Complaints	7	7	17	8	10
5 Complaints	2	4	2	4	4
6 Complaints	--	2	--	--	1
8 Complaints	--	--	--	1	--
9 Complaints	--	--	1	1	--
10 Complaints	--	--	--	1	--

Table 23: Subject Officer Race or National Origin with “Unique Officer” Information

	FY07	FY07 Unique Officers	FY08	FY08 Unique Officers	FY09	FY09 Unique Officers	FY10	FY10 Unique Officers	FY11	FY11 Unique Officers
African American	316	251	350	272	458	333	293	228	290	228
White	190	146	234	174	333	227	275	180	264	180
Latino	27	21	45	35	60	47	48	32	52	28
Asian	7	5	23	13	22	15	21	17	20	14
Other	4	1	1	1	2	1	0	0	2	1
Unidentified	122	122	206	206	205	205	225	225	185	185
Total	666	546	859	701	1080	828	862	682	813	636

Table 24: Subject Officer Gender with “Unique Officer” Information

	FY07	FY07 Unique Officers	FY08	FY08 Unique Officers	FY09	FY09 Unique Officers	FY10	FY10 Unique Officers	FY11	FY11 Unique Officers
Male	463	356	564	416	770	548	552	394	555	396
Female	83	70	94	84	114	94	85	63	85	67
Unidentified	120	120	201	201	196	196	225	225	173	173
Total	666	546	859	701	1080	838	862	682	813	636

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

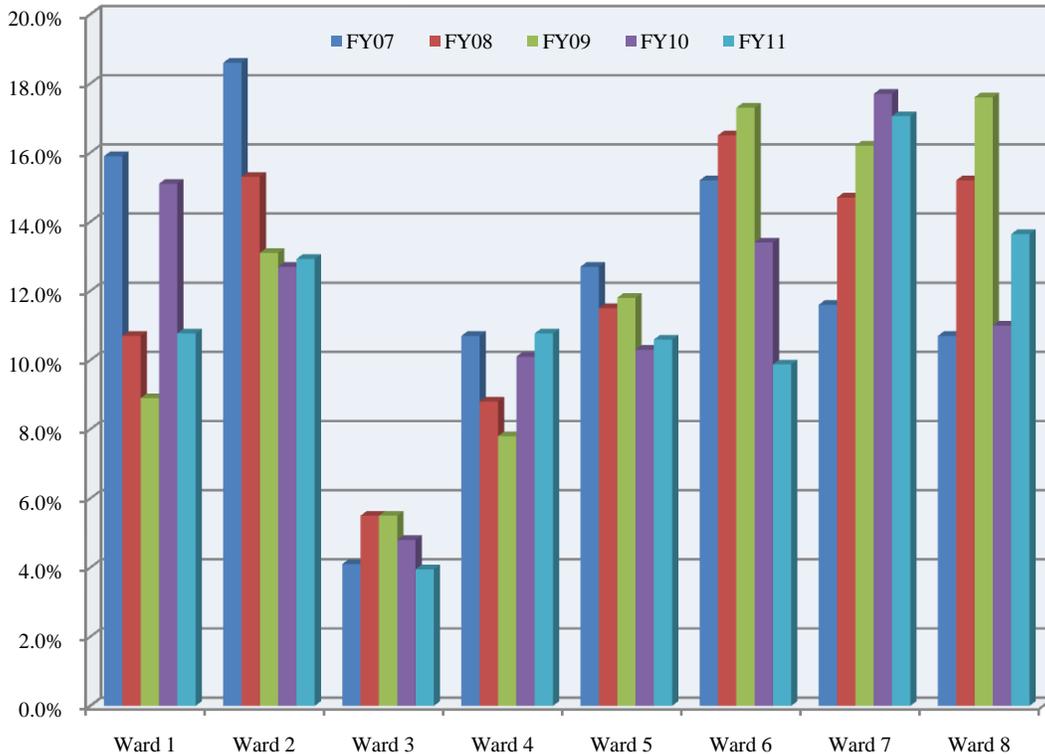
	FY07	FY07 Unique Officers	FY08	FY08 Unique Officers	FY09	FY09 Unique Officers	FY10	FY10 Unique Officers	FY11	FY11 Unique Officers
First District (1D)	116	99	100	78	143	99	88	74	70	53
Second District (2D)	49	43	68	60	76	60	50	38	48	38
Third District (3D)	119	101	92	65	98	69	134	76	102	70
Fourth District (4D)	76	61	58	41	83	59	76	55	69	48
Fifth District (5D)	80	70	53	41	76	53	51	39	70	52
Sixth District (6D)	112	78	97	72	189	122	112	77	135	85
Seventh District (7D)	66	56	111	78	130	94	78	64	67	53
Other	29	25	64	55	76	53	45	32	47	39
D.C. Housing Authority	13	7	15	10	13	9	3	2	8	8
Unidentified	6	6	201	201	196	209	225	225	197	189
Total	666	546	859	701	1080	827	862	682	813	635

6. City Wards

Table 26: City Wards

	FY07		FY08		FY09		FY10		FY11	
Ward 1	70	15.9%	64	10.7%	49	8.9%	88	15.1%	60	10.8%
Ward 2	82	18.6%	92	15.3%	72	13.1%	74	12.7%	72	12.9%
Ward 3	18	4.1%	33	5.5%	30	5.5%	28	4.8%	22	3.9%
Ward 4	47	10.7%	53	8.8%	43	7.8%	59	10.1%	60	10.8%
Ward 5	56	12.7%	69	11.5%	65	11.8%	60	10.3%	59	10.6%
Ward 6	67	15.2%	99	16.5%	95	17.3%	78	13.4%	55	9.9%
Ward 7	51	11.6%	88	14.7%	89	16.2%	103	17.7%	95	17.1%
Ward 8	47	10.7%	91	15.2%	97	17.6%	64	11.0%	76	13.6%
Unidentified / Not in D.C.	2	0.5%	11	1.8%	10	1.8%	28	4.8%	58	10.4%
Total	440		600		550		582		557	

Chart 26: City Wards (as a Percentage)



G. Outreach

1. Fiscal Year 2011

In Fiscal Year 2011, OPC continued to focus its outreach efforts on underrepresented groups, specifically those with limited English proficiency, as well as people who reside in D.C. Housing Authority (DCHA) properties. The agency also expanded its outreach program to the District's African population and maintained its outreach efforts to members of the city's Latino community. In addition, OPC conducted public events in all eight of the District's wards.

As a part of OPC's targeted outreach plan, the agency conducted a presentation to the Commission on African Affairs, a D.C. government organization that offers advice on the views and needs of the city's African communities to the Mayor, the Council, the Office on African Affairs (OAA) director, and the public. OPC also participated in two OAA events, including a public safety forum and the D.C. Africa Festival. OPC staff attended the events, distributed informational materials, and discussed the citizen complaint process.

Also illustrative of the agency's efforts to engage with the public, OPC participated in a community fair and food distribution outreach event sponsored by the D.C. Office on Latino Affairs at Central Mission in Northwest Washington. In addition, the agency met with low-income Spanish-speaking residents at Barbara Chambers Children's Center in the Congress Heights area of the city.

The agency also made presentations to residents of Harvard Towers, Barry Farms and Fort Dupont public housing properties. OPC staff members explained the agency's jurisdiction to investigate citizen complaints against police officers from both MPD and DCHA's Office of Public Safety, and provided an overview of the complaint process.

As in previous years, OPC conducted its Student Interactive Training (SIT) program at several District of Columbia high schools and various youth-based organizations. The SIT program focuses on promoting positive interactions between youth and the police as well as educating young people on knowing their rights through role-playing scenarios. OPC also gave presentations to high school students at Caesar Chavez Public Charter School, plus Anacostia, Eastern, Woodrow Wilson, and Dunbar senior high schools. The agency put on SIT sessions for teenagers participating in a summer law camp at Coolidge High School in Northwest Washington.

