

**MONITORING CITIZEN COMPLAINTS THAT ARE  
INVESTIGATED BY THE METROPOLITAN POLICE  
DEPARTMENT AND THE D.C. HOUSING  
AUTHORITY POLICE DEPARTMENT**



**REPORT AND RECOMMENDATIONS OF THE  
POLICE COMPLAINTS BOARD**

**TO**

**MAYOR ADRIAN M. FENTY,  
THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
MPD CHIEF OF POLICE CATHY L. LANIER, AND  
DCHAPD CHIEF OF POLICE WILLIAM L. PITTMAN**

**September 30, 2008**

**POLICE COMPLAINTS BOARD**

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## I. INTRODUCTION AND OVERVIEW

In the District of Columbia, members of the public have more than one option available to them as to where they can file a complaint against a Metropolitan Police Department (MPD) or D.C. Housing Authority Police Department (DCHAPD) officer. The law allows a citizen to file a complaint directly with MPD or DCHAPD that will be investigated by the relevant department, or to file a complaint with OPC that will be investigated and resolved by OPC, which has its own investigative staff and is independent of both MPD and DCHAPD.

Through its comprehensive annual reports, OPC provides the public each year with detailed statistics about the volume and types of complaints that are filed, along with information about how those cases are resolved. The reports also indicate whether any discipline, and how much, is imposed in connection with complaints that are sustained. In addition, the agency's annual reports furnish data, broken down by race, national origin, sex, and age, about complainants and subject officers. This kind of transparent reporting provides valuable insight into how law enforcement officers in the District interact with residents and visitors to the city. The presentation of complaint statistics allows the agency to identify and analyze trends that are the subject of policy recommendations, which aim to improve police operations and police-citizen interactions, all the while reducing the risk of liability for the city and individual officers. By publishing these annual reports, the public is also assured that officers who have engaged in misconduct are held accountable while accused officers who are found to have behaved appropriately are cleared of wrongdoing.

Despite this comprehensive reporting of police misconduct complaints filed with OPC, MPD and DCHAPD do not provide the public with the same level of information regarding citizen complaints investigated by those departments. In fact, MPD has not published an annual report since the year 2000. Likewise, no annual reports issued by DCHAPD could be located. As a result, the public has an incomplete picture of the nature of police misconduct in the District.

Through this report and accompanying recommendations, PCB urges the enactment of legislation that will correct this imbalance by authorizing PCB and OPC to monitor and publicly report on the universe of citizen complaints filed against MPD and DCHAPD officers, whether investigated by OPC or either of the two police departments.<sup>1</sup>

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<sup>1</sup> PCB is making these recommendations pursuant to D.C. Official Code § 5-1104(d), which authorizes the Board to recommend changes to the Mayor, the Council of the District of Columbia, and MPD's and DCHAPD's Chiefs of Police if the reforms may reduce the incidence of police misconduct or lead to improvements in the citizen complaint process. PCB is grateful for the assistance of OPC's staff in preparing this report and accompanying recommendations. OPC's executive director, Philip K. Eure, supervised the project. In addition, OPC's special assistant, Nicole Porter, assisted in conducting research and drafting the report. These recommendations are supported by four of the five members of PCB, Kurt Vorndran, Karl M. Fraser, Victor I. Prince, and Margaret A. Moore. The fifth member of the Board, MPD Assistant Chief Patrick A. Burke, does not support these recommendations at this time.

In developing our proposal for the District, we have researched the “monitoring” functions of citizen oversight agencies in other parts of the country. As discussed more fully in this report, our proposal for the District draws from the experiences of oversight agencies in San Jose, Denver, and Los Angeles County.

## **II. INFORMATION CURRENTLY AVAILABLE**

### **A. Citizen Complaints Investigated by OPC**

OPC opened to the public in 2001. Since that time, the agency has issued annual reports describing the work of the office in resolving police misconduct complaints filed by the public against MPD officers. Less detailed information about DCHAPD has been furnished in these reports. These reports also provide other useful information about OPC’s efforts to promote greater police accountability, and encourage positive community-police relations, in the District. A total of seven annual reports have been issued to date.

