



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

February 6, 2024

Sent via Email

The Honorable Brooke Pinto
Chair, Committee on the Judiciary & Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W. Suite 106
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 13, 2024. Included below are responses to each question.

Sincerely,

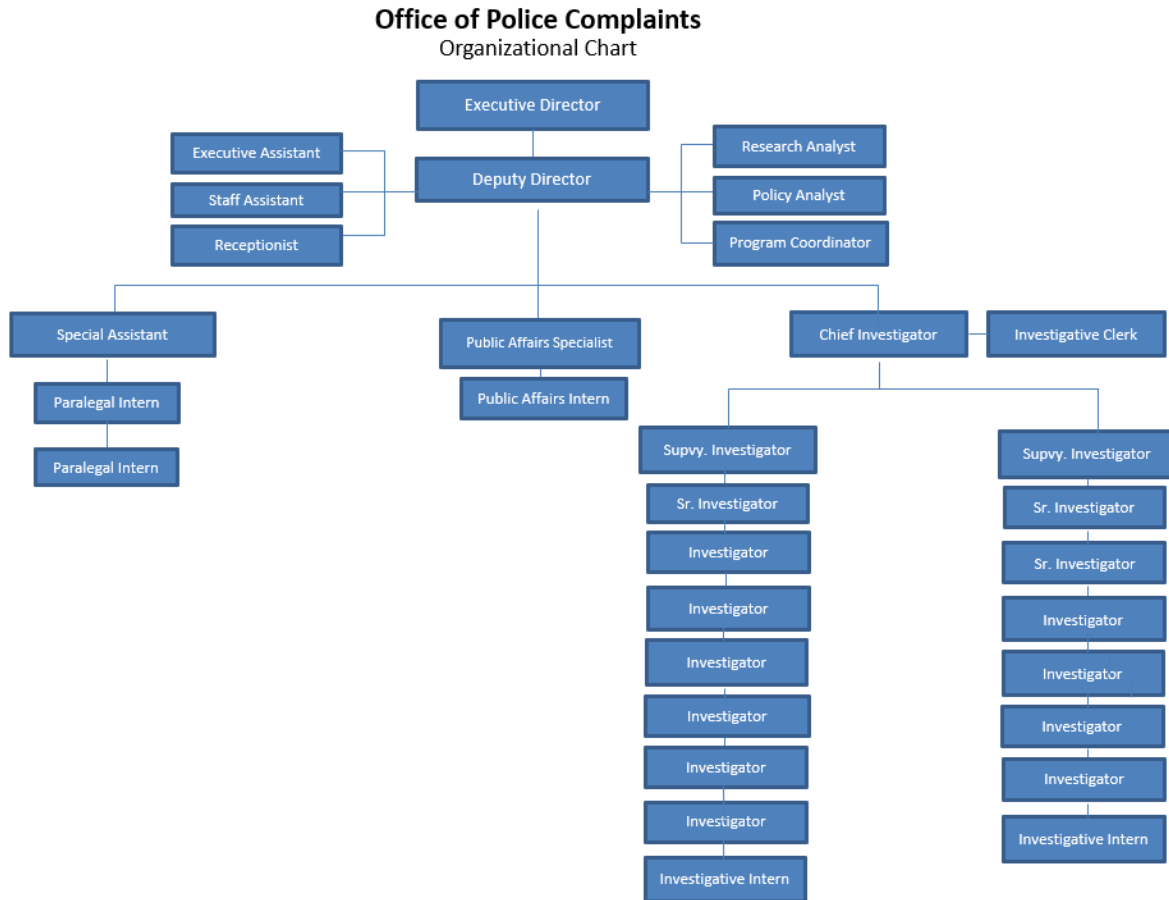
Michael G. Tobin
Executive Director

ORGANIZATION AND OPERATIONS

1. Please provide the agency’s mission statement.

The mission of the Office of Police Complaints (OPC) is to increase community trust in the District of Columbia police forces by providing a fair, thorough, and independent system of civilian oversight of law enforcement.

2. 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.



Senior Personnel includes:
 Executive Director: Michael Tobin
 Deputy Executive Director: Marke Cross
 Special Assistant: Jacqueline Hazzan
 Chief Investigator: Mona Andrews
 Supervisory Investigator: Natasha Smith
 Supervisory Investigator: Lindsey Murphy

Investigation Division: Includes 17 full-time staff members (1 Chief Investigator, 2 Investigation Managers, 13 Investigators, and 1 Investigative Clerk) that manage

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investigations and other case management responsibilities. There is a year-round intern program that includes Fall, Spring, and Summer investigative interns.