Beyond these examples of targeted outreach efforts, OPC's investigative staff provided overviews of the agency at several Public Service Advisory (PSAs) meetings held by MPD. In addition, OPC representatives led a class on police accountability issues with college students enrolled in the Justice and Law section of American University's Washington Semester Program.

OPC continued to gain media coverage throughout Fiscal Year 2011. PCB's report and recommendations on better protecting bicyclists and improving MPD interactions with the bicycling community were covered in several newspapers and by various online media

outlets, including The Washington Post, Washington City Paper, WUSA9.com, DCist.com, and The Hoya (Georgetown University's student newspaper). In addition, OPC Executive Director Philip Eure was a regular commentator nationwide on police oversight issues, and was interviewed on National Public Radio affiliate WAMU 88.5 in Washington, D.C., and quoted in local print articles regarding the possible establishment of citizen review of the police in neighboring Fairfax County, Virginia.

The Washington Post also covered the impact that PCB's 2003 report on disorderly conduct had in a lawsuit over an allegedly unlawful arrest for disorderly conduct. This lawsuit and OPC's role are discussed in more detail below.

2. *The Year Ahead*

During Fiscal Year 2012, OPC will continue its targeted efforts to reach out to youth-centered groups and community-based organizations that serve individuals with limited English proficiency.

In addition, OPC will make a number of improvements to its online presence, including the introduction of PDF complaint forms that allow users to type their complaints, providing a link for individuals to report positive encounters with police officers to MPD, furnishing easier access to information about the implementation of PCB recommendations, and launching a Facebook page.

H. Police Oversight and Law Enforcement Organizations

OPC staff members have played an active role in professional organizations related to independent police reform and have learned from and contributed to the discussions and training seminars conducted by these groups.

Every year since 2001, when the agency opened, OPC staff members have participated in panel discussions at conferences sponsored by National Association for Civilian Oversight of Law Enforcement (NACOLE), the non-profit umbrella group for agencies like OPC around the country. Since December 2005, OPC Executive Director Philip Eure has been on the board of directors of NACOLE. He currently serves as a board member and as the immediate past president of the organization.

NACOLE held its annual training conference in New Orleans, Louisiana, in September 2011. The theme for the gathering was "Making Lasting Reforms." Mr. Eure organized and moderated a panel that discussed emerging trends in the citizen oversight of federal law enforcement agencies.

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

I. Policy Recommendations

The statute creating PCB authorizes it to “make recommendations, where appropriate, to the Mayor, the Council, and the 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.”²⁴ This authority allows the agency to go beyond its day-to-day work of investigating and resolving individual police misconduct complaints to examine systemic issues that lead to the abuse or misuse of police powers. This year, PCB issued two reports and sets of recommendations. To date, PCB has issued 27 detailed reports and sets of recommendations for police reform, and overall, the Board has been satisfied with the steps taken by MPD and the city to implement the proposals made by the Board. Many sets of recommendations have already been fully adopted, and most others are in the process of being adopted or are being actively considered. All of the policy recommendations are currently available on OPC’s website, www.policecomplaints.dc.gov.

OPC also sometimes works with other agencies to implement these recommendations. For example, OPC participated during most of 2010 on a task force created by the Council for Court Excellence (CCE), a non-profit organization based in the District of Columbia whose purpose includes identifying and promoting court reforms, improving public access to justice, and increasing public understanding and support of the local justice system. The task force reviewed and recommended changes to the District’s disorderly conduct statute and developed a report that was submitted to the Council’s Committee on Public Safety and the Judiciary. This report ultimately led to the District enacting changes to the District’s disorderly conduct statute in February of 2011. The task force’s work was prompted, in part, by PCB’s 2003 recommendation that District policymakers review the city’s disorderly conduct statute.

This recommendation also resulted in OPC Executive Director Philip Eure testifying in March 2011 during a jury trial in *Huthnance v. District of Columbia*, a civil case alleging that two MPD officers violated the plaintiff’s constitutional rights by unlawfully arresting her for disorderly conduct. Mr. Eure’s testimony explained that in 2003 PCB issued a policy recommendation assessing MPD policies and procedures regarding disorderly conduct arrests as well as OPC complaints alleging improper disorderly conduct arrests by MPD officers. The 2003 report urged, among other things, MPD to provide additional training to its officers on disorderly conduct arrests and to review a sample of disorderly conduct arrests to ensure that the arrests complied with District law and police procedures. At trial, the plaintiff provided evidence demonstrating that the Department did not adopt the recommendations made in the report. The jury found the District and the two MPD officers responsible for violating the plaintiff’s constitutional rights and awarded the plaintiff \$97,500 in compensatory and punitive damages. The District is currently appealing the case. The jury’s verdict and the damages awarded highlight the importance of PCB policy recommendations in identifying reforms needed in MPD policies, training, and supervision.

1. Fiscal Year 2010

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

a. *MPD Investigation and Reporting of Minor Traffic Accidents*

On August 16, 2011, PCB issued a report recommending that MPD improve its training, policies, and public outreach regarding MPD officer responses to minor traffic accidents. In the past, several individuals have contacted OPC complaining about MPD's alleged failure to issue accident reports to motorists involved in minor traffic crashes such as "fender benders." Although operators of motor vehicles are not entitled to accident reports for these minor traffic accidents, pursuant to MPD policy, officers are required to issue a form to motorists involved in minor traffic accidents that, when completed by the driver, collects basic information about the accident.

To address these issues, PCB recommended that MPD officers receive thorough refresher training on how to respond to minor traffic accidents and the proper distribution of the form to be completed by motorists for those accidents. Additionally, the Board proposed that MPD revise its policy on traffic crashes to require that officers responding to the scene ensure the accurate exchange of information between all drivers involved in traffic accidents. Finally, the Board urged MPD and the D.C. Department of Transportation to work together to revise the form distributed to motorists involved in minor traffic crashes and make the revised form, as well as the two agencies' general policies regarding the completion of traffic reports, more accessible to the public.

b. *Improving the Safety of Bicyclists and Enhancing Their Interactions with Metropolitan Police Department Officers*

On September 29, 2011, PCB issued a report recommending that MPD improve its investigation of bicycle-motor vehicle crashes, enhance officer training on the District's bicycle regulations, and increase its communication with cyclists in the District. PCB issued this report based on concerns voiced at a February 2011 District Council hearing on bicycle and pedestrian safety that officers sometimes did not take statements from bicyclists injured in bicycle-motor vehicle crashes. Witnesses at the hearing, as well as OPC complainants, also asserted that MPD officers did not regularly enforce the District's biking laws. In its report, the Board recommended that MPD revise its policy to allow officers to leave crash investigations open until all necessary statements have been obtained in order to provide appropriate safeguards for bicyclists who are injured. The Board also proposed that MPD better train officers on the applicable bicycling laws in order to ensure that members are knowledgeable about pertinent regulations and regularly enforce them. Finally, in order to foster a more harmonious relationship between cyclists and police officers, PCB urged the Department to increase its participation in the District's Bicycle Advisory Council (BAC), a task force established by District law to advise the Mayor, the District Council, and District agencies on matters pertaining to bicycling issues. In turn, PCB believes BAC should take more steps to engage the public and actively advise MPD on bicycling matters.

2. *Status Update for Policy Recommendations*

In this year's report, details about any steps taken in response to specific PCB recommendations that were issued over the past five years are included in Appendix A. The

appendix has a table for each report that lists the specific recommendations made by the Board and the status of the implementation of those recommendations. The full reports and any updates that were included in earlier annual reports are available on OPC's website, www.policecomplaints.dc.gov. In addition, the agency has launched revisions to its website, allowing online access to the updates independent of their publication in the annual report. OPC has invited the agencies that are the subject of policy recommendations to submit updates as they make progress toward implementation so that OPC can publish the most current information available on the agency website.

