

GENERAL ORDER



DISTRICT OF COLUMBIA

Title	Processing Citizen Complaints
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Replaces:
General Order 1202.5 (Citizen Complaints), Effective Date July 1, 1995

Rescinds:
SO-01-01 (Office of Citizen Complaint Review and the Citizen Complaint Review Board), Effective Date January 5, 2001
SO-04-01 (Community Outreach Program for Filing Citizen Complaints), Effective Date January 16, 2004
Teletype 05-042-06 (Updated Outreach Material)
Teletype 07-074-06 (OPC -1 Complaint Forms - Supply Distribution), Dated July 26, 2006

Related to:
GO-RAR-901.07 (Use of Force)
GO-RAR-901.08 (Use of Force Investigations)
D.C. Official Code § 5-133.06 (2001 Edition) (Trial Boards)
D.C. Municipal Regulations, Title 6A, Chapter 21 (The Citizen Complaint Review Board and the Office of Citizen Complaint Review)
D.C. Municipal Regulations, Title 6A, § 207 (Use of Firearms and Other Weapons)
CALEA Chapter 52 (Internal Affairs)

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I. BACKGROUND

When a citizen wishes to file a complaint against a sworn or civilian member of the Metropolitan Police Department (MPD), the citizen may file the complaint with the MPD. However, if the complaint involves a sworn member of the Department, District of Columbia law gives the citizen the option to file the complaint with the Office of Police Complaints (OPC).

The OPC, formerly the Office of Citizen Complaint Review (OCCR), and the Citizen Complaint Review Board (CCRB) 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) (2001 Edition)] 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 (DCHAPD).

On January 1, 2005, the OCCR and CCRB were renamed the Office of Police Complaints and the Police Complaints Board (PCB), respectively, by D.C. Law 15-194, the "Omnibus Public Safety Agency Reform Amendment Act of 2004."

II. POLICY

The policy of the Metropolitan Police Department is to accept all citizen complaints, to include anonymous complaints, regardless of the manner in which the complaint is made (i.e., orally or in writing), to ensure that every citizen 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 a citizen's statement, or a citizen's statement over a member's statement,

III. DEFINITIONS

When used in this directive, the following terms shall be defined as follows:

A. General Definitions

1. Complainant – Person filing a complaint with the MPD using a PD Form 99 (Citizen Complaint Report), 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 Metropolitan Police Department, (6A DCMR 2199).
2. Complaint – Allegation or allegations of misconduct against an MPD member.
3. Complaint Examiner – Person designated by the Executive Director, OPC to determine the merits of a complaint in certain OPC investigations, (6A DCMR 2199).
4. 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, 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).
5. 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).

6. Executive Director – Active member in good standing of the District of Columbia Bar who is appointed to a three (3) year term by the Police Complaints Board to head the OPC (6A DCMR 2199).
7. Immediate Family – Member's spouse [including a person identified by a member as his/her "domestic partner," as defined in D.C. Official Code § 32-701 (2001 Edition) 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.
8. Incident Summary (IS) – Previously identified as the Complainant Summary (CS) system, the CS system is now referred to as the IS system. The IS tracking number is obtained from the Internal Affairs Bureau (IAB), when a complaint of misconduct is filed by a citizen against an MPD member.
9. Interviewing Official – Watch Commander, or his/her designee, who interviews the citizen making a complaint.
10. Investigating Official – Official or agent assigned to complete the final citizen complaint investigation.
11. 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).
12. Member – Sworn or civilian MPD employee or MPD Reserve Corps Member.
13. Merits Determination – Determination of a complaint by an OPC Complaint Examiner based on an evaluation of the evidence presented.
14. MPD OPC Liaison – Member in the Internal Affairs Bureau (IAB) who serves as the point of contact between the OPC and the MPD.
15. 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 citizens against sworn MPD and DCHAPD members.
16. OPC-1 (OPC Complaint Form) – OPC form that is completed by the complainant when he/she wishes the OPC to investigate a complaint against a sworn MPD or DCHAPD member.

