**ACLU of the Nation’s Capital**

**Report on Access to Citizen Complaint Information at**

**Metropolitan Police Department (MPD) Stations in December 2013**

**April 23, 2014**

**Introduction**

A police complaint system only works if the public can easily and without threat find out how to use it. The ACLU has for years been visiting District of Columbia police stations to assess the public information available about the ways a person can complain about MPD officer misconduct in D.C. On December 4 and 5, 2013, ACLU staff conducted the sixth assessment in this series. We briefed OPC and MPD officials in depth and testified to the Council about the findings as we have done before.[[1]](#footnote-1)

Sound public information is challenging to provide, as complaints may be made either to the MPD for investigation by Internal Affairs or to the Office of Police Complaints (OPC) that the ACLU helped establish to conduct independent investigation and adjudication. The kinds of complaints accepted, the forms required, timelines and outcomes all differ.[[2]](#footnote-2)

We drew criteria for our assessment chiefly from the Metropolitan Police Department policy on handling citizen complaints.[[3]](#footnote-3) We returned to the main stations in each of the seven police districts we had visited in the past, as well as three substations. Our staff visited all ten locations in person and spoke with MPD employees[[4]](#footnote-4) at the station front desk using a standard script and questions, as well as an evaluation form, to assess both their compliance with proper complaint procedure as mandated by the general order as well as their general approach to dealing with individuals inquiring about the complaint process.

**What We Looked For**

We evaluated MPD compliance with eight standards drawn from the general order and other laws:

1. The MPD complaint form PD-99, the Office of Police Complaints complaint form OPC-1, and an informational brochure should be stocked at stations and substations and “on display.”[[5]](#footnote-5)
2. The MPD employee at the front desk, when asked about the process for filing a citizen complaint, should be able to “explain the complaint process.”[[6]](#footnote-6)
3. An informational poster on “Citizen Complaints Against Metropolitan Police Officers” should also be posted at the District or Unit “in an area accessible and frequented by the public.”[[7]](#footnote-7)
4. Anonymous complaints and complaints by various means (telephone, in person, etc.) should be allowed.[[8]](#footnote-8)
5. Complaints by witnesses of misconduct (other than the victim herself) should be allowed.[[9]](#footnote-9)
6. Assistance, as required by D.C. and federal law, must be available for those with limited or no English speaking or reading skills.[[10]](#footnote-10)
7. Complainants’ immigration status should never be inquired about.
8. Preferably, an OPC brochure on filing complaints should be available, in addition to the MPD brochure.

Finally, based on common decency, we expected MPD employees to be helpful and to respond to our questions reasonably and without hostility or intimidation.

**Method**

At each station or substation, one ACLU evaluator (intern or staff member) went to the desk and explained he or she was a friend of a woman who wanted to file a complaint about an MPD officer. Evaluators did not specify the nature of the complaint unless pressed, in which case they first asked if it was necessary that the officer know, and then (if pressed again) said that it involved an interaction that made the complainant feel uncomfortable. We said that the friend spoke mainly Spanish and had asked us to come on her behalf to learn what was involved. After getting a sense of the officer’s general knowledge of the complaint procedure, we asked detailed questions to probe the officer’s knowledge of the MPD and OPC procedures.

With few exceptions, we asked at each location the following questions.[[11]](#footnote-11)

* Is MPD the only place where a complaint can be taken or investigated?[[12]](#footnote-12)
* May a complaint be filed by someone who was not a victim but witnessed misconduct?[[13]](#footnote-13)
* Must a complainant come to that station and file in person?[[14]](#footnote-14)
* Will the complainant be asked about his or her immigration status?[[15]](#footnote-15)
* Are the forms available in other languages?[[16]](#footnote-16)

Our visitor also observed the front desk area in each station and noted whether forms, brochures and the mandatory “Citizen Complaints Against Metropolitan Police Officers” poster were in plain view. Each visitor recorded all data on a results form (copy in Appendix A) immediately after leaving the station.[[17]](#footnote-17)

**Results in Brief**

Unfortunately in this 2013 review, we found a lot of missing information and some bad attitude, including:

* limited forms and printed materials, particularly materials about OPC complaints;
* officers know something about MPD procedures but are very ignorant of OPC procedures;
* some officers actively discourage complaints.

