I. BACKGROUND

When a person wishes to file a complaint against a sworn or civilian member of the Metropolitan Police Department (MPD), the individual may file the complaint with the MPD. The MPD shall notify the Office of Police Complaints (OPC) of all complaints it receives, and the OPC will determine which agency should investigate the complaint with the exception of criminal complaints. The MPD shall investigate all criminal
complaints.

The OPC and the Police Complaints Board (PCB) were established by the District of Columbia on March 26, 1999, by D.C. Law 12-208 [D.C. Official § 5-1101 et seq., (Review of Citizen Complaints Involving Police)] for the purpose of receiving, investigating, and resolving complaints filed by the public against sworn members of the MPD and District of Columbia Housing Authority Police Department (“HAPD”).

II. POLICY

The policy of the MPD is to accept all complaints from persons, to include anonymous complaints, regardless of the manner in which the complaint is made (e.g., orally or in writing), to ensure that every complaint is investigated in an effective, efficient, and impartial manner, and to ensure that there is no automatic preference given to a member’s statement over an individual’s statement, or an individual’s statement over a member’s statement. The MPD shall notify the OPC of all complaints it receives, and the OPC will determine which agency should investigate the complaint with the exception of criminal complaints. The MPD shall investigate all criminal complaints.

This general order shall only apply to external complaints against MPD members; internal complaints shall be handled in accordance with existing MPD procedures.

III. DEFINITIONS

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

1. Color of law – acting under an appearance of authority where no such legal authority exists. This phrase is specifically mentioned in the definition of “complaint” as set forth in 6A DCMR 2199.

   In the context of a complaint against a sworn member, the phrase addresses situations where complaints are filed against officers who were off duty, but who gave the appearance or impression that they were acting lawfully within their police authority.

   NOTE: The OPC has the authority to investigate complaints against sworn members who were either on duty at the time of the incident, or, while off duty, were acting under the “color of law” during an incident occurring within the District of Columbia (6A DCMR 2199).

2. Complainant – person filing a complaint with the MPD or with the OPC using an OPC-1 (OPC Complaint Form). To file a complaint with OPC, the complainant must:

   a. Be the victim of;
b. Have personal knowledge of; or

c. Be the parent or guardian of a victim or person with personal knowledge of alleged abuse or misuse of police powers by a sworn member of the MPD (6A DCMR 2199).

3. Complaint – allegation or allegations of misconduct against an MPD member by a member of the public.

4. Complaint examiner – person designated by the Executive Director of the OPC to determine the merits of a complaint in certain OPC investigations (6A DCMR 2199).

5. Discriminatory treatment – conduct by an MPD member that results in the disparate treatment of persons because of their 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 (6A DCMR 2199).

6. Evidentiary hearing – proceeding conducted by an OPC complaint examiner, during which testimony and other evidence is presented to determine the merits of a complaint (6A DCMR 2199).

7. Executive Director of the OPC – active member in good standing of the District of Columbia Bar who is appointed to a three year term by the Police Complaints Board to head the OPC (6A DCMR 2199).

8. Harassment – words, conduct, gestures, or other actions directed at a person that are purposefully, knowingly, or recklessly in violation of the law, or internal guidelines of the MPD, so as to:

a. Subject the person to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or

b. Deny or impede the person in the exercise or enjoyment of any right, privilege, power, or immunity (6A DCMR 2199).

9. Immediate family – member’s spouse [including a person identified by a member as his or her “domestic partner,” as defined in D.C. Official Code § 32-701(3) and related laws], and parents thereof; children (including adopted and foster children and children of whom the
member is the legal guardian and spouses thereof, parents, grandparents and grandchildren, brothers and sisters, and spouses thereof.

10. Incident Summary (IS) – tracking number obtained from the Personnel Performance Management System (PPMS) when a complaint of misconduct is filed by a person against an MPD member.

11. Interviewing official – watch commander, or his or her designee, who interviews the person making a complaint.

12. Investigating official – official or agent assigned to complete the final complaint investigation.

13. Mediation – informal dispute resolution process used by the 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 (6A DCMR 2199).

14. Member – sworn or civilian MPD employee or MPD Reserve Corps member.

15. Merits determination – determination of a complaint by an OPC Complaint Examiner based on an evaluation of the evidence presented.