17. PD Form 99 (Citizen Complaint Report) – MPD form completed by the complainant when he/she wishes the MPD to investigate a complaint against a civilian or sworn member of the Department.
18. Police Complaints Board (PCB) – OPC’s governing board, which consists of five (5) 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, (6A DCMR 2199).

B. Definitions Applicable Only to Sworn Members

1. Color of Law – 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).

The phrase “color of law” generally means acting under an appearance of authority where no such legal authority exists. This phrase is specifically mentioned in the definition of “complainant” as set forth in 6A DCMR 2199.

In the context of a citizen complaint against a sworn member, the phrase addresses situations where citizen 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.

2. 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)
3. 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/she has opposed any practice made unlawful by the Act; he/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).
4. Use of Unnecessary or Excessive Force – As defined in 6A DCMR 2199, the OPC uses the following definition for Use of Unnecessary or Excessive Force: 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 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. When a citizen inquires about the process for filing a citizen complaint, sworn and civilian members shall:
 1. Explain the complaint process and, whenever practicable, provide the citizen with the Citizen Complaint Brochure (Filing Citizen Complaints Against Metropolitan Police Officers, and the Complaint Review Process), PD Form 99, and OPC-1;
 2. **NOT** require the citizen to speak with a supervisor prior to providing the information;
 3. **NOT** discourage any person from making a complaint against a sworn or civilian MPD member; and
 4. Notify the Watch Commander or next senior official on duty when citizen complaints are received regardless of the method (e.g., by mail, telephone, fax, or email).
- B. When a citizen wishes to submit a citizen complaint, sworn and civilian members shall:
 1. Accept the complaint, including complaints that occurred in other locations/Districts and complaints filed on the OPC-1;
 2. Immediately notify the Watch Commander or next senior official on duty of the complaint and provide that official with any written documentation received from the citizen, and

3. NOT require citizens to submit their complaint in writing, or on an official complaint form, in order to initiate an investigation.
- C. Watch Commanders or officials upon being notified of a citizen complaint shall:
1. Complete a PD Form 99 for citizens who file complaints at a District station, but refuse to complete the applicable form(s), anonymous citizen complaints, and citizen complaints filed by persons other than the complainant
 2. Advise the complainant when a complaint does not fall under the authority of the OPC to investigate, and, if the complainant still desires to complete an OPC-1, provide the complainant with an OPC-1;
 3. Obtain an IS tracking number from the IAB within one (1) hour of being notified of any citizen complaint, consistent with the procedures outlined in GO-PER-120.20 (Chain of Command Administrative Investigations);
 4. Provide the complainant with the IS tracking number; and
 5. Forward to the IAB within twenty-four (24) hours, or the next business day, all MPD and OPC citizen complaint forms and supporting materials.
- D. The IAB shall be responsible for processing all citizen complaints against sworn and civilian members that are filed directly with the MPD, and assigning the MPD cases for investigation to include those received directly by IAB and those received by other units.
- E. The IAB 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.
- F. Information and/or documents regarding complaints that are being reviewed for possible criminal prosecution of an MPD member, or are being prosecuted against an MPD member by the United States Attorney's Office (USAO) or Office of Attorney General (OAG), shall be released to the OPC only after the review, or prosecution, is complete.
- G. The MPD shall not impose discipline on a subject police officer, or officers, with respect to any allegation of misconduct contained in a citizen complaint:
1. When, in an OPC merits determination by a complaint examiner, it was 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 (1) or more allegations of the complaint.