**Findings**

The results this year are somewhat grim. For starters, there is still a wide gap in officer knowledge of OPC and MPD investigatory processes. At the ten stations on three measures of knowledge of the MPD investigatory process, officers demonstrated accurate knowledge in 22 out of 30 responses. Their knowledge of OPC investigations was much worse, *incorrect* in 24 out of 30 responses. Almost all officers knew about the existence of MPD’s internal complaint process (9 out of 10 officers), compared to just 4 officers who knew about OPC’s process. Only one officer out of the ten we spoke with mentioned that OPC had a separate complaint form; 8 did not know about (or deliberately didn’t mention) the OPC form; and one employee said the only form was from the MPD.

With respect to how to file complaints with OPC, only one officer knew how to do so; seven did not know and two were just flat wrong. Surprisingly, five officers even gave erroneous information about how to file a complaint with their own department (MPD); for example, most of those incorrectly said the complaint had to be filed in person. One officer (at 7D) altogether refused to provide our evaluator with a complaint form unless the complainant herself appeared at the station in person.

Half (5) of the officers we encountered erroneously thought that only victims (not witnesses) of police misconduct could file complaints. Half believed, also incorrectly, that anonymous complaints were out of the question. A frequent excuse was that anonymous complaints couldn’t be confirmed (one even said that such complaints “aren’t worth the paper they are written on”). By contrast, as in years past most officers correctly said that a complainant’s immigration status was none of MPD’s business and that the complaint process (including forms) was accessible to non-English speakers.

Most officers had a pleasant or neutral demeanor (8 out of 10). But at two stations—5D and also the 1D Substation—the officers were confrontational or wholly uncooperative. They insisted on knowing what the complaint was about before they would provide much, if any, information. The officer at 5D gave the excuse that there were too many possibilities about which agency should investigate, even after our evaluator explained to him that the incident involved an MPD officer. The officer at the 1D Substation was very aggressive; in addition to demanding to hear the nature of complaint, she told our evaluator that an officer would “interrogate” the complainant at her home.

The number of stations without OPC complaint forms reverted almost to 2006 levels. Seven stations were missing the OPC citizen complaint form OPC-1, compared to 4 out of 10 stations that were missing MPD’s PD-99. This is worse than in 2009, when 5 stations lacked the OPC-1. (Four lacked the PD-99 in 2009, so no change there.) An even worse disparity was found for brochures—MPD’s brochure turned up at 9 stations; OPC’s, at only 4. But we were happy to find that the number of stations with either brochure (OPC or MPD) continued to climb steadily.

Every station had some foreign language materials, although which materials varied considerably (some only brochures, others complaints and brochures). But three stations (2D, 4D, and 5D) had MPD complaint forms only in foreign languages; that is, these three stations had no complaint forms in English. We saw on display the MPD poster on filing citizen complaints at 7 of 10 stations (compared to 6 in 2009) but it was small and often posted high on the wall not at eye level, and sometimes buried beside other information.

Evaluators were seen promptly (within a few minutes) at all ten stations; however, at one station (6D) the evaluator had to wait 20 minutes for the officer to print a Spanish-language form.

**Recommendations**

There remains a large gap in officer knowledge of MPD and OPC complaint processes. MPD employees must be willing and able to tell citizens about the separate and independent OPC complaint process, as required by the general order. Some sort of refresher training—or at least a series of roll call announcements—seems to be in order. If training everyone on the details of multiple complaint systems seems too much, we suggest assigning desk duty only to those known to be able to comfortably meet the public.