The agency’s most recent annual report for fiscal year 2007 provides many details about the nature and location of the complaints received by the office, including the disposition of those complaints and the amount of discipline imposed for sustained complaints. The report also furnishes information about the race, national origin, gender, and age of complainants and subject officers, as well as indicating the police districts, assignments, and city wards where the incidents underlying the complaints arose.

Over time, the annual reports have described patterns and trends in the complaints handled by the agency. For instance, the annual report for 2007 indicated that the proportion of use of force allegations had reached the lowest level in the past five years. The report also showed that younger and less experienced officers made up a larger proportion of subject officers than their representation in the entire police force. Our agency’s ability to track, analyze, and report on the types of complaints received by OPC has resulted in a number of recommendations for police reform that have been adopted by MPD. Police accountability expert Sam Walker notes that independent police review agencies have altered the ground rules of inherently secretive police departments “by providing periodic public reports on both their own activities and important aspects of the law enforcement agency they are responsible for.”<sup>2</sup>

### **B. Citizen Complaints Investigated by MPD**

Pursuant to MPD General Order 1202.5, “Citizen Complaints,” complaints filed by citizens are, depending on the nature of the complaint, investigated by MPD’s chain of command, its Internal Affairs Bureau (IAB), or its Force Investigation Team (FIT). After the investigation is conducted, the investigating official forwards, through the appropriate channels, a written investigative report that recommends that the officer be “exonerated”

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<sup>2</sup> Samuel Walker, *The New World of Police Accountability* 141 (Sage Publications 2005).

of the allegations against the individual, or that the allegations against the officer be “sustained,” “not sustained,” or “unfounded.”<sup>3</sup>

Information regarding MPD’s disposition of citizen complaints that the Department investigates is not available to the public. An individual seeking those statistics might think to consult MPD’s annual report. The most recent annual report containing information about citizen complaints, however, is from eight years ago. That 2000 report devotes a total of one-half page to a section entitled “allegations of misconduct.”<sup>4</sup> The table indicates that the five largest categories among the total of 500 allegations recorded that year were “excessive force” (110), “unprofessional/demeaning language/conduct” (117), “ineffective/lack of police service/wrongful NOIs [notices of infractions]” (82), harassment (61), and “abuse of authority/misuse of official position” (59).<sup>5</sup> It is not clear how many complaints these allegations comprise.<sup>6</sup> Since the issuance of that 2000 MPD annual report, we could find no other publicly available reports or accounting of the full range of police misconduct complaints handled by MPD.<sup>7</sup> After some searching, however, OPC did locate on MPD’s website a two-page report from MPD’s Internal Affairs Bureau providing some very basic information about the disposition of cases closed by the bureau in 2006.<sup>8</sup>

To its credit, since 2000, MPD has published an annual report and more periodic statistics on its website regarding “use of force” by MPD officers. These use-of-force reports generally contain much useful detail about the types and degrees of force employed by MPD officers during encounters with citizens. According to MPD, “[t]he success of a police department is measured by the level of trust and confidence that the community has for it. The manner and frequency in which force is used directly influences that level of trust.”<sup>9</sup> The reports provide various statistics related to lethal and

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<sup>3</sup> MPD General Order 1202.5 (II) (C) (effective July 1, 1995).

<sup>4</sup> 2000 MPD Annual Report at 26 (available at [http://mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/publications/2000ar\\_pdf.pdf](http://mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/publications/2000ar_pdf.pdf)).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* An asterisk notes that “[t]here may be more than one allegation for each complaint. The complaints for 2000 accounted for a total of 500 allegations.”

<sup>7</sup> General Order 1202.5 requires MPD’s Office of Professional Responsibility, now known as IAB, to forward an annual report to the police chief by January 31 of each year that details, among other things, the total number of citizen complaints received by MPD and a breakdown of the allegations, the total number of complaints resolved through preliminary investigation and the disposition of those complaints, and the final action recommended for cases not resolved by a preliminary investigation. *See* MPD General Order 1202.5 (III) (C) (6). The general order does not explicitly require MPD to detail the discipline actually imposed in sustained cases. In any event, all of the citizen complaint information contemplated by the general order should be readily available to the public, as well as discipline outcomes.