III. THE FUTURE

Legislation to amend OPC's monitoring authority, if enacted into law, would require OPC to focus on how best to use existing resources to monitor the citizen complaint processes of both MPD and OPS while maintaining OPC's own citizen complaint process. Meeting this new challenge may be complicated by static funding levels in fiscal years 2012 and 2013, due to the continuing economic difficulties faced nationally and by the District government. If the agency continues to experience increasing numbers of complaints, OPC will soon require additional staff members in order to maintain the momentum in reducing the number of open cases pending with the agency. In the meantime, OPC will work with the Executive Office of the Mayor and the District Council to ensure that the agency has adequate resources to fulfill its obligations to the public.

The agency will also continue to work with MPD to improve compliance with the District's current system of police accountability. OPC will be working with the Department not only to resolve the agency's outstanding concerns regarding discipline, as discussed above, but also to further the positive gains made in reducing the number of officers for whom OPC requested discipline for failing to cooperate with OPC's investigative process.

As always, the agency will also continue to analyze how best practices can enhance the current police accountability system, and thereby improve policing, in the District of Columbia. With this objective in mind, PCB plans to issue a number of policy recommendations in Fiscal Year 2012.

Endnotes

¹ Arnold & Porter LLP, *About the Firm: Pro Bono*, http://www.arnoldporter.com/about_the_firm_pro_bono_our_commitment.cfm.

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

³ See D.C. Official Code § 5-1112 (2001 ed.).

⁴ *Id.*

⁵ The four possible outcomes that a complaint examiner may reach are: 1) 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; 2) Exonerated – where a preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training; 3) Insufficient Facts – where there are insufficient facts to decide whether the alleged misconduct occurred; and 4) Unfounded – where the investigation determined no facts to support that the incident complained of actually occurred. D.C.M.R. § 2120.2.

⁶ Two categories, “Failure to Identify” and “Retaliation,” were deleted from the table because no allegations in these categories were adjudicated by complaint examiners in Fiscal Year 2011.

⁷ Metropolitan Police Department General Order 120.21, *Disciplinary Procedures and Processes* (April 13, 2006).

⁸ Metropolitan Police Department General Order 201.20, *Performance Management System (PMS) for Sworn Members in the Rank/Position of Civil Service Sergeant, Investigative Personnel, and Officer* (April 13, 2006).

⁹ *Id.*

¹⁰ Metropolitan Police Department General Order 120.21, *Disciplinary Procedures and Processes* (April 13, 2006).

¹¹ *Id.*

¹² As of the date of issuance of this report, a disciplinary determination regarding one officer is still pending.

¹³ The three resignations reported in this table include two that resulted from the criminal convictions discussed in Section II.C.1 of the Police Complaints Board Annual Report for Fiscal Year 2007, available at <http://policecomplaints.dc.gov>. Resigning from MPD was part of the plea agreements entered into by both subject officers.

¹⁴ Samuel Walker, Carol Archbold, and Leigh Herbst, *Mediating Citizen Complaints Against Police Officers: A Guide For Police and Community Leaders*, U.S. Department of Justice, Office of Community Oriented Policing Services, at 40 (2002), available at <http://www.cops.usdoj.gov/files/ric/Publications/e04021486.pdf>.

¹⁵ Given the complexity of comparing the work of independent police review agencies, the care used by Professors Walker, Archbold, and Herbst in developing their measures is significant. Each agency has different authority and responsibility, which affects the universe of complaints it can consider and resolve, the types of allegations it investigates, and the resolutions it can reach, all of which add to the challenge of finding suitable methods of comparison. Consequently, readers should use caution when attempting to compare agencies and carefully scrutinize measures and what they purport to show.

¹⁶ See D.C. Official Code § 5-1111(d).

¹⁷ See D.C. Official Code § 5-1110(k).

¹⁸ See *infra* endnote 22.

¹⁹ OPC uses “workload” to describe the number of complaints that agency personnel worked on throughout the year, and consists of cases open at the beginning of the fiscal year plus all new complaints received throughout the fiscal year.

²⁰ This number varies from the next table, Table 7a, which shows 334 cases open at the end of the fiscal year. OPC believes that the difference is an error carried over from previous years, and left the higher number here, as it more accurately represents the actual change from the previous year’s data.

²¹ The “District Population” data in Tables 10, 11, and 12 are included for reference purposes, and reflect the most current data available. It should be noted that anyone, whether a resident of the District or not, may file a complaint with OPC. Readers should also use caution when making comparisons between the population data and the complaint data for any particular fiscal year. The breakdown of the District population has changed some over time, so the value of these data as a comparator may vary as the difference in the age of the data sets increases.

The data in Tables 10 and 11 are from the 2010 census, and were obtained from the United States Census Bureau, District of Columbia State and County Quickfacts, which can be found at <http://quickfacts.census.gov/qfd/states/11000.html>.

Please note that in Table 10, the District population data for race or national origin add up to more than 100%. The Census Bureau data set considers Latino identification as an ethnic group that can include individuals who identify as members of different races, and the data set does not adjust the other categories (such as white or African-American) to separate out people who identify as both Latino and one of the other categories. Table 10 also included Middle-Eastern to reflect how OPC complainants self-identify, but is not a classification in the census data.

The data in Table 12, which were also based on the 2010 Census, were obtained from the “U.S. Census Bureau, Statistical Abstract of the United States: 2012: on the United States Census website, <http://www.census.gov/compendia/statab/2012/tables/12s0016.pdf>.

²² The “Entire MPD Force” data included in this section for gender, race, and rank were obtained from the official MPD roster of December 2011. On that date, MPD had 3816 sworn members, and the data reflect the breakdown of those officers as reported by MPD. However this roster did not have data on age or length of service. As such, the data for these charts and graphs is based on the official roster from October 2010. Readers should note that although OPS subject officers are included in the subject officer characteristics data, they are not included in the “Entire MPD Force” data. Complete demographic data for the OPS force are unavailable.

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

²³ Data regarding subject officers’ assignments have fluctuated from year to year. Readers should use caution when attempting to draw conclusions from the year-to-year trends regarding the assignments of subject officers.

²⁴ See D.C. Official Code § 5-1104(d).

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Appendix A: Policy Recommendation Status

Table 27: Improving the Safety of Bicyclists and Enhancing Their Interactions with Metropolitan Police Department Officers

(September 29, 2011)

Recommendation	Status
<p>Revise MPD General Order 401.03, which covers crash reporting procedures. The MPD general order requiring officers to finish crash reports by the end of their shifts is unfair to both officers and bicyclists. MPD should revise its directive to allow officers to leave crash reports as pending until all necessary statements are obtained. MPD should also require that officers explain in the final report any missing statements from those involved in the crash, similar to the policy in Minneapolis.</p>	<p>Adopted in part, denied in part. MPD states that it will consider the recommendations in any review of General Order 401.03. MPD also issued a teletype to its officers reminding them that all parties involved in a crash shall be interviewed, including bicyclists or pedestrians transported to the hospital. The teletype also directs officers to amend any reports that are filed at the end of a shift before all interviews are completed. However, MPD expressed that forms which are incomplete at the end of a shift are problematic, and that the Department prefers to finish the report and use a supplemental form “PD 252” to add additional information.</p>
<p>Include a bicycle-specific field on the PD Form 10. MPD should add a category for bicyclists in its “Type of Crash” field, and add a “riding into the road” category in its “Primary Contributing Circumstance” field. The ability to select specific actions and possible risk factors makes reporting collisions more efficient and ensures accurate data are captured in a manner that allows officer discretion only in the initial recording of the data rather than allowing for an additional interpretive step when the statistics-collecting body tries to deduce these actions or factors from an officer’s narrative in a report form. The resulting, more detailed statistical report of crash data will allow targeted action to be taken to address the problems identified therein.</p>	<p>Pending. MPD reports that the current version of General Order 401.03, which covers the use of PD Form 10s, was issued after several years of research and development, but that any future revisions will be made taking into account PCB’s recommendations.</p>