MPD could consider doing occasional reviews like ours through the D.C. Auditor (who is reviewing the department’s adherence to important statutory guidelines for First Amendment intelligence operations), or by means of an outside contractor. (A review similar to ours was done at one point as part of the much larger work of the Independent Monitor required during the term of the MPD Memorandum of Understanding with the Department of Justice from 2001 to 2008.) MPD could perform such reviews using its own staff but using an arms-length entity provides greater assurance of independence and prevents any possibility of advance notice alerting staff that “an inspector is coming.”

Officers should also be reminded (especially at the 5D Station and 1D Substation) to be courteous to citizens seeking to make complaints against an officer. There is no good reason that we are aware of for forcing a citizen to provide details of a police problem before department members will provide information on the complaint process. Such an aggressive approach likely discourages filing by citizens who are probably already intimidated upon arriving at the station. Being interviewed on the spot could magnify their apprehension and prevent them from filing—especially if the complaint involves a serious offense. Indeed. even a brief discussion could reasonably make a complainant anxious, as police station front desks afforded little privacy.

Professionals in every field, including in law enforcement, may be tempted to react with a protectionist attitude when dealing with an outsider’s uncorroborated accusations. But the plain terms of MPD’s general order forbid such an attitude from interfering with a citizen’s right to file a complaint. All officers are instructed “**NOT** [to] discourage any person from making a complaint . . . ” GO-PER-120.25 (p.5) (emphasis in original). MPD Chief Lanier even encouraged complaints in public testimony early in 2014 after a rash of incidents of officer misconduct. Thus MPD leadership needs to counsel members to embrace transparency and legitimacy as goals furthered by acceptance of complaints without defensiveness and with confidence that fair-minded reviewers in MPD and OPC will sort out the merits.

There is no excusing the fact that three stations did not have complaint forms in English and seven lacked the OPC complaint form. Such oversights should be unacceptable. (The MPD member at 2D had the good grace to be outspokenly annoyed when she found her station lacked forms in English.) MPD needs to assign the chore of stocking and re-stocking complaint forms from both agencies in all languages, including English. A periodic (monthly or weekly) check of a station’s complaint table—done by MPD employees—would easily cure this problem.

**Conclusion**

Complainants at District 1 would fare best in seeking information; those at District 1’s Substation and District 5 would fare the worst, as the officers there were hostile and denied basic information needed to file a complaint. Big information gaps must be addressed with refresher training, and improvement monitored by follow-up compliance checks by internal or external reviewers. And MPD and OPC must coordinate to ensure that both agencies’ complaint information, especially forms (in English and the other required languages), are available for citizens who wish to report alleged officer misconduct. With renewed attention, MPD can better assure that the exemplary General Order on processing civilian complaints will be followed and that members of the public with concerns know how they may request review.

**Appendix A**

**ACLU 2013 Evaluation Results Form**

Visit Results for MPD Station \_\_\_\_D / Substation \_\_\_\_D

Visit date: \_\_\_\_\_\_\_\_ Visit time: \_\_\_\_\_\_\_\_ Evaluator’s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**I. Promptness**

Once I arrived at the station, I was seen (circle one): [ promptly ] [ not promptly ]

(If not promptly, how long did it take to be seen? \_\_\_\_\_\_ minutes.)

**II. Officer demeanor and helpfulness**

The officer I spoke with responded in the following manner (circle one):

(a) Friendly/helpful (b) Neutrally/somewhat helpful (c) Unhelpful/discouraged filing

*Comments (including officer name and badge number, if known)*:

**III. Officer knowledge about complaint process**

The officer demonstrated accurate / inaccurate / no knowledge about (circle one):

1. MPD complaint investigations [ accurate ] [ inaccurate ] [ no ]
2. MPD complaint form [ accurate ] [ inaccurate ] [ no ]
3. How to submit a complaint to MPD [ accurate ] [ inaccurate ] [ no ]
4. OPC complaint investigations [ accurate ] [ inaccurate ] [ no ]
5. OPC complaint form [ accurate ] [ inaccurate ] [ no ]
6. How to submit a complaint to OPC [ accurate ] [ inaccurate ] [ no ]
7. Foreign language access [ accurate ] [ inaccurate ] [ no ]
8. Anonymous complaints [ accurate ] [ inaccurate ] [ no ]
9. Observer (non-victim) complaints [ accurate ] [ inaccurate ] [ no ]
10. Immigration status inquiries [ accurate ] [ inaccurate ] [ no ]