<sup>8</sup> According to the report, 42.8% of all cases closed by IAD in 2006 resulted in a sustained finding. However, IAD’s report does not include a breakdown of closed complaints by allegation, does not distinguish between cases generated internally and those initiated by a citizen complaint, and does not categorize the information by police district. In addition, the report does not specify the discipline recommended or imposed in sustained cases. Office of Professional Responsibility, Internal Affairs Division, 2006 Statistical Analysis (available at [http://www.mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/publications/useofforce/IAD\\_Statistical\\_Analysis\\_2006.pdf](http://www.mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/publications/useofforce/IAD_Statistical_Analysis_2006.pdf)).

<sup>9</sup> MPD Use of Force 2007 Annual Report at 2 (quoting MPD Chief Cathy L. Lanier).

non-lethal use of force, whether by firearms, police batons, oleoresin capsicum (OC) spray, canine bites, or other means. Over the years, some reports have included characteristics of officers and citizens involved in some of these incidents, broken down by race, national origin, gender, and age, as well as other information.

In addition to reporting on the use of force by MPD officers, MPD also recognizes that “it is also imperative for law enforcement agencies to track and analyze data to identify trends. Once trends are identified, then intervening action can occur to minimize similar future occurrences.”<sup>10</sup> The 2007 report includes a section entitled “FIT Trend Analysis and Recommendations.” That section contains a brief discussion of how, following statistical analyses in 2006 that revealed an increase in instances where MPD officers discharged their firearms at moving vehicles, possibly in violation of MPD policy, information about the firearm discharges was communicated to the Department’s training academy. As a result of the communication with the academy, enhanced training was incorporated into different aspects of the training academy’s curriculum and into the daily roll-call training.

While MPD is to be commended for providing many details about the use of force by its officers in many very fine reports produced by FIT, there are no regularly issued reports, prepared by either MPD or DCHAPD, documenting the full range of complaints made by citizens about their interactions with officers. And, as our agency’s annual reports have demonstrated, citizens complain to the police about a variety of types of officer conduct. In fiscal year 2007, for example, only 13.1 percent of the allegations in OPC citizen complaints against MPD officers fell into the use of force category.<sup>11</sup> That year, the other categories included allegations regarding inappropriate language or conduct (31.3%), harassment (35.8%), discrimination (6.2%), failure of an officer to wear appropriate identification or provide his or her name and badge number when requested to do so (3/9%), retaliation (0.6%), and other (9.1%).

### **III. PRACTICES IN OTHER JURISDICTIONS**

A number of cities and counties throughout the United States provide for the monitoring and public reporting of the full range of complaints filed by citizens against their police departments. This report focuses on the monitoring and reporting conducted by citizen oversight agencies in San Jose, Denver, and Los Angeles County.

#### **A. San Jose**

The San Jose Independent Police Auditor (IPA) does not conduct its own investigations of police misconduct complaints. However, the office monitors and audits investigations conducted by the internal affairs unit of that city’s police department.

The monitoring responsibilities consist of ensuring that the San Jose Police Department (SJPD) properly classifies citizen complaints that it receives and reporting on

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<sup>10</sup> *Id.* at 15.

<sup>11</sup> Police Complaints Board – Office of Police Complaints Fiscal Year 2007 Annual Report at 22.

the nature and disposition of complaints that are investigated by the police department. The auditor's 2007 year-end report provides detailed information regarding these complaints, including the number of complaints over a five-year period, tables listing the types of allegations that comprise these complaints, and data concerning outcomes and imposition of discipline. A separate 11-page section of the report lays out data relating to use of force complaints and allegations. In addition, there are separate sections that provide demographic data on subject officers and complainants.