16. MPD OPC Liaison – member in the Internal Affairs Bureau (IAB) who serves as the point of contact between the OPC and the MPD.

17. Office of Police Complaints (OPC) – independent agency in the District of Columbia that provides an independent, fair, and impartial forum for the review and resolution of police misconduct complaints filed by members of the public against sworn MPD and HAPD members.

18. OPC-1 (OPC Complaint Form) – form that is completed by the complainant when he or she files a complaint against a sworn MPD or HAPD member.

19. Police Complaints Board (PCB) – OPC’s governing board, which consists of five members appointed by the Mayor, and confirmed by the Council of the District of Columbia. One of the PCB members must also be a member of the MPD (DC Code § 5-1104(a)).

20. Rapid resolution – a process that provides complainants and sworn members the opportunity to resolve less serious allegations more
quickly. The rapid resolution process is carried out after a referral made by OPC.

21. Retaliation – action that discriminates against a person for making, or attempting to make, a complaint pursuant to the Office of Citizen Complaint Review Establishment Act of 1998, including action taken against a person because he or she has opposed any practice made unlawful by the Act; 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 under the Act (6A DCMR 2199).

22. Use of unnecessary or excessive force – unreasonable use of power, violence, or pressure under the particular circumstances (6A DCMR 2199). Factors to be considered when determining the “reasonableness” of a use of force include the following:

   a. The severity of the crime at issue;
   b. Whether the suspect posed an immediate threat to the safety of the officer or others;
   c. Whether the suspect was actively resisting arrest, or attempting to evade arrest by flight;
   d. The fact that officers are often required to make split second decisions regarding the use of force in a particular circumstance;
   e. Whether the officer adhered to the general orders, policies, procedures, practices, and training of the MPD; and
   f. The extent to which the officer attempted to use only the minimum level of force necessary to accomplish the objective.

IV. REGULATIONS

A. In accordance with D.C. Official Code § 5-1107 the OPC has the authority to investigate, dismiss, conciliate, mediate, refer to the MPD, or adjudicate a complaint by a person against a sworn member of the MPD that:

   1. Is filed within 90 days of the incident leading to the complaint; and
   2. Alleges abuse or misuse of police powers, including:
      a. Harassment;
b. Use of unnecessary or excessive force;

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, or place of residence or business;

e. Retaliation for filing a complaint with the OPC; 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.

B. The MPD shall investigate all complaints against civilian members.

C. The MPD shall not impose discipline on a sworn member with respect to any allegation of misconduct contained in a complaint:

1. 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

2. A final OPC review panel reversed in its entirety a merits determination that sustained one or more allegations of the complaint.

D. Regardless of whether the 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-201.22 (Fire and Police Disciplinary Action Procedure Act of 2004), GO-PER-120.21 (Disciplinary Procedures and Processes), and all other applicable Department directives or District laws.

E. Members shall cooperate fully with the OPC as requested, and assist in the expeditious and impartial processing of complaints [D.C. Official Code 5-1110(k), 5-1111(d)]. Members who fail to cooperate fully with the OPC complaint process shall be subject to appropriate disciplinary action.

1. Cooperation with OPC includes, but is not limited to:

   a. Good-faith participation in the OPC mediation process;
b. Appearing for scheduled OPC proceedings, after having been served a Computer Assisted Notification System (CANS) notification or other written notification; and

c. Answering questions and providing signed or recorded statements to OPC as part of OPC investigations.

2. When a member is the subject of an investigation where the Executive Director of OPC has determined that there is reason to believe that a complaint alleges or the investigation has disclosed misconduct that may be criminal in nature, the member may decline to answer questions from the OPC until after the OPC issues a Reverse Garrity and provides a copy to the member or the USAO has issued a Letter of Declination.

F. Sworn members shall before each shift, stock their MPD vehicles, including motorcycles, with the Citizen Complaint Brochure and OPC-1.

G. Sworn members shall ensure their body-worn camera is activated when a person wishes to make a complaint.

H. Watch commanders or officials upon being notified of a complaint by a person shall forward the complaint to the IAD in accordance with this order and not directly contact or forward an OPC-1 to the OPC.

I. The Collective Bargaining Agreement between MPD and the Fraternal Order of Police shall not be superseded by any agreements entered into by the MPD and OPC.