<p>Continue training MPD officers on bicycle safety. MPD has commendably launched efforts to establish better understanding of cyclist behavior and concerns through its bicycle and pedestrian safety class. However, some vital subjects are missing from the curriculum, such as the proper use of bike lanes. Moreover, officers who take the bicycle and pedestrian safety course are not rigorously tested on the regulations that they review in the class. MPD should allow for outside bicyclist advocates, such as members of WABA, to contribute to the class by reviewing and providing input on the curriculum and providing additional training where needed. Also, the District should provide funding for the printing of more WABA books so that MPD officers may quickly and easily look up particular bicycle laws while in the field. At a minimum, DDOT, which has the source material for the WABA book on its website, should make sure to provide this information to MPD electronically, so that MPD could disseminate the information to all officers responsible for enforcement of the bicyclist and traffic laws.</p>	<p>Adopted. MPD reports that it will conduct bi-monthly trainings during officers' roll calls that cover bicycle and pedestrian safety, that the WABA book is on the MPD website, and that it has a training program entitled "Effective Pedestrian & Bicycle Safety Enforcement," which officers can complete online. MPD also states that it will consider PCB's recommendations in developing future training programs. DDOT stated that it will contact MPD to provide information on bike lane use for inclusion in the next version of MPD's training.</p> <p>MPD reports that DDOT is funding the printing of WABA books for all MPD officers, and DDOT confirmed that it is preparing to print more guides after the correction of a regulation. DDOT reported further that it developed a web version which is optimized for smart phones, thereby expanding accessibility by cyclists and officers alike.</p>
<p>MPD's involvement in the Bicycle Advisory Council (BAC) should increase and BAC should be strengthened. While a District government-led task force, BAC, already exists, MPD's involvement has not been consistent and the group has not recently issued any recommendations regarding MPD enforcement of bicycle regulations. Therefore, MPD and the city's bicyclist community could both benefit from an increased MPD presence in BAC, similar to the way the bicycle task force operates in Los Angeles. Because there are perceptions that some officers are pro-motorist and that a certain percentage of bicyclists openly flout the traffic laws, bringing together MPD and various representatives of the District's biking community more often would promote greater understanding of relevant concerns and allow BAC to directly address them. MPD and bicyclist advocacy groups could also use this forum to make targeted recommendations to MPD, DDOT, and WABA that would educate police officers and cyclists and promote awareness and understanding between the two groups, similar to how the bicycle task force functions in Los Angeles. Since BAC has already been given the authority to provide advice to the District on matters pertaining to bicycling issues, the task force should exercise that power when faced with concerns from the cycling community, such as those discussed at the February 2011 hearing. Finally, to increase its visibility and encourage more public participation, BAC should publish a full list of committee members, post its meeting minutes on its website, and establish a listserv that generates messages notifying interested parties of upcoming meetings and other important developments.</p>	<p>Adopted. BAC published an update on December 26, 2011, stating that MPD had strengthened its involvement with BAC by appointing a liaison, and that the liaison announced a series of bicyclist and pedestrian safety enforcement measures. MPD states that this liaison has daily communication with BAC members and responds to issues and concerns as they arise. MPD also expressed willingness to consider linking to WABA's website to allow MPD officers greater access to BAC's information. BAC has posted its membership, minutes of meetings, and a variety of information on its activities, which include developing policy recommendations, on its blog, dcbac.blogspot.com. BAC also maintains a twitter feed (twitter.com/DCBAC), a Facebook page (DC BAC), and a Google group (DC Bicycle Advisory Council), and also began posting updates through Google+ (DCBAC) on November 24, 2011.</p>

Table 28: MPD Investigation and Reporting of Minor Traffic Accidents

(August 16, 2011)

Recommendation	Status
<p>MPD should retrain officers on General Order 401.03 so that officers are familiar with its requirements. The training should reinforce the general order's requirements, namely, that officers must notify motorists involved in a minor traffic accident that a Traffic Crash Report is not required, disseminate the PD Form 10-Cs, conduct WALES checks for the motorists, and ensure that accurate information is exchanged for those traffic accidents where the damage is less than \$250. It is important that officers understand that their responsibilities regarding minor traffic accidents are <i>not discretionary</i>. Because officers have not consistently followed the general order's provisions, drivers involved in minor traffic accidents are left empty-handed and puzzled. PCB understands that the PD Form 10-C is currently being revised. However, until the form is issued, officers should distribute the current form so that drivers have a written record of the accident.</p>	<p>Pending. MPD states that it regularly reviews its practices and trainings, and if the General Order is revised, the Department will determine what training to provide its officers.</p>
<p>MPD should revise General Order 401.03 to require MPD officers to ensure the exchange of accurate information for all traffic accidents. Under current MPD policy, officers must ensure that drivers exchange information only if the damage is less than \$250. This leaves a loophole whereby motorists who have property damage of \$250 or above, but do not otherwise meet the requirements needed for a Traffic Crash Report, have no way of ensuring that they are receiving proper information from the other motorist, thus making it challenging for them to file an insurance claim if they have received inaccurate information. In addition, it may be difficult for officers to accurately and consistently approximate vehicle or property damage. This may result in officers prematurely leaving the scene before ensuring that proper information is exchanged. Accordingly, MPD should revise its directive to close this loophole.</p>	<p>Pending. MPD reports that once DDOT finalizes revisions to the PD 10-C, MPD will determine whether the General Order needs revision. MPD will take into consideration PCB's recommendations, including the dollar amount for damage assessments.</p>

<p>MPD and DDOT should consider creating a webpage outlining MPD and DDOT’s policies regarding the completion of traffic reports. Widespread public knowledge and understanding among the driving public will foster greater compliance and make more certain that DDOT is receiving the critical information that it is currently lacking. PCB recommends that the two agencies use all available channels to raise awareness of MPD’s and DDOT’s policies regarding the completion of traffic reports. The two agencies should consider creating a webpage outlining their policies and possibly include a “Frequently Asked Questions” segment on the webpage. This webpage should be accessible from both the MPD and DDOT websites. Printed copies of the webpage should also be made available in police stations and DMV service centers. If the creation of such a webpage proves to be too costly, as an alternative measure, the two agencies could also place information pertaining to accident reporting on existing agency webpages.</p>	<p>Pending. MPD states that while a separate website may not be cost-effective, placing information on the Department’s current webpage may be beneficial and will be reviewed when appropriate.</p>
<p>MPD and DDOT should issue the revised PD Form 10-C and make it accessible to motorists involved in traffic accidents. Again, PCB commends MPD and DDOT for its efforts in revising the PD Form 10-C to make it much more useful to motorists and the District. To date, however, the revised PD Form 10-C has not been issued. Because the revised form would be helpful to DDOT in assessing traffic crashes and collisions in the District and would allow for motorists to provide more detailed information to insurance companies, PCB urges the two agencies to complete any changes and issue the form promptly, posting the form online on MPD’s and DDOT’s websites and making printed copies of the form available in police departments, DMV service centers, and car rental agencies.</p>	<p>Pending. MPD reports that it is awaiting final approval of the PD Form 10-C from DDOT, and anticipates both the new form and policy directive will be implemented soon.</p>

Table 29: Increasing Public Awareness Of District Of Columbia Laws Governing Mopeds And Motor Scooters

(August 13, 2010)

Recommendation	Status
<p>The District, through DMV and with input from MPD, other interested District agencies, and community stakeholders, should consider developing an informational brochure that, as simply as possible, explains the differences between, and requirements for, motorcycles and motorized bicycles. The brochure should highlight and emphasize that motor scooters capable of speeds higher than thirty five miles per hour are considered motorcycles under District law, regardless of the vehicle’s appearance or its designation by the manufacturer as a “moped” or “motor scooter.” The brochure should also make clear that those mopeds and motor scooters classified as motorized bicycles under D.C. law are still subject to registration, insurance, and inspection requirements.</p>	<p>Pending. DMV reported in January 2011 that staff cuts limited the agency’s brochure production capacity to copying existing information and, therefore, the updated brochure recommended by PCB was placed on hold. DMV anticipates having the eliminated position restored and being able to produce the suggested brochure.</p> <p>Although MPD reports having developed a flyer and a poster in the spring of 2009 (prior to the issuance of PCB’s policy recommendation), consistent with PCB’s recommendation, PCB still hopes that MPD will provide input as DMV develops the suggested brochure.</p>
<p>DMV should make copies of the brochure available for general distribution at each of its service locations and should supply the brochure to anyone who seeks to register a moped or motor scooter in the District.</p>	<p>Pending. DMV stated it would make the recommended brochure available in DMV service centers once the production capacity has been restored.</p>