The office also has the authority to "monitor" the investigations of citizen complaints conducted by the SJPD internal affairs unit.<sup>12</sup> This authority permits IPA to "review documents, attend officer interviews, request further interviews, visit the location where the complaint incident originated, and maintain contact with complainants."<sup>13</sup>

Separate and apart from monitoring ongoing investigations of citizen complaints, IPA can "audit" investigations of citizen complaints conducted by the SJPD internal affairs unit. In San Jose, audits involve a comprehensive after-the-fact review of cases. "Audits involve a critical examination and analysis of the circumstances that led to the misconduct complaint, and evaluation of the quality of the investigation."<sup>14</sup> IPA performs these audits following investigation by the internal affairs unit but prior to the complainant and subject officer being notified of the findings.<sup>15</sup> In this way, the audit determines whether the case should be closed as indicated by the internal affairs unit or whether additional investigation or analysis should be requested.<sup>16</sup> By law, IPA is mandated to audit all excessive/unnecessary force complaints and 20 percent of all other complaints.<sup>17</sup>

No authority, subpoena or otherwise, is provided under San Jose law for IPA to require SJPD to provide police department documents that are requested. Independent Police Auditor Barbara Attard explained that SJPD generally produces most documents that are sought.<sup>18</sup> The city attorney's office resolves disputes over document production which, in some case, can be elevated for resolution by the city council.

## B. Denver

Denver's Office of the Independent Monitor (OIM) does not investigate citizen complaints, but rather reviews Denver Police Department (DPD) and Denver Sheriff's Department (DSD) investigations of its officers that are initiated either by citizens or by law enforcement personnel in those two organizations. The three elements of OIM's core mission are described as: (1) "actively monitoring and participating in investigations of"

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<sup>12</sup> Independent Police Auditor's 2007 Year End Report at 19.

<sup>13</sup> *Id.* at 19.

<sup>14</sup> *Id.* at 25.

<sup>15</sup> *Id.* at 25.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Telephone Interview by OPC executive director Philip K. Eure with San Jose independent police auditor Barbara Attard (May 30, 2008).

sworn personnel in the two law enforcement departments; (2) “making recommendations” regarding discipline; and (3) making policy recommendations.<sup>19</sup>

In its most recent 2007 annual report, Denver OIM provided detailed information relating to the number, types, and disposition of complaints against DPD and DSD officers. In addition, an entire section of the report, chapter four, is devoted to “imposition of discipline” by the two departments, using charts and case summaries to illustrate the types of discipline handed down as well as the positions taken by OIM in some of these matters. For instance, the report notes that during the course of the year OIM reviewed 96 cases where DPD had imposed discipline that was not according to any schedule; in 14 matters, OIM disagreed with a recommendation made by DPD command staff, recommending more substantial discipline in five of those cases and less severe discipline in the other nine cases.<sup>20</sup>

In addition to requiring that DPD and DSD “cooperate with the monitor’s office in actively monitoring and participating in internal investigations,” the Denver OIM ordinance specifies that OIM shall have “complete access” to materials related to these internal investigations.<sup>21</sup> Likewise, DPD and DSD must “cooperate” with OIM’s monitoring of disciplinary proceedings and OIM is granted “complete access” to all disciplinary proceedings and related documents.<sup>22</sup>

### C. Los Angeles County

In Los Angeles County, two separate entities provide independent review of the Los Angeles Sheriff’s Department (LASD) and its personnel: (1) the Office of Independent Review (OIR) and (2) Special Counsel to the Los Angeles County Board of Supervisors (SC).

#### 1. *Office of Independent Review*

The Los Angeles County Office of Independent Review (OIR), a citizen oversight agency that actively monitors misconduct investigations conducted by the Los Angeles Sheriff’s Department (LASD), publishes, on a quarterly basis, a detailed chart that lists all of the administrative complaints where the LASD has approved discipline during that quarter. For each complaint, the chart lists, among other things, a description of the allegations, LASD’s findings, the proposed discipline, the subsequent discipline handed down, and any related criminal charges or civil lawsuits.<sup>23</sup>

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<sup>19</sup> Denver Office of the Independent Monitor 2007 Annual Report at II.

<sup>20</sup> *Id.* at 4-9.

<sup>21</sup> Denver OIM Ordinance § 2-388(a).

<sup>22</sup> *Id.* at 2-389.

<sup>23</sup> County of Los Angeles Office of Independent Review, Oversight Report—2<sup>nd</sup> Quarter 2007 (2007).