V. PROCEDURES

A. Receipt of Complaints

1. When a person inquires about the process for filing a complaint, sworn and civilian members shall:

a. Explain the complaint process and, whenever practicable, provide the person with the Citizen Complaint Brochure (Filing Citizen Complaints Against Metropolitan Police Officers, and the Complaint Review Process) and the OPC-1;

b. **Not** require the person to speak with a supervisor prior to providing the information;

c. **Not** discourage any person from making a complaint against a member; and
d. Not require the person to submit their complaint in writing, or on an official complaint form, in order to accept the complaint.

2. When a member of the public wishes to submit a complaint, members shall:

a. If the person is present, ask him or her to complete an OPC-1.

b. If the person does not want to complete an OPC-1:

   (1) Offer to complete an OPC-1 for the person to include persons who:

      (a) File complaints at a district station, but refuse to complete the applicable forms;

      (b) Wish to file an anonymous complaint;

      (c) Wish to file a complaint but are not the subject of the complaint; and

      (d) Are in-custody prisoners.

   (2) Attempt to obtain the person’s contact information.

   (3) In all cases, accept any written documentation the person provides about the complaint.

c. Accept the complaint, including complaints that occurred in other locations or districts.

d. Notify the watch commander or next senior official on duty, within one hour, of the complaint, regardless of the method used to submit the complaint, and provide that official with any written documentation received from the person.

3. Watch commanders or officials upon being notified of a complaint shall:

a. If an official, notify the watch commander of the complaint. The watch commander shall include the complaint on the PD Form 150 (Watch Commander Report).

b. Obtain incident summary (IS) tracking numbers by the end of the shift and ensure the IS numbers are generated separately and apart from any other allegations that may be related to the incident (e.g., use of force).
c. Write the IS number on the OPC-1 and any other supporting documentation.

d. Forward the complaint, any supporting documentation, and the method the complaint was received (e.g., email, in person, over the phone) to the Internal Affairs Division (IAD) administrative email box (iad.adminbox@dc.gov) and the OPC Liaison administrative email box (complaints.liaison@dc.gov) by the end of the shift. If body-worn camera recording is part of the supporting documentation, the recording shall be labeled “Internal Affairs/OPC Complaint Investigation”.

B. Internal Affairs Complaint Review Process

1. The IAD Director shall ensure:

   a. All complaints are reviewed and forwarded (i.e., by transmission of the IS sheet) to OPC within three business days. OPC will determine if the complaint should be handled by the MPD or the OPC.

   b. MPD will investigate:

      1. Excessive force complaints involving substantial injury requiring hospitalization or medically verified broken bones or fractures; and

      2. Complaints that will be referred to the U.S. Attorney’s Office (USAO).

2. The OPC Liaison shall:

   a. Within five business days:

      1. Follow up with units to receive the OPC-1 and all other supporting documentation not already received; and

      2. Ensure the OPC-1 and supporting documentation are forwarded to the OPC.

   b. Track complaints and all documentation sent to the OPC.

   c. Ensure that all complaints forwarded to the OPC have been assigned IS tracking numbers.
C. Complaints Investigated by the MPD

1. The designated investigating official for complaints involving sworn and civilian members shall:
   
a. Within three business days of receipt of an investigation of the complaint:
      
      (1) Contact the complainant to initiate the investigation.
      
      (2) Identify himself or herself as the official who will be investigating the complaint.
      
      (3) Provide the complainant with his or her name and the telephone number.
      
      (4) Obtain additional information that will assist with the investigation.
   
b. Provide the complainant with periodic reports regarding the status of the investigation.
   
c. Document the dates and times of all contacts with the complainant as part of the final investigative package.
   
d. Conduct the investigation in accordance with GO-PER-120.21 (Disciplinary Procedures and Processes), GO-PER-201.22 (Fire and Police Disciplinary Action Procedure Act of 2004), and other applicable MPD directives.
   
e. Conduct an interview with the complainant, all civilian and police witnesses, and any involved members.
   
f. Make one of the following determinations, based upon a preponderance of the evidence:
      
      (1) Sustained – the person’s allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the member were improper;
      
      (2) Insufficient Facts – the facts are insufficient to determine whether the alleged misconduct occurred;
      
      (3) Exonerated – a preponderance of the evidence shows that the alleged conduct did occur, but did not violate
MPD policies, procedures, or training; or

(4) Unfounded – the investigation determined no facts to support that the incident took place.

g. Prepare a letter for the signature of the division or district commander regarding the disposition of the case for the complainant. The letter shall:

(1) Briefly describe the complaint, the outcome (e.g., sustained, unfounded), and whether the sworn or civilian member has been recommended for discipline;

(2) Be mailed to the complainant within five business days of the date the case is closed; and

(3) Be submitted as part of the investigative package for approval.