Executive Division: Includes 9 full-time staff members (Executive Director, Deputy Director, Special Assistant, Research Analyst, Public Affairs Specialist, Program Coordinator, Executive Assistant, Staff Assistant, and Receptionist) that manage the day-to-day operations of the agency, customer service, public relations, FOIA and subpoenas, police policy review and recommendations, and communications with other district agencies, the Council, and other city administrators. This Division also administers the mediation and complaint examination programs through independent contractors who act as neutral mediators and neutral complaint examiners. There is a year-round intern program that includes Fall, Spring, and Summer legal interns, and well as a summer public affairs intern.

- a. 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 see the chart provided for Question 4.

- b. Please provide a narrative explanation of any major changes to the organizational chart made during the previous year.

There are no substantive changes to the chart.

3. Please list each new program implemented by the agency during FY 2023 and FY 2024, to date. For each initiative please provide:
 - a. A description of the initiative, including when begun and when completed (or expected to be completed);
 - b. The funding required to implement the initiative;
 - c. Any documented results of the initiative.

The agency did not implement new programs in FY23 or FY24 to date. However, the agency is currently reviewing all programs for potential changes related to B25-0345 in the event it passes the Council's vote.

4. 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:
 - a. Title of position;
 - b. Name of employee or statement that the position is vacant, unfunded, or proposed;
 - c. Date employee began in position;
 - d. Salary and fringe benefits (separately), including the specific grade, series, and step of position;
 - e. Job status (continuing/term/temporary/contract);

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f. 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 2, 2024:

Title	Name	Series/Grade	Step	FY 2024 Current Salary	FY 2024 Current Fringe	Hire Date	Years of Service	Reg
Executive Director	Tobin, Michael G	ES/11	0	249,605	53,665.08	11/3/2014	10	Term
Deputy Executive Director	Cross, Marke	ES/10	0	134,454	28,907.61	3/6/2017	7	Reg
Special Assistant	Hazzan, Jacqueline	CS/14	1	109,999	23,649.79	8/2/2021	3	Reg
Executive Assistant*	New Position	CS/12	1	80,784	17,368.56			Reg
Research Analyst	Vacant as of 11/3/2023	CS/12	4	88,300	18,984.50			Reg
Policy Analyst*	New Position	CS/11	4	71,579	15,389.49			Reg
Program Analyst	Weber, Christopher	CS/11	7	77,873	16,742.70	11/28/2016	8	Reg
Public Affairs Specialist	Cleveland, Nykisha T	CS/11	10	84,167	18,095.91	7/23/2007	17	Reg
Staff Assistant	Grant, Darlene L.	CS/11	4	71,579	15,389.49	8/20/2018	6	Reg
Supervisory Investigator	Andrews, Mona G.	MSS/14	0	145,817.53	31,350.77	12/13/2004	20	Reg
Supervisory Investigator	Smith, Natasha N	MSS/13	0	125,468.13	26,975.65	8/13/2001	23	Reg
Supervisory Investigator	Murphy, Lindsey	MSS/13	0	101,965.03	21,922.48	2/8/2016	8	Reg
Investigator	Sutton, Danielle	CS/11	10	84,167	18,095.91	6/1/2015	9	Reg
Investigator	Jackson, Quentin E	CS/12	2	83,289	17,907.14	2/18/2020	4	Reg
Investigator	Walker, Tamika C.	CS/12	1	80,784	17,368.56	12/7/2020	4	Reg
Investigator	Baez, Courtney	CS/11	1	65,285	14,036.28	12/7/2020	4	Reg
Investigator	Valerio, Amicaela	CS/11	2	67,383	14,487.35	8/2/2021	3	Reg
Investigator	Clarke, Onyee	CS/11	2	67,383	14,487.35	8/2/2021	3	Reg

