



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

February 17, 2023

The Honorable Brooke Pinto  
Chair, Committee on the Judiciary & Public Safety  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W. Suite 109  
Washington, DC 20004

Dear Chairperson Pinto:

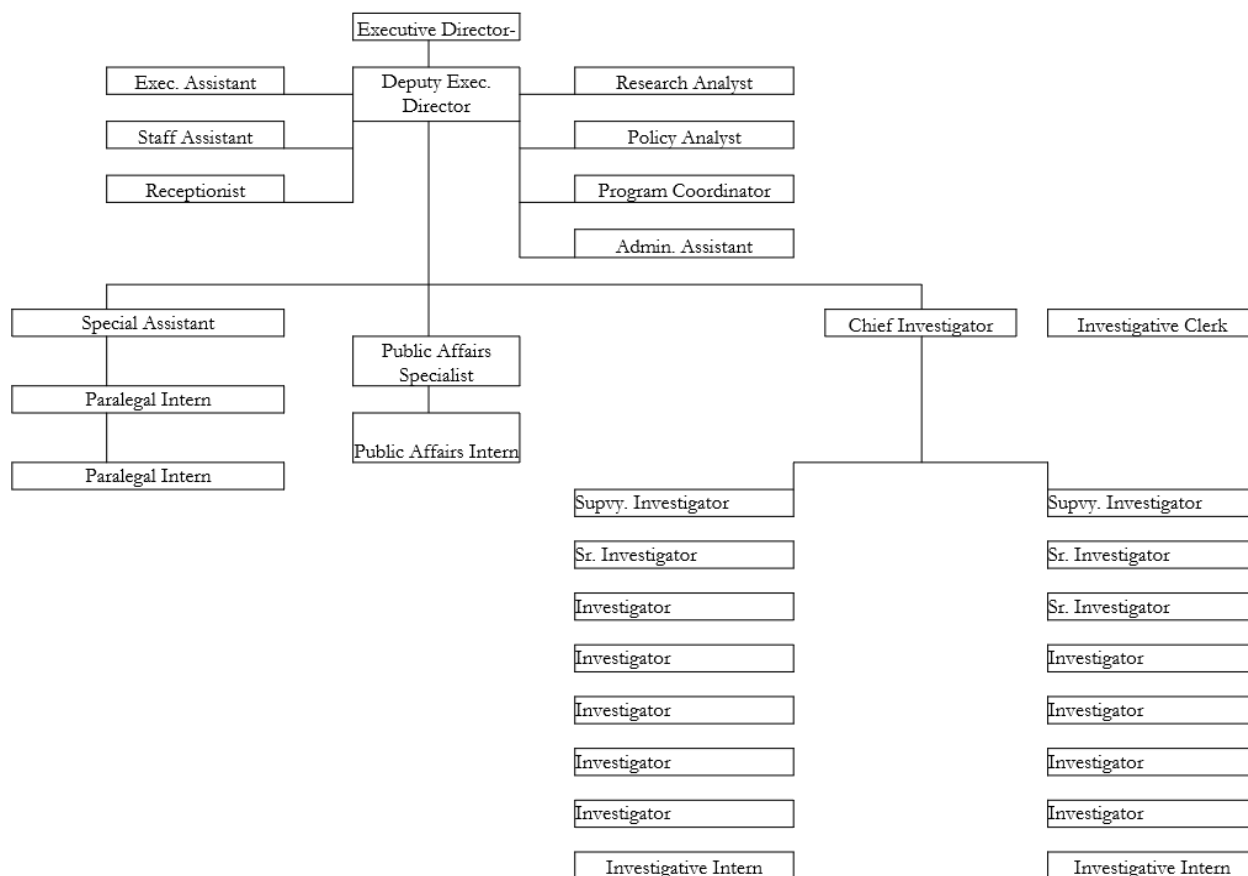
I am writing on behalf of the Office of Police Complaints (OPC) in response to your request for answers to your questions in advance of the annual performance oversight hearing for this agency on February 23, 2023. Included below are responses to each question.

Sincerely,

Michael G. Tobin  
Executive Director

**A. ORGANIZATION AND OPERATIONS**

1. Please provide a complete, up-to-date **organizational chart** for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.
  - Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions. For vacant positions, please indicate how long the position has been vacant.
  - Please provide a narrative explanation of any changes to the organizational chart made during the previous year.



Senior Personnel includes:  
 Executive Director: Michael Tobin  
 Deputy Executive Director: Alicia Yass  
 Special Assistant: Marke Cross

Chief Investigator: Mona Andrews  
Supervisory Investigator: Natasha Smith  
Supervisory Investigator: Lindsey Murphy

There have been no changes made to the agency's organizational chart.

All other details about each position can be found in the chart provided for question 3.

2. Please list each **new program** implemented by the agency during FY 2022 and FY 2023, to date. For each initiative please provide:
  - A description of the initiative, including when begun and when completed (or expected to be completed);
  - The funding required to implement the initiative;
  - Any documented results of the initiative.

The agency did not implement new programs in FY22 or FY23. However, the agency is currently reviewing all programs for potential changes related to B24-0320 which is expected to go into effect in May.

3. Please provide a complete, up-to-date **position listing** for your agency, ordered by program and activity, and including the following information for each position:
  - Title of position;
  - Name of employee or statement that the position is vacant, unfunded, or proposed;
  - Date employee began in position;
  - Salary and fringe benefits (separately), including the specific grade, series, and step of position;
  - Job status (continuing/term/temporary/contract);
  - Whether the position must be filled to comply with federal or local law.

*Please note the date that the information was collected*

As of February 13, 2023

Title	Name	Series/ Grade	Step	Current Salary	Current Fringe	Hire Date	Years of Service	Status
Executive Director	Tobin,Michael G	ES/11	0	238,888.44	51,361.01	11/3/2014	9.0	Term
Investigator	Walker,Tamika C.	CS/11	2	67,383.00	14,487.35	12/7/2020	3.0	Reg
Program Analyst	Weber,Christopher	CS/11	7	77,873.00	16,742.70	11/28/2016	7.0	Reg
Student Intern-Paralegal Spec	summer position	CS/9	0	54,183.00	11,649.35			Temp
Student Intern-Clerical	summer position	CS/5	0	36,546.00	7,857.39			Temp
Student Intern-Paralegal Spec	summer position	CS/9	0	54,183.00	11,649.35			Temp
Investigator	vacant as of 1/27/23	CS/12	1	80,784.00	17,368.56			Reg
Student Intern-Clerical	summer position	CS/5	0	36,546.00	7,857.39			Temp
Public Affairs Specialist	Cleveland,Nykisha T	CS/11	10	84,167.00	18,095.91	7/23/2007	16.0	Reg
Supervisory Investigator	Andrews,Mona G.	MSS/14	0	140,209.16	30,144.97	12/13/2004	19.0	Reg
Executive Assistant*	vacant	CS/12	1	80,784.00	17,368.56			Temp
Staff Assistant	Grant,Darlene L.	CS/11	3	69,481.00	14,938.42	8/20/2018	5.0	Reg
Investigator	Comeau, Witney	CS/9	7	64,574.00	13,883.41	2/13/2023	0.0	Reg
Student Intern-Public Affairs	summer position	CS/5	0	36,546.00	7,857.39			Temp
Special Assistant	Cross,Marke D	CS/14	2	113,522.00	24,407.23	3/6/2017	6.0	Reg
Investigator	Hazzan,Jacqueline	CS/12	1	80,784.00	17,368.56	8/2/2021	2.0	Reg
Investigator	Valerio,Amicaela	CS/11	1	65,285.00	14,036.28	8/2/2021	2.0	Reg
Supervisory Investigator	Smith,Natasha N	MSS/13	0	120,642.43	25,938.12	8/13/2001	22.0	Reg
Supervisory Investigator	Murphy,Lindsey	MSS/13	0	98,043.30	21,079.31	2/8/2016	7.0	Reg
Investigator	Jackson,Quentin E	CS/12	1	80,784.00	17,368.56	2/18/2020	3.0	Reg
Clerical Assistant	Smith,Nydia M	CS/6	10	53,186.00	11,434.99	9/28/2009	14.0	Reg
Investigator	Baez,Courtney	CS/9	4	59,378.00	12,766.27	4/25/2022	1.0	Reg
Clerical Assistant	vacant as of 1/23/23	CS/7	5	51,091.00	10,984.57	12/7/2020	3.0	Reg
Investigator	Sutton,Danielle	CS/11	9	82,069.00	17,644.84	6/1/2015	8.0	Reg
Deputy Executive Director	Yass,Alicia	ES/10	0	141,137.27	30,344.51	7/25/2016	7.0	Reg
Investigator	Davis,Samuel	CS/9	6	62,842.00	13,511.03	1/17/2023	0.0	Reg
Investigator	Clarke,Onyee	CS/11	1	65,285.00	14,036.28	8/2/2021	2.0	Reg
Research Analyst	Landeis,Marissa E.	CS/12	3	85,794.00	18,445.71	10/26/2020	3.0	Reg
Investigator	Clift,Brittany	CS/11	4	71,579.00	15,389.49	11/21/2022	1.0	Reg
Investigator	Mottley,Brandon Marc	CS/9	6	62,842.00	13,511.03	1/17/2023	0.0	Reg
Policy Analyst*	new position	CS/11	4	71,579.00	15,389.49			Reg
Administrative Assistant*	new position	CS/9	4	59,378.00	12,766.27			Reg