D. Investigations Conducted by the OPC

1. The MPD OPC Liaison shall undertake a reasonable search for OPC requests for information within 10 business days of receipt, or, if unable to provide the requested information, respond to the OPC in writing, or via email, no later than the deadline, and indicate the reasons for not responding within the required timeframe.

2. Element commanding officials shall:

a. Direct that notices and documents from the OPC or MPD OPC Liaison be delivered or served directly to the sworn member, and not delivered to a mailbox, or other repository.

b. Notify the MPD OPC Liaison each time that notices or documents cannot be served by the due date set by the MPD OPC Liaison, and provide the reason and an anticipated date for serving the notice or document.

c. For notices to appear, or for documents that the OPC has stamped “High Priority” or “Urgent,” obtain a written acknowledgement from the sworn member to whom the documents were provided, and forward this acknowledgement to the OPC Liaison.

d. Respond, in writing or via email, to MPD OPC Liaison requests for information within five business days from receipt or notify
the MPD OPC Liaison if unable to send the requested information by the five day deadline, and provide the reason and an anticipated delivery date.

E. OPC Appearances

1. Sworn members shall:
   a. When served with a CANS notification or other notification directing them to report to the OPC, appear in accordance with GO-PCA-701.06 (Court Appearance Notifications) and:
      (1) Report directly to the OPC to check in when they do not have court appearances scheduled on the same day they are scheduled to appear at the OPC; and
      (2) Check in at the CLD prior to responding to the OPC when they have court appearances scheduled on the same day they are scheduled to appear at the OPC.
   
b. Contact the MPD OPC Liaison immediately if they must reschedule an OPC appearance.

   NOTE: The member is not excused from the appearance until receiving approval from the MPD OPC Liaison. Upon approval from the MPD OPC Liaison, the member shall contact the OPC to reschedule the interview, mediation session, or complaint examination.

   c. Immediately notify the CLD when the MPD OPC Liaison has excused the member from a CANS obligation and provide the CLD with the tracking log number provided to them by the MPD OPC Liaison.

2. The MPD OPC Liaison shall:
   a. Forward to the OPC within five business days copies of all written acknowledgements by MPD members pertaining to the receipt of OPC documents and notices.
   
b. Upon receipt of a member’s request to reschedule a proceeding with the OPC, approve the rescheduling of a member’s appearance for an interview, mediation, or complaint examination with the OPC under the following circumstances:

      (1) The member’s sudden, severe illness;
(2) An accident involving the member;

(3) Death or serious illness in the member’s immediate family;

(4) Leave approved prior to notice of the appearance;

(5) Emergency or non-regular duty as directed by the MPD;

(6) Court appearance as a witness; or

(7) Unforeseen, emergency circumstances.

c. Upon permitting a member to reschedule an OPC proceeding:

(1) Notify the OPC immediately.

NOTE: The OPC considers the original appearance date to be in effect until it receives notice of an approved request to reschedule.

(2) Instruct the member to contact the appropriate person at the OPC immediately to reschedule the interview, mediation session, or complaint examination.

NOTE: The OPC will issue a new notice to appear upon notification from the MPD OPC Liaison, regardless of whether the member contacts the OPC.

d. When a member fails to appear for an OPC proceeding and the OPC requests MPD assistance in rescheduling the member, ensure that the member is, absent exigent circumstances, rescheduled to appear at the OPC as soon as possible, but no later than 10 business days from the date that the OPC notified the OPC Liaison of the member’s failure to appear. In the case of exigent circumstances, the member shall be rescheduled as soon as feasible.