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Investigator	Comeau, Witney	CS/9	7	64,574	13,883.41	2/13/2023	1	Reg
Investigator	Davis, Samuel	CS/9	6	62,842	13,511.03	1/17/2023	1	Reg
Investigator	Mottley, Brandon Marc	CS/9	6	62,842	13,511.03	1/17/2023	1	Reg
Investigator	Hailes, Shaylah	CS/9	2	55,915	12,021.73	7/17/2023	1	Reg
Investigator	Bridgewater, Dana	CS/11	5	73,677	15,840.56	8/28/2023	1	Reg
Investigator	Donahoe, Allison	CS/11	4	71,579	15,389.49	8/28/2023	1	Reg
Investigator	New Position	CS/11	0	65,285	14,036.28			Reg
Administrative Assistant*	New Position	CS/9	4	59,378	12,766.27			Reg
Clerical Assistant	Maldonado, Kevin	CS/7	4	49,533	10,649.60	4/24/2023	1	Reg
Clerical Assistant	Vacant as of 10/27/2023	CS/6	4	44,712	9,613.08			Reg
Student Intern Paralegal Spec	Summer Position	CS/9	0	54,183	11,649.35			Temp
Student Intern Paralegal Spec	Summer Position	CS/9	0	54,183	11,649.35			Temp
Student Intern Clerical	Summer Position	CS/5	0	36,546	7,857.39			Temp
Student Intern Clerical	Summer Position	CS/5	0	36,546	7,857.39			Temp
Student Intern Public Affairs	Summer Position	CS/5	0	36,546	7,857.39			Reg

Additional Notes:

The positions with an asterisk were intended to be filled in relation to B24-0320 going into effect. The agency held them vacant with the expectation of a new workload related to the bill and to define the roles to be responsive to the bill. OPC is now awaiting the outcome of the Council's upcoming vote on B25-0345, the Secure DC Omnibus Amendment Act of 2024, to define the roles to be responsive to the bill prior to initiating the hiring process.

The vacant Research Analyst position is currently in the hiring process.

The vacant Clerical Assistant position is currently being reclassified by DCHR. When this is complete, OPC will immediately begin the hiring process for this position.

The vacant Investigator position has an accepted offer and is expected to be filled in March 2024.

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

5. Please provide a list of all memoranda of understanding (“MOU”) entered into by your agency during FY 23 and FY 24, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date (if applicable).

The agency did not enter into any memoranda of understanding during FY23 and has not entered into any memoranda of understanding for FY24 to date.

6. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.
 - a. Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - b. 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.

7. Please provide the agency’s FY 2023 Performance Accountability Report.

Please see Attachment A.

BUDGET AND FINANCE

8. Please provide a chart showing the agency’s approved budget and actual spending, by division, for FY 2023 and FY 2024, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

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FY23:

Cost Centers	Cost Center Description	APPROVED BUDGET	YTD EXPENDITURES	AVAILABLE BALANCE	VARIANCE EXPLANATION
80126	EXECUTIVE ADMINISTRATIVE OFFICE	\$ 863,610.47	\$ 599,899.26	\$ 263,711.21	FY23 surplus was due to vacancy savings and unspent funds from the agency's NPS budget lines.
80127	RESEARCH ANALYSIS & POLICY RECOMMENDATION OFFICE	\$ 331,206.94	\$ 241,038.93	\$ 90,168.01	
80128	PUBLIC AFFAIRS OFFICE	\$ 160,406.73	\$ 183,793.10	\$ (23,386.37)	
80129	INVESTIGATION OFFICE	\$ 1,474,359.73	\$ 1,522,100.95	\$ (47,741.22)	
		\$ 2,829,583.87	\$ 2,546,832.24	\$ 282,751.63	

FY24:

Cost Centers	Cost Center Description	APPROVED BUDGET	YTD EXPENDITURES	AVAILABLE BALANCE	VARIANCE EXPLANATION
80126	EXECUTIVE ADMINISTRATIVE OFFICE	\$ 885,237.01	\$ 97,978.29	\$ 787,258.72	Fiscal year in progress
80127	RESEARCH ANALYSIS & POLICY RECOMMENDATION OFFICE	\$ 448,187.26	\$ 46,903.19	\$ 401,284.07	
80128	PUBLIC AFFAIRS OFFICE	\$ 168,257.43	\$ 32,288.43	\$ 135,969.00	
80129	INVESTIGATION OFFICE	\$ 1,811,342.30	\$ 415,875.08	\$ 1,395,467.22	
		\$ 3,313,024.00	\$ 593,044.99	\$ 2,719,979.01	

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9. Please list any reprogrammings, in, out, or within, related to FY 2023 or FY 2024 funds. For each reprogramming, please list:
 - a. The reprogramming number;
 - b. The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
 - c. The sending or receiving agency name, if applicable;
 - d. The original purposes for which the funds were dedicated;
 - e. The reprogrammed use of funds.

OPC					
FY 2023 REPROGRAMMING LIST					
	LOCAL				
FISCAL YEAR	FUND	DATE ENTERED	IN/OUT/ WITHIN	RATIONALE	AMOUNT
2023	1010001	6/1/2023	WITHIN	Reprogrammed funds from PS to NPS for technology upgrades and equipment needs	\$165,000
2023	1010001	8/9/2023	WITHIN	Reprogrammed funds from PS to NPS for Fleet Expenditures	\$1,500

There have been no reprogrammings for FY24 to date.

10. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2023 and FY 2024, to date, including:
 - a. Buyer agency and Seller agency;
 - b. The program and activity codes and names in the sending and receiving agencies' budgets;
 - c. Funding source (i.e. local, federal, SPR);
 - d. Description of MOU services;
 - e. Total MOU amount, including any modifications;
 - f. The date funds were transferred to the receiving agency.

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FY 2023 intra-District Transfers To - BUYER SUMMARY

OFFICE OF POLICE COMPLAINTS (FH0)

SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
District of Columbia Department of Small and Local Business Development	Provide Salesforce Licenses to access DES	320.00
TOTAL		320.00

FY 2023 intra-District Transfers From - SELLER SUMMARY

OFFICE OF POLICE COMPLAINTS (FH0)

BUYING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
None		0
TOTAL		0

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FY 2024 intra-District Transfers To - BUYER SUMMARY

OFFICE OF POLICE COMPLAINTS (FH0)

SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
None		0
TOTAL		0

FY 2024 intra-District Transfers From - SELLER SUMMARY

OFFICE OF POLICE COMPLAINTS (FH0)

BUYING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT
None		0
TOTAL		0

11. Please provide a list of all MOUs in place during FY 2023 and FY 2024, to date, that are not listed in response to the question above.

There are no additional MOU's that are not included in question #10.

12. Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2023 and FY 2024, to date. For each account, please list the following:

- a. The revenue source name and code;
- b. The source of funding;
- c. A description of the program that generates the funds;
- d. The amount of funds generated by each source or program in FY 2023 and FY 2024, to date;

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- e. Expenditures of funds, including the purpose of each expenditure, for FY 2023 and FY 2024, to date.

There are no special revenue accounts maintained by this agency.

13. Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:
- a. A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes);
 - b. The amount of capital funds available for each project;
 - c. A status report on each project, including a timeframe for completion;
 - d. Planned remaining spending on the project.

There are no capital funds for this agency. The agency’s only source of funding is local.

14. Please provide a complete accounting of all federal grants received for FY 2023 and FY 2024, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2023, the amount of any unspent funds that did not carry over.

The Office of Police Complaints received no federal grants for FY 2023 or FY 2024 to date.

15. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by your agency during FY 2023 and FY 2024, to date. For each contract, please provide the following information, where applicable:
- a. The name of the contracting party;
 - b. The nature of the contract, including the end product or service;
 - c. The dollar amount of the contract, including budgeted amount and actually spent;
 - d. The term of the contract;
 - e. Whether the contract was competitively bid or not;
 - f. The name of the agency’s contract monitor and the results of any monitoring activity;
 - g. Funding source;
 - h. Whether the contract is available to the public online.

Vendor	Nature of Contract	Amount	Contract Term	Comp Bid Y / N	Contract Monitor	Funding Source	FY
CI Technologies, Inc.	IA Pro software license renewal and maintenance	\$2,706.08	Annual	N	Darlene Grant	0100	23
		\$2,706.08			Darlene Grant		24

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Consensus Building Institute	Mediation Services	\$8,000.00,	1 year with 2 option years	N	Christopher Weber	0100	23
		\$8,000.00	2 nd year of 2-year option		Christopher Weber		24
Reed Elsevier Lexis Nexis	Online Research	\$3,696.00	Annual	N	Darlene Grant	0100	23
		\$3,696.00			Darlene Grant		24
Park America	Parking Spaces Agency Vehicles Executive Director Space	\$6,480.00	Annual	N	Darlene Grant	0100	23
		\$6,480.00			Darlene Grant		24
Star Office Products	Copier Maintenance	\$6,000.00	Annual	Y/CBE	Darlene Grant	0100	23
		\$6,000.00			Darlene Grant		24
Datawatch Systems	Payment for Office Security System	\$5,521.50	Annual	N	Darlene Grant	0100	23
		\$5,521.50			Darlene Grant		24

16. Please provide the details of any surplus in the agency’s budget for FY 2023, including:

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

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FY 2023 Local Surplus				
Budget	Expenditure	Available Balance	Percent Available	Comment
\$2,829,584	\$2,546,832	\$282,752	10%	<p>At the end of FY23, OPC had a surplus of \$282,752 due to vacancy savings and unspent funds from their NPS budget lines.</p> <p>OPC was waiting for legislation which would allow the agency to move forward with hiring for these vacant positions.</p> <p>In addition, planned spending for additional technology was not completed before the fiscal year ended.</p>

17. For FY 2023 and FY 2024 to date, please provide the number of contracts and procurements executed by your agency. Please indicate how many contracts and procurements were for an amount under \$250,000, how many were for an amount between \$250,000-\$999,9999, and how many were for an amount over \$1 million.