<p>DMV should offer copies of the brochure to motor scooter, moped, and motorcycle dealerships in the Washington, D.C., metropolitan area and encourage distribution to customers to ensure that prospective motor scooter and moped operators are made aware at the outset of D.C. legal requirements governing these vehicles.</p>	<p>Adopted in part, pending in part. DMV reported that once the brochure is created, it will refer area dealerships to its website. DMV stated further that it would distribute its chart entitled “Non-Traditional Motor Vehicles and DC Law” at the Washington Auto Show WANADA Seminar for area dealerships. DMV added a link to the chart to the section of the agency’s website that contains information for dealers.</p>
<p>DMV should prominently display the brochure on its website, such as through inclusion of a link to it in the “Did You Know” sidebar on its home page.</p>	<p>Adopted in part, pending in part. As above, the brochure has not been produced. However, DMV reports adding a link to its “Non-Traditional Motor Vehicles and DC Law” to the “Did You Know” section of the homepage.</p>
<p>MPD should have copies of the brochure available for distribution at each of its district stations and should consider having officers carry a limited number in their police cruisers for distribution to persons ticketed or warned for failing to comply with the relevant laws.</p>	<p>Adopted in part, pending in part. MPD reports that the spring 2009 poster was distributed to recreational centers and posted at police districts stations. MPD further reports that the spring 2009 flyer is available at police districts and has been distributed to police officers.</p>
<p>MPD should include a link to the new brochure on the existing MPD traffic safety page that currently provides information about mopeds, motor scooters, and other non-traditional motor vehicles.</p>	<p>Pending. Although MPD reports that this was completed in 2009, prior to the release of the report and recommendations, PCB hopes that if DMV produces a new brochure, MPD will continue to feature a link from MPD’s website to the new materials.</p>
<p>DMV should consider developing a public service announcement explaining the requirements for lawful and safe operation of mopeds and motor scooters in D.C. for possible airing on the District’s cable television channel or other appropriate media.</p>	<p>Not adopted. DMV reports that it does not currently have the capacity to produce public service announcements.</p>

Table 30: Monitoring Citizen Complaints That Involve Police Response to Reports of Hate Crime

(September 30, 2009)

In addition to MPD’s efforts described in the table below, the Department also deserves credit for steps it has taken that go beyond the specific recommendations contained in PCB’s report. For example, some MPD officers were detailed to the Department’s Special Liaison Branch (SLB) where they received specialized training relating to hate crimes, and then returned to their patrols in the field with ongoing access to SLB resources and guidance. MPD has also repeatedly used its official publication, “The Dispatch,” to remind officers of the protocols for taking reports of hate crimes.

Recommendation	Status
<p>MPD should collaborate with OPC to establish a system to monitor complaints filed with both agencies that allege inadequate police response to a report of hate crime. MPD should identify relevant complaints even where the complainants may fail to use terms such as “hate crime” or “bias crime.”</p>	<p>Adopted in part. OPC and MPD are collaborating to monitor complaints filed with either agency that allege inadequate police response to hate crimes. OPC has shared its data with MPD, and awaits MPD’s response on data in the Department’s possession.</p>
<p>MPD should invite other District agencies, such as OPS (formerly DCHAPD) and OHR, to participate in the information-sharing and monitoring process. In the event patterns or trends are identified that suggest the need for corrective action, such information should be noted and brought to the attention of MPD and PCB. Further, to the extent information about these complaints appears appropriate for inclusion in the Mayor’s statutorily mandated report of bias-related crime issues, such information should be transmitted to the appropriate officials.</p>	<p>Adopted. MPD states that it participates in the D.C. Bias Crime Task Force, which is chaired by the United States Attorney and includes representatives from federal and local law enforcement, as well as interested community groups. One of the objectives of the task force is to strengthen the partnership between law enforcement and the community in preventing and responding to hate crimes. In February 2010, MPD hosted the quarterly meeting of the task force and invited other agencies, such as those suggested by PCB in this recommendation, to attend and discuss ways to enhance the sharing of information and training. MPD now reports that the Department submitted a report on bias-related crimes in November 2009, an update in February 2010, and included the topic in the MPD 2009 annual report that was released in July 2010. MPD reports that it continues to work with other law enforcement partners, sharing information and policies on reporting hate crimes.</p>
<p>MPD should utilize the existing framework of the Fair and Inclusive Policing Task Force and the D.C. Bias Crimes Task Force to address community concerns about police responsiveness to hate crime and work with its task force partners to ensure that all constituencies covered by the D.C. Bias-Related Crimes Act receive education and outreach, particularly groups for whom hate crimes data suggest underreporting.</p>	<p>Pending. MPD has indicated that it participates in regular meetings of the D.C. Bias Crimes Task Force. MPD also reports that it is currently attempting to reconvene the Fair and Inclusive Task Force will schedule a meeting of the task force in the first quarter of 2012.</p>

**Table 31: Monitoring of April 2009 IMF/World Bank Protest
(September 24, 2009)**

Recommendation	Status
<p>MPD should continue to offer training to its Civil Disturbance Unit (CDU) and, as appropriate, to other officers that emphasizes compliance with the First Amendment Assemblies Act. In the course of its training, MPD should review the incident that unfolded April 25, 2009, and discuss how the outcome could have been better. In particular, the training should focus on provisions of the First Amendment Assemblies Act that address: giving demonstrators the opportunity to comply voluntarily with time, place, and manner restrictions; giving demonstrators reasonable and adequate time to disperse; giving demonstrators a clear and safe route for dispersal; limiting use of police lines; and prohibiting use of chemical irritants except in rare circumstances.</p>	<p>Adopted. MPD stated in PCB’s 2009 annual report that all CDU personnel receive training annually, which includes training in the First Amendment Assembly Act. MPD now reports that the Department continues to support this recommendation, that the annual training continues, and that each demonstration is reviewed and deficiencies are addressed.</p>
<p>The District, through concerted effort by the Mayor, D.C. Council, and MPD Chief of Police, should seek to obtain voluntary compliance with the First Amendment Assemblies Act by those federal law enforcement agencies that routinely assist MPD with First Amendment demonstrations on District-controlled public space. The District may wish to enter voluntary Memoranda of Agreement with these agencies, pursuant to which MPD would provide training and guidance on the operation and application of the First Amendment Assemblies Act in exchange for a voluntary commitment from the cooperating agencies to comply with the terms of the Act when assisting MPD with First Amendment demonstrations.</p>	<p>Adopted. MPD states that in any situation where the Department obtains assistance of outside law enforcement agencies for demonstration-related duties, MPD must brief the outside agency’s commanders on the requirements of MPD’s Standard Operative Procedures for Handling First Amendment Assemblies and Mass Demonstrations.</p>

Table 32: Taxicab Drivers and MPD Enforcement of the District’s Taxicab Regulations

(September 8, 2009)