F. OPC Mediation Procedures

1. Sworn members shall participate in good faith in OPC mediation proceedings. This does not imply, or require, that members must reach an agreement.
2. 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 the MPD with a memorandum that identifies the actions, and any timeframe in which the action must be completed;

   b. No oral or written statement made during the mediation process shall be used by the 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 [D.C. Official Code § 5-1110(f)];

   c. Upon reaching a mutually agreed upon mediation agreement in mediation, the member shall complete the terms of the agreement within the time specified in the agreement;

   d. Subject members may be disciplined for failure to comply with the terms of the agreement; and

   e. If no agreement is reached during mediation, the Executive Director of the OPC may refer the complaint for further investigation by the 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 [D.C. Official Code § 5-1110(i); 6A DCMR 2113.14].

3. The MPD OPC Liaison shall:

   a. Upon receipt of an OPC memorandum that identifies action to be taken by the member as part of an OPC mediation agreement, 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.

   b. Upon receipt of an OPC memorandum that identifies members who have not participated in good faith in the OPC’s mediation process, or have not cooperated with the OPC’s investigation or adjudication of a complaint, obtain IS tracking numbers by the end of the shift.
G. OPC Rapid Resolution

1. The OPC will forward the complaints recommended for rapid resolution to the MPD OPC Liaison.

2. The OPC Liaison shall contact the complainant to resolve the complaint or explain the actions taken by the member.

3. If necessary, the OPC Liaison shall forward a complaint summary to the member’s commanding official for resolution.

4. The OPC Liaison shall report the completion and results of the rapid resolution on their quarterly report to OPC.

H. OPC Policy Training Referrals

1. The OPC will forward complaints recommended for policy training to the MPD OPC Liaison where OPC determines that training may be a more appropriate response than disciplinary action.

2. The OPC Liaison shall forward the policy training referral to the Director of the Metropolitan Police Academy (MPA) Division. The Director of the MPA shall ensure:

   a. The member is contacted and the necessary training is provided to the member.

   b. A training completion certification is sent to the MPD OPC Liaison.

3. The MPD OPC Liaison shall ensure copies of training completion certifications are forwarded to the OPC.

I. Disposition of OPC Merits Determinations for Sworn Members

1. Upon receipt of an OPC findings of fact and merits determination (collectively, “merits determination”) that sustains an allegation of police misconduct, the MPD OPC Liaison shall immediately forward the merits determination, along with the OPC’s report of investigation, and any other documents that were part of the record before the complaint examiner, to the Director of the DRD for review.

2. If the Director of the DRD concludes that the merits determination is supported by a preponderance of the evidence and that the misconduct warrants discipline, he or she shall make a determination as to whether corrective action or adverse action is appropriate no later
than 20 business days from receipt of the merits determination by the MPD and forward a copy of the recommended action to the OPC Liaison.

a. The MPD OPC Liaison shall:

(1) Notify the complainant, in writing, of the staff recommendation and the intent to take disciplinary action based on the OPC merits determination no later than five business days after receiving the recommendation from the Director of the DRD.

(2) Ensure the complainant is afforded an opportunity to file a written response to the recommendation within 10 business days.

(3) Ensure any response received from the complainant is forwarded to the Director of DRD upon receipt.

3. The Director of the DRD shall ensure full consideration is given to the written response received from the complainant before deciding whether to proceed with the corrective or adverse action.

4. If, upon consideration of the OPC merits determination and the written response received from the complainant, the Director of the DRD determines that corrective action or a suspension of 10 days or less is appropriate, the Director of the DRD, shall conduct a Commander’s Resolution Conference within 15 business days from the date the complainant’s response is due.

a. If the Director of the DRD and the member are unable to reach an agreement, and corrective action is the appropriate level of discipline, the command official shall issue the corrective action at the conclusion of the Commander’s Resolution Conference and shall forward a copy to the OPC Liaison.

b. If the Director of the DRD and the member are unable to reach an agreement, and a suspension of 10 days or less is the appropriate level of discipline, the Director of the DRD shall issue a Notice of Proposed Adverse Action within five business days of the date that the Commander’s Resolution Conference results are due.

(1) The member shall have 15 business days to respond to the notice of proposed adverse action.
(2) If, upon consideration of the member’s response, the Director of the HRMD determines that discipline is still warranted, he or she shall ensure that the member is served with the final notice within 10 business days of the date the member’s response was due and shall forward a copy to the OPC Liaison.