The agency did not execute any contracts in FY 2023 or FY 2024 to date.

LAWS, AUDITS, AND STUDIES

18. 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 2023 or FY 2024, to date.

None.

19. Please list any reports the agency is required by Council legislation to prepare 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 FY23 annual report was released on November 8, 2023. The last use of force report was released on July 6, 2023. These reports are expected to be released on a similar timeline in FY24.

- a. Are there any required regular reports that the agency believes are unduly burdensome and/or underutilized by the Council or the public? If so, please

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provide details on each such report and, to the extent feasible, an estimate of the budget and/or person-hours required to prepare each report.

None.

20. Please list all lawsuits filed in FY23 or FY24, to date 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.

No lawsuits were filed in FY23 or FY24 naming the agency as a party.

21. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2023 or FY 2024, 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 into any settlements in FY23 or FY24 to date.

22. Please list any administrative complaints or grievances that the agency received in FY 2023 and FY 2024, 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 2023 or FY 2024, 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.

WORKPLACE ISSUES AND EQUITY

23. 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 2023 and FY 2024, to date, and whether and how those allegations were resolved.

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

Investigation Procedures
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. Unless the complaint is against the agency General Counsel, the SHO shall immediately notify the agency's General Counsel of the complaint.
Within 3 Days: General Counsel to 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 to the MOLC within five (5) days after it is issued.

As reported to DCHR per the FY23 Sexual Harassment Data Collection Act (SHDCA), the agency has not received any allegations of sexual harassment or misconduct committed by or against agency employees in FY23 and FY24 to date.

24. The District defines racial equity as “the elimination of racial disparities such that race no longer predicts opportunities, outcomes, or the distribution of resources for residents of the District, particularly for persons of color and Black residents.” What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

1. Investigations
2. Outreach
3. Publications and Reports

25. In FY23 and FY24, to date, what are two ways that your agency has addressed racial inequities internally or through the services you provide?

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 FY24. To further enhance these services, 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

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census tract data to complement the data that the agency collects, and adding 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 their own data, including race information.

The agency makes it a priority to conduct outreach to communities across the District. This includes speaking at Advisory Neighborhood Commission (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.

AGENCY-SPECIFIC QUESTIONS

26. Please describe any First Amendment assembly monitoring conducted by OPC in FY23 and FY24, to date.

- January 6 Anniversary, January 6, 2023 (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)
- National Women's March, January 22, 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)
- Russia's War Against Ukraine - Rally in Washington DC, February 25, 2023 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- Women's March – Dobbs Decision Anniversary, June 24, 2023 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- 60th Anniversary March on Washington, August 26, 2023 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- National March on Washington: Free Palestine, November 4, 2023 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- March for Israel, November 14, 2023 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- January 6 Anniversary, January 6, 2024 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)
- March for Gaza, January 13, 2024 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)

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- March for Life, January 19, 2024 (OPC staff was trained and on-call to monitor, but ultimately no events warranted monitoring)

27. Please briefly describe each policy recommendation released by OPC in FY23 and FY24, to date.

FY23:

- Policies and Procedures for Appropriate Use of Handcuffs During Investigatory Stops
- Leveraging Random Reviews and Body-Worn Camera Analytics to Enhance Police Training and Minimize Use of Force Incidents
- Policies and Procedures for Edged Tools
- FY21 Implementation Update
- Presidential Executive Order 14074

All policy recommendations are published on the OPC website and can be found here:

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

- a. Does the agency anticipate releasing policy recommendations in the remainder of FY24? If so, please provide a brief description of the issue(s).

Yes. 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 FY22 Implementation Update, 4th Amendment violation discipline, ADA compliance, and Use of Force Review Board (UFRB) report publication.

All previous implementation updates are available on the OPC website here:

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

28. 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 each recommendation prior to it being presented to the Board for approval. MPD is given at least two weeks and often more time to provide comments 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?

Yes. Annually, the agency creates an Implementation Update of all the recommendations made two years prior. This allows an adequate amount of time to have passed in order for MPD to have taken action. The agency is currently awaiting feedback from MPD on whether and how it implemented the FY22 recommendations.