Additional notes:

The positions noted with an asterisk will be filled in relation to B24-0320 going into effect. These positions were either created in the FY23 budget with the expectation of a new workload related to the bill, or the agency held it vacant to be able to redefine the role to be responsive to the bill. These positions are expected to be filled in June 2023. In addition, with the bill the agency made an additional budgetary request for two additional positions.

There are two vacant positions as of January 23 and 27, 2023. These positions are currently in the hiring process and expected to be filled in March 2023.

The five student intern positions are summer only positions. The agency is currently in the recruitment phase for these temporary positions.

4. Does the agency conduct annual **performance evaluations** of all of its employees, and was this done in FY 2022? Who conducts such evaluations? What are the performance measures by which employees are evaluated? What steps are taken to ensure that all agency employees are meeting individual job requirements? What steps are taken when an employee does not meet individual job requirements?

In accordance with DCHR procedures, the agency conducts performance evaluations for every employee annually. The agency is proud to have a 100% completion and on-time rate for at least the past 5 years.

Evaluations are conducted by each employee's supervisor. Mid-year reviews are also held between the employee and the supervisor to catch any potential issues before the year is complete. Some employees have additional monthly meetings to ensure they are meeting their targets. These check-ins allow supervisors to take action as need to help employees meet their performance goals before the end of the fiscal year.

The exact ways that employees are evaluated is determined by their position. However, all employees have goals related to the following core competencies: communication, customer service, goal attainment, accountability, and job knowledge.

The steps taken for an employee not meeting their job requirements depends on the specifics of the situations. There are a range of options for supervisors to consider from informal assistance to a performance improvement plan.

5. Please list all **employees detailed** to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.

None

6. Please provide the position name, organization unit to which it is assigned, and hourly rate of any **contract workers** in your agency, and the company from which they are contracted.

None

7. Please provide the Committee with:

- A list of all employees who receive cellphones or similar communications devices at agency expense.
  - ◆ Please provide the total cost for mobile communications and devices at the agency for FY 2022 and FY 2023 to date, including equipment and service plans.

The following agency staff are equipped with iPads:

1. Onyee Clarke
2. Jacqueline Hazzan
3. Amicaela Valerio
4. Danielle Sutton
5. Lindsey Murphy
6. Brittany Clift
7. Tamika Walker
8. Natasha Smith
9. Quentin Jackson
10. Marke Cross
11. Alicia Yass
12. Nykisha Cleveland
13. Courtney Baez
14. Samuel Davis
15. Brandon Mottley
16. Whitney Comeau

Product/Service	FY22	FY23	Total Cost
iPads	\$449.97	\$999.56	\$1,449.53
Service Plans	\$501.86	\$593.82	\$1,095.68

- A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.

The agency owns two vehicles. Both are for agency-wide use and are not assigned to specific employees. They are signed out by employees when needed.

Vehicle Type	Tag Number	Dates	Accidents	Notes
2022 Toyota Prius Prime Hybrid	DC 13889	FY22 FY23	None	Acquired on September 10, 2021
2021 Chrysler Pacifica	DC 14172	FY21 FY23	None	Acquired on August 4, 2021

- A list of employee bonuses or special award pay granted in FY 2022 and FY 2023, to date.

There were no bonuses or special awards in FY22 or FY23 to date.

- A list of travel expenses, arranged by employee.

Employee	Position Title	Total Expense	Location/Dates	Justification
Paul Ashton	PCB Chair	\$2147.90	Ft. Worth, Texas 9/11/22 – 9/15/2022	2022 NACOLE Conference
Quentin Jackson	Sr. Investigator	\$2115.06	Ft. Worth, Texas 9/11/22 – 9/15/2022	2022 NACOLE Conference
Danielle Sutton	Investigator	\$1962.91	Ft. Worth, Texas 9/11/22 – 9/15/2022	2022 NACOLE Conference

Tamika Walker	Investigator	\$2256.97	Ft. Worth, Texas 9/11/22 – 9/15/2022	2022 NACOLE Conference
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- A list of the total overtime and worker’s compensation payments paid in FY 2022 and FY 2023, to date.

In FY22 there was a total of \$706.09 paid for overtime and there has been no overtime paid in FY23 to date.

There have been no worker’s compensation payments made in FY22 or FY23 to date.

8. Please provide a list of each **collective bargaining agreement** that is currently in effect for agency employees.
  - Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
  - Please provide, for each union, the union leader’s name, title, and his or her contact information, including e-mail, phone, and address if available.
  - Please note if the agency is currently in bargaining and its anticipated completion date.

The agency does not operate under any collective bargaining agreements.

9. Please identify all **electronic databases** maintained by your agency, including the following:
  - A detailed description of the information tracked within each system;
  - The age of the system and any discussion of substantial upgrades that have been made or are planned to the system;
  - Whether the public can be granted access to all or part of each system.

The agency uses a case management system, called IAPro through CI Technologies. This system maintains all of the information and documents related to each complaint filed with the agency. The agency have been using this system for about 15 years. The system received a major update in summer 2022 with a switch to become cloud based.

IAPro cannot be open to the public as it contains personal identifying information for complainants, witnesses, and officers. However, certain information from IAPro



can be provided in response to FOIA requests. Further, more detailed information on sustained complaints will be separately made publicly available if/when B24-0320 goes into effect. But this will be done outside of IAPro to continue to protect personal identifying information as required.

10. Please describe the agency’s procedures for investigating allegations of **sexual harassment** or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2022 and FY 2023, to date, and whether and how those allegations were resolved.

In accordance with DCHR policies, the agency follows this investigative procedure:

<b>Investigation Procedures</b>	
Clock starts	Allegation of sexual harassment. If the allegation was not reported to the Sexual Harassment Officer (SHO), the individual who received the allegation must immediately notify the SHO.
Within 3 Days	Notify the Mayor’s Office of Legal Counsel (MOLC) of the allegation within 3 days.
Over the Course of 60 Days	SHO conducts an investigation of the allegation.
Within 60 Days	SHO concludes the investigation and produces a SHO Investigation Report to the Executive Director, outlining the evidence and outcome of the investigation.
After review of the SHO Investigation Report	Executive Director issues Notice of Findings and Conclusions based on the SHO Investigation Report. Executive Director provides the Notice of Findings and Conclusions to the Complainant and Alleged Harasser AND provides a copy of the Notice to the MOLC.

The agency has not received allegations of sexual harassment, sexual misconduct, or discrimination committed by or against agency employees in FY22 and FY23 to date.

11. For any **boards or commissions** associated with your agency, please provide a chart listing the following for each member:

- The member’s name;
- Confirmation date;
- Term expiration date;
- Whether the member is a District resident or not;
- Attendance at each meeting in FY 2022 and FY 2023, to date.

- Please also identify any vacancies.

