

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject		
Office of Police Complaints Investigations		
Topic	Series	Number
PER	120	25
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I.	Purpose	Page	1
II.	Procedures	Page	1
II.A.	General	Page	1
II.B.	Accepting Complaints and Allegations of Misconduct	Page	3
II.C.	Investigative Support	Page	4
II.D.	Appearances	Page	5
II.E.	Mediation Procedures	Page	6
II.F.	Rapid Resolution	Page	7
II.G.	Policy Training Referrals	Page	8
II.H.	Discipline	Page	8
II.I.	Public Information	Page	9
II.J.	Training	Page	9
II.K.	Quarterly Reporting	Page	9
III.	Definitions	Page	10

I. PURPOSE

The Office of Police Complaints (OPC) and the Police Complaints Board (PCB) were established by the District of Columbia for the purpose of receiving, investigating, and resolving complaints filed by members of the public against sworn members of the Metropolitan Police Department (MPD). The purpose of this general order is to provide procedures for accepting complaints and participating in the adjudication of OPC investigations. Complaints investigated by MPD shall be handled in accordance with [GO-PER-120.20 \(Administrative Investigations\)](#).

II. PROCEDURES

A. General

1. In accordance with [DC Official Code § 5-1107](#), OPC has the authority to investigate, dismiss, conciliate, mediate, refer to MPD, or adjudicate external complaints against sworn MPD members that are filed within 90 days of the incident leading to the complaint and alleges abuse or misuse of police powers, including:

Allegations of Abuse or Misuse of Police Powers
a. Harassment [i.e., words, conduct, gestures, or other actions directed at a person

that are purposefully, knowingly, or recklessly in violation of the law, or internal MPD guidelines, so as to subject the person to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights or deny or impede the person in the exercise or enjoyment of any right, privilege, power, or immunity;
b. Use of unnecessary or excessive force [i.e., unreasonable use of power, violence, or pressure under the particular circumstances. Factors to be considered when determining the “reasonableness” of a use of force include: severity of the crime at issue; whether the suspect posed an immediate threat to the safety of the officer or others; whether the suspect was actively resisting arrest, or attempting to evade arrest by flight; the fact that officers are often required to make split second decisions regarding the use of force in a particular circumstance; whether the officer adhered to MPD general orders, policies, procedures, practices, and training; and the extent to which the officer attempted to use only the minimum level of force necessary to accomplish the objective;
c. Use of language or conduct that is insulting, demeaning, or humiliating;
d. Discriminatory treatment based upon a person’s race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, physical handicap, matriculation, political affiliation, source of income, place of residence or business or any other basis of discrimination prohibited under the statutory and the common law of the District of Columbia;
e. Retaliation (i.e., action that discriminates against a person for making, or attempting to make, an OPC complaint, including action taken against a person because he or she has opposed any unlawful practice; he or she has made a complaint, or expressed an intention to file a complaint; or testified, assisted, or participated in any manner in an investigation, mediation, conciliation, complaint examination, or other proceeding); or
f. Failure to wear or display required identification, or to identify oneself by name and badge number when requested to do so by a member of the public.

2. Pursuant to [6A DCMR 2105](#), to file a complaint with OPC, the complainant must be a victim of, the guardian, parent or personal representative of a victim or, or has personal knowledge of alleged misconduct by a sworn member of the MPD.
3. Pursuant to [DC Official Code § 5-1107](#), OPC can initiate its own investigation upon discovery of evidence of abuse or misuse of police powers that was not alleged by the complainant in the complaint including, but not limited to, instances where an officer fails to intervene in or subsequently report an officer using excessive force or engaging in any type of misconduct, or immediately report to their supervisor any violations of MPD rules and regulations committed by any other MPD member, and each instance of their use of force or a use of force committed by another MPD member.
4. MPD investigates complaints referred by OPC, complaints involving criminal allegations, and complaints against civilian members in accordance with [GO-PER-120.20](#). The Internal Affairs Division (IAD) commanding official shall ensure that all complaints forwarded to IAD by OPC are reviewed to ensure that the complaints were referred properly, regardless of their origin.

5. MPD shall not enter into any agreements with OPC that supersede the Collective Bargaining Agreement between MPD and the Fraternal Order of Police.