All previous implementation updates are available on the OPC website here:

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

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29. Please provide an update on MPD's implementation, or lack thereof, of OPC's recommendations from FY23 and FY24.

The implementation update for FY22 is currently in progress and expected to be published in March or April of 2024. The implementation review for FY23's recommendations will be conducted in FY25 and the implementation review for FY24 will be conducted in FY26.

- a. In particular, has MPD taken any steps to implement OPC's recommendations regarding warrantless misdemeanor arrests? Has the formal review, scheduled for FY24, taken place?

The agency is not aware of any steps taken by MPD related to this recommendation. However, the formal review is currently in progress.

- b. To your knowledge, has MPD taken any steps to implement OPC's recommendations regarding the use of hair holds? Has the formal review, scheduled for FY24, taken place?

The agency is not aware of any steps taken by MPD related to this recommendation. However, the formal review is currently in progress.

- c. To your knowledge, has MPD taken any steps to implement OPC's recommendations regarding Presidential Executive Order 14074?

The agency is not aware of any steps taken by MPD related to this recommendation. However, the formal review will not take place until FY25.

- d. To your knowledge, has MPD taken any steps to implement OPC's recommendations regarding use of handcuffs during investigatory stops?

The agency is not aware of any steps taken by MPD related to this recommendation. However, the formal review will not take place until FY25.

- e. To your knowledge, has MPD taken any steps to implement OPC's recommendations regarding random review of body-worn camera to enhance police training?

The agency is not aware of any steps taken by MPD related to this recommendation. However, the formal review will not take place until FY25.

30. In FY23 and FY24, 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?

J&PS Performance Oversight Questions (FY23-24)

OPC

- 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?

	FY23	FY24 (to date)
a. How many individuals contacted OPC to inquire about filing a complaint?	302	53
b-1. How many complaints were received?	883	253
b-2. How many complaints were related to alleged MPD conduct?	882	252
b-3. How many complaints were related to alleged HAPD conduct?	1	1
c. How many complaints were closed?	864	263
d. How many full investigative reports were completed?	8	1
e. How many were adjudicated?	8	1
f. How many were successfully mediated?	14	6
g. How many cases were referred to an independent hearing examiner?	8	1
h. How many of those cases resulted in a hearing?	0	0
i. How many complainants were represented by counsel in those hearings?	N/A	N/A

31. How many cases investigated by OPC in FY23 and FY24, to date, involved BWC non-compliance of some form?

FY23	FY24 (to date)
106	29

32. How many subject officers have been referred to MPD and HAPD for policy training or rapid resolution in FY23 and FY24, to date?

J&PS Performance Oversight Questions (FY23-24)

OPC

Rapid Resolution:

	FY23	FY24 (to date)
MPD	31	13
HAPD	0	0

Policy Training:

	FY23	FY24 (to date)
MPD	47	10
HAPD	0	0

33. In FY23 and FY24, to date, how many decisions sustaining police misconduct allegations were forwarded to MPD?

FY23	FY24 (to date)
7	1

34. What were the outcomes of cases referred to MPD in FY23 and FY24, to date? How many cases were upheld by a final review panel?

FY23:

Complaint Number	Discipline Determination
22-0008	10-day suspension without pay
22-0309	30-day suspension without pay
22-0335	Education Based Development
22-0342	PD 750; Education Based Development
22-0377	Education Based Development
22-0411	14-day suspension without pay; Education Based Development
22-0573	Education Based Development

FY24 (to date):

Complaint Number	Discipline Determination
23-0079	Education Based Development

35. 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 FY23 and FY24, to date?

FY23	FY24 (to date)
19	9

J&PS Performance Oversight Questions (FY23-24)

OPC

36. How many officers were the subject of multiple allegations of misconduct in FY23 and FY24, to date?

FY23	FY24 (to date)
246	60

This is the number of officers who were the subject of two or more complaints.

37. What trends did OPC observe in the demographics of officers who were the subject of a complaint in FY23 and FY24, to date?

In FY23 officers with complaints were more likely to be male (80% vs. 20% female). Officers were also most likely to be Black (49%), followed by White officers (32%), and Hispanic/Latino officers (14%). The least likely were Asian (5%) and Multi-Racial and Native American officers (less than 1%). Officers with complaints were also more likely to be younger than 35 (48%), followed by officers aged 35-54 (43%), and officers 55 and older (9%).