*Comments (please note specific inaccuracies, if any)*:

**IV. Availability of complaint forms, brochures, and poster**

The station had available on display / did not have available on display (circle one):

1. MPD PD-99 Complaint Form [ available ] [ unavailable ]
2. MPD Citizen Complaint Brochure [ available ] [ unavailable ]
3. MPD Citizen Complaint Poster [ available ] [ unavailable ]
4. OPC-1 Complaint Form [ available ] [ unavailable ]
5. OPC Citizen Complaint Brochure [ available ] [ unavailable ]

*Comments*:

**V. Other Comments, Commendations, or Complaints?**

*(Please write anything else noteworthy about the evaluation.)*

**Appendix B**

**Tables of 2013 Results**

1. **Officer promptness**

Once I arrived at the station, I was seen (circle one): Promptly: 10 Not Promptly: 0

1. **Officer demeanor and helpfulness**

The officer I spoke with responded in the following manner (circle one):

Friendly/helpful: 5 Neutrally/somewhat helpful: 3 Unhelpful/discouraged filing: 2

**Table IIA: Officer demeanor by location**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1D | 1Ds | 2D | 3D | 4D | 4Ds | 5D | 6D | 6Ds | 7D |
| Friendly/helpful | X |  |  |  |  | X |  | X | X | X |
| Neutral/somewhat helpful |  |  | X | X | X |  |  |  |  |  |
| Unhelpful/discouraged filing |  | X |  |  |  |  | X |  |  |  |

1. **Officer knowledge about complaint process**

**Table IIIA: Officer Knowledge about MPD Complaint Process**

The officer demonstrated accurate / inaccurate / no knowledge about (circle one)[[18]](#footnote-18):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | MPD complaint investigations | MPD complaint form | How to submit a complaint to MPD | Total |
| Accurate | 9 | 8 | 5 | 22 |
| Inaccurate | 0 | 0 | 5 | 5 |
| No | 1 | 2 | 0 | 3 |

**Table IIIB: Officer Knowledge about OPC Complaint Process**

The officer demonstrated accurate / inaccurate / no knowledge about (circle one):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | OPC complaint investigations | OPC complaint form | How to submit a complaint to OPC | Total |
| Accurate | 4 | 1 | 1 | 6 |
| Inaccurate | 3 | 1 | 2 | 6 |
| No | 3 | 8 | 7 | 18 |

**Table IIIC: Officer Knowledge about Foreign Language Access, Anonymous Complaints, Witness (Non-Victim) Complaints, and Immigration Status Inquiries\***

The officer demonstrated accurate / inaccurate / no knowledge about (circle one)[[19]](#footnote-19):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Foreign Language Access | Anonymous Complaints | Witness (Non-Victim) Complaints | Immigration Status Inquiries |
| Accurate | 8 | 4 | 4 | 8 |
| Inaccurate | 1 | 5 | 5 | 0 |
| No | 1 | 1 | 1 | 2 |

\* The officer at the First District substation was confrontational, refusing to speak with our evaluator without first being told what the complaint was about. As a result, the evaluator could not ask the officer all questions and the officer received a “no” for foreign language access and immigration status inquiries.