B. Accepting Complaints and Allegations of Misconduct

1. MPD shall accept all complaints (including anonymous complaints), regardless of the manner in which the complaint is made (e.g., orally or in writing). Members shall accept complaints that occurred in other locations or districts, and shall not refer a complainant to contact or physically respond to the district of occurrence. In cases where the member is the subject of the complaint, he or she shall request a supervisor respond to the scene to document the complaint.
2. Members **shall not** discourage any person from making a complaint against any member. When a person requests to file a complaint, members shall explain the complaint process and, whenever practicable, provide the person with the complaint brochure ([Filing Citizen Complaints Against Metropolitan Police Officers and the Complaint Review Process](#)) and the [OPC-1 \(OPC Complaint Form\)](#). Members **shall not** require the person to speak with a supervisor prior to providing the information unless the member is the subject of the complaint.
3. Body worn camera (BWC)-equipped members shall ensure that their BWC is activated when a person wishes to make a complaint.
4. When a person wishes to submit a complaint, members shall, if the person is present, ask him or her to complete an OPC-1. If the person does not want to complete an OPC-1, members shall offer to complete an OPC-1 for the person to include persons who refuse to complete the applicable forms, wish to file an anonymous complaint, wish to file a complaint but are not the subject of the complaint, and/ or are in-custody prisoners.
5. Members shall attempt to obtain the person's contact information and accept any written documentation the person provides about the complaint.
6. Upon receipt of the complaint, members shall notify the watch commander or next senior official on duty, within one hour of the complaint, and provide that official with any written documentation received from the person.
7. Upon notification of a complaint, the watch commander or official shall:
 - a. Obtain incident summary (IS) numbers for each allegation that may be related to the incident by the end of the shift and include the IS numbers on the OPC-1 and any other supporting documentation; and

requests for information within 10 business days of receipt, or, if unable to provide the requested information, respond to OPC in writing, no later than the deadline, and indicate the reasons for not responding within the required timeframe.

5. Element commanding officials shall ensure that notices and documents from OPC or the MPD OPC liaison are promptly delivered electronically or served directly to the member and that response occurs according to the deadline.
 - a. In the event that a notice or document cannot be served by the deadline set by the MPD OPC liaison, the commanding official, or his or her designee, shall provide the reason and an anticipated date for service.
 - b. For notices to appear or documents that the OPC has stamped "high priority" or "urgent," a written acknowledgement from the sworn member to whom the documents were provided shall be obtained and forwarded to the MPD OPC liaison.
 - c. Commanding officials shall ensure response occurs, in writing or via email, within five business days from receipt. In the event that it is not possible to send the requested information by the five-day deadline, the MPD OPC liaison shall be notified of the reason and an anticipated delivery date.

D. Appearances

1. OPC will notify members of their obligation to appear via CANS.
 - a. OPC conducts remote and in-person appearances for administrative investigations and mediation. Members shall be mindful of the type appearance detailed in the CANS.
 - b. Members may decline to appear remotely and request an in-person appearance. Members who decline remote appearances will receive a new CANS for an in-person appearance.
 - c. Members may request a remote appearance, but OPC may require members to appear in person at their discretion.
2. The MPD OPC liaison shall forward to OPC, within five business days, copies of all written acknowledgements by MPD members pertaining to the receipt of OPC documents and notices.
3. Members shall appear pursuant to the instructions provided in the CANS and in accordance with [GO-PCA-701.06 \(Court Appearance Notifications\)](#). For in-person appearances, members shall report directly to OPC to check in. Members who have court appearances scheduled on

the same day shall check in at the Court Liaison Division (CLD) prior to responding to OPC for in-person appearances.