According to OIR's mission statement, the agency has "full access to relevant documents, meetings, and personnel within LASD."<sup>24</sup>

## 2. *Special Counsel*

The Special Counsel to the Los Angeles County Board of Supervisors does not have independent investigative authority, but instead monitors and conducts comprehensive reviews of LASD. Since 1993, Special Counsel Merrick Bobb and his staff have published semi-annual reports assessing LASD's policies and practices regarding uses of force, recruit and in-service training, internal misconduct investigations, and discipline, among other things.

In reviewing complaints that were sustained against LASD officers, the special counsel found that formal adjudications in several sustained complaints were inexplicably changed to "unfounded" or "unresolved."<sup>25</sup> In addition, according to the special counsel, in 84% of sustained cases where the officer contested the recommended discipline, the punishment was reduced or held in abeyance.<sup>26</sup> The special counsel recommended in his report that any changes in the original adjudication of a complaint be accompanied by written documentation in the investigatory and grievance files.<sup>27</sup> The special counsel also proposed that the LASD support its original discipline recommendations, and reduce them only where such changes are clearly warranted and the rationale well-documented, noting that the department "must stop letting the grievance process . . . be a one-way ticket to a reduced discipline."<sup>28</sup>

## IV. **PROPOSED MONITORING BY PCB and OPC**

PCB proposes that OPC's current authority be expanded to include monitoring the number, types, and dispositions of citizen complaints investigated or otherwise resolved by MPD and DCHAPD. The new monitoring responsibility should also focus on the discipline proposed by MPD and DCHAPD as well as the amount of discipline eventually administered by the two police departments.

By allowing our agency to monitor and then publicly report on these statistics, District residents and others favoring more accountability within law enforcement would benefit from the transparent accounting of the full universe of external complaints involving District police, whether resolved by MPD, DCHAPD, or OPC. In addition to shedding light on the complaint-handling processes employed the two police departments, the dissemination of this information would allow all three agencies to

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<sup>24</sup> Los Angeles County Office of Independent Review—An Overview: Our Mission (available at <http://www.laoir.com/mission.html>).

<sup>25</sup> Merrick J. Bobb et al., Los Angeles County Sheriff's Dep't. 23<sup>rd</sup> Semiannual Rep. 18 (April 2007) at 73.

<sup>26</sup> *Id.* at 77.

<sup>27</sup> *Id.* at 88-89.

<sup>28</sup> *Id.* at 89.

detect patterns and trends in the complaints filed with MPD and DCHAPD, resulting in proposals for police reform similar to the policy recommendations that PCB currently issues. In fact, by combining the citizen complaint statistics drawn from the MPD, DCHAPD, and OPC databases, our agency will be better positioned to make even more meaningful and targeted recommendations about changes that are needed in the policies and practices of the city's two main law enforcement agencies.<sup>29</sup>

In order to conceptualize how monitoring would work in the District, it is first important to understand the duties that our agency's new responsibilities would not entail. As envisioned by PCB, our proposal would not involve the sort of full-blown monitoring or auditing that is currently carried out by citizen oversight agencies in San Jose, Denver, and Los Angeles County. For instance, OPC staff members would not be authorized to sit in on interviews conducted by police department investigators. Nor would OPC staff conduct real-time or after-the-fact reviews of investigations performed by the internal affairs units at MPD or DCHAPD. Monitoring activities such as these may very well be valuable components of the police oversight mechanisms in some other communities, but they are not what we propose for the District. This type of monitoring would require a significantly greater investment of time and resources than the more limited proposal contemplated for our agency.<sup>30</sup>

Instead, the advantages that the District could reap from the monitoring systems currently used in San Jose, Denver, and Los Angeles County lie more in the ways that the police monitors in those jurisdictions publicly report citizen complaint statistics and draw conclusions from patterns and trends. The monitoring methods used in those two California jurisdictions and in Denver bear similarities to how OPC currently reports on the citizen complaints that it investigates. With the added monitoring authority that OPC seeks regarding citizen complaints handled by MPD and DCHAPD, the District will gain a more complete inventory of officer misconduct allegations which over time will lead to the development of better hiring, training, and supervisory policies within the two police departments.