Recommendation	Status
DCTC should review for accuracy and clarity rules and regulations governing taxicab drivers, particularly those that address issues raised in this report, and make such revisions as are necessary to promote understanding and compliance.	Pending. DCTC reported on December 22, 2011, that it is pursuing legislation that would require a substantial overhaul of the District’s taxicab regulatory structure, and that any review would be conducted after the law’s passage.
DCTC should consider making available translations of important rules and regulations in the non-English languages most commonly spoken by taxicab drivers.	Not adopted. DCTC states that all taxicab drivers are required to speak, read, and write English as a predicate to licensure.
DCTC and UDC should assess the current UDC taxicab pre-license training course and work together to incorporate relevant provisions of Title 31 of the D.C. Municipal Regulations into the course content. Efforts should also be made to include a significant number of questions from Title 31 in the UDC simulated final examination.	Adopted in part, pending in part. DCTC reports that it is creating an agency director position to oversee education, licensing, and enforcement. Part of this person’s responsibility will be to institute an annual refresher training course for taxicab drivers. DCTC further reports that, because the commission lacks the capacity to administer the program for all of the District’s drivers, it is developing a “train the trainers” program whereby a smaller number of drivers would become certified trainers who would then conduct the refresher courses for taxicab companies.
DCTC should require taxicab drivers to attend annual refresher training that centers on Title 31 of the taxicab regulations and applicable District law.	
DCTC and UDC should recruit interested MPD officers and DCTC hack inspectors to serve as instructors or guest presenters.	Pending in part, not adopted in part. DCTC also is working toward having hack inspectors attend training at MPD’s training academy on a variety of issues relating to police interactions, and MPD reports meeting with DCTC to address training needs and program support. However, DCTC indicated that joint training sessions would not be effective due to the differing purpose of the two departments’ enforcement authority. DCTC instead expressed a desire to establish direct communication between MPD officer and DCTC inspectors that would allow the inspectors to respond to MPD stops of taxis to handle all enforcement of taxi regulations, and leaving all criminal and traffic enforcement issues entirely to MPD.
MPD and DCTC should establish regular joint training sessions for hack inspectors and MPD officers.	

Recommendation	Status
<p>MPD should review and update its current training materials and general orders, offer annual in-service training on taxicab enforcement to all MPD officers, and continue to provide roll-call training to inform officers of important changes in taxicab rules and regulations.</p>	<p>Adopted. MPD states that it has worked to clarify any confusion on the part of officers by providing updates through its teletype system, as well as training during roll call. All corrections and clarifications will be incorporated into the recruit and professional development training programs and in MPD directives.</p>
<p>Both MPD and DCTC should review taxicab citations issued by their respective agencies and seek to identify any problematic patterns or trends. To address concerns about discriminatory enforcement, MPD and DCTC should develop a system to review individual citations, in order to spot outliers, <i>i.e.</i> officers or inspectors whose citation issue rates are higher than average. This can be accomplished by noting which infraction specified in D.C. Mun. Regs. tit. 31 § 825 was incurred, which officer or inspector issued the citation, and any identifying information about the taxicab driver available from the citation. MPD and DCTC could coordinate to connect driver's license and vehicle ID numbers to specific individuals.</p>	<p>Adopted in part, denied in part. MPD reported in last year's PCB annual report that it would review citations pertaining to taxicab violations in order to discern any potential patterns or trends. An MPD representative of the agency's Homeland Security Bureau, which oversees the Traffic Safety and Specialized Enforcement Branch, will meet with a DCTC representative on a quarterly basis to review enforcement efforts and identify and address any existing or potential issues.</p> <p>DCTC states that it is modernizing both the taxicab fleet and its computer systems, and that these enhancements would allow for greater ability to detect problems should they be reported, but did not commit to proactively reviewing the infractions.</p>

Table 33: Public Drinking Arrests by MPD Officers on Residential Property

(August 17, 2009)

Recommendation	Status
<p>MPD should develop a new POCA general order and corresponding recruit and in-service POCA training. Although the general order and training should cover all aspects of POCA enforcement, special emphasis should be placed on how properly to enforce POCA in the residential context, since this is the area of greatest confusion and the one that presents the greatest potential for civil rights violations, given the primacy of the right of citizens to be free of government intrusion in and around their homes. At a minimum, the new directive and the attendant training should ensure that MPD officers know:</p> <ul style="list-style-type: none"> a) Not all residential yard space in the District of Columbia is public property; therefore, not all District yards are subject to POCA; b) Most backyards are not subject to POCA, even in neighborhoods where “parking” abuts front yards; c) The front yards of many residential properties adjoined by “parking” consist both of “parking” and privately owned land, and arrests for POCA are not sanctioned on the part of a yard that is not “parking;” and d) If it is unclear whether residential yard space is “parking,” POCA arrests should not be made. 	<p>Adopted in part. In PCB’s 2009 annual report, MPD stated that it had updated recruit training and included in roll call training guidance on POCA enforcement. The Department noted, however, that general orders are designed to address MPD procedures and policies, and that unless a law necessarily involves new MPD policies or procedures, MPD will not issue a general order but instead address the matter during training.</p>

Table 34: MPD Provision of Police Service To Persons With Limited English Proficiency (LEP)

(July 16, 2009)

Recommendation	Status
<p>MPD should develop a written policy statement that unequivocally affirms the agency’s commitment to providing language assistance to LEP individuals in order to ensure that persons with LEP have meaningful access to MPD’s services. The policy statement, in addition to voicing support for equalizing the treatment of LEP individuals, should emphasize the legally binding, nondiscretionary nature of this duty. The policy statement should then be included in MPD’s language access plan, in any new or revised language access directives, and in all language access-related training materials.</p>	<p>Adopted. MPD reported in the previous PCB annual report that it has written a policy statement incorporating the suggested language. MPD now adds that it included this statement in a Biennial Language Access Plan (BLAP), that the Department conducted trainings at officer roll calls in July and August, 2011, and that posters concerning language access are displayed in district roll call rooms so as to provide additional support for officers.</p>
<p>Include in MPD’s forthcoming language access general order clear, specific guidance for officers regarding: 1) how to recognize the need for LEP assistance 2) the mandatory legal obligation to provide such assistance, and 3) step-by-step instruction on how, <i>particularly during field encounters with LEP individuals</i>, to employ the various language assistance services currently available. A binding directive that that brings together all of the relevant information would clarify for officers how to handle field stops and routine encounters with LEP individuals. The new general order should:</p> <ul style="list-style-type: none"> - define “LEP;” - explain that LEP individuals may be able to communicate on a basic level but warn that it is easy to overestimate an LEP person’s English comprehension skills; - require officers to provide language assistance to anyone who meets the objective criteria of having difficulty communicating and/or understanding and to anyone who specifically requests language assistance; - discourage officers from relying on family members, friends, or bystanders except in exigent circumstances; and - instruct officers to err on the side of providing language assistance when in doubt. 	<p>Adopted. MPD published GO-SPT-304.18 (Language Access Program) on September 15, 2010, which incorporates both PCB’s and DOJ’s recommendations. MPD then provided related training for its officers on the new general order and its requirements.</p>

Recommendation	Status
<p>With respect to which services to provide, the general order should outline the services and techniques available to be used, such as MPD-certified interpreters and interviewers, the Language Line, qualified outside interpreters, and translated documents. The step-by-step instruction contained in the teletypes and “Dispatch” articles should be included. This directive also should inform officers of any preferable order in which the services should be accessed and spell out when the provision of particular services is mandatory.</p>	
<p>Enhance LEP training by including in MPD’s cultural competency and diversity training a segment that provides step-by-step review of how to identify and provide language assistance to LEP individuals, particularly during field encounters. Additionally, refine MPD’s mandatory online LEP training course to more clearly distinguish between officers’ mandatory legal obligation to provide language assistance to LEP individuals and voluntary customer service standards. In addition, include a section in its cultural competency training on assisting persons with LEP. Finally, the mandatory MPD online LEP training course should be modified to make clearer the legal obligation under Title VI and the Language Access Act to provide language assistance to the LEP community so that officers will understand that it is mandatory, not discretionary, to offer language assistance where it is needed.</p>	
<p>Adopt and incorporate the recommendations made by DOJ in its compliance review and those made by OHR in its 2008 ruling in <i>OHR v. MPD</i> (08-264-LA).</p>	
<p>Consider and utilize the federal, state, and municipal resources identified in the Best Practices section of this report to update and revise MPD’s LEP plan, directives, and training. For example, review the DOJ planning tool and the LEP departmental directives that have been adopted in Philadelphia, San Francisco, and New Jersey, as these serve as clear, relevant examples of how to incorporate and implement many of the improvements recommended by DOJ and OHR.</p>	<p>Adopted. Although MPD has not reported on whether it considered or used the resources identified in the “Best Practices” section of PCB’s report and recommendation, MPD states that its review of such practices is ongoing and considers best practices in developing both departmental policy and training of its officers.</p>