**IV. Availability of complaint forms, brochures, and poster**

**Table IVA: Availability of Complaint Forms, Brochures, and Poster**

The station had available on display / did not have available on display (circle one):

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | MPD Citizen Complaint / Feedback Form PD-99 | MPD Citizen Complaint Brochure | MPD Citizen Complaint Poster | OPC Citizen Complaint Form OPC-1 | OPC Citizen Complaint Brochure | Total |
| Available | 6 | 9 | 7 | 3 | 4 | 29 |
| Unavailable[[20]](#footnote-20) | 4 | 1 | 3 | 7 | 6 | 21 |

**Table IVB: Availability of forms, brochure and poster by location**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | 1D | 1Ds | 2D | 3D | 4D | 4Ds | 5D | 6D | 6Ds | 7D |
| OPC-1 | Yes | Yes | No | No | Yes | No | No | No | No | No |
| PD-99 | Yes | Yes | No | Yes | No | Yes | No | Yes | Yes | No |
| Brochure | Yes | Yes | Yes | Yes | Yes | Yes | No | Yes | Yes | Yes |
| Poster | Yes | Yes | Yes | Yes | Yes | Yes | Yes | No | No | No |
| Foreign Lang. | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |

**Appendix C**

**Comparison of Availability of Materials and Officer Attitude, 2002 through 2013**

Note: Availability of brochures in 2002 unknown.

**Appendix D**

**Station-by-Station Comments**

**First District Station**

Friendly and accurate info from officer who spoke with ACLU evaluator. [Later found to be most accurate of all.]

**First District Substation**

Officer informed ACLU evaluator that an officer would first “interrogate” the complainant, possibly at her home, and only *then* determine whether or not a report would be filed. If a complainant wanted to call to complain, an MPD officer would arrange for a time to interrogate her at her house. Wrongly stated all complaints must be filed *in person* and also that non-victim witnesses cannot file complaints (though may be present during victim’s interrogation at her home). The poster was found hidden within a cluster of other information on the wall. ACLU visitor described officer as “very aggressive” toward her and insisted on finding out the facts of the complaint before she would provide much information. [Later determined to be among the worst experiences in this year’s set.]

**Second District Station**

The civilian employee who spoke with our ACLU visitor began by stating that a complainant must come to the station and that MPD officers “won’t bite her.” Further errors included that MPD officers are investigated only by other MPD officers and no other agency officials, that anonymous complaints would be “worthless,” and were discouraged, and that witnesses who observed a complained-of incident could not file, either, because as observers they “aren’t affected and aren’t the victim.” When asked about whether immigration status was needed, she referred us to a sergeant. When, to the employee’s chagrin, her station proved to be one of those lacking MPD complaint forms in English (that is, having them *only* in foreign languages), an officer in passing the front counter suggested the complainant go online to print the form.

**Third District Station**

Errors by the member meeting our visitor included that complaints must be filed in person and witnesses could only speak up by submitting their comments appended to a victim’s complaint (not as an independent complaint). No OPC form but officer provided OPC address and website where our visitor could print out the OPC-1 form. No anonymous filing because they could not investigate without the complainant’s name, but assured evaluator that MPD had translators that would put non-English-speaking complainant at ease.

**Fourth District Station**

Officer repeated the common error that only victims can file complaints. On immigration status inquiries, officer joked that the complaint “was not a job application,” so MPD did not need to look into anyone’s immigration status. Didn’t know about or mention OPC-1 by name but said she thought OPC’s form was an “updated” form. The station had no English MPD materials and no foreign language OPC materials.

**Fourth District Substation**

A “super friendly” member helped our visitor at the 4D substation. While the officer asked for the complainant’s name, he quickly recanted and said it was not necessary for him to know it. He was interested in finding out what occurred. Friendly but seemingly uninformed, this sergeant did not mention OPC. On MPD investigations, he incorrectly described the extent of review and possible action by saying only that, if substantiated, a complaint “would go to the next level.”

**Fifth District Station**

ACLU evaluator was told by the MPD officer at 5D that he could not help her unless she first told him what the complaint was about. He would not provide a form (MPD or OPC) because “there were too many options” about which agency would need to handle it—the incident could have been “in house” or “downtown,” he said (even though evaluator assured him it was MPD). Officer here said MPD had no information for our evaluator to bring back to her complainant friend even though there were brochures nearby on the table, which she had to collect on her way out. This station had no English forms, but some in foreign languages (French brochures and PD-99s in languages the evaluator couldn’t recognize).