4. Members shall contact the MPD OPC liaison as soon as practicable if they must reschedule an OPC appearance. The MPD OPC liaison shall approve requests based on the following circumstances:

Rescheduling Circumstances
a. Member's illness;
b. Accident involving the member;
c. Death or serious illness in the member's family;
d. Leave approved prior to notice of the appearance;
e. Emergency or non-regular duty as directed by the MPD;
f. Court appearance as a witness;
g. Unforeseen, emergency circumstances; or
h. As directed by a supervisor

5. Upon permitting a member to reschedule an OPC proceeding, the MPD OPC liaison shall immediately notify OPC and instruct the member to contact the appropriate person at OPC immediately to reschedule. OPC will issue a new CANS upon notification from the MPD OPC liaison, regardless of whether the member contacts the OPC.
6. In the event that OPC excuses a member from a CANS obligation, the member shall immediately notify CLD to provide the tracking log number assigned by the MPD OPC liaison.
7. When a member fails to appear for an OPC proceeding and OPC requests MPD assistance in rescheduling the member, the MPD OPC liaison shall ensure that the member is, absent exigent circumstances, rescheduled to appear as soon as possible, but no later than 10 business days from the date that OPC notified the MPD OPC liaison of the member's failure to appear. In the case of exigent circumstances, the member shall be rescheduled as soon as feasible.

E. Mediation Proceedings

1. Mediation is an informal dispute resolution process used by OPC, and facilitated by a neutral third party, whereby the complainant and the sworn member meet in good faith to discuss alleged misconduct in an attempt to reach a mutually satisfactory resolution of the complaint. Members shall cooperate fully with OPC mediation proceedings. This does not imply, or require, that members must reach an agreement.
2. No oral or written statement made during the mediation process shall be used by MPD or OPC as a basis for any discipline or recommended discipline of the member or in any civil or criminal litigation, except as otherwise provided by the rules of the court or the rules of evidence pursuant to [DC Official Code § 5-1110\(f\)](#).

3. When a complaint is resolved through mediation and the mediation agreement requires action by the member after the mediation session is completed:
 - a. OPC or its designee will provide MPD with a memorandum that identifies required actions and associated timelines.
 - b. Members shall endeavor to complete the terms of mediation agreements within the time specified in the agreement.
 - c. The MPD OPC liaison shall monitor the timeframe set to complete the agreement, and report to the OPC and IAB whether the member complied by the deadlines set in the timeframe.
4. If no agreement is reached during mediation, the OPC executive director may refer the complaint for further investigation by OPC, refer the complaint for policy training, dismiss the complaint, or refer the complaint for a decision on the merits by an OPC complaint examiner.

F. Rapid Resolution

1. Rapid resolution is a process that provides complainants and members the opportunity to resolve less serious allegations more quickly. Rapid resolution may occur when it appears the member acted in compliance with all rules and regulations. It directs MPD to contact the complainant and address the concerns of the complainant.
2. The rapid resolution process is carried out after a referral is made by OPC.
 - a. OPC will forward complaints recommended for rapid resolution to the MPD OPC liaison.
 - b. Complaints investigated by MPD may also be referred for rapid resolution. In this case the investigating official shall make a request to the MPD OPC liaison through their chain of command. The MPD OPC liaison shall consult with the IAD director who shall make determination to either handle as an investigation or as a rapid resolution.
3. The rapid resolution process shall be handled by a supervising official (ranked lieutenant or above) of the member who is the subject of the complaint.
 - a. When the official receives a rapid resolution referral, he or she shall contact the complainant to explain the department's procedure and address the complainant's concerns. If the official is able to reach the complainant, the official shall discuss the issues and desired outcome in order to come to a resolution.

b. In the event that the complainant does not agree to a rapid resolution or when the complainant cannot be reached, the official shall document the findings and close the investigation pursuant to [GO-PER-120.20](#).

4. Officials shall complete the rapid resolution within five business days of receiving the referral. Officials shall notify the complainant of the rapid resolution agreement in a format similar to the following template.

Complainant Rapid Resolution Agreement Notification
<p>On (date), you filed a complaint alleging (allegation) against (member's name) of (element/assignment). On (date), this matter was referred for rapid resolution.</p> <p>For resolution of this matter, the following steps were taken (describe when contact was made, what information was conveyed to the complainant, and what action, if any, will be taken in order to resolve the matter).</p>

5. The official shall document completion of the matter by sending the complainant rapid resolution agreement notification.
6. The MPD OPC liaison shall upload the complainant rapid resolution agreement notification into the Personnel Performance Management System (PPMS) and notify OPC of the rapid resolution in order to close their case.