According to Professor Sam Walker, an expert in citizen oversight and police accountability, in order to monitor a police department effectively, the citizen oversight agency must have "unfettered access to all documents and data in the law enforcement agency."<sup>31</sup> The oversight agencies in Denver and Los Angeles County have this type of

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<sup>29</sup> PCB expects that additional benefits will flow from monitoring once MPD and DCHAPD adopt PCB's recommendations calling for the two police departments to adopt the same general citizen complaint categories used by OPC, as well as the use of the same or similar detailed subcategories as the ones used by OPC. Those PCB proposals were made in a report and set of recommendations, entitled "Categorization of Citizen Complaint Allegations," issued on June 11, 2008, which are available on OPC's website at [http://www.policecomplaints.dc.gov/occr/frames.asp?doc=/occr/lib/occr/policy\\_recommendation\\_re\\_allegation\\_subcategories\\_final\\_\(6-11-08\).pdf](http://www.policecomplaints.dc.gov/occr/frames.asp?doc=/occr/lib/occr/policy_recommendation_re_allegation_subcategories_final_(6-11-08).pdf).

<sup>30</sup> It should be noted that as an agency that employs its own staff of investigators to conduct investigations from scratch, OPC already devotes substantial resources to fulfill this crucial oversight role contemplated under District law. The oversight agencies in San Jose, Denver, and Los Angeles County do not employ investigators to conduct independent investigations.

<sup>31</sup> Samuel Walker, *The New World of Police Accountability* 168 (Sage Publications 2005).

authority, but San Jose's IPA does not. Given that an extensive monitoring role for our agency is not contemplated in the proposed legislation, an important issue arises as to the extent to which OPC should be provided with access to MPD and DCHAPD documents in order for OPC to carry out its new duties. Despite the somewhat limited monitoring role contemplated for OPC, we favor broad language in the new statute that would require the two police departments to cooperate fully with OPC's requests for documents and materials that are needed to monitor the volume, types, and dispositions of citizen complaints handled by MPD and DCHAPD. At this point, however, we do not request subpoena power in order to carry out this function. It is expected that OPC's monitoring of and public reporting on the two police departments' overall responses to document requests will ensure cooperation by MPD and DCHAPD. Without express language in the new statute, however, calling for OPC's "unfettered access" to relevant MPD and DCHAPD documents and data, the public could legitimately challenge the transparency and effectiveness of the proposed monitoring scheme.

With respect to "dispositions" or outcomes, we specifically urge that OPC be allowed to obtain information and supporting documentation from MPD and DCHAPD concerning their actions involving discipline imposed in those cases investigated by the two police departments. And, because of the importance of discipline in maintaining a high level of police accountability, we further believe that it is essential for the new law to augment our agency's current authority by extending similar OPC access to information and supporting documentation from MPD and DCHAPD concerning the two departments' actions taken on discipline imposed as the result of OPC complaint examiner decisions and as the result of "failure to cooperate" notifications sent by OPC.<sup>32</sup>

By allowing OPC full access to disciplinary materials in all of these instances, transparency in the MPD and DCHAPD disciplinary processes would be enhanced, thereby encouraging appropriate and consistent discipline for all sustained complaints or, in the case of OPC investigations, in connection with the failure by officers to cooperate fully with OPC's processes.<sup>33</sup>

## V. CONCLUSION AND RECOMMENDATIONS

Based on its review, PCB recommends that the agency's current authority 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

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<sup>32</sup> As chronicled by PCB and OPC, MPD has not always had an exemplary record of disciplining officers who failed or refused to cooperate fully with OPC's investigative and adjudicative processes. *See, e.g.*, Fiscal Year 2006 Annual Report at 9-11. That record has improved considerably since the beginning of 2007. *See* Fiscal Year 2007 Annual Report at 11.

<sup>33</sup> In an email sent to OPC executive director Philip K. Eure on September 12, 2008, MPD Chief of Police Cathy L. Lanier indicated that MPD has "some significant concerns" related to the monitoring recommendations. However, MPD has not yet described the nature of these concerns to OPC.

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.