- H. The OPC shall forward all complaints that do not fall within its statutory authority to the MPD OPC Liaison. As applicable, the MPD shall initiate an investigation and impose discipline.
- 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.
- J. Regardless of whether the MPD and/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 any other applicable Department directives or District laws.
- K. Members shall cooperate fully with the OPC as requested, and assist in the expeditious and impartial processing of citizen complaints [D.C. Official Code 5-1110(k), 5-1111(d) (2001 Edition)]. Members who fail to cooperate fully with the OPC citizen complaint process shall be subject to appropriate disciplinary action. Cooperation with OPC includes, but is not limited to:
 - 1. Appearing for scheduled OPC proceedings, after having been served a Computer Assisted Notification System (CANS) notification or other written notification;
 - 2. Answering questions and providing signed statements to OPC as part of OPC investigations; and

NOTE: When a member is the subject of an investigation where the Executive Director 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 USAO has issued a Letter of Declination for that officer or for other officers involved in the incident.

- 3. Good-faith participation in the OPC mediation process.

V. PROCEDURAL GUIDELINES

- A. In accordance with D.C. Official (2001 Edition) Code § 5-1107 and 6A DCMR 2106 and 2107, the OPC has the authority to investigate, dismiss, conciliate, mediate, or adjudicate a citizen complaint against a sworn member of the MPD that:
 - 1. Is filed within forty-five (45) 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, 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 IAB investigates complaints as outlined in GO-PER-120.23 (Serious Misconduct Investigations) and other applicable MPD directives.
- C. Sworn members shall:
1. Before each tour of duty, stock their MPD vehicles, including motorcycles, with the Citizen Complaint Brochure, PD Form 99, and OPC-1,
 2. Explain the complaint process to citizens who want to file a complaint, and provide them with a copy of the Citizen Complaint Brochure and both complaint forms.
- D. When conducting weekly vehicle inspections, sworn officials shall ensure that MPD vehicles are supplied with copies of the Citizen Complaint Brochure, PD Form 99, and OPC-1.
- E. At least annually, and upon request by the community, PSA Lieutenants shall ensure that the PSA monthly meeting agenda includes sessions designed to inform citizens about the OPC and MPD citizen complaint process.
- F. The designated investigating official for citizen complaints involving sworn and civilian members shall:
1. Within three (3) business days of receipt of an investigation of a citizen complaint:
 - a. Contact the citizen complainant to provide a status update and initiate the investigation;

- b. Identify himself/herself as the official who will be investigating the complaint;
 - c. Provide the complainant with his/her name and the telephone number; and
 - d. Obtain additional information that will assist with the investigation.
2. Provide the complainant with periodic reports regarding the status of the investigation.
3. Document the dates and times of all contacts with the complainant as part of the final investigative package.
4. Conduct the investigation in accordance with GO-PER-120.20 (Chain of Command Administrative Investigations), 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.
5. Conduct an interview with the complainant, all civilian and police witnesses, and the member(s).
6. Make one of the following determinations, based upon a preponderance of the evidence:
 - a. Sustained – The person’s allegation is supported by sufficient evidence to determine that the incident occurred, and the actions of the member were improper;
 - b. Insufficient Facts – The facts are insufficient to determine whether the alleged misconduct occurred;
 - c. Exonerated – A preponderance of the evidence shows that the alleged conduct did occur, but did not violate MPD policies, procedures or training; or
 - d. Unfounded – The investigation determined no facts to support that the incident took place.
7. Prepare a letter for the signature of the Assistant Chief, IAB, regarding the disposition of the case for the complainant. The letter shall:
 - a. Briefly describe the complaint, the outcome (e.g., sustained, unfounded, etc.), and whether the sworn or civilian member has been recommended for discipline; and
 - b. Be submitted as part of the investigative package for approval,

- G. For sworn members only, element Commanding Officials shall:
1. 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;
 2. 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;
 3. 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; and
 4. Respond, in writing, or via email, to MPD OPC Liaison requests for information within five (5) business days from receipt or notify the MPD OPC Liaison if unable to send the requested information by the five (5) day deadline, and provide the reason and an anticipated delivery date.
- H. For sworn members only, the MPD OPC Liaison shall:
1. Upon receipt of the OPC-1:
 - a. Check that all OPC-1 forms received from any MPD element have been assigned IS tracking numbers; and
 - b. Forward the OPC-1s, and any related documentation, to the OPC within three (3) business days;
 2. Ensure members who are notified to appear at OPC proceedings are served in a timely manner, and that the member’s return of service is obtained and forwarded to the OPC;
 3. Undertake a reasonable search for OPC requests for information within ten (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;
 4. Notify the OPC, in writing, or via email, each time notifications to appear, or documents stamped “High Priority” or “Urgent,” cannot be served on a member within the three (3) day time limit, and provide the earliest date the notifications or documents can be served;
 5. Forward to the OPC within five (5) business days copies of all written acknowledgements by MPD members pertaining to the receipt of OPC documents and notices;