Table 35: Monitoring Citizen Complaints that are Investigated by the Metropolitan Police Department and the D.C. Housing Authority Police Department

(September 30, 2008)

Recommendation	Status
<p>The agency’s current authority should be expanded to include monitoring the number, types, and dispositions of citizen complaints investigated or otherwise resolved by MPD and DCHAPD. This monitoring responsibility should also include allowing the agency to review and report on the proposed discipline as well as the amount of actual discipline handed down by the two police departments. Further, OPC should be provided with complete and unfettered access to MPD and DCHAPD materials, including information pertaining to discipline, to carry out the monitoring function. In addition, OPC should be permitted the same full access to information and supporting documentation from MPD and DCHAPD concerning disciplinary actions taken by the two departments following the receipt of OPC complaint examiner decisions that sustain citizen complaints. This access should be extended to allow OPC to obtain all materials from MPD and DCHAPD concerning any disciplinary actions taken or that these two police departments decline to take in response to “failure to cooperate” notifications received from OPC.</p>	<p>Pending. A bill entitled the “Police Monitoring Enhancement Amendment Act of 2009” (B18-120) was introduced before the D.C. Council on February 3, 2009, and included many of the recommendations. MPD opposed the legislation, especially the portions relating to access to underlying documents. The D.C. Council’s Committee on Public Safety and the Judiciary considered the legislation during the winter of 2010, but did not proceed with the bill. The legislation (B19-0183) was reintroduced during the Council period corresponding to Fiscal Year 2011 and is pending before the Committee on the Judiciary.</p>

Table 36: Improving Police-Community Relations Through Diversion of Some Citizen Complaints to a Rapid Response Program

(September 24, 2008)

Recommendation	Status
<p>The District Council should enact legislation to give OPC the authority to resolve some less serious complaints through a new Community Policing Rapid Response program. The program would be designed to resolve complaints more quickly by putting complainants in direct contact with first-line supervisors of subject officers to whom they could voice concerns, while also allowing supervisors to speak directly with complainants about largely service-oriented concerns or explain police department policies.</p>	<p>Not Adopted. There has not been any legislation introduced by the District Council to enact this recommendation.</p>

Table 37: Video Cameras in MPD Police Cruisers

(August 28, 2008)

Recommendation	Status
<p>Establish a pilot program to install Mobile Video Recorder (MVR) technology, or video cameras, in 750 police cruisers, approximately 10-20% of the current MPD fleet, with accompanying infrastructure that ensures that officers are trained to operate the camera systems and transmit data. The infrastructure must also provide procedures for data management.</p>	<p>Not Adopted. MPD previously reported conducting a pilot program in MPD’s Narcotics and Special Investigations Division. MPD published a Division Memorandum (NSID 09-01) to guide operations during the pilot program. MPD reports that as of August 2010, a pilot project of the Indash Mobile Video Recorder system was complete. MPD tested two systems, and identified the better performing system. MPD states that very few incidents were captured on video, and that the cost of placing the preferred system in 7% of MPD’s fleet would be approximately one million dollars. Citing recent budget cuts and budget priorities, MPD reports that there are “no plans in the foreseeable future to implement such a costly system with limited benefits.”</p>
<p>Draft a comprehensive policy regarding MVR use by MPD officers that ensures legal and procedural safeguards, such as: prevent arbitrary enforcement, provide notice to citizens, address individual privacy concerns, and inform officers of the consequences resulting from abuse of the system by individual officers.</p>	
<p>Provide actual notice to individuals under MVR surveillance by (1) generally publicizing the adoption of MVRs; and (2) personally notifying each person subject to recording whenever practicable and at the first opportunity to do so.</p>	
<p>Develop a comprehensive program that addresses the storage, management, and use of MVR data, as well as training for staff regarding management.</p>	
<p>Develop a comprehensive retention policy for MVR data that includes formal guidelines for data retention for a reasonable period of time and data disposition, as well as establishing the Chief’s authority to extend or amend guidelines. The policy should reflect a balance between the need to retain evidence for possible adjudication and privacy concerns. Data retention time periods should be tailored to the expected use of the data, such as evidentiary support in criminal case or in cases in which MPD may be subject to civil liability, as well as for training purposes. However, a maximum storage time period of three years is recommended, subject to extension by the Chief.</p>	
<p>Establish an MVR auditing system to ensure that each officer is operating the equipment, recording data, and uploading information in accordance with MPD policies. Periodic checks should be accomplished to ascertain if officers are behaving on camera in a manner consistent with MPD officer standards. Technology that encodes video footage with officer identification codes could facilitate periodic review.</p> <p>If MPD funds are not adequate to establish and maintain an MVR program, seek appropriations from the District council and apply for grant funding from federal and private sources.</p>	

Table 38: Categorization of Citizen Complaint Allegations

(June 11, 2008)

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

Table 39: Medical Treatment for Arrestees

(August 8, 2007)

Recommendation	Status
<p>Issue revised and updated general orders that reflect the Department’s current reliance on local medical facilities and that explicitly prohibit officers from discouraging arrestees to seek medical treatment. The revised and updated general order would address the procedures that officers should follow now that D.C. General Hospital is no longer the full service inpatient facility it was when MPD General Order 502.7 was issued. Like the policies of the Portland and San Francisco police departments, the updated general order should also list specific and objective criteria for the transportation of an arrestee to a medical facility. By setting forth in its general order a list of illnesses and injuries that require immediate medical attention, MPD would reduce the likelihood of officers making uninformed assessments of an arrestee’s medical state, and would ensure that an arrestee who complains of, or appears to have, a serious injury or medical condition such as chest pains, seizures, or head wounds receives appropriate medical care.</p>	<p>Adopted. MPD revised General Order 502.07 (Medical Treatment and Hospitalization), and issued the order department-wide in July 2011. The general Order states that MPD officers “shall transport arrestees/prisoners who complain of illness or injury to a hospital . . .”</p>

Recommendation	Status
<p>Establish “best practices” and quality assurance mechanisms that would ensure that MPD officers are providing arrestees with prompt access to medical care when needed. Such practices and mechanisms could include cross-checking use of force complaints where the citizen was arrested and alleged an injury with the corresponding PD 313. MPD should also conduct audits of the PD 313s on a regular basis to make sure that the form is being fully and accurately completed by the appropriate officer, that citizens have an opportunity to present on the form their account of how the injury was obtained, and that supervisors are adequately investigating the incident. MPD should post information at its processing stations explaining to arrestees the procedures for seeking medical treatment if the individual needs it.</p>	<p>Pending. MPD reports that it has no update. PCB will continue to seek updates from MPD in the coming fiscal year.</p>
<p>Explore the feasibility of adopting alternative approaches to MPD’s current method of providing medical treatment to arrestees. One possible approach to consider is having a trained health care or emergency medical professional on call, perhaps from the District’s Fire and Emergency Medical Services, to assess an arrestee’s medical condition and determine the proper mode of transport to a hospital where further medical care is warranted. Another idea would be to staff each district with trained health care or emergency medical professionals who can conduct assessments of arrestees around the clock. A third alternative would be to contract with a local university hospital to have trained health care professionals available and conducting assessments at some or all of the police districts.</p>	<p>Adopted. On January 14, 2010, MPD reported that it conducted a seven-month pilot program to assess the feasibility of having a central processing facility and contracting with a medical services provider for non-emergency medical care to arrestees. MPD concluded that the program was not cost effective and, that the Department could not find additional funding for the program. MPD has, therefore, resumed its policy of having officers take arrestees to the nearest hospital for non-emergency treatment.</p>
<p>Review the MPD Form PD 313, Arrestee’s Injury/Illness Report, and make changes where appropriate. Although the PD 313 appears to be adequate, PCB recommends that MPD review the form and make changes to it based on whatever changes are made to General Order 502.7.</p>	<p>Adopted. MPD reports that a review of the PD 313 did not identify any required changes upon the issuance of the revised General Order 502.07</p>
<p>Provide enhanced in-service and new recruit training to MPD officers. Such training should focus on making sure that officers are aware that arrestees complaining of medical illness or injury should be treated immediately, and that officers do not have the discretion to refuse medical treatment for an arrestee who requests it. In addition, the training should prohibit the practice of dissuading arrestees from seeking medical care, and explicitly inform officers that under no circumstances can they fail to seek medical treatment for those arrestees who appear to have a serious injury or illness.</p>	<p>Adopted. On December 20, 2007, MPD reported that this topic was included in the October 2007 roll call training and was to be included again in December 2007 for new recruit training and as a module in the 2008 in-service training.</p>