5. If, upon consideration of the OPC merits determination and the written response received from the complainant, the Director of the DRD determines that a suspension of more than 10 days is appropriate, the Director of the DRD shall issue a Notice of Proposed Adverse Action no later than 15 business days after the date the complainant’s response is due.

a. The member shall have 15 business days to respond to the notice of proposed adverse action.

b. If upon consideration of the member’s response, the Director of the HRMD determines that discipline is still warranted, he or she shall ensure that the member is served with the final notice within 10 business days of the date the member’s response was due and shall forward a copy to the MPD OPC Liaison.

6. A member may appeal discipline to the Chief of Police in accordance with the labor agreement and General Order 120.21 (Disciplinary Procedures and Processes) as applicable. The Chief’s decision on any such appeal shall be forwarded to the OPC Liaison.

7. Upon receipt of the discipline imposed for an OPC merits determination sustaining an allegation of police misconduct the MPD OPC Liaison shall notify the OPC and the complainant and provide a copy of the decision within 10 business days of:

a. An agreement regarding discipline between a member and the Director of the DRD; or

b. The imposition of discipline by the Chief of Police.

NOTE: For the purposes of this notification, discipline is considered “imposed” when the Chief of Police has rendered a final decision, even if the member may pursue subsequent reviews or appeals of the decision from the Chief of Police.

8. If the Director of the DRD concludes, with supporting reasons, that the merits determination clearly misapprehends the record before the
complaint examiner, and is not supported by substantial, reliable, and probative evidence in that record, the Director of the DRD shall:

a. Prepare, within 10 business days, a proposal for the Chief of Police to return the merits determination to the Executive Director of the OPC for review by a final review panel, as set forth in D.C. Law 12-208 [D.C. Official Code § 5-1112(c)]; and

b. Ensure the recommendation does not propose the supplementation of the evidentiary record before the complaint examiner.

9. If the Chief of Police agrees with the recommendation of the Director of the DRD, the Chief of Police shall return the merits determination to the Executive Director of the OPC for review by a final review panel. A copy of the decision of the final review panel shall be transmitted to the Executive Director of the OPC, the complainant, the subject police officers, and the Chief of Police.

a. If the final review panel concludes that the merits determination sustaining one or more allegations of the complaint should be reversed in its entirety, the Executive Director of the OPC shall dismiss the complaint, and notify the parties and the Chief of Police in writing of such dismissal.

b. If the final review panel concludes that the merits determination should be upheld as to any allegation of the complaint that the determination has sustained, the MPD OPC Liaison shall forward the review panel’s decision to the Director of the DRD.

(1) If the sustained allegation pertains to a member covered by collective bargaining, the Director of the DRD shall review, consider, and process the panel’s decision in a manner consistent with the Part V.I.2. above.

(2) If the sustained allegation pertains to a member not covered by collective bargaining, the Director of the DRD shall, within 15 business days of receipt of the panel’s decision, issue a supplemental decision as to the imposition of discipline upon the subject officer or officers that is fully consistent with the panel’s decision.

(a) The supplemental decision of the Director of the DRD shall be in writing and shall set forth a concise statement of the reasons therefor.
(b) The Director of the DRD shall notify the subject, non-union police officer or officers and the MPD OPC Liaison of the action taken, and shall include in such notice a copy of the supplemental decision.

(c) The supplemental decision of the Director of the DRD shall be a final decision with no further right of administrative review, except that the Chief of Police may reopen any closed matter in the interests of fairness and justice or the subject, non-union police officer, may have a right to a post-termination hearing as provided in D.C. Official Code § 5-1114(f).

NOTE: This order supersedes GO-PER-120.21 (Disciplinary Procedures and Processes) to the extent of any conflict for members not covered by collective bargaining.

VI. ROLES AND RESPONSIBILITIES

A. Element commanding officials shall ensure:

1. The official conducting weekly vehicle inspections verifies the vehicles are supplied with copies of the Citizen Complaint Brochure and OPC-1.

2. Copies of the OPC-1, the Citizen Complaint Brochure, fact sheets, and other informational material related to the complaint process are accessible, and on public display at all MPD public facilities.

3. The informational poster, “Citizen Complaints against Metropolitan Police Officers” is posted at the district or unit in an area accessible and frequented by the public. The poster must be clearly visible, as to make it easy to read. A poster shall be replaced as soon as possible after discovering that a poster is missing or damaged.

4. Upon request by the community, the PSA monthly meeting agenda includes sessions designed to inform people about the OPC and MPD complaint process.

5. All documents sent to sworn members from OPC are served and delivered to the sworn member by the due date provided by the MPD OPC Liaison.
B. The Commanding Official or Director of the Metropolitan Police Academy shall ensure that:

1. The OPC investigative staff is provided with regular training on MPD policies and procedures, including, but not limited to: use of force reporting; canine deployment; transporting individuals in custody; restraints; arrests; report writing; investigative and interview techniques (including examining and interrogating witnesses, and collecting and preserving evidence); cultural sensitivity; ethics; integrity; and professionalism. At a minimum, the OPC shall be provided with 16 hours of instruction twice each year, for a total of 32 hours per year.

2. Regular training is provided on MPD policies and procedures (to include the use of force) for Police Complaint Board members, complaint examiners, and other individuals involved in the resolution of complaints as mutually agreed upon with the OPC.

   NOTE: At a minimum, the training shall be comprised of one three-to-four hour block of instruction per year.

C. The Director of the Internal Affairs Division shall ensure that:

1. All complaints forwarded to the IAD are reviewed to ensure that the complaints were referred properly, regardless of their origin.

2. All complaints are assigned IS tracking numbers.

3. IS sheets are completed for each complaint and OPC is notified of all complaints.

4. The totality of the circumstances surrounding the complaint is considered when determining if a complaint involves serious misconduct or is criminal in nature.

5. Serious misconduct and criminal allegations are handled in accordance with GO-PER-120.23 (Serious Misconduct Investigations).

6. Upon the closure of a case investigated by the IAD, and approved by the Assistant Chief of the IAB:

   a. A letter is prepared regarding the disposition of the case for the complainant that briefly describes the complaint, the outcome (e.g., sustained, unfounded), and whether the sworn or civilian member has been recommended for discipline.

   b. The letter regarding the disposition of the case is signed by the Director of the Internal Affairs Division, or a designee, and
c. The letter is mailed to the complainant within five business days of the date the case is closed.

d. A signed and dated copy of the letter is included with the final investigative file.

7. The IAD shall be responsible for maintaining a record of all complaints against the agency or MPD members and to protect the confidentiality of these records by maintaining them in a secure area in accordance with the Department’s record retention schedule.

D. The Assistant Chief of the IAB shall:

1. Assign a member to serve as the MPD OPC Liaison, and such additional sworn or civilian staff as the OPC Liaison may need to carry out his or her duties.

2. Ensure that the OPC is provided with a quarterly report, to be delivered within 30 days of the end of the quarter (September 30, December 31, March 31, and June 30) consisting of the following:

a. A statistical summary of:

   (1) All OPC-1s filed with the MPD during the reporting quarter and the number of those OPC-1s that were referred to the OPC;

   (2) All complaints handled by IAD in accordance with this order; and

   (3) The resolution of any such complaints that were filed during any quarter, but that were resolved or closed during the reporting quarter.

b. A listing of the final disposition of all OPC complaints referred to the MPD for resolution by the OPC because they fell outside the OPC’s 90 calendar day statutory time limit for filing a complaint, did not fall under OPC purview, or were referred for rapid resolution.

c. Discipline imposed as a result of:
(1) Any complaint examiner decisions that sustained OPC complaints; and

(2) Notices made by the OPC to the MPD regarding a sworn 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 participate in the mediation process in good faith; whether discipline was imposed; and, where appropriate, the specific discipline that was imposed per GO-PER-120.21 (Disciplinary Procedures and Processes) and GO-PCA-701.06 (Court Appearance Notifications).

VII. CROSS REFERENCES

A. General Orders

1. GO-PER-120.21 (Disciplinary Procedures and Processes)

2. GO-PER-120.23 (Serious Misconduct Investigations)

3. GO-PER-201.22 (Fire and Police Disciplinary Action Procedure Act of 2004)

4. GO-PCA-701.06 (Court Appearance Notifications)

B. Laws and Regulations


2. D.C. Law 21-125 [Neighborhood Engagement Achieves Results (NEAR) Amendment Act of 2016]


4. D.C. Official Code § 32-701(3) (Domestic Partners)

5. 6A DCMR 2107 and 2199
C. Memorandum of Understanding between the Office of Citizen Complaint Review and the Metropolitan Police Department, Dated January 28, 2005

[Signature]

Peter Newsham
Chief of Police

PN:KDO:MOC:JC