**Sixth District Station**

This officer was one of the few to mention OPC by name; however, she did not mention that OPC had a separate complaint form. ACLU evaluator found the officer to be friendly and helpful but had to wait 20 minutes while the officer printed a form in Spanish. The station had an outdated version of the MPD PD-99 form titled “Citizen Complaint Report,” along with the OPC-1 form.

**Sixth District Substation**

ACLU evaluator found the officer at the Sixth District Substation to be quite helpful; she offered to print out a Spanish version of the PD-99 and provided information about the MPD complaint process. The officer knew OPC existed, but wasn’t sure how OPC took complaints and would have to look it up online. The 6D substation also had the old version of the PD-99.

**Seventh District Station**

The officer at the Seventh District Station was “nice” but sadly ignorant--worst of all, wrongly telling our visitor a requirement that complainants speak with an officer before filing a complaint (even to get a complaint form). According to this officer, MPD “strongly prefers” complainants to come in person to file; he admitted ignorance of alternatives (such as fax or over the phone). Brochures about the complaint process were technically “on display”—but behind the counter such that a complainant would have to ask the officer to hand her one and could not get it herself.

1. ACLU staff visited stations for the same purpose in February 2002, January 2003, July 2005, June 2006, and June 2009. Post-graduate law fellow John Albanes directed the project this time. The ACLU thanks Advocacy Interns Sandra Majestic, Tamika Bowman, Jack Willett, and Jonathan Dawson, and volunteer attorney Zachary Britton, for their work in making the field observations and recording data. We included some of the findings here in ACLU testimony February 24, 2014, to the D.C. Council Committee on Judiciary and Public Safety, Oversight Hearing on the MPD. We testified on earlier results at the Committee’s oversight hearing in 2010. MPD Chief Cathy Lanier testified at the February 24 hearing, promising “another internal audit.” Andrea Noble, “ACLU: D.C. Police Provide Insufficient Information, Fail Complaint Protocol.” *Washington Times*, March 2, 2014. Available at: <http://www.washingtontimes.com/news/2014/mar/2/aclu-dc-police-provide-bad-information-fail-compla/?page=all>. [↑](#footnote-ref-1)
2. For example, its authorizing statute limits the OPC to review of only certain complaints concerning sworn officers (including harassment and use of unnecessary force) while MPD will take complaints of any type of misconduct by any staff including actions off duty. MPD may impose discipline but OPC may only adjudicate complaints and pass its conclusions to MPD for possible discipline. OPC has a deadline for complaints; MPD does not. [↑](#footnote-ref-2)
3. GO-PER-120.25,*Processing Citizen Complaints* (February 2009). [↑](#footnote-ref-3)
4. ACLU staff spoke exclusively with MPD officers at nine out of ten locations. At 2D, the employee we spoke with during most of the evaluation stated she was not an officer; however, she was briefly assisted by an MPD uniformed officer. But in any event, the General Order applies to “sworn *and* civilian members.” *Id.* § 4.A. [↑](#footnote-ref-4)
5. The General Order specifies (p.5) the brochure “Filing Citizen Complaints Against Metropolitan Police Officers, and the Complaint Review Process,” and the display requirement (p.17). [↑](#footnote-ref-5)
6. *Id.* at 5. [↑](#footnote-ref-6)
7. *Id.* [↑](#footnote-ref-7)
8. *See id.* § II (statement of 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”); § IV.B.3 (officers shall “NOT require citizens to submit their complaint in writing, or on an official complaint form, in order to initiate an investigation.”). [↑](#footnote-ref-8)
9. *See id.* § IIIA.1.b. [↑](#footnote-ref-9)