6. 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:
 - a. The member's sudden, severe illness;
 - b. An accident involving the member;
 - c. Death or serious illness in the member's immediate 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; or
 - g. Unforeseen, emergency circumstances;
7. Upon permitting a member to reschedule an OPC proceeding:
 - a. Notify the OPC immediately; and

NOTE: The OPC considers the original appearance date to be in effect until it receives notice of an approved request to reschedule.
 - b. 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.
8. When a member fails to appear for an OPC proceeding, and the OPC requests MPD assistance in rescheduling the member, ensure that the member:
 - a. Is rescheduled to appear at the OPC as soon as possible, but no later than ten (10) business days from the date that the OPC notified the OPC Liaison of the member's failure to appear; and
 - b. Is rescheduled as soon as feasible, if the member is unable to reschedule within ten (10) business days;
9. 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 deadline(s) set in the timeframe;

10. 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 within one (1) hour of learning of the incident; and
11. Upon receipt of the discipline imposed for an OPC merits determination sustaining an allegation of police misconduct, notify, in writing, the OPC, complainant, and subject member, and provide a copy of the decision within ten (10) business days of:
 - a. An agreement regarding discipline between a member and the Disciplinary Review Division Director (DRDD); **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.

I. Sworn Member Requirements for OPC Appearances

1. When served with CANS notification, or other notification directing them to report to the OPC, members are required to appear in accordance with General Order 701.06 (Court Appearance Notifications). Members shall:
 - a. Report directly to the OPC to check in when they do not have court appearance(s) scheduled on the same day they are scheduled to appear at the OPC.

NOTE: It is not necessary to respond to the Court Liaison Division (CLD) to check in.
 - b. Check in at the CLD prior to responding to the OPC when they have court appearance(s) scheduled on the same day they are scheduled to appear at the OPC.
2. When a member must reschedule an OPC appearance, the member shall contact the MPD OPC Liaison immediately.

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.

3. Members shall 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.

J. OPC Mediation Procedures for Sworn Members

1. Members are required to 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 settlement 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 action(s), 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 and/or the rules of evidence [D.C. Official Code § 5-1110(f) (2001 Edition)];
 - c. Upon reaching a mutually agreed upon settlement 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 may refer the complaint for further investigation by the OPC, 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) (2001 Edition); 6A DCMR 2113.14].

VI. DISPOSITION OF OPC FINDINGS FOR SWORN MEMBERS

- A. 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 DRDD for review.
 1. If the DRDD concludes that the merits determination is supported by a preponderance of the evidence and that the misconduct warrants discipline, he/she shall make the appropriate recommendation to the

Commander, Human Resources Management Division (HRMD), no later than twenty (20) business days from receipt of the merits determination by the MPD.

- a. In cases where the recommendation is for discipline of any kind, the Commander, HRMD, shall ensure:
 - (1) A notice of the staff recommendation and the intent to take disciplinary action based on the OPC merits determination is served on the sworn member no later than five (5) business days after receiving the recommendation from the DRDD;
 - (2) The complainant is notified, in writing, of the staff recommendation and the intent to take disciplinary action based on the OPC merits determination no later than five (5) business days after receiving the recommendation from the DRDD;
 - (3) The member and complainant are afforded an opportunity to file a written response to the recommendation within ten (10) business days; and
 - (4) Full consideration is given to the written responses received from the complainant and the member(s) before deciding whether to proceed with the corrective or adverse action.
- b. If, upon consideration of the OPC merits determination and the response(s) from the complainant and the member(s), the DRDD determines that corrective action or a suspension of ten (10) days or less is appropriate, the DRDD, shall conduct a Commander's Resolution Conference within (15) business days from the date the complainant and member(s) responses are due.
 - (1) If the DRDD 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.
 - (2) If the DRDD and the member are unable to reach an agreement, and a suspension of ten (10) days or less is the appropriate level of discipline, the DRDD shall issue a Notice of Proposed Adverse Action within five (5) business days of the date that the Commander's Resolution Conference results are due.