Table 40: Addressing Biased Policing in Washington, D.C.: Next Steps

(May 17, 2007)

MPD reported there was no change in status from what was reported in PCB's Fiscal Year 2009 annual report, with the exception that MPD states it is currently attempting to reconvene the Fair and Inclusive Task Force and hopes to schedule a meeting during the first quarter of 2012. PCB's recommendations and MPD's updates are available at www.policecomplaints.com.

Table 41: Enhancing Police Response to People with Mental Illness in the District of Columbia by Incorporating the Crisis Intervention Team (CIT) Community Policing Model

(September 7, 2006)

On September 7, 2006, PCB issued a report and recommendations concerning police response to people with mental illness. PCB recommended the use of the Crisis Intervention Team (CIT) community policing model in Washington. Since OPC opened to the public in January 2001, it has regularly received complaints about MPD officer treatment of people suffering from mental illness. Until recently, MPD had resisted implementing the CIT model. Our FY 2007 annual report discussed MPD's reactions to PCB's recommendations concerning the adoption of a CIT program. In February 2009, however, we were informed by the District Department of Mental Health (DMH) that MPD has decided to go forward with a CIT program in conjunction with DMH. The new CIT program is called the Crisis Intervention Officers (CIO) Initiative and, since January 2009, DMH has conducted 14 classes and trained approximately 321 MPD officers, who are dispatched in service calls involving the mentally ill. Officers are trained in discerning if a mentally ill citizen is in need of emergency hospitalization and evaluation, as well as determining if a Mobile Crisis Team should also assist. PCB notes that the 321 officers trained so far is over 8% of MPD's current roster, and MPD reports that 17% of PSA officers are CIT trained

MPD program representatives participated in and presented incident data from the program at the CIT International Conference in September of 2011, and, working with DMH, have reviewed training materials developed by other jurisdictions throughout the country.

Recommendation	Status
The District Government should designate a subgroup of the Criminal Justice Coordinating Council's (CJCC) Substance Abuse and Mental Health Workgroup (SAMHW) to serve as the District's CIT task force.	Adopted in part. On August 30, 2006, the CJCC's SAMHW established a subgroup to examine all of the alternatives available for responding to people with mental illness to create a model unique to the District.
MPD should select a CIT coordinator now so this person can participate in the development of the program.	Adopted. MPD states that it has adopted the CIT model by creating a Crisis Intervention Officer (CIO) Initiative, in which MPD identifies officers who possess advanced expertise by virtue of their experience in interacting effectively with the mentally ill and provides these officers with 40 hours of additional training in handling service calls involving the mentally ill. Officers who complete the training will be certified and their names will be entered into a database. While performing assigned duties within their designated patrol service areas, the CIO will be dispatched when requested to handle service calls involving the mentally ill and will become the primary officer for that service call. The CIO engages and collaborates with other community services providers, including the DMH Mobile Crisis Unit and the Homeless Outreach team where appropriate and necessary. DMH reported that each of the seven police districts within MPD has a site-based CIO coordinator, that there is a designated MPD CIO coordinator for the overall program, and a coordinator who is based within DMH. MPD reported that it had appointed as the CIT coordinator a police inspector assigned to patrol operations.
The District should apply for CIT grant funds.	Pending. MPD reported on December 20, 2011, that it had submitted necessary data to allow DMH to apply for a grant.
A subcommittee of the CIT task force should participate in a two-day planning workshop in Memphis.	Adopted. On December 19, 2008, MPD stated that it had met with representatives from the Memphis Police Department to examine the Memphis CIT model. MPD initiated the CIO program in April 2009.
Following receipt of the subcommittee's report, the CIT task force should outline key elements of the District's CIT program.	Adopted.
Task force members responsible for CIT officer training should participate in 40-hour training program in Memphis.	Adopted. The CIO initiative provides 40 hours of training for officers that includes basic information on various mental illnesses and how to recognize the symptoms, the local mental health system, laws related to the mentally ill, and verbal de-escalation training and role-playing. Representatives from various District government agencies and community-based organizations serve as trainers. Involvement by the community is coordinated by the District of Columbia chapter of the National Alliance on Mental Illness.

Recommendation	Status
The District should prepare dispatch operations for changes necessitated by CIT.	Adopted. DMH reports that in the fall of 2010, CIO representatives and Office of Unified Communications (OUC) staff trained over 95% of call takers and dispatchers on the purpose of the CIO program and on how to identify crises warranting the dispatch of a CIO. A representative from OUC has been identified to serve on the CIO steering committee. CIO officers are identified in a database and will be dispatched upon the request of a patrol officer or an officer assigned to a call.
The District should coordinate with the Emergency Medical Services Bureau of the D.C. Fire and Emergency Medical Services.	Adopted. According to DMH, FEMS has participated in a pilot project that is examining the agencies' joint responses to the mental health community. In addition, FEMS is working closely with DMH to develop an agreement to address training and other issues involving services to people with mental illness.
MPD should prepare to collect and analyze CIT service call data.	Adopted. MPD and DMH report that they are collecting data through a PD form 251-C, which allows CIO's to report on the nature and dispositions of CIO-related calls. The completion of this form is required by CIO's within MPD's Special Order 10-07 (Crisis Intervention Officer Initiative). The data are collected by MPD and provided to DMH for analysis and reporting.
DMH should prepare to collect and analyze data on outcome of CIT officer referrals.	
MPD should ensure that CIT officers develop knowledge of and a close working relationship with community-based mental health service providers.	Adopted. On September 13, 2010, MPD issued Special Order 10-07 outlining the policies and procedures for CIOs to follow when responding to service calls. CIOs engage and collaborate with other community service providers, including the DMH Mobile Crisis Unit and Homeless Outreach team. According to DMH, the 40-hour training offers the opportunity to meet, collaborate, and obtain information and knowledge from all major partners within the mental health and other systems serving individuals with mental illness. CIO's make site visits to several community-based mental health agencies to meet with providers and consumers.
DMH should strengthen and expand its mobile crisis unit.	Adopted. DMH states that it implemented its Mobile Crisis Services (MCS) program in November 2008. MCS is a component of the agency's CPEP program and offers services 16 hours a day, seven days a week.
DMH's Comprehensive Psychiatric Emergency Program (CPEP) should be relocated to a facility that includes emergency medical treatment and alcohol and drug detoxification services.	Adopted in part. Although there are no plans to relocate CPEP, DMH added extended observations beds. Only about 35% of the individuals seen at CPEP require hospitalization.
DMH should ensure that CPEP policies emphasize use of community-based resources and outpatient observation, evaluation, and treatment to the greatest extent possible.	Adopted. DMH has worked to establish strong relationships with MPD and other District government agencies and coordinates with community providers to reduce the number of individuals who are hospitalized. DMH has hired individuals who were employed as caseworkers at nonprofit agencies serving the mentally ill to staff the MCS unit.