

# MPD Use of Force 2007 Annual Report



Prepared by Use of Force Review Board  
and the

Force Investigations Branch

*"The success of a police department is measured by the level of trust and confidence that the community has for it. The manner and frequency in which force is used directly influences that level of trust. The Metropolitan Police Department has made great strides in its management of use of force, but we cannot become complacent. Every member of the Department must continually be committed to deescalating confrontations and ensuring that only the minimum amount of force necessary is used. The authority to use force is an awesome responsibility given to the police by the public – and we must not violate that public trust in order to be successful." Chief Cathy L. Lanier*

## Introduction

It is the policy of the Metropolitan Police Department to conduct fair, impartial, and timely reviews of each incident of a use of force by its members. The Department is responsible and accountable to its members and to the citizens of this community for ensuring that appropriate use of force training is provided and member-applied force is both reasonable and within Department policy.

One of the cornerstones of the MPD's use of force policy is ensuring that investigations of police use of force incidents are completed in a timely and sufficient manner. In addition to reviewing appropriateness of the individual member's use of force, the Department also reviews the incidents to identify Department policy and training needs.

These types of investigations fall under the purview of the MPD's Internal Affairs Bureau (IAB). IAB determines which MPD unit will be responsible for the investigation of specific use of force incidents. Within IAB, the Force Investigations Branch (FIB), comprised of two Force Investigation Teams (FIT) investigates use of force. Department policy requires that the Force Investigation Team investigate serious uses of force<sup>1</sup> as well as use of force incidents indicating potential criminal conduct.<sup>2</sup> Other use of force incidents are investigated by the member's chain of command officials and are referred to as "chain of command use of force investigations."

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<sup>1</sup> MPD policy defines serious use of force as, "lethal and less-than-lethal actions by MPD officers including: (i) all firearm discharges by an MPD officer with the exception of range and training incidents and discharges at animals; (ii) all uses of force by an MPD officer resulting in a broken bone or an injury requiring hospitalization; (iii) all head strikes with an impact weapon; (iv) all uses of force by an MPD officer resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ; (v) all other uses of force by an MPD officer resulting in a death; and (vi) all incidents where a person receives a bite from an MPD canine."

All uses of force could potentially cross the threshold and meet the criteria of a serious use of force. Initial workload analysis indicates that the majority of force used by Metropolitan Police Department officers does not fall into that category. However, all use of force incidents must be investigated. The Metropolitan Police Department also requires that a Use of Force Incident Report (UFIR) be completed by the involved officer in all use of force incidents. No UFIR is required for cooperative or contact controls, mere presence, verbal commands, or submissive handcuffing.

The Use of Force Review Board (UFRB) conducts timely reviews of all use of force investigations. Based on its review of the use of force incidents, the UFRB acts as a quality control body for all use of force investigations and forwards policy and training recommendations to the Chief of Police or his/her designee. A thorough review of all use of force incidents is conducted annually by the UFRB to search for patterns or trends that would indicate training needs, equipment upgrades, or policy modifications.

The purpose of this report is to summarize and report MPD's use of force data for the year. The report is intended to provide analysis of MPD's use of force incidents and to provide recommendations for Department policy and training. The report was prepared by the MPD FIB in conjunction with the UFRB.



## Uses of Force Investigated by the Force Investigations Branch

The Metropolitan Police Department's Force Investigations Branch is the unit that investigates serious use-of-force incidents involving MPD officers. The Force Investigations Branch, part of the Internal Affairs Bureau, was created in January 1999, following a Pulitzer Prize-winning series in the Washington Post. The articles documented serious shortcomings in the internal

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<sup>2</sup> The term "*use of force indicating potential criminal conduct by an officer*" includes all strikes, blows, kicks or other similar uses of force against a handcuffed subject."

tracking and investigation of use-of-force incidents. The series, entitled *Deadly Force*, also revealed that during the 1990s, the MPD had the highest per-capita rate of officer-involved shootings in the United States.

The Force Investigations Branch is the Department's central repository for tracking and analyzing police use-of-force data. One of the members assigned to FIB serves as the Administrator for the UFRB and ensures that the findings and the recommendations of the UFRB are implemented. This member also serves as the primary person responsible for maintaining and reporting on the Department's use of force. Tracking use of force data has helped the Department to track use-of-force trends and identify opportunities for additional officer training.

The Force Investigations Branch became operational on April 11, 1999, and was originally charged with the responsibility to investigate incidents in which Metropolitan Police Department officers fatally wounded suspects. Over the next two years, the investigative responsibilities of the team increased through the process of managed expansion.

The responsibilities of the team eventually grew to include the investigation of almost all police-related firearm discharges, deaths of persons in police custody, officer suicides involving a service weapon, pursuits resulting in fatal injuries, and other incidents as determined by the Chief of Police.



The Force Investigation Team  
Photo taken on January 2, 2007

A second team was established in October 2001, and became operational January 1, 2002. In addition to deadly force, the Force Investigation Team II investigates uses of force resulting in broken bones, hospitalization, head strikes, loss of consciousness, police dog bites, and criminal referrals from the Office of Police Complaints.

In 2007, the Force Investigations Branch responded to the scene of 84 force related incidents and processed 77 Use-of-Force Review Board cases.

### TYPES OF FORCE RESULTING IN A FIB RESPONSE

Intentional Firearm Discharges at People	Negligent Firearm Discharges	In Custody Deaths	Vehicle Pursuits/ Other	ASP	Canine	Other Types of Weapons	Total
31	2	1	5	6	20	19	84

*(8-Fatalities/12-Injuries/11-Misses = 31)*

For 2007, the Force Investigation Branch participated in the following training and benchmarking endeavors:

**Use of Force Training:** Members of the FIB conducted a use of force seminar at the Baltimore City Police Academy for upper level management.

**Strangulation Investigation: Never Let a Victim Die in Vain:** This training was conducted by the Mid-Atlantic Regional Community Policing Institute in Columbia, MD.

**Police Canine Demonstration:** The MPD Canine Unit conducted a training session for members of the FIB. The training included the Use of Canine for rescues, searches, and seizures.

**Deadly Force and Officer Involved Shooting Investigations:** This training was conducted by the Richmond Police Training Academy, in Richmond, Virginia.

**Suicide by Police:** This training was given at ROC North and presented by Dr. Richard Parent, PhD, of the Justice Institute of British Columbia, New Westminster, Canada.

**Identifying Deceptive Behavior:** The training was conducted by the Northeast Counterdrug Training Center in Ft. Indiantown Gap, PA.

**Interview and Interrogation:** The training was conducted by the Northeast Counterdrug Training Center in Ft. Indiantown Gap, PA.

**New Use-of-Force General orders:** The Force Investigation Team conducted an in-service training session to review the new use of force General Orders. FIT members also conducted Reverse Garrity in-service training to mid and upper level managers of the MPD.

In addition, in 2007, FIB members conducted the following training:

- FIB members conducted training for all MPD police recruits during their firearms training phase regarding the unit's history, unit operations, relevant case law, general orders and review of actual case scenarios.
- FIB members conducted training for all newly promoted MPD Detective Grade Ones, Sergeants, Lieutenants and Captains regarding the unit's history, unit operations, relevant case law, general orders, scene management and review of actual case scenarios. The training includes discussions of vicarious liability, Garrity, and UFIR issues.
- FIB members provided familiarization training to new dispatchers at the Office of Unified Communications.
- FIB members made presentations at a meeting of the Washington Area Internal Affairs Commanders monthly forum, and as part of training sponsored by the United States Capitol Police.

To date, thirty-nine local and federal law enforcement agencies have sought assistance from the FIB in developing or improving their own deadly-force investigations. The Force Investigations Branch today is an award winning, high quality police unit that has set new standards for investigation, innovation, and training. It now serves as a model for law enforcement agencies worldwide, and has been emulated by other agencies. The Force Investigations Branch will continue its efforts into 2008, and will strive to improve on the successes it has garnered.



## Use of Force Investigated by Chain of Command Officials

As outlined above, chain of command officials from other MPD organizational elements still have some force and injury investigative responsibilities. Managers and supervisors conduct these investigations in accordance with the Department's policies and procedures. However, templates and examples of investigative reports are also available from the Force Investigations Branch.

Chain of command district supervisors investigate the following types of incidents: an injury to a suspect as a result of open hand force; a complaint of injury as a result of open hand force; firearm discharges at animals; use of ASP or OC Spray that is not categorized as serious use of force, and resisted handcuffing of a suspect. At the discretion of the Chief of Police or his/her designee, any incident that may be investigated by chain of command supervisors may be assigned to the Force Investigations Branch.

## Use of Force Statistical Review

The Metropolitan Police Department recognizes it has an obligation to the citizenry to document and report use-of-force data. The statistical review section reflects the Department's responsibility to the community to share with them, in a comprehensive format, the information related to use-of-force by members of the Department. The following pages contain summary data that has been used to track, analyze, and improve police practices as it relates to police use of force.

### DEADLY FORCE STATISTICS

**Intentional firearm discharges at people** by members of the Metropolitan Police Department **that resulted in injury or death increased** in 2007.

**MPD FIREARM DISCHARGE STATISTICAL  
TABLE FOR 2007**



<b>Intentional Firearm Discharges at People</b>	<b>2006</b>	<b>2007</b>
Fatalities	2	8
<i>Misses</i>	5	12
Injuries	6	11
<b>Total</b>	<b>13</b>	<b>31</b>

The total number of intentional police firearm discharges at people (whether or not there were injuries) increased this year. In 2006, there were 13 total firearm discharges at persons. In 2007, there were 31 total firearm discharges at persons.

<b>CLASSIFICATION</b>	<b>2007 YTD Jan. Thru Dec. 31</b>	<b>2006 YTD Jan. 1 Thru Dec. 31</b>	<b>TOTAL DIFFERENCE YTD</b>
<b>*Intentional Firearm Discharges at People (Total):</b>	<b>31</b>	<b>13</b>	<b>18</b>
Fatalities	8	2	6
Injuries	12	6	6
Misses	11	5	6
<b>Negligent Discharges (Total):</b>	<b>2</b>	<b>4</b>	<b>-2</b>
Fatalities	0	0	0
Injuries	0	0	0
No Injuries	2	4	-2
<b>Overall Intentional/Negligent Firearm Discharges</b>	<b>33</b>	<b>17</b>	<b>16</b>
<b>Rounds Fired</b>	<b>219</b>	<b>64</b>	<b>155</b>
<b>Number of Officers Discharging</b>	<b>46</b>	<b>21</b>	<b>25</b>
<b>Officer Suicide by Departmental Issued Firearm</b>	<b>0</b>	<b>3</b>	<b>-3</b>

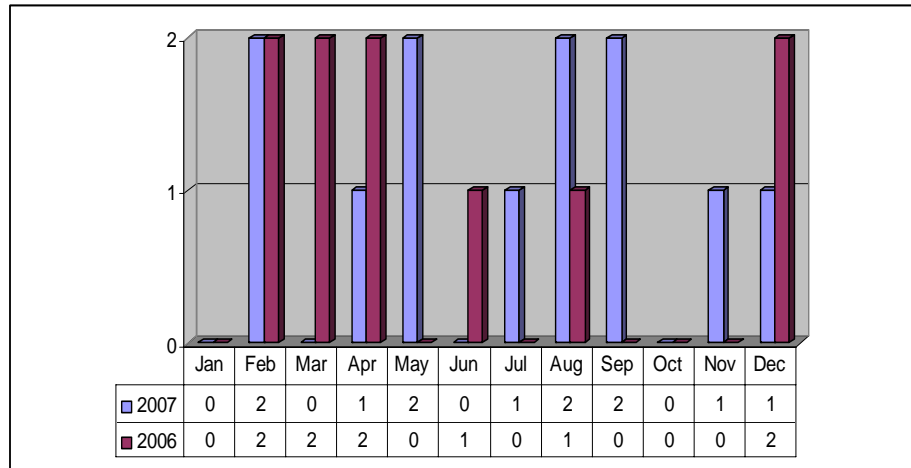
**Note:** Firearm discharge data is reported by incident. Accordingly, the "Number of Officers Discharging" displays the total number of officers who discharged their firearms. Furthermore, discharges at animals are reported separately.

\*27 of the 31 Intentional Discharges Resulted in an Arrest

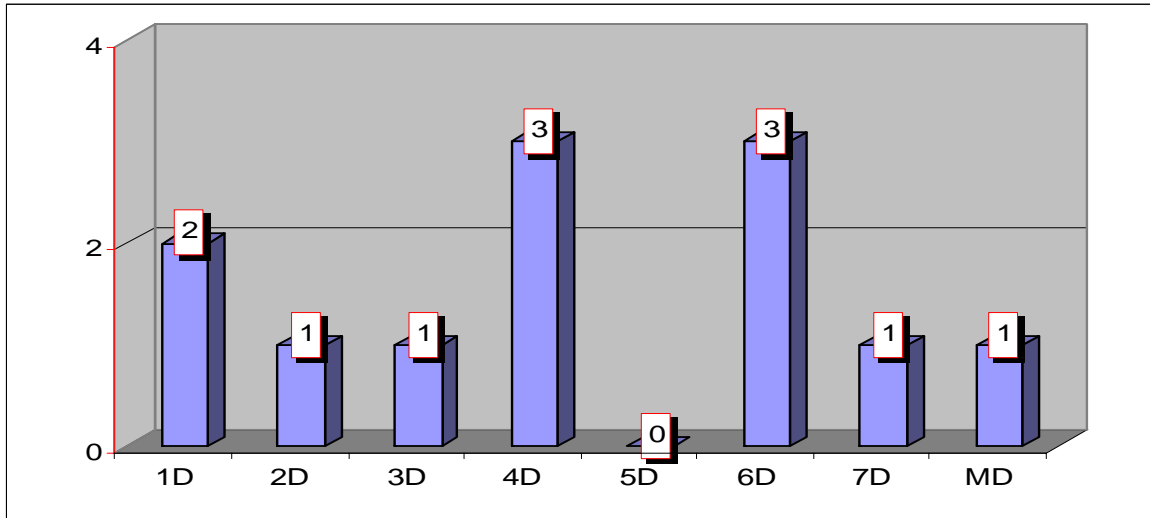
**Firearm discharges at animals (dogs) increased in 2007.**

Firearm Discharges At Animals (Dogs)	2001	2002	2003	2004	2005	2006	2007
	16	10	13	10	15	10	12

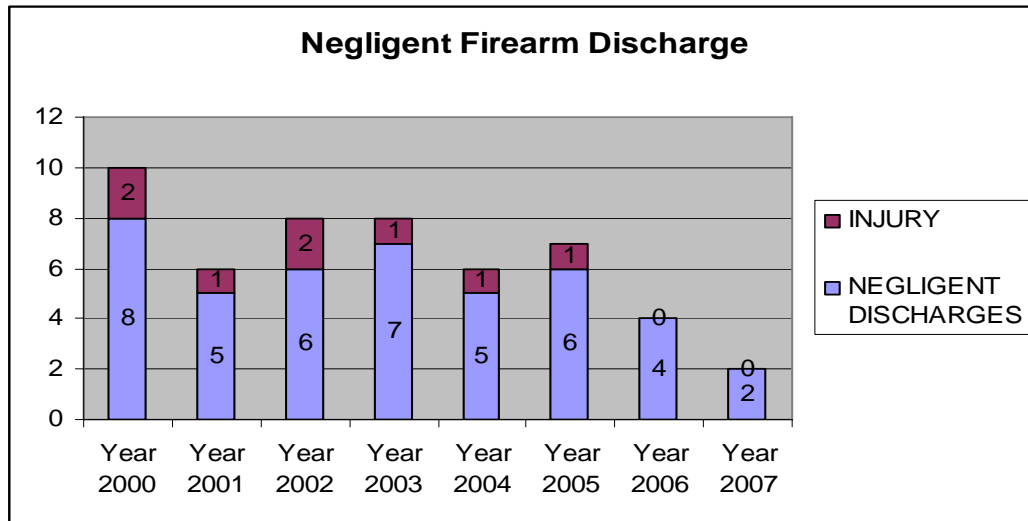
**2007 Discharges at Animals by Month**



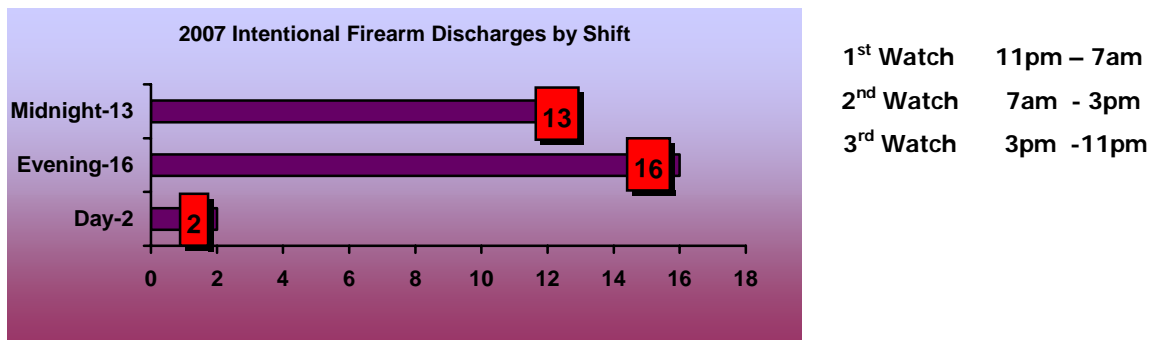
### 2007 Discharges at Animals by District/Location



There was a decrease in the number of **negligent firearm discharges** by members of the Metropolitan Police Department. In 2007, there were 2 total negligent discharges and no injuries. In 2006, there were 4 total negligent discharges and no injuries. In 2005, there were 6 total negligent discharges, with 1 resulting in injury. In 2004, there were 5 total negligent discharges, with 1 resulting in injury. In 2003, there were 7 total negligent discharges, with 1 resulting in injury. In 2002, there were a total of 6 negligent discharges, with 2 resulting in injury. In 2001, there were a total of 5 negligent discharges, with 1 resulting with an injury. In 2000, there were 8 negligent, with 2 resulting in injury.



In 2007, **Intentional (31)/Negligent (2) Firearm Discharges** occurred during all **three watches**. 52 percent of the discharges occurred during the evening and 42 percent of the discharges occurred overnight, and 6 percent occurred during the day.



In 2007, there were 45 **total overall firearm discharges (dog shootings included)**, compared to 27 in 2006. This includes discharges at persons, negligent discharges, and discharges at animals. In 2000, there were 46 overall discharges. In 2001, there were 51 overall discharges. In 2002, there were 40 overall discharges. In 2003, there were 47 overall discharges. In 2004, there were 43 over all discharges. In 2005, there were 44 overall discharges. The greatest number of firearms discharges in 2007, by month was February (7).

### Overall Firearm Discharges by Month 2007

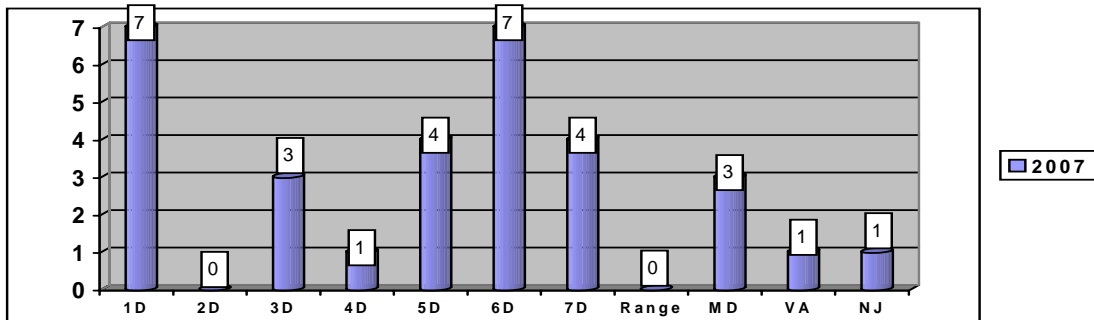
2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
Number	3	7	1	2	5	1	5	6	6	3	3	3	45

(Intentional Discharges=31/Animal Discharges=12/Negligent Discharges=2 – TOTAL: 45)

In 2007, there was 1 **police firearm discharge at an unarmed subject**. The subject represented a physical threat and was perceived as a deadly threat.

In 2007, The Second District experienced the lowest number of discharges (0), while the First and Sixth Districts experienced the most (7). The Fifth and Seventh Districts experienced (4) discharges; the Third District experienced (3) discharges; the Fourth District experienced (1) discharge. Outside jurisdictions, specifically, Maryland experienced (3) discharges, Virginia experienced (1) and New Jersey experienced (1) discharge by MPD personnel. In 2007, there were no negligent range discharges.

### Intentional Discharges by District



As it relates to **in-custody deaths**, 1 person died in 2007, 5 people died in 2006, no one died in 2005, 2 people died in 2004, 1 person died in 2003, 3 people died in 2002, 1 person died in 2001 and in 2000.

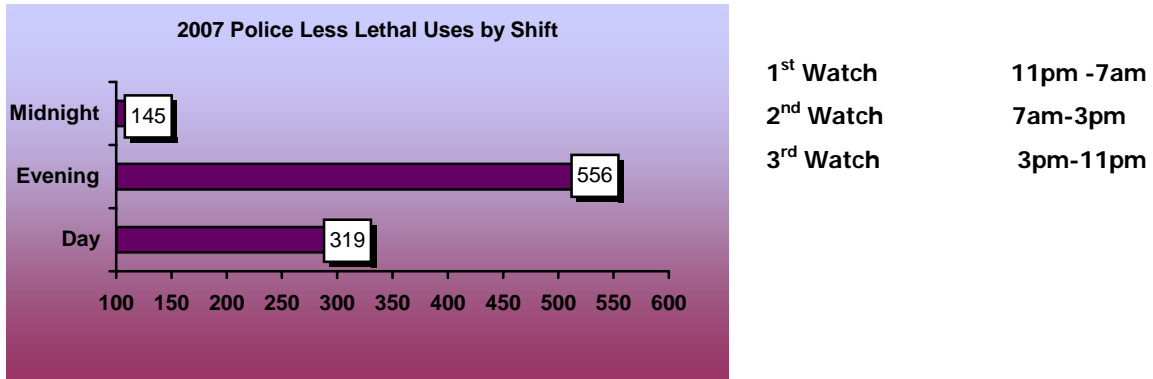
In 2007, there were no police suicides where a member of the Metropolitan Police Department utilized a service weapon. However, in 2006, three Metropolitan Police Department members committed suicide with a service weapon. In 2005, there were no police suicides. In 2004, there were no police suicides. In 2003, there were no police suicides. In 2002, there were no police suicides. In 2001, one Metropolitan Police Department member committed suicide with a service weapon. There were no police officer suicides in 2000.

### NON-LETHAL FORCE STATISTICS

In 2007, there were 977 Chain of command cases.

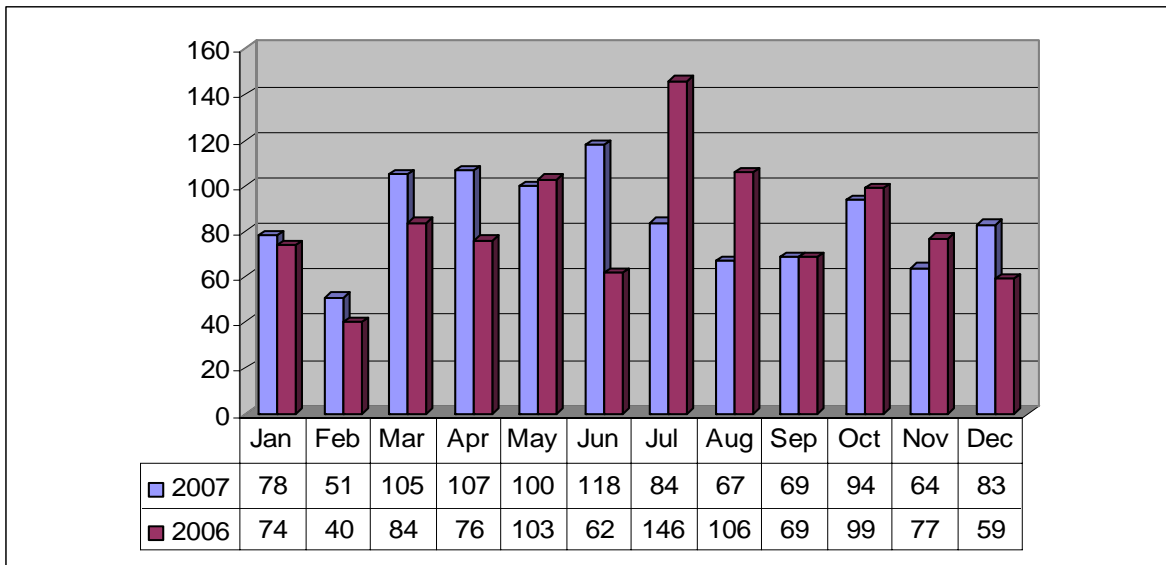
**Note:** The "Chain of Command Cases," "FIT Cases," "2007 YTD Totals," and "Members Using Force" information shown above represents each individual officer who used force. The arrest totals represent the number of arrests by incident. If a subject is arrested after more than one type of force was used on that subject, the arrest is listed under the highest level of force used. \*OC Spray cases were referred to the District for investigation in the third quarter.

In 2007, Non-Firearm uses of force occurred during all three watches. Nearly 55 percent of the uses of force occurred during the evening, 14 percent of the uses of force occurred overnight, and 31 percent occurred during the day. The watches are normally as follows:



(TOTAL: 1020)

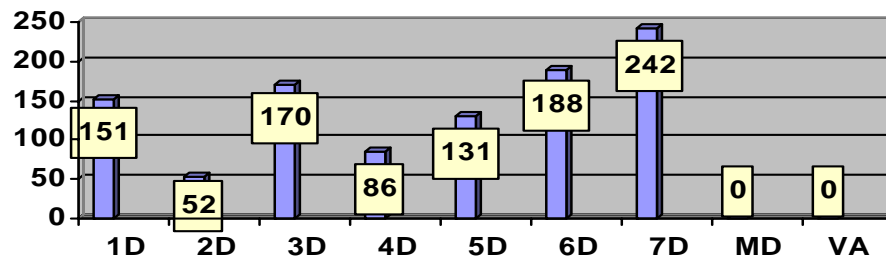
In 2007, the greatest number of less than lethal uses of force by month was June with (118), April with (107), and March with (105), followed by May with (100).



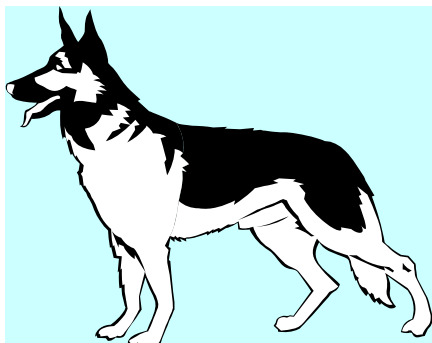
There were a total of 55 incidents of uses of ASP with 34 arrests; there were a total of 88 incidents of uses of OC Spray with 65 arrests; there were a total of 20 Canine Bites with 21 arrests; and there were a total of 857 incidents of "Other Types of Force (Hands, Fist, Etc.)" with 408 arrests.

CLASSIFICATION	Chain of Command Cases	FIT Cases	2007 YTD Totals	2006 Year End Totals	TOTAL Arrests made from the Use of Force	Number of Incidents	Members Using Force
ASP	47	8	55	58	34	41	55
Canine Bites	0	20	20	7	21	19	20
OC Spray	88	*0	88	80	65	67	88
Other Types of Force (Hands, Fist, Etc.)	842	15	857	850	408	466	857
<b>TOTAL</b>	<b>977</b>	<b>43</b>	<b>1020</b>	<b>995</b>	<b>528</b>	<b>593</b>	<b>1020</b>

**2007 Individual Member Documented Less Lethal Uses of Force by Location**

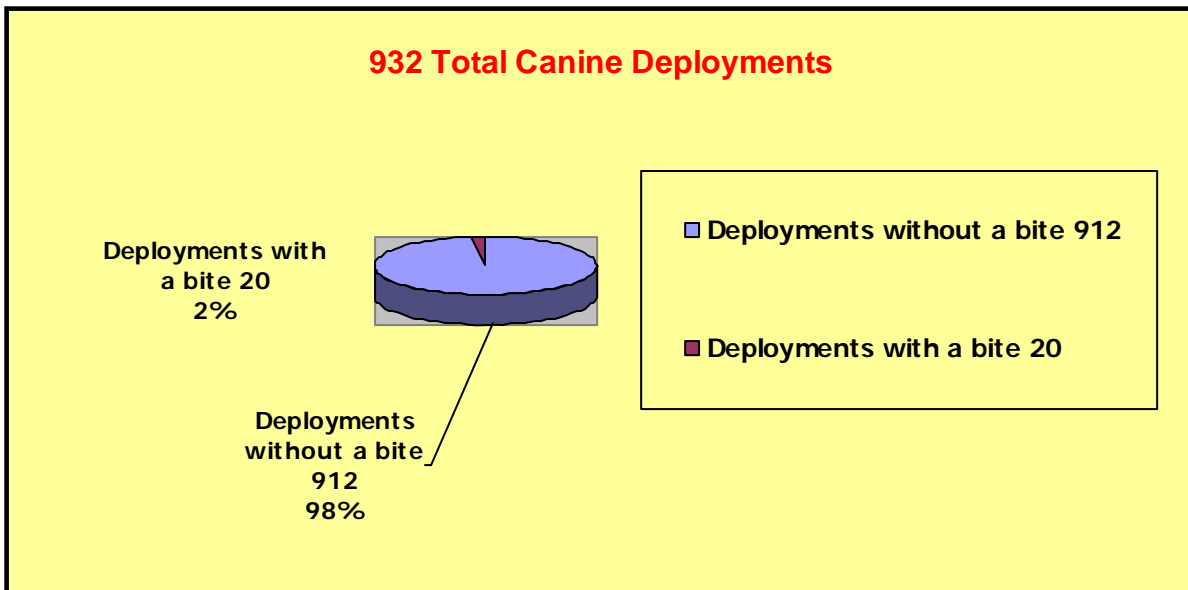


The Second District experienced the lowest number of uses of force (52), while the Sixth and Seventh District experienced the most with both reporting (188 for the Sixth District and 242 for the Seventh District) individual uses of force.



In 2007, there were a total of 932 Canine deployments. Out of the 932 deployments there were 119 apprehensions without a Canine bite and 20 apprehensions that resulted in a Canine bite.

(\*Note this information provided by SOD Canine Unit)



## FIT Trend Analysis and Recommendations

Investigating incidents of police use-of-force is a critical function. However, it is also imperative for law enforcement agencies to track and analyze data to identify trends. Once trends are identified, then intervening action can occur to minimize similar future occurrences.

MPD policy prohibits members from shooting “at or from a moving vehicle unless deadly force is being used against the officer or another person... (A) moving vehicle is not considered deadly force.” MPD’s policy also states that, “Members shall, as a rule, avoid tactics that could place them in a position where a vehicle could be used against them.”

During 2006, the statistical analyses revealed an increase in instances culminating in MPD officers discharging their firearms at moving vehicles. FIB managers forwarded the information to the Metropolitan Police Academy, which in turn increased the amount of training in this area in the 40-hour training session, the bi-annual firearm re-certification, and daily roll-call in-service training.

IAB and FIB also became aware through internal audits conducted by MPD's Quality Assurance Unit (QAU) and by reports issued by the Office of the Independent Monitor (OIM)<sup>3</sup> that MPD members were not completing UFIRs consistently for lower-level uses of force (e.g. resisted handcuffing), and were also not ensuring that forms were filled out completely or reviewed and approved by officials.

In order to address this issue, IAB and FIB drafted the "UFIR/RIF Quality Control and Case Tracking Standard Operating Procedure (SOP)." The SOP was drafted to standardize the UFIR/RIF review process to ensure quality and completeness of all reports prepared by MPD members and to proactively monitor Department organizational elements to ensure compliance with use of force reporting requirements. The SOP was implemented in September 2006.

The SOP designates FIB as the central repository for all completed UFIRs and outlines the procedures for tracking and maintaining UFIRs. The SOP requires FIB to review all UFIRs for completeness. If the documents are not properly completed, the FIB member will complete a "UFIR/RIF Discrepancy Report" outlining the deficiencies in the UFIR. The FIB member will then assign a return due date of seven (7) calendar days from the date of the discrepancy report and attached it to the deficient UFIR/RIF. The report is then forwarded to the originating element's District Manager, requesting that the documents be corrected and returned within the due date. These reports are tracked to ensure all Discrepancy Reports are returned with corrected and completed UFIRs.

In addition the SOP also requires FIB to review MPD's Personnel Performance Management System (PPMS) and the daily SOCC report for possible use of force incidents that may not have been reported to FIB. If the FIB member discovers a possible unreported incident, the FIB member will send an e-mail to the unit's Director/Commander, with a copy to the District Manager and the affected Assistant Chief or SED, requesting clarification of the circumstances of the incident.

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<sup>3</sup> The Office of the Independent Monitor, headed by Michael Bromwich of the law firm Fried, Frank, Harris, Shriver, and Jacobson was jointly selected in 2002 by MPD and the Department of Justice (DOJ) to monitor MPD's compliance with our DOJ Memorandum of Agreement (MOA), signed on June 13, 2001.

Due to the increased monitoring by the Department for completion of UFIRs, the number of reported use of force incidents increased. The increase in the use of force cases mostly affected cases investigated by chain of command officials.

The Civil Rights and Force Investigations Branch is committed to tracking, analyzing, and reporting statistical trends as they relate to use of force by members of the Department in order to identify and quickly rectify any shortcomings as they relate to Departmental policies.

## Use of Force Review Board

MPD's Use of Force Review Board reviews all "serious" use of force incidents by MPD members. The Board is responsible for determining the final agency disposition for the use of force cases it reviews and for making policy and training recommendations to the Chief of Police. The policy of the Metropolitan Police Department is to ensure that timely reviews are conducted of all investigations of use-of-force incidents involving members of the Department to determine the appropriateness of the findings. Review of all use-of-force investigations that are investigated by the Force Investigation Branch is conducted by the Use of Force Review Board, serving as a quality control mechanism for use-of-force investigations and providing command staff with an opportunity to quickly appraise use-of-force incidents from a training and agency-improvement perspective.

### Use of Force Review Board Members

- **Chairperson: Assistant Chief of Homeland Security Bureau;**
- **Commanding Officer, Special Operations Division**
- **Commanding Officer, Office of the Superintendent of Detectives**
- **Commanding Officer, Metropolitan Police Academy**
- **Rotating Member: a Commander or Inspector from one of the seven MPD police districts**
- **Rotating Member: a Commander or Inspector from one of the seven MPD police districts**

Absent special circumstances, the Use of Force Review Board meets twice monthly to review use-of-force incidents.

The Chairperson determines the date, time and location of meetings.

A member of the IAB serves as the Use of Force Review Board Administrator.

The quorum for Use of Force Review Board proceedings is set at four (4) members.

Use of Force Review Board members are not permitted to send representatives to Use of Force Review Board proceedings.

Use of Force Review Board members can only be excused from Use of Force Review Board proceedings by the Chairperson.

The Use of Force Review Board Administrator documents Use of Force Review Board member attendance as part of the record; and absences, both excused and unexcused, are formally noted in the meeting summary.

The Use of Force Review Board completes, to the extent practicable, its review of each incident within the timeline as established in the Fire and Police Disciplinary Procedure Act of 2004.

The Assistant Chief, IAB, schedules the rotating members of the Use of Force Review Board on a staggered basis.

### **Use of Force Review Board Review Process**

The Use of Force Review Board reviews use-of-force incidents with respect to the following areas of concern:

- a. Compliance with Department policies and standards.
- b. Determination of whether proper tactics were employed.

- c. Assessment of Department training.
- d. Whether lesser-force alternatives were reasonable.
- e. Risk management.

The UFRB:

- a. Conducts hearings, as determined necessary by the Use of Force Review Board.
- b. Recommends to the Chief of Police investigative protocols, standards for use of force investigations, and training enhancements.

The Use of Force Review Board, assisted by the Internal Affairs Bureau, conducts annual reviews of all use-of-force cases to detect any patterns or problems and issues an annual report to the Chief of Police with findings and recommendations. The report is issued no later than February 15 of each year for the preceding calendar year.

### **Review Board Findings and Recommendations**

After evaluating each case, the Use of Force Review Board reaches a conclusion with *findings* and *recommendations*. The Use of Force Review Board recommendation serves to either affirm or reject the investigative recommendations.

The Use of Force Review Board determines the findings for use of force incidents as illustrated below and in **GO-RAR-901.08** (Use of Force Investigations):

- a. **Justified, Within Departmental Policy** – this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident the subject officer did not violate Department policy.
- b. **Justified, Policy Violation** - this classification reflects a finding in which a police use of force is determined to be justified, but during the course of the incident the subject officer violated a Department policy.

- c. **Justified, Tactical Improvement Opportunity** - this classification reflects a finding in which a police use of force is determined to be justified, and during the course of the incident no Departmental violations occurred. However, the investigation revealed tactical errors that could be addressed through non-disciplinary and training improvement endeavors.
- d. **Not Justified, Not Within Departmental Policy** - this classification reflects a finding in which a police use of force is determined to be not justified, and during the course of the incident the subject officer violated a Department policy.

The Use of Force Review Board shall assess the findings of excessive force allegations and other misconduct as defined below and in GO-RAR-901.08 (Use of Force Investigations):

- a. **Unfounded:** Where the investigation determined that there are no facts to support the incident complained of actually occurred.
- b. **Sustained:** Where the person's allegation is supported by a preponderance of the evidence to determine that the incident occurred and the actions of the officer were improper.
- c. **Insufficient Facts:** Where there are insufficient facts to determine whether the alleged misconduct occurred.
- d. **Exonerated:** Where a preponderance of the evidence shows at the alleged conduct did occur, but did not violate MPD policies, procedures, or training.

The Use of Force Review Board shall determine the findings for vehicle pursuits as defined below:

- a. **Justified** – this classification reflects a finding in which a vehicle pursuit is determined to be within Department policy.
- b. **Not Justified** - this classification reflects a finding in which a vehicle pursuit is determined to be not within Department policy.

When the Use of Force Review Board determines that an investigation is incomplete or has additional questions, the Use of Force Review Board may assign the case to the Force

Investigations Branch for investigation, return the case to the Force Investigations Branch for follow up, or return the case to the investigating unit for appropriate action.

Any case returned to the Force Investigations Branch or an investigating unit for completing or correcting an investigation shall be returned to Use of Force Review Board within 5 business days for a final evaluation by the Use of Force Review Board.

Dissenting or non-concurring members of a Use of Force Review Board finding or recommendation may submit a minority report.

### **Referral of Findings and Recommendations**

When the Use of Force Review Board determines there has been an act that merits distinction, the Use of Force Review Board forwards appropriate commendation recommendations to the Element Commander/Director or to the Chair, Awards Committee.

When the Use of Force Review Board determines that a violation of Department regulations has occurred that warrants adverse or corrective action, the Board forwards appropriate recommendations to the Disciplinary Review Division (DRD), IAB.

When appropriate, the Chair, Use of Force Review Board, submits training recommendations for specific members, as well as the entire Department, to the Commanding Officer of the Metropolitan Police Academy.

## **Use of Force Review Board 2007 Overview**

During the 2007 Use of Force Review Board Term, the Use of Force Review Board has:

### **NOTE:**

- 77 cases have gone before the Use of Force Review Board (UFRB) as of December 31, 2007

- 141 members were involved
- 275 recommendation(s) = a determination for each individual count as determined by the UFRB
- 12 cases were referred to the Awards Committee
- 13 members were recommended for Commander Discussion
- 20 cases were referred to the Department's Disciplinary Review Division
- The UFRB recommended the re-issuance of the Central Cell Block's (CCB) Standard Operating Procedures to each CCB Member
- The UFRB recommended an update to the General Order 901.2 Wearing of Personal, Non-Issued Pistols and Holsters
- The UFRB recommended that the SOD Commander issues PD-751's (Commanding Officers Commendation) to all members involved in a case involving Canine
- The UFRB recommended that the Commanding Officer of the Superintendent of Detectives develop an SOP for Detectives/Investigators when they are working in the Patrol Districts to cover the wearing of their soft-body armor, the carrying of the radio, and the use of their Privately Owned Vehicles
- The UFRB recommended that the Range improve their tactical scenarios for its members
- The UFRB requested and reviewed the Lesson Plan from the Inspector of NSID involving the training of the members of the District's Vice Units
- The UFRB requested the reissue of Circular, CIR-03-15, Searches of Prisoners, Date: October 29, 2003
- The UFRB reviewed and discussed General Order 901.4, Oleoresin Capsicum Spray and has recommended updating the order to include weighting of the dispensers

**FORCE INVESTIGATIONS TEAM**  
**Incident Policy Determinations – Cases Closed in 2007**  
 (Includes cases initiated prior to 2007)

<b>TYPE OF FORCE</b>	<b>ASP</b>	<b>Canine</b>	<b>Excessive Force</b>	<b>In-Custody Death</b>	<b>Service Pistols</b>	<b