10. As a recipient of federal funds the MPD is subject to Title VI of the Civil Rights Act of 1964 which prohibits national origin discrimination affecting limited English proficient persons. The MPD must also comply with the D.C. Language Access Act of 2004, D.C. Code § 2-1931-1937. The requirements in each statute and the status of MPD compliance have been reviewed at least four times. The Office for Civil Rights, part of the Office of Justice Programs in the U.S. Department of Justice, did an on-site inspection in May 2007 and sent MPD Chief Cathy Lanier on October 14, 2008, its Compliance Review Report, 07-OCR-0118. The Office of Police Complaints reviewed the same landscape in its report *MPD Provision of Police Service to Persons With Limited English Proficiency (LEP)*, issued July 16, 2009, available at <http://tinyurl.com/lmepk9j>. The D.C. Office of Human Rights (OHR) reviews all DC agencies’ compliance with language access and issues an annual report. And in response to a specific complaint, the OHR in December 2008 also found the MPD violated the Language Access Act in its treatment of an arrested person. [↑](#footnote-ref-10)
11. We failed to ask the full set only when our visitor felt unwelcome or rushed out. In those (few) cases we marked “no information” for each item we couldn’t ask about in detail. [↑](#footnote-ref-11)
12. No; OPC handles complaint investigation and adjudication independent of MPD. [↑](#footnote-ref-12)
13. Yes; both MPD and OPC will take complaints from witnesses. [↑](#footnote-ref-13)
14. No; both MPD and OPC allow initial filing in various ways (in person, by mail, fax or e-mail). [↑](#footnote-ref-14)
15. OPC states in its brochure that a complainant need not be a resident or citizen to file a complaint and that the OPC “does not inquire about, and is not required to report, any person’s immigration status.” We haven’t seen any formal policy on the subject in MPD so we don’t know whether to credit officers who told us they also don’t inquire. [↑](#footnote-ref-15)
16. See note 10 above on the statutory mandates in this area. We omit detailed treatment of language access; at least we found many forms in foreign languages, though with great variation. [↑](#footnote-ref-16)
17. The General Order requires that an MPD employee “**NOT** require the citizen to speak with a supervisor prior to providing the information” and “**NOT** discourage any person from making a complaint . . .(p.5) (emphasis in original). The Order makes no other demands on an MPD employee’s mood. Still, ACLU staff felt it important to assess how MPD treated potential complainants. [↑](#footnote-ref-17)
18. In this round of our study, for the first time we used three measures of the officers’ responses (accurate, inaccurate, and no knowledge) for each type of information. “Accurate” meant that the officer correctly stated the relevant information. “Inaccurate” meant that the officer incorrectly stated the relevant information. “No” meant that the officer did not demonstrate knowledge of the information one way or the other. “MPD complaint investigation” was the easiest field to receive an accurate for; an officer simply needed to acknowledge that there was a MPD internal investigatory process. “MPD complaint form” sought whether the officer knew that MPD had a complaint form, the PD-99. “How to submit a complaint to MPD” sought whether the officer knew that MPD accepted complaints in various ways (in person, via fax, over the phone) as opposed to just one way. The same knowledge was tested with respect to OPC (see Table IIIB). We inferred this level of knowledge to be required from the general order provision requiring officers to be able to explain the complaint process. *See* note 6, *supra*.Moreover, we thought it only fair to read in the requirement that they be able to *correctly* explain the process. [↑](#footnote-ref-18)
19. “Foreign language access” (whether the officer knew that there were materials in foreign languages); “Anonymous complaints” (whether officers knew that complaints could be filed anonymously); “Witness (non-victim) complaints” (whether officers knew that witnesses to MPD officer misconduct could file their own complaints); “Immigration status inquiries” (whether the officer knew that MPD should not inquire about complainants’ immigration status). [↑](#footnote-ref-19)
20. We counted as “unavailable” materials that were not “on display” (i.e., that evaluators could not observe in plain view during their visit at the station) or not available in English. Notably, several stations had MPD Citizen Complaint / Feedback Form PD-99 in nearly every language *except* English. [↑](#footnote-ref-20)