Board Member	Years Served	Last Confirmation Date	Term	Ward of Residence	Attendance FY22	Attendance FY23
Paul Ashton, Chairperson	8	January 12, 2019	January 12, 2022	Ward 5	5/5	2/2
Bobbi Strang, Board Member	8	March 17, 2020	January 12, 2023	Ward 7	5/5	2/2
Jeff Tignor, Board Member	4	July 13, 2021	January 12, 2024	Ward 4	5/5	1/2
Earl Fowlkes, Jr., Board Member	2	July 13, 2021	January 12, 2023	Ward 6	5/5	2/2

There is currently one vacant position on the Board. If/when B24-0320 goes into effect there will be an additional 4 member positions added to the Board and those positions will also need to be filled.

All Police Complaints Board notice of meetings, agendas, and minutes can be found at <https://www.open-dc.gov/public-bodies/police-complaints-board>.

All minutes can be found at <https://policecomplaints.dc.gov/page/police-complaint-board-meeting-minutes>.

12. Please list the **task forces and organizations**, including those inside the government such as interagency task forces, of which the agency is a member and any associated membership dues paid.

The agency is an active member of the National Association of Civilian Oversight of Law Enforcement (NACOLE). In FY22 OPC staff were asked to speak or present at virtual regional and national NACOLE conferences as well as participating in planning for future NACOLE trainings. The agency pays annual dues of \$500, additional fees are also paid for conference attendance.

The agency also belongs to and receives publications from the International Association of Chiefs of Police for annual dues of \$190.

Within the DC Government, the agency Executive Director serves on the Use of Force Review Board and the Police Officer Standards and Training Board. There are no dues associated with either of these boards.

13. What has the agency done in the past year to make the activities of the agency more **transparent** to the public?

The agency strives to be as transparent with the public as law and regulations allow. Each year the agency issues several reports to help achieve this goal: an annual report, a mid-year report, and the annual use of force report. All three were released in FY22. In FY23 to date the annual report was released on November 21, 2022. The mid-year report is expected to be released in April 2023, and the annual use of force report will be issued in May or June 2023.

In addition, the agency prides itself on being responsive to all Freedom of Information Act requests. The agency responded to 89 requests in FY22 and 17 so far in FY23. We endeavor to answer these requests as expeditiously as possible. In FY22 the average response time was 2 days, and in FY23 to date it is 3.

Finally, the agency continually updates the website with new information to include all reports, complaint examination decisions, and policy recommendations. The agency also maintains a social media presence to keep the public informed.

14. How does the agency solicit **feedback** from customers? Please describe.

- What is the nature of comments received? Please describe.
- How has the agency changed its practices as a result of such feedback?

Currently the agency solicits regular feedback from complainants and officers who participate in the mediation program. Participants are given a survey both before and after the mediation session to gauge their reactions to the program.

100% of officers and 75% of complainants surveyed after a completed mediation session in FY22 said that the mediator was helpful or very helpful. Similarly, 86% of officers found the mediation session very satisfactory/satisfactory and 63% of complainants found the mediation session very satisfactory/satisfactory.

Before the mediation complainants were asked an open-ended question inquiring, “What do you hope to get out of this mediation?” With one complainant stating they hoped “the officer is more aware of his responsibility to act and react in a fair and unbiased manner.” After the mediation complainants were asked if they had signed a resolution agreement after the mediation, and what that resolution was. One complainant explained they were able to come to some sort of agreement. The complainant stated “I believe the officer and I came to a mutual common ground and [am] optimistic for future interactions.

After the mediation officers were asked the open-ended question, “After today’s

mediation, how do you think future interactions with the complainant will be?” One officer explained that “we both agreed to meet sometime at the station to reactivate the good relationship between citizens and officers.” Another officer answered, “My interaction with the complainant will be a positive interaction from henceforth.” Improving officer-community member relations is the mission of the agency and the goal of OPC’s mediation program, and these responses from both the complainants and the officers indicate that the mediation program is an effective tool in pursuing that goal. As the response to the survey have generally been positive, no changes have been made as a result of these surveys yet. However, the agency continues to monitor the responses and is open to making changes when needed.

15. Please complete the following chart about the residency of **new hires**:

**Number of Employees Hired in FY 2022 and FY 2023, to date**

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing	5	1
Term	0	n/a
Temporary	4	1
Contract	0	n/a

16. Please provide the agency’s FY 2022 Performance Accountability Report.

Please see Attachment A.

**B. BUDGET AND FINANCE**

17. Please provide a chart showing the agency’s **approved budget and actual spending**, by division, for FY 2022 and FY 2023, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

FY22:

ACTIVITY CODE	DIVISION	APPROVED BUDGET	EXPENDITURES	AVAILABLE BALANCE	VARIANCE EXPLANATION
1020	CONTRACTING AND PROCUREMENT	\$ 104,694.48	\$ 44,810.16	\$ 59,884.32	Unspent balance from small purchases
1040	INFORMATION TECHNOLOGY	\$ 21,000.00	\$ 15,090.16	\$ 5,909.84	
1070	FLEET MANAGEMENT	\$ 2,084.18	\$ 2,326.82	\$ (242.64)	
1085	CUSTOMER SERVICE	\$ 60,707.55	\$ 79,919.69	\$ (19,212.14)	
1090	PERFORMANCE MANAGEMENT	\$ 710,085.51	\$ 668,181.36	\$ 41,904.15	Vacancy Savings
2010	INVESTIGATION	\$ 1,517,097.00	\$ 1,480,261.62	\$ 36,835.38	
2020	ADJUDICATION	\$ 25,000.00	\$ 8,800.00	\$ 16,200.00	
2030	MEDIATION	\$ 20,000.00	\$ 13,800.00	\$ 6,200.00	
3010	OUTREACH	\$ 96,525.14	\$ 104,453.20	\$ (7,928.06)	
4010	POLICY RECOMMENDATION	\$ 260,062.85	\$ 242,800.50	\$ 17,262.35	
		2,817,256.71	2,660,443.51	156,813.20	

FY23:

Cost Centers	Cost Center Description	APPROVED BUDGET	YTD EXPENDITURES	AVAILABLE BALANCE	VARIANCE EXPLANATION
80126	EXEC ADMIN OFFICE	\$ 794,085.47	\$ 135,778.80	\$ 658,306.67	Fiscal Year In Progress
80127	RESEARCH ANALYSIS & POLICY RECOMMENDATION OFFICE	\$ 331,206.94	\$ 58,696.67	\$ 272,510.27	
80128	PUBLIC AFFAIRS OFFICE	\$ 160,406.73	\$ 45,770.87	\$ 114,635.86	
80129	INVESTIGATION OFFICE	\$ 1,678,884.73	\$ 346,910.14	\$ 1,331,974.59	

		2,964,583.87	587,156.48	2,377,427.39
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18. Please list any **reprogrammings**, in, out, within, related to FY 2022 or FY 2023 funds. For each reprogramming, please list:

- The reprogramming number;
- The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
- The sending or receiving agency name, if applicable;
- The original purposes for which the funds were dedicated;
- The reprogrammed use of funds.

<b>FY 2022 REPROGRAMMING LIST</b>					
<b>LOCAL</b>				<b>Starting Budget</b>	<b>\$2,892,257</b>
<b>FISCAL YEAR</b>	<b>FUND</b>	<b>DATE ENTERED</b>	<b>IN/OUT/WITHIN</b>	<b>RATIONALE</b>	<b>AMOUNT</b>
22	0100	2/7/2022	WITHIN	Funds are needed to provide various operational priorities; including technology refresh, employee training, office maintenance and minor office support (\$93,000)	\$93,000
22	0100	6/13/2022	Out	FY22 Supplemental Budget Reduction	\$75,000
				<b>Final Budget</b>	<b>\$2,817,257</b>

There have been no reprogrammings for FY23 to date.

19. Please provide a complete accounting for all **intra-District transfers** received by or transferred from the agency during FY 2022 and FY 2023, to date, including:

- Buyer agency and Seller agency;
- The program and activity codes and names in the sending and receiving agencies' budgets;
- Funding source (i.e. local, federal, SPR);
- Description of MOU services;
- Total MOU amount, including any modifications;
- The date funds were transferred to the receiving agency.

**FY 2022 intra-District Transfers To - BUYER SUMMARY**

OFFICE OF POLICE COMPLAINTS (FH0)		
SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
Department of Public Works (DPW)	Fleet maintenance	2,084
Office of Contracting and Procurement Purchase Card Program (PX0)	Agency p-card for FY22	25,415
<b>TOTAL</b>		<b>27,499</b>

**FY 2022 intra-District Transfers From - SELLER SUMMARY**

OFFICE OF POLICE COMPLAINTS (FH0)		
BUYING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
None		
<b>TOTAL</b>		<b>0</b>

There have been no intra-District transfers for FY23 to date.

20. Please provide a list of all **MOUs** in place during FY 2022 and FY 2023, to date, that are not listed in response to the question above.

None

21. Please identify any **special purpose revenue accounts** maintained by, used by, or available for use by your agency during FY 2022 and FY 2023, to date. For each account, please list the following:

- The revenue source name and code;
- The source of funding;
- A description of the program that generates the funds;
- The amount of funds generated by each source or program in FY 2022 and FY 2023, to date;
- Expenditures of funds, including the purpose of each expenditure, for FY 2022 and FY 2023, to date.

The agency does not have special purpose revenue.

22. Please provide a list of all projects for which your agency currently has **capital funds** available. Please include the following:

- A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes);
- The amount of capital funds available for each project;
- A status report on each project, including a timeframe for completion;
- Planned remaining spending on the project.

The agency does not have a capital budget.

23. Please provide a complete accounting of all **federal grants** received for FY 2022 and FY 2023, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2022, the amount of any unspent funds that did not carry over.

The agency does not receive federal grants.

24. Please list each contract, procurement, lease, and grant ("**contract**") awarded, entered into, extended and option years exercised, by your agency during FY 2022 and FY 2023, to date. For each contract, please provide the following information, where applicable:

- The name of the contracting party;
- The nature of the contract, including the end product or service;
- The dollar amount of the contract, including budgeted amount and actually spent;
- The term of the contract;
- Whether the contract was competitively bid or not;
- The name of the agency's contract monitor and the results of any monitoring activity;
- Funding source;



- Whether the contract is available to the public online.

The agency entered into one contract in FY22, and no contracts in FY23 to date.

The FY22 contract was with the National Policing Institute (NPI, formerly known as the National Police Foundation) to conduct an independent review and issue a report on their findings related to bias in threat assessment by MPD.

The contracted fee was \$150,000, this was the budgeted amount and what was spent. The contract was signed on March 30, 2022, and all work was completed by the end of the contract term on September 30, 2022. The report can be found here: <https://policecomplaints.dc.gov/node/1625101>.

The Deputy Executive Director, Alicia Yass, acted as the contract monitor, receiving bi-weekly progress reports from NPI to ensure the contract work would be completed on-time.

This contract was not competitively bid as it was exempt from competition in accordance with Procurement Practices Reform Act of 2010 (PPRA) §413(3). In addition, the Council required several qualifications for the independent review that were not likely be met through the competitive bidding process.

25. Please provide the details of any **surplus** in the agency’s budget for FY 2022, including:

- Total amount of the surplus;
- All projects and/or initiatives that contributed to the surplus.

FY 2022 Local Surplus				
Budget	Expenditure	Available Balance	Percent Available	Comment
\$2,817,257	\$2,660,444	\$156,813	6%	At the end of FY22, OPC had a surplus of \$156,813.20 due to vacancy savings and unspent funds from their NPS budget lines.

**C. LAWS, AUDITS, AND STUDIES**

26. Please identify any **legislative requirements** that the agency lacks sufficient resources to properly implement.

Currently the agency is able to properly implement all legislative requirements. However, B24-0320, which is expected to go into effect in May 2023, will add many new requirements to the work of the agency. The agency is in the process of determining the work and costs associated with these requirements and has several working groups that are meeting to prepare the agency for these changes. It is possible that the agency will need additional resources to meet the requirements.

27. Please identify any statutory or regulatory **impediments** to your agency's operations or mission.

None

28. Please list all **regulations** for which the agency is responsible for oversight or implementation. Where available, please list by chapter and subject heading, including the date of the most recent revision.

The agency's administrative rules are contained in DCMR Title 6-A, Chapter 21. These were last updated December 15, 2017. The agency is currently undergoing a review of the administrative rules and expects to issue revisions in summer 2023.

29. Please explain the impact on your agency of any **federal legislation or regulations** adopted during FY 2022 that significantly affect agency operations or resources.

None

30. Please provide a list of all studies, research papers, and analyses ("**studies**") the agency requested, prepared, or contracted for during FY 2022. Please state the status and purpose of each study.

The agency contracted with the National Policing Institute to conduct a review and issue a report on bias in threat assessment by MPD. This report was completed in FY 22, and published on the agency's website on October 13, 2022.

31. Please list and describe any ongoing **investigations**, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed

during FY 2022 and FY 2023, to date.

The agency is currently cooperating with the DC Auditor's work looking at the implementation of the Neighborhood Engagement Achieves Results Act enacted by the Council in 2016. This audit involves several agencies that do work impacted by the NEAR Act. To date the agency has not been made aware of when the audit will be complete or when a report will be issued.

This is the only investigation, audit, or report involving the agency for FY22 and FY23 to date.

32. Please identify all **recommendations** identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations. If the recommendation has not been implemented, please explain why.

There have not been recommendations made to the agency.

33. Please list any **reporting** requirements required by Council legislation and whether the agency has met these requirements.

The agency is required to release an annual report on the agency each year, and an annual use of force report regarding MPD. The annual report includes the required reporting on Body-Worn Camera compliance by MPD. The agency meets these requirements each year.

The FY22 annual report was released on November 21, 2022. The last use of force report was released on June 13, 2022. These reports are expected to be released on a similar timeline this year.

34. Please list all pending **lawsuits** that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

The agency has one pending lawsuit regarding a former employee's termination from the agency for misconduct. OPC does not anticipate that this lawsuit will subject the District to significant financial liability.

Aguilar, Hansel v. District of Columbia  
Case Number: 2022-CA-003383-P(MPA)  
DC Superior Court  
Filed: August 1, 2022

35. Please list all **settlements** entered into by the agency or by the District on behalf of the agency in FY 2022 or FY 2023, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

The agency did not enter any settlements in FY22 or FY23 to date.

36. Please list any **administrative complaints or grievances** that the agency received in FY 2022 and FY 2023, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY 2022 or FY 2023, to date, describe the resolution.

The agency has three pending OHR complaints- two from employees, and one from a member of the public. These complaints have been pending for at least 3 years each. The agency has received very little information from OHR on the status of the complaints.

#### **D. EQUITY**

37. How does the agency assess whether programs and services are equitably accessible to all District residents?

- What were the results of any such assessments in FY 2022?
- What changes did the agency make in FY 2022 and FY 2023, to date, or does the agency plan to make in FY 2023 and beyond, to address identified inequities in access to programs and services?
- Does the agency have the resources needed to undertake these assessments? What would be needed for the agency to more effectively identify and address inequities in access to agency programs and services?

The agency works to be a leader in tracking and analyzing racial data as it relates to agency functions. The agency has tracked race information about complainants

and law enforcement officers since the inception of the agency. The agency will continue to do so in FY23. To further add to this work the agency is exploring new and innovative ways to analyze the data for the purposes of internal processes, to make policy recommendations for law enforcement agencies, and to better inform the public. This includes examining the new census tract data to compliment the data that the agency collects, and add other factors to the analysis, such as economic levels.

The agency has also been committed to using its authority to recommend that the District's law enforcement agencies do more to collect and publicly report data, including race information.

The agency makes it a priority to conduct outreach to communities across the District. This includes speaking at ANC meetings, hosting tables at community events (such as street fairs) and working with partner organizations. The goal of outreach events is to ensure that all members of the community are aware of their right to make complaints about law enforcement. Working with partner organizations allows the agency to target different racial, ethnic, and economic communities. Some examples of the partner organizations are: Greater Washington Urban League, Central American Resource Center, Latin American Youth Center, NAACP DC Branch, Washington English Center, and the Washington Legal Clinic for the Homeless. The agency continually explores new partnerships to allow the agency to reach more people and all the diverse communities in the District.

38. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.

- How was the policy formulated?
- How is the policy used to inform agency decision-making?
- Does the agency have a division or dedicated staff that administer and enforce this policy?
- Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

The agency follows the District government Racial Equity Action Plan, published November 16, 2022, and guidance issued by the Mayor's Office of Racial Equity.

39. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.

- How was the policy formulated?
- How is the statement or policy used to inform agency decision-making?

- Does the agency have a division or dedicated staff that administer and enforce this policy?
- Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

The agency does not have a separate internal equal employment opportunity statement but does follow all DCHR and US EEOC guidance for equal employment opportunity.

**E. COVID-19 PANDEMIC RESPONSE**

40. Please give an overview of any programs or initiatives the agency has started in response to COVID-19, to date, and whether each program or initiative is still in effect.

The agency did not start new programs in response to COVID-19. However, virtual options were expanded for all existing programs to ensure agency operations could continue. These virtual options have remained in place in order to make the agency as accessible to the public as possible.

41. Which of the agency's divisions are currently working remotely?
- What percentage of the agency's total employees currently work remotely?
  - Please provide a copy of the agency's Continuing Operations Plan and any remote working protocol.

Remote work is an option agency wide and is permitted based on the job description of each position. Currently 20 employees regularly telework up to a maximum of 2 days per week.

The agency's remote work policies and agreements are attached as Attachment B.

42. How has the agency ensured that all staff have access to necessary equipment and a stable internet connection to work from home?

All agency staff are equipped with a laptop computer that can be used in the office and at home. When staff members apply for telework, they agree that they have a sufficient internet connection to permit them to work. Supervisors hold video meetings with staff that ensure their internet connect is stable.

43. Was the agency a recipient of any federal grants stemming related to the COVID-19 pandemic during FY 2022 and FY 2023, to date, and, if so, how were those federal grant dollars used?

The agency did not receive any COVID-19 related federal grants.

44. How has the agency updated its methods of communications and public engagement to connect with customers since the start of the pandemic?

At the beginning of the pandemic the agency was quick to adopt to virtual meeting platforms for both internal meetings as well as complaint related interviews and mediations. The agency continues to use these platforms to make the complaint process as friction-free for the public as possible. However, in-person interviews and mediations are possible as well, depending on the preferences of the participant(s).

**F. AGENCY-SPECIFIC QUESTIONS**

45. Please describe any First Amendment assembly monitoring conducted by OPC in FY22 and FY23, to date.

OPC is constantly monitoring traditional and social media for information on incidents at First Amendment Assemblies and to determine if OPC needs to monitor the events in person. In FY 22 and FY23 OPC had teams prepared and trained to monitor the following events:

- January 6 Anniversary, January 6, 2022 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- March for Life, January 21, 2022 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- People's Convoy, March 1, 2022
- People's Convoy, March 2 – 31, 2022 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- People's Convoy, May 10 – 20, 2022 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- March for Our Lives, June 7, 2022 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- Poor People's March, June 18, 2022 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- Women's March, July 9, 2022 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- March for Life, January 20, 2023 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- Tyre Nichols related protest, January 27, 2023 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)

46. Please briefly describe each policy recommendation released by OPC in FY22 and FY23, to date.

FY22:

- Use of Hair Holds by Metropolitan Police Department Officers
- Improved Guidance on Communicating with Deaf and Hard of Hearing Community Members
- Enabling Sound During the Pre-Event Buffer on Body-Worn Cameras
- Warrantless Misdemeanor Arrests
- FY20 Implementation Update

FY23 to date:

- Presidential Executive Order 14074
  - a. Does the agency anticipate releasing policy recommendations in the remainder of FY23? If so, please provide a brief description of the issue(s).

All policy recommendations are published on the OPC website here:

<https://policecomplaints.dc.gov/page/policy-recommendations>.

The agency is constantly evaluating trends in complaints as well as best practices from across the country to determine what issues are appropriate for policy recommendations. Potential policy recommendations currently under review include the FY21 Implementation Update, creating policies and procedures for knives and other potentially dangerous tools used by MPD officers, off-duty firearms and police action, and improved compliance with the Hatch Act.

47. Please describe OPC's process for engaging with MPD regarding its recommendations.

The agency strives to work openly with MPD on the recommendations. The standard practice is to provide MPD with a draft of the recommendations prior to it being presented to the Board for approval. MPD is given at least two weeks and often more time to provide comments back to the agency. The agency then considers these comments and makes any necessary changes to the recommendations. When the recommendations are presented to the Board, the



Board is also provided with the comments from MPD to take into consideration.

- a. Does OPC request and receive feedback from MPD on each recommendation it makes, whether or not MPD implements the recommendation?

Annually the agency creates an Implementation Update of all the recommendations made 2 years prior. This allows an adequate amount of time to have passed in order for MPD to have taken action. For example the agency is currently working on the Implementation Update for recommendations made in FY21. We expect this report to be released by early March.

All previous implementation updates are available on the OPC website here: <https://policecomplaints.dc.gov/page/policy-recommendations>.

48. Please provide an update on MPD's implementation, or lack thereof, of OPC's recommendations from FY21 and FY22.

The implementation update for FY21 is currently in progress, and expected to be released in early March. The implementation review for FY22's recommendations will be conducted in FY24.

- a. In particular, has MPD taken any steps to implement OPC's recommendations regarding warrantless misdemeanor arrests?

The agency is not aware of steps taken by MPD related to this recommendation. However, the formal review will not take place until FY24.

- b. Has MPD taken any steps to implement OPC's recommendations regarding the use of hair holds?

The agency is not aware of steps taken by MPD related to this recommendation. However, the formal review will not take place until FY24.

49. In FY20, FY22, and FY23, to date:

- a. How many individuals contacted OPC to inquire about filing a complaint?
- b. How many complaints were received? How many complaints were related to alleged MPD conduct and HAPD conduct?
- c. How many complaints were closed?
- d. How many full investigative reports were completed?

- e. How many were adjudicated?
- f. How many were successfully mediated?
- g. How many cases were referred to an independent hearing examiner?
- h. How many of those cases resulted in a hearing?
- i. How many complainants were represented by counsel in those hearings?

	FY21	FY22	FY23 (to date)
<b>a. How many individuals contacted OPC to inquire about filing a complaint?</b>	851	441*	112
<b>b. How many complaints were received?</b>	827	796	274
<b>1) Related to MPD</b>	819	794	274
<b>2) Related to HAPD</b>	8	2	0
<b>c. How many complaints were closed?</b>	838	741	276
<b>d. How many full investigative reports were completed?</b>	17	13	4
<b>e. How many were adjudicated?</b>	17	13	4
<b>f. How many were successfully mediated?</b>	24	23	4
<b>g. How many cases were referred to an independent hearing examiner?</b>	17	14**	4
<b>h. How many of those cases resulted in a hearing?</b>	0	0	0
<b>i. How many complainants were represented by counsel in those hearings?</b>	n/a	n/a	n/a

\*In April 2021, OPC streamlined the way in which contacts are tracked. For a contact to be tracked with OPC it must be regarding allegations of police misconduct involving MPD/DCHAPD or a law enforcement agency in the DMV area.

\*\*Two cases were linked into one investigative report and one complaint examination.

50. How many cases investigated by OPC in FY22 and FY23, to date, involved BWC non-compliance of some form?

<b>FY22</b>	<b>FY 23 (to date)</b>
85	26

51. How many subject officers have been referred to MPD and HAPD for policy training or rapid resolution in FY22 and FY23, to date?

**Rapid Resolution**

	<b>FY22</b>	<b>FY23 (to date)</b>
<b>MPD</b>	43	6
<b>HAPD</b>	0	0

**Policy Training**

	<b>FY22</b>	<b>FY23 (to date)</b>
<b>MPD</b>	48	16
<b>HAPD</b>	1	0

52. In FY22 and FY23, to date, how many decisions sustaining police misconduct allegations were forwarded to MPD?

<b>FY22</b>	<b>FY23 to date</b>
12	3

53. What were the outcomes of cases referred to MPD in FY22 and FY23, to date?  
How many cases were upheld by a final review panel?

**FY 22**

There were no Final Review Panels in FY 22.

<b>Complaint Number</b>	<b>Discipline Determination</b>	<b>Complaint Number</b>	<b>Discipline Determination</b>
20-0644	PD 62-E	21-0617	PD 750

21-0014	10-day suspension without pay; PD 62-E	22-0022	8-day suspension without pay; 8-day suspension without pay
21-0453	Letter of Prejudice	22-0078	Officer Resigned
21-0233	10 & 15-day suspension without pay	22-0198	12-day suspension without pay; Officer Resigned
21-0072 & 21-0074	PD 750; Education Based Development	21-0823	Education Based Development
21-0259	PD 750	22-0218	Pending

**FY23 (to date)**

There have been no final review panels in FY23 to date.

Complaint Number	Discipline Determination	Complaint Number	Discipline Determination
22-0335	Education Based Development	22-0008	Pending
22-0309	30-day suspension without pay		

54. How many matters were referred to the U.S. Attorney’s Office for possible criminal prosecution pursuant to D.C. Official Code § 5-1109 in FY22 and FY23, to date?

FY22	FY23 to date
22	9

55. How many officers were the subject of multiple allegations of misconduct in FY22 and FY23, to date?

FY22	FY23 to date
174	39

This is the number of officers that were the subject of 2 or more complaints.

56. What trends did OPC observe in the demographics of officers who were the subject of a complaint in FY22 and FY23, to date?

In FY22 officers with complaints were more likely to be male (83% vs. 17% female). Officers were also most likely to be Black (45%), followed by White officers (37%), and Hispanic/Latino officers (11%). The least likely were Asian (7%) and Multi-Racial and Native American officers (less than 1%). Officers with complaints were also more likely to be younger than 35 (51%), followed by officers aged 35-54 (42%), and officers 55 and older (7%).

The FY23 demographics of officers with complaints as of 2/02/2023 were similar to those in FY22. So far in FY23, 79% of officers were male, while 21% were female. Officers were also most likely to be Black (51%), followed by White officers (32%), and Hispanic/Latino officers (13%). The least likely were Asian officers (4%). Officers with complaints were also more likely to be younger than 35 (49%), followed by officers aged 35-54 (41%), and officers 55 and older (10%).

57. What trends did OPC observe in the demographics of complainants in FY22 and FY23, to date?

In FY22 males comprised 49% of all complainants and females comprised 51%. One community member also identified as non-binary. Complainants were also most likely to be Black (73%), followed by White (14%). Hispanic/Latino and complainants of Other Races and Ethnicities each comprised 5% of all complainants. Complainants were also more likely to be aged 35-54 (47%), followed by those aged 15-34 (40%), and those 55+ (13%).

The FY23 demographics as of 2/02/2023 were similar to those in FY22. In FY23 so far males comprised 51% of all complaints and females comprised 48%. One community member also identified as non-binary. Also, 75% of all complainants were Black, 13% were White, 4% were Hispanic, and 7% were of Other Races and Ethnicities. Complainants were also more likely to be aged 35-54 (50%), followed by those aged 15-34 (40%), and those 55+ (10%).

58. What trends did OPC observe related to allegations of excessive force in FY22 and FY23, to date?

In FY22, use of force allegations comprised 15% of all allegations. The most common sub-allegation of force in FY22 was a complainant experiencing a push or pull without impact (34% of all force allegations), followed by a complainant experiencing a push or pull with impact (18% of all force allegations), then handcuffs being too tight (11% of all force allegations), and lastly forcible handcuffing (10% of all force allegations). In FY22 there were 2 allegations made regarding excessive force explicitly.

As of February 2, 2023, FY23 the force allegations and sub-allegations closely resemble FY22, with force allegations making up roughly 15% of all allegations. The most common sub-allegation was a complainant experiencing a push or pull without impact (32% of all force allegations), followed by a complainant experiencing a push or pull with impact (16% of all force allegations), then forcible handcuffing (15% of all force allegations), and lastly, handcuffs too tight (11% of all force allegations). So far in FY23 there have been no allegations made regarding excessive force.

a. What about trends related to allegations of excessive force at First Amendment assemblies?

In both FY22 and so far in FY23 there have been no allegations of excessive force at First Amendment assemblies.

59. What is OPC's current average caseload for investigators? Please include actual cases investigated rather than all cases OPC intakes but does not investigate or refers elsewhere. Does this caseload reflect best practices?

OPC's current average caseload for investigators is 12 cases. This is higher normal and what the agency would prefer, as the best practice is 10 cases. However, the agency has recently hired 3 new investigators to fill vacancies, which should help to bring the case load per investigator back down.

60. What was the average length of time it took to resolve a complaint in FY22 and FY23, to date?

FY22	FY23 to date
102	124

61. Please discuss any community outreach conducted in FY22 and FY23, to date, and any planned outreach for the remainder of FY23.

In FY22, OPC conducted and participated in more than 25 outreach events and activities throughout the District of Columbia and nine events in FY23, to date. These events and activities included training sessions, panel discussions and presentations to the public about the agency’s mission, function, and complaint process.

OPC continued to build upon its outreach to students by presenting at the D.C. Bar Communities Youth Law Fair and conducting its Student Interactive Training program for D.C. Department of Parks and Recreation summer camp participants. The agency also presented to students attending City Neighbors High School in Baltimore, Maryland, expanding OPC’s outreach beyond the District of Columbia.

Further, OPC led several Know Your Rights sessions for students at Briya Public Charter School, one of the agency’s community partners and for the Literacy Lab Leading Men Fellowship. In addition, the agency presented to college students at American University, American University Washington College of Law and the University of the District of Columbia Community College.

OPC also participated in informational fairs hosted by local universities and colleges, including the University of Maryland College Park, American University Washington College of Law and George Washington University. In addition, the agency participated for the first time in the Federal City Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated 15<sup>th</sup> Annual Community Day.

In continuing with its outreach efforts beyond the District of Columbia, OPC staff presented to a group of Latin American defense and security professionals at the National Defense University and participated in panel discussions for the Chicago Community-Police Mediation Program, National Association for Civilian Oversight of Law Enforcement and the Police Executive Research Forum.

OPC remained committed in FY22 to increasing the agency’s public awareness by working with its community partners. The agency will continue these efforts in FY23.

62. The Comprehensive Policing and Justice Reform Amendment Act of 2022 (and previous emergency and temporary versions of the legislation) empowers the Executive Director, upon the discovery of “evidence of abuse or misuse of police powers that was not alleged by the complainant in the complaint,” to initiate the Executive Director’s own complaint against the subject police officer. How many times has that authority been used in FY22 and FY23, to date? Please explain.

FY22	FY23 to date
11 cases	0

63. To your knowledge, what efforts have been made by the Executive to fill the Police Complaints Board seats required by this legislation?

The agency is aware that MOTA has posted a call for applicants to the PCB.

64. Please discuss OPC’s willingness and capacity to take on new oversight functions regarding special police officers in the future.

- a. Please note any concerns OPC would have regarding taking on this additional responsibility.
- b. What additional resources would OPC need to perform this additional oversight?

The agency agrees that reforms are needed for the District’s special police officers. However, reform cannot start with oversight, it must begin at the front end of the process with tighter regulations and more clarity in the process.

OPC is able to provide oversight for MPD and DCHAPD because those law enforcement agencies have standardized training and general orders for their members to follow. This gives the investigators at the Office of Police Complaints a standard by which to hold the actions of the officers up against. It also allows for investigations into misconduct to be conducted consistently and reliably.

Special police officers do not currently follow one set of general orders, nor are they all provided with the same training. Training is provided by the company that hires



them, and while the regulations set out some guidance for the training it is vague and broad. Similarly different companies can have different policies for their special police officers to follow, but as they are private companies this is not necessarily public information, and it is not standardized. The reforms should first be focused on making sure there are set standards for training and policies for special police officers.

An additional issue with oversight for special police officers is discipline. MPD and DCHAPD are government agencies, so it can be mandated that discipline be imposed for sustained misconduct findings. Special police officers, however, are often employed by private companies, and this would make discipline or other corrective action difficult if not impossible. While the District issues the licenses to special police officers and those could be revoked, that would be extreme and unnecessary discipline for many instances of minor misconduct. But the ability of OPC to recommend other forms of discipline to a private company are questionable. And even if the agency could make the recommendation, there would be significant complications in ensuring it was done.

OPC has seen counts of special police officers in the District being as high as 9,000 people. This large volume could lead to a significant increase in the number of complaints made to OPC, which would likely necessitate additional investigators.

# Attachment

A



**OFFICE OF POLICE COMPLAINTS**  
**FY 2022 PERFORMANCE AND ACCOUNTABILITY REPORT**  
**JANUARY 9, 2023**

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# 1 OFFICE OF POLICE COMPLAINTS

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**Mission:** The mission of the Office of Police Complaints (OPC) is to increase community trust in the police and promote positive community-police interactions.

**Services:** OPC receives, investigates, adjudicates, and mediates police misconduct complaints filed by the community against Metropolitan Police Department (MPD) and D.C. Housing Authority Police Department (DCHAPD) police officers. In addition to these responsibilities, the agency issues policy recommendations to the Mayor, the Council of the District of Columbia, and the Chiefs of Police of MPD and DCHAPD proposing police policy or practice reforms to ensure the District police forces are using the best practices available.

# 2 2022 ACCOMPLISHMENTS

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Accomplishment	Impact on Agency	Impact on Residents
OPC would like to highlight the work that was done over the course of the year with the Council on B24-0320, the "Comprehensive Policing and Justice Reform Amendment Act of 2022". This legislation expanded that agency's authority, and improved the agency's ability to accomplish the mission of improving community trust in the police forces. The legislation was unanimously passed by the Council in December 20, 2022.	This will increase the number of complaints processed by the agency, increase agency's public information reporting responsibilities, grow the size and jurisdiction of the agency.	This will allow for more opportunities for people to submit complaints, for more information on police officer discipline to be readily accessible to the public, and increase transparency regarding policing in the District.

### 3 2022 OBJECTIVES

Strategic Objective	Number of Measures	Number of Operations
Resolve police misconduct complaints in an impartial, timely, and professional manner.	2	4
Promote positive community-police interactions through public education and awareness.	1	2
Enhance OPCs mission to improve public confidence and community trust.	1	3
Create and maintain a highly efficient, transparent, and responsive District government.	4	0

### 4 2022 OPERATIONS

Operation Title	Operation Description	Type of Operation
<b>Enhance OPCs mission to improve public confidence and community trust.</b>		
Review all OPC complaints received to determine trends and/or patterns	Continuously review the trends and patterns that our complaint data reveals to ensure we are reporting any policy recommendations that could improve MPD or DCHAPD practices and procedures in an effort to best serve the community.	Daily Service
Research policing best practices	Research policing best practices to remain up-to-date on national civilian police oversight of law enforcement trends, police practices, updated legal impacts to better serve the community in ensuring the District police forces are operating with the best practices and procedures.	Daily Service
Conduct regular meetings with MPD leadership to discuss policy change recommendations	With the cooperation of MPD, conduct regular meetings with MPD leadership to discuss the implementation status of OPC's policy recommendations.	Daily Service
<b>Promote positive community-police interactions through public education and awareness.</b>		
Communicate with civic groups, government organizations, schools, advisory boards, etc. to schedule outreach events	Employ outreach activities to ensure that the community knows about the Office of Police Complaints and its services.	Daily Service

(continued)

Operation Title	Operation Description	Type of Operation
Communicate with a wide range of organizations, government agencies, social service providers, neighborhood associations, and advocacy groups to create partnerships	Employ effective communication strategies through social media, contacts, and media relations to build community partnerships.	Daily Service
<b>Resolve police misconduct complaints in an impartial, timely, and professional manner.</b>		
Manage and monitor complaint examiner compliance	Ensure through continuous review and communication that the complaint examiners are complying with the review and analysis requirements and timeline.	Daily Service
Conduct complaint examiner In-Service Training	Complaint examiners should be trained each fiscal year on any updates to the program and any new requirements.	Key Project
Investigator participating in continual professional development	Each investigator participate in continuous professional development trainings, workshops, outreach opportunities, or mentoring to develop their technical and industry investigating skills as well as best practices.	Key Project
Conduct management meetings	Investigation managers meet to ensure that the cases are being investigated with the best techniques and best practices and that they are timely.	Daily Service

## 5 2022 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

### Key Performance Indicators

Measure	Directionality	FY 2020	FY 2021	FY 2022 Target	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022	Was 2022 KPI Met?	Explanation of Unmet KPI
Percent of investigations completed within 180 days	Up is Better	86.30%	89.90%	75%	94%	92%	95%	96%	94.20%	Met	
Percent of complaint examiner decisions completed within 120 days	Up is Better	100%	100%	100%	100%	100%	100%	100%	100%	Met	
Number of policy recommendation reports published	Up is Better	5	4	5	0	1	1	3	5	Met	
Percent of mediations completed within 30 days of referral	Up is Better	New in 2021	99.50%	100%	92%	100%	100%	80%	93.10%	Nearly Met	Completing mediations involves several moving pieces, only some of which are within the Office of Police Complaints' control. The agency staff works hard to ensure mediations take place as expeditiously as possible, but sometimes due to the schedules of the complainants they cannot be completed in 30 days.

### Workload Measures

Measure	FY 2020	FY 2021	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022
Number of new investigators attending Reid Training	0	2	3	0	0	0	3
Number of community partnerships created	1	0	0	0	0	0	0



Workload Measures (continued)

Measure	FY 2020	FY 2021	FY 2022 Q1	FY 2022 Q2	FY 2022 Q3	FY 2022 Q4	FY 2022
Number of meetings held with MPD	4	4	1	1	1	1	4
Number of presentations completed	7	2	0	0	1	2	3
Number of complaint examiners attended required training	8	9	0	0	0	8	8
Number of policy recommendations issued	8	9	0	0	3	8	11
Number of investigators attending at least 2 external training sessions	8	9	1	3	0	5	9
Number of investigators attending annual MPD professional development training	11	20	4	0	0	0	4
Number of cases withdrawn by the complainant	18	17	4	10	10	3	27
Number of complaint examiner decisions processed	18	17	5	3	2	3	13
Number of management meetings held	31	23	7	5	6	6	24
Number of Policy Training Referrals	33	15	6	10	5	14	35
Number of outreach events held	42	30	5	6	4	10	25
Number of rapid resolution referrals	98	63	11	4	7	5	27
Number of complaints received	841	827	Annual Measure	Annual Measure	Annual Measure	Annual Measure	796
Number of contacts	1746	1047	96	102	134	110	442
Numbers of mediations not held	New in 2021	6	3	5	1	2	11
Number of mediations referred	New in 2021	38	15	9	10	6	40

Attachment  
B



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

**MEMORANDUM**

**TO:** All Employees  
**FROM:** Michael G. Tobin, Executive Director *MGT*  
**DATE:** June 29, 2021  
**SUBJECT:** Standard Operating Procedure for OPC Telework Program

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Effective July 12, 2021 the attached Standard Operating Procedure for Telework is implemented based on office needs.

# Office of Police Complaints

## Standard Operating Procedure:

### Telework

**PURPOSE:** This SOP is established to provide the privilege of telework for those employees whose work requirements permit telework and who have established exemplary work patterns. Telework is a privilege that when used effectively promotes morale and provides the benefit of an uninterrupted tour of duty outside of the main office.

**REFERENCES:** This SOP uses the following DCHR references:

- a. Telecommuting General Information Guide dated January 2008 (Rev. 1-26-2012)
- b. Telework Agreement
- c. Request for Telework Application

**AUTHORIZATION:** The OPC Executive Director may authorize telework when employees:

1. Are in a position within the agency where duties and responsibilities can be conducted outside of the office,
2. Have exhibited the level of responsibility needed to work outside of the main office, including timeliness in reporting to work and completing tasks; and
3. Have not had any disciplinary or performance concerns in the past year.

**PROCEDURES:**

1. Your tour of duty during telework will be the same as your in-office tour of duty and will be a set schedule.
2. If you are on a compressed work schedule (CWS), you are authorized up to one day of telework per week during the same week as your regular day off, and up to two telework days the opposite week of your regular day off. You will have three days a week in the office.
3. If you are not on a compressed work schedule (CWS), you are authorized up to two days of telework each week. You will have three days a week in the office.
4. At the beginning of your telework tour of duty, you are required to send an email to your supervisor stating:
  - a. You are starting your day;
  - b. What time you will take your lunch;
  - c. Your priorities you will be working on that day.
5. You are required to respond to all emails and phone calls from other staff or your supervisor within one hour of the message. Any delays may terminate your privilege of telework.

# **Office of Police Complaints**

## **Standard Operating Procedure:**

### **Telework**

6. You are required to send an email at the end of your telework tour of duty, stating that you are ending your day and provide an update to the priorities you worked on that day. At the discretion of your supervisor this requirement may be waived. If waived it will be done in writing. Once waived it can be reinstated in writing at any time by your supervisor.
7. Your supervisor will review your telework status after the first two weeks and thereafter as determined by the Executive Director, to ensure that each employee's use of telework for office needs is still accountable and productive.
8. Telework it is not a right and can be revoked at any time. As the office needs change, your privilege to telework will be reassessed. There will be situations where your work requirements or office needs may require you to be in the office and not exercise the privilege of telework.
9. You understand that telework is not to be used as leave. You are still required to notify your supervisor of absences or late arrivals and you will be required to take leave under the current established leave procedures.

**OFFICE OF POLICE COMPLAINTS  
REQUEST FOR TELEWORK APPLICATION**

Name: \_\_\_\_\_ Agency/Division: \_\_\_\_\_

Position Title/Series/Grade: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Home Location: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Office Location: \_\_\_\_\_ Miles from Office to Home: \_\_\_\_\_

1. How often would you want to telework? Check one:

- 1 day a workweek                       2 days a workweek

2. What is your telework schedule, as previously discussed with your supervisor? Check day(s)

- Monday                                       Tuesday                                       Wednesday

- Thursday                                       Friday

If applicable, what day alternates with your CWS day off? \_\_\_\_\_

Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**B. This section is to be completed by the Supervisor:**

Notes: (optional)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Supervisor's Final Recommendation:**

- Approve
- Disapprove (If the recommendation is to disapprove request, specify reason(s) below):

\_\_\_\_\_  
\_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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**C. This section is to be completed by the Agency Head (or designee):**

**Approving Official:**

**Approved**

**Disapproved (Specify reason(s) below):**

\_\_\_\_\_  
\_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## OFFICE OF POLICE COMPLAINTS

### TELEWORK AGREEMENT

[INSERT FULL NAME OF EMPLOYEE, GRADE, AND POSITION TITLE]  
(Employee), hereby requests permission to participate in the Office of Police Complaints Telework Program (Program) in order to perform assigned job duties at a worksite, other than my official work station (Alternative Worksite) on certain days during Employee's tour of duty.

#### I. TERMS

1. If Agency Head approves Employee's application to participate in the Telecommuting Program, Employee agrees to act in accordance with this Telecommuting Work Agreement (Agreement) and all applicable rules and regulations of the Agency and District of Columbia government.
  2. Employee acknowledges and agrees that Employee's failure to comply with the terms of this Agreement and all applicable rules and regulations (pertaining to employee conduct) of the Agency and District of Columbia government may result in termination from the Telecommuting Program.
  3. Prior to commencing Telework under the Telework Program, Employee will meet with Employee's supervisor to receive assignments or projects and to review completed work as necessary and appropriate. Employee will complete all assigned work according to work procedures, as directed by Employee's supervisor, and according to guidelines and expectations stated in Employee's performance plan.
  4. Employee's supervisor will evaluate Employee's job performance in accordance with Employee's performance plan.
  5. Employee agrees to limit performance of Employee's officially-assigned duties to assignments or projects approved by Employee's supervisor at the Alternative Worksite. Employee must also be able to respond to any work-related voice mails or electronic mails within one hour from receipt of the same.
  6. Employee will apply approved safeguards to protect Agency or District government records from unauthorized disclosure and damage. While working at the Alternative Worksite, Employee will comply with the applicable privacy requirements set forth in District law, personnel regulations, and Agency policies and procedures.
-



## **II. COMPENSATION AND BENEFITS**

1. Employee will continue to work in a pay status while working at Employee's Alternative Worksite. All salary rates, leave accrual rates, and travel entitlements will remain as if Employee performed all work at Employee's official duty station.
2. Employee understands that overtime work must be approved, in advance, by Employee's supervisor. If Employee works overtime that has been approved in advance, Employee will be compensated in accordance with applicable D.C. personnel regulations, laws, orders, Agency policy and, where applicable, the terms of the collective bargaining agreement.
3. By signing this Agreement, Employee agrees that failing to obtain approval for overtime work may result in his or her removal from the Telecommuting Program or other appropriate action.
4. Employee must obtain supervisory approval before taking leave in accordance with established office procedures. By signing this Agreement, Employee further agrees to follow Agency procedures for requesting and obtaining approval of leave.

## **III. EQUIPMENT/EXPENSES**

1. If Employee uses Agency equipment, Employee agrees to protect such equipment in accordance with predetermined Agency guidelines. District government-owned equipment will be serviced and maintained by Agency.
2. If Employee provides equipment, Employee is responsible for servicing and maintaining it.
3. Neither Agency nor the District government will be liable for damages to Employee's personal or real property during the course of performance of official duties or while using District government equipment at the Alternative Worksite.
4. Neither Agency nor the District government will be responsible for operating costs, home maintenance, or any other incidental cost (e.g., utilities) associated with the use of Employee's residence as an Alternative Worksite.
5. At the discretion of Agency Head, Employee may not be reimbursed for the following expenses:
  - a. Internet connection, DSL, use of personal computer equipment, and/or other related charges; and
  - b. Employees for utility costs, including heating, air conditioning, lighting, and the operation of government furnished data processing equipment, associated with the residential alternative worksite.

#### **IV. SAFETY**

1. Management may deny participation in the Telecommuting Program or rescind this Agreement based on verified safety problems or threats in the Alternative Worksite. For the sole purpose of the Telecommuting Program and provided Employee is given at least 48-hours advance notice, management may inspect Employee's home worksite at periodic intervals during Employee's normal working hours.

2. Employee is covered by, and subject to, the appropriate provisions of the District of Columbia Public Sector Worker's Compensation Program, as appropriate, if injured while performing official duties at the central worksite or Alternative Worksite. Employee will immediately notify Employee's supervisor of any work-related injury that occurs while Employee is working at the Alternative Worksite. Employee's supervisor will investigate all accident and injury reports immediately following notification.

#### **V. INDEMNIFICATION**

Employee shall indemnify and hold harmless the District government, its employees, agents and officers from any and all liability for personal injury or any claim for compensation whatsoever, except for any Employee's injury(ies) covered by the District of Columbia Disability Compensation Program, which action or claim may be filed against the District government, its employees, agents or officers, arising from any incident that occurs while Employee is working at any Alternative Worksite. This indemnification provision shall be null and void in the event Employee is not approved for participation in the Telework Program. If Employee's application is approved, but subsequently terminated, the indemnity provision shall no longer be in effect after the last day on which Employee was allowed to participate in the Telework Program.

## **VI. INITIATION AND TERMINATION OF AGREEMENT**

1. Employee agrees to satisfactorily complete the Agency's training for the Telework Program.
2. In the event that Employee requires access to Employee's official duty station desktop computer, Agency may, but will not be obligated to, make provisions for remote computer access.
3. Employee agrees to adhere to this Agreement and all other applicable Agency and DC government personnel laws, guidelines, orders, and policies.
4. The signature of the Agency Head below indicates Agency's concurrence with Employee's participation in the Telework Program.
5. Employee may withdraw from participation in the Telework Program at any time, subject to the terms of the Agreement.
6. Agency may terminate Employee's participation in the Telecommuting Program at any time for reasons that include, but are not limited to, Employee's performance and the Agency's organizational or operational needs.
7. At specified times, Employee's supervisor and Employee may complete surveys to evaluate the Telework Program.
8. By signing below, Employee acknowledges receiving a copy of the D.C. personnel regulations and the OPC Telework Standard Operating Procedure.

## **VII. ALTERNATIVE WORKSITE INFORMATION**

Employee's Alternative Worksite address and telephone number:

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(Street Address, City, State, and Zip Code)

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(Phone Number)

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**SIGNATURES**

By signing this Telecommuting Work Agreement, parties agree to abide by all of the terms and conditions of the Telecommuting Work Agreement.

**AGREED TO BY:**

**EMPLOYEE:** \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**SUPERVISOR:** \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

**AGENCY HEAD:** \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_