The FY24 demographics of officers with complaints as of 2/01/2024 were similar to those in FY23. So far in FY24, 83% of officers were male, while 17% were female. Officers were also most likely to be Black (48%), followed by White officers (35%), and Hispanic/Latino officers (13%). The least likely were Asian officers (4%). Officers with complaints were also more likely to be aged 35-54 (50%), followed by officers younger than 35 (40%), and officers 55 and older (10%).

38. What trends did OPC observe in the demographics of complainants in FY23 and FY24, to date?

In FY23 males comprised 47% of all complainants and females comprised 52%. Four community members also identified as non-binary. Complainants were also most likely to be Black (73%), followed by White (15%). Hispanic/Latino complainants comprised 5% of all complainants while Other Races and Ethnicities comprised 7%. Complainants were also more likely to be aged 35-54 (47%), followed by those aged 15-34 (40%), and those 55+ (13%).

The FY24 demographics as of 2/01/2024 were similar to those in FY23. In FY24, so far males comprised 47% of all complaints and females comprised 52%. One community member also identified as non-binary. Also, 75% of all complainants were Black, 15% were White, 4% were Hispanic/Latino, and 6% were members of Other Races and Ethnicities. Complainants were also more likely to be aged 35-54 (55%), followed by those aged 15-34 (31%), and those 55+ (14%).

39. What trends did OPC observe related to allegations of excessive force in FY23 and FY24, to date?

In FY23, use of force allegations comprised 15% of all allegations, which was the same as the last two fiscal years. OPC, however, saw an 8% increase in the total number of force allegations. The most common two sub-allegations of force in FY23 were the same as in the

J&PS Performance Oversight Questions (FY23-24)

OPC

previous fiscal year and were complainants experiencing a push or pull either without impact or with impact.

So far in FY24, the force allegations and sub-allegations closely resemble FY23.

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

In both FY23 and so far in FY24 there have been no allegations of excessive force at First Amendment assemblies.

40. 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 10 cases. This caseload does reflect best practices.

41. What was the average length of time it took to resolve a complaint in FY23 and FY24, to date?

FY23	FY24 (to date)
125 days	124 days

42. Please discuss any community outreach conducted in FY23 and FY24, to date, and any planned outreach for the remainder of FY24.

In FY23, OPC conducted and participated in more than 24 outreach events and activities throughout the District of Columbia and six events in FY24, 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.

In FY23, OPC continued to build upon its outreach to students by conducting Student Interactive Trainings (SITs) at various D.C. public and charter schools. The agency also conducted SITs for D.C. Department of Parks and Recreation summer camp participants and presented to students attending American University (AU) and American University Washington College of Law. OPC also participated in informational fairs hosted by AU and its law school.

Additionally, OPC continued its outreach activities in the District’s immigrant community during FY23. OPC participated in the Briya Public Charter’s School Know Your Rights panel session, presenting information on the agency’s jurisdiction and the services OPC provides to the public.

In continuing with its outreach efforts beyond the District of Columbia, OPC staff presented at the William J. Perry Center for Hemispheric Defense Studies to a group of senior civilian and defense officials of partner nations in the Western Hemisphere. In addition, members of OPC’s staff served as panelists and contributors for workshops and webinars hosted by the National Association for Civilian Oversight of Law Enforcement (NACOLE).

J&PS Performance Oversight Questions (FY23-24)

OPC

OPC remained committed in FY23 to increasing the agency’s public awareness by working with its community partners. The agency will continue these efforts in FY24.

43. The Comprehensive Policing and Justice Reform Amendment Act of 2022 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 FY23 and FY24, to date? Please explain.

FY23	FY24 (to date)
4 cases	4 cases

44. What policies and procedures does OPC have in place to prevent misuse of records, BWC footage, or any other information obtained from MPD or DCHAPD?

OPC conducts extensive training with all employees and interns on proper use and access to these records and can track usage through the usage log and audit features in Evidence.com for BWC, in the case management system for OPC cases, and in computer email and download logs for all employees and interns.

45. What policies does OPC have regarding the confidentiality of records, BWC footage, or any other information obtained from MPD or DCHAPD?

OPC has an updated and extensive confidentiality training that is mandatory for every employee and intern. Every employee and intern must then sign an agreement acknowledging their understanding of the policy and their agreement to adhere to it, with stated consequences to include criminal prosecution.

Attachment

A



OFFICE OF POLICE COMPLAINTS

FY 2023 PERFORMANCE ACCOUNTABILITY REPORT

JANUARY 16, 2024

CONTENTS

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1 OFFICE OF POLICE COMPLAINTS

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 2023 OBJECTIVES

Strategic Objective

Resolve police misconduct complaints in an impartial, timely, and professional manner.