G. Policy Training Referrals

1. In the instances where OPC determines that training may be a more appropriate response than disciplinary action, OPC will forward complaints recommended for policy training to the MPD OPC liaison.
2. The MPD OPC liaison shall forward the policy training referral to the Metropolitan Police Academy (MPA) commanding official who shall ensure that the member is provided the necessary training.
3. Upon completion of the training, the MPA commanding official shall ensure that completion certification is provided to the MPD OPC liaison. The MPD OPC Liaison shall provide completion certifications to OPC.

H. Discipline

1. Regardless of whether MPD or OPC investigates the complaint, final disciplinary action can only be authorized by the chief of police. Discipline shall be imposed in accordance with [GO-PER-120.21 \(Sworn Employee Discipline\)](#).
2. MPD shall not impose discipline on a sworn member with respect to any allegation of misconduct contained in a complaint:

- a. When, in an OPC merits determination by a complaint examiner, it is concluded that no allegation of misconduct in the complaint is sustained on the basis of an evidentiary hearing; or
 - b. A final OPC review panel reversed in its entirety a merits determination that sustained one or more allegations of the complaint.
- I. Public Information
1. MPD supervisors shall ensure that MPD vehicles are stocked with OPC complaint brochures (Filing Citizen Complaints Against Metropolitan Police Officers and the Complaint Review Process) and OPC-1s (OPC Complaint Form).
 2. Element commanding officials shall ensure that the OPC informational poster (Citizen Complaints Against Metropolitan Police Officers) is posted at their element in an area accessible and frequented by the public. The poster shall be placed in a location that makes it clearly visible and easy to read. Missing or damaged posters shall be promptly replaced.
 3. Upon request by the community, element commanding officials shall ensure that the police service area (PSA) monthly meeting agenda includes sessions designed to inform people about the OPC and MPD complaint process.
- J. Training
1. The MPA commanding official shall ensure that the OPC investigative staff is provided with regular training on MPD policies and procedures and a comprehensive course of instruction relevant to OPC investigations including, but not limited to: use of force reporting, canine deployment, transporting individuals in custody, restraints, arrests, report writing, investigative and interview techniques, evidence collection and preservation, cultural sensitivity, ethics, integrity, and professionalism.
 2. The MPA commanding official shall ensure that regular training is provided on MPD policies and procedures and a comprehensive course of instruction relevant to PCB members, complaint examiners, and other individuals involved in the resolution of complaints as mutually agreed upon with the OPC.
- K. Quarterly Reporting
- The IAB assistant chief shall ensure that OPC is provided with a quarterly report, to be delivered within 30 days of the end of each quarter (i.e., September 30, December 31, March 31, and June 30) consisting of the following:
1. Statistical summary of all complaints broken down according to the

following categories:

Complaints Statistical Summary	
a.	All OPC-1s filed with MPD during the reporting quarter and the number of OPC-1s that were referred to OPC;
b.	All complaints handled by IAD; and
c.	The resolution of any such complaints that were filed during any quarter, but that were resolved or closed during the reporting quarter.

2. Listing of the final disposition of all complaints referred to MPD by OPC (e.g., not falling under OPC purview, or referred for rapid resolution).

3. All discipline imposed as a result of complaint examiner decisions that sustained OPC complaints and notices made by OPC to MPD regarding a member’s failure to appear at an OPC proceeding, to cooperate fully with the OPC in the investigation and adjudication of a complaint, or failure to cooperate with the mediation process. Distinction shall be made regarding whether discipline was imposed and, where appropriate, the specific discipline that was executed per [GO-PER-120.21](#) and [GO-PCA-701.06](#).

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated.

	Term	Definition
1.	Complaint	Allegation of misconduct against an employee or that expresses concern about services provided by the employee. These allegations may be submitted from both external and internal sources.
2.	Complaint examiner	Person designated by the OPC executive director to determine the merits of a complaint in certain OPC investigations.
3.	Evidentiary hearing	Proceeding conducted by an OPC complaint examiner, during which testimony and other evidence is presented to determine the merits of a complaint.
4.	Merits determination	Determination of a complaint by an OPC complaint examiner based on an evaluation of the evidence presented.



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