- (a) The member shall have fifteen (15) business days to respond to the notice of proposed adverse action.
 - (b) If, upon consideration of the member's response, the Commander, HRMD, determines that discipline is still warranted, the Commander, HRMD, shall ensure that the member is served with the final notice within ten (10) business days of the date the member's response was due and shall forward a copy to the MPD OPC Liaison.
 - c. If, upon consideration of the OPC merits determination and the response(s) from the complainant and the member(s), the DRDD determines that a suspension of more than ten (10) days is appropriate, the DRDD shall issue a Notice of Proposed Adverse Action no later than five (5) business days after the date the complainant and member(s) responses are due.
 - (1) The member shall have fifteen (15) business days to respond to the notice of proposed adverse action.
 - (2) If upon consideration of the member's response, the Commander, HRMD, determines that discipline is still warranted, the Commander, HRMD, shall ensure that the member is served with the final notice within ten (10) business days of the date the member's response was due and shall forward a copy to the MPD OPC Liaison.
2. If the DRDD 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 DRDD shall:
 - a. Prepare, within ten (10) business days, a proposal for the Commander, HRMD, recommending that the Chief of Police return the merits determination to the that Executive Director for review by a final review panel, as set forth in D.C. Law 12-208 [D.C. Official Code § 5-1112(c) (2001 Edition)]; and
 - b. Ensure the recommendation does not propose the supplementation of the evidentiary record before the complaint examiner.
3. If the Commander, HRMD, agrees with the recommendation of the DRDD, the Commander, HRMD, shall, within five (5) business days:
 - a. Prepare a proposal recommending that the Chief of Police return the merits determination, through the MPD OPC Liaison, to the Executive Director for review by a final review panel, as

described in D.C. Law 12-208 [D.C. Official (2001 Edition)Code § 5-1112(g)(2) (2001 Edition)]; and

- b. Ensure the recommendation does not propose the supplementation of the evidentiary record before the complaint examiner.
4. If the Chief of Police agrees with the recommendation of the Commander, HRMD, the Chief of Police shall return the merits determination to the Executive Director for review by a final review panel. A copy of the decision of the final review panel shall be transmitted to the Executive Director, the complainant, the subject police officer or officers, and the Chief of Police.
- a. If the final review panel concludes that the merits determination sustaining one (1) or more allegations of the complaint should be reversed in its entirety, the OPC Executive Director 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:
 - (1) DRDD if the sustained allegation pertains to a member covered by collective bargaining. The DDRD shall review, consider, and process the panel's decision in a manner consistent with the Part VI.A.1 above.
 - (2) Chief of Police if the sustained allegation pertains to a member not covered by collective bargaining. The Chief of Police shall, within fifteen (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 Chief of Police shall be in writing and shall set forth a concise statement of the reasons therefor.
 - (b) The Chief of Police shall notify the Executive Director, complainant, and subject non-union police officer or officers, in writing, of the action taken, and shall include in such notice a copy of the supplemental decision.
 - (c) The supplemental decision of the Chief of Police 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 and/or the subject, non-union police officer or officers, may have a right to a post-termination hearing as provided in D.C. Official Code § 5-1114(f) (2001 Edition).

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

- (d) A copy of the supplemental decision shall be forwarded to the MPD OPC Liaison for appropriate processing.