Promote positive community-police interactions through public education and awareness.

Enhance OPCs mission to improve public confidence and community trust.

Create and maintain a highly efficient, transparent, and responsive District government.

3 2023 OPERATIONS

Operation Title	Operation Description
Resolve police misconduct complaints in an impartial, timely, and professional manner.	
Manage and monitor complaint examiner compliance: Daily Service	Ensure through continuous review and communication that the complaint examiners are complying with the review and analysis requirements and timeline.
Conduct complaint examiner In-Service Training: Key Project	Complaint examiners should be trained each fiscal year on any updates to the program and any new requirements.
Investigator participating in continual professional development: Key Project	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.
Conduct management meetings: Daily Service	Investigation managers meet to ensure that the cases are being investigated with the best techniques and best practices and that they are timely.
Promote positive community-police interactions through public education and awareness.	
Communicate with civic groups, government organizations, schools, advisory boards, etc. to schedule outreach events: Daily Service	Employ outreach activities to ensure that the community knows about the Office of Police Complaints and its services.
Communicate with a wide range of organizations, government agencies, social service providers, neighborhood associations, and advocacy groups to create partnerships: Daily Service	Employ effective communication strategies through social media, contacts, and media relations to build community partnerships.
Enhance OPCs mission to improve public confidence and community trust.	
Review all OPC complaints received to determine trends and/or patterns: Daily Service	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.
Research policing best practices: Daily Service	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.
Conduct regular meetings with MPD leadership to discuss policy change recommendations: Daily Service	With the cooperation of MPD, conduct regular meetings with MPD leadership to discuss the implementation status of OPC's policy recommendations.

4 2023 KEY PERFORMANCE INDICATORS AND WORKLOAD MEASURES

Key Performance Indicators

Measure	Directionality	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023	FY 2023 Target	Was 2023 KPI Met?	Explanation of Unmet KPI
Resolve police misconduct complaints in an impartial, timely, and professional manner.											
Percent of investigations completed within 180 days	Up is Better	89.9%	94.2%	93.8%	93%	88.8%	93.3%	92.1%	75%	Met	
Percent of complaint examiner decisions completed within 120 days	Up is Better	100%	100%	100%	100%	100%	100%	100%	100%	Met	
Promote positive community-police interactions through public education and awareness.											
Percent of mediations completed within 30 days of referral	Up is Better	99.5%	93.1%	100%	66.7%	66.7%	75%	76%	100%	Unmet	Record increase in number of complaints received.
Enhance OPCs mission to improve public confidence and community trust.											
Number of policy recommendation reports published	Up is Better	4	5	0	2	0	3	5	5	Met	

Workload Measures

Measure	FY 2021	FY 2022	FY 2023 Q1	FY 2023 Q2	FY 2023 Q3	FY 2023 Q4	FY 2023
Conduct complaint examiner In-Service Training							
Number of complaint examiners attended required training	9	8	0	0	0	0	0
Conduct management meetings							
Number of management meetings held	23	24	6	7	5	5	23
Investigator participating in continual professional development							
Number of investigators attending annual MPD professional development training	20	4	12	11	15	11	49
Number of investigators attending at least 2 external training sessions	9	9	2	2	2	2	8
Number of new investigators attending Reid Training	2	3	1	0	3	0	4
Number of presentations completed	2	3	0	0	0	3	3
Manage and monitor complaint examiner compliance							
Number of complaint examiner decisions processed	17	13	2	3	2	1	8
Number of rapid resolution referrals	63	27	4	6	5	2	17
Number of cases withdrawn by the complainant	17	27	5	5	5	7	22
Number of Policy Training Referrals	15	35	8	9	15	8	40
Communicate with a wide range of organizations, government agencies, social service providers, neighborhood associations, and advocacy groups to create partnerships							
Number of community partnerships created	0	0	0	0	0	0	0
Communicate with civic groups, government organizations, schools, advisory boards, etc. to schedule outreach events							
Number of outreach events held	30	25	7	5	4	8	24
Conduct regular meetings with MPD leadership to discuss policy change recommendations							
Number of meetings held with MPD	4	4	1	2	1	1	5
Research policing best practices							
Number of policy recommendations issued	9	11	0	18	0	8	26
Review all OPC complaints received to determine trends and/or patterns							
Number of complaints received	827	796	Annual Measure	Annual Measure	Annual Measure	Annual Measure	883
Number of contacts	1,047	442	83	77	86	56	302
Number of mediations referred	38	40	7	5	8	7	27
Numbers of mediations not held	6	11	2	2	2	5	11