VII. ROLES AND RESPONSIBILITIES

A. Members shall:

1. Report directly to the OPC to check in when they do not have court appearance(s) 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 appearance(s) scheduled on the same day they are scheduled to appear at the OPC.

B. Watch Commanders, sworn officials, and civilian equivalents shall ensure:

1. Sworn and civilian members provide the PD Form 99, OPC-1, and Citizen Complaint Brochure to citizens upon request; and
2. All referrals to the OPC are documented and logged into an OPC Referral Logbook, and that the entry includes the complainant's name, address, home and business telephone numbers; the nature of the complaint; and the IS tracking numbers.

C. Element Commanding Officials shall ensure:

1. Copies of the OPC-1 and PD Form 99 complaint forms and the Citizen Complaint Brochure, fact sheets, and other informational material related to the citizen complaint process are accessible, and on public display at the District Stations and Substations;
2. The informational poster, "Citizen Complaints against Metropolitan Police Officers," (PD Form 99-A) 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.

3. Upon receipt of CANS notifications, or other OPC notifications, member(s) are properly served/notified; and
 4. All documents sent to sworn member(s) from OPC are served/delivered to the sworn member by the due date provided by the MPD OPC Liaison.
- D. The Commanding Official, Court Liaison Division, shall ensure that sworn members adhere to OPC appearance requests in accordance with GO-PCA-701.06 (Court Appearance Notifications).
- E. The Commanding Official/Director, 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; and

NOTE: At a minimum, the OPC shall be provided with sixteen (16) hours of instruction twice each year, for a total of thirty-two (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 (1) three-to-four (3-to-4) hour block of instruction per year.
- F. The Director, Internal Affairs Division, IAB, shall ensure that:
1. All citizen complaints forwarded to the IAB are reviewed to ensure that the complaints were referred properly, regardless of their origin;
 2. All citizen complaints are assigned IS tracking numbers;
 3. IS sheets are completed for each complaint and referred to the appropriate investigative authority;
 4. OPC-1s that allege misconduct that falls under the purview of the OPC are forwarded to the OPC within three (3) business days; and

5. Upon the closure of a case investigated by the MPD, and approved by the Assistant Chief, 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 Assistant Chief, IAB, or his/her designee, and dated;
 - c. The letter is mailed to the complainant(s) within five (5) business days of the date the case is closed; and
 - d. A signed and dated copy of the letter is included with the final investigative file.

- G. The Assistant Chief, IAB, shall:
 1. Assign a sworn member to serve as the MPD OPC Liaison, and such additional sworn and/or civilian staff as the OPC Liaison may need to carry out his/her duties;
 2. Ensure that the OPC is provided with a quarterly report, to be delivered within thirty (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 PD Form 99s filed with the MPD during the reporting quarter that include one or more allegations falling within the OPC's jurisdiction; and
 - (2) 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 forty-five (45) calendar day statutory time limit for filing a complaint;
 - 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, and/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).

VIII. CROSS REFERENCES

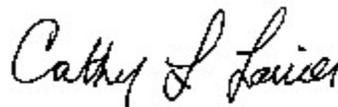
A. General Orders

1. GO-PER-120.20 (Chain of Command Administrative Investigations)
2. GO-PER-120.21 (Disciplinary Procedures and Processes)
3. GO-PER-120.23 (Serious Misconduct Investigations)
4. GO-PER-201.22 (Fire and Police Disciplinary Action Procedure Act of 2004)
5. GO-701.06 (Court Appearance Notifications)

B. Laws and Regulations

1. D.C. Law 15-194 (Omnibus Public Safety Agency Reform Amendment Act of 2004)
2. D.C. Official Code § 5-1101 *et seq.* (Review of Citizen Complaints Involving Police) (2001 Edition)
3. D.C. Official Code § 32-701(3) (Domestic Partners)
4. 6A DCMR 2106, 2107, and 2199

C. Memorandum of Understanding between the Office of Citizen Complaint Review and the Metropolitan Police Department, Dated January 28, 2005



Cathy L. Lanier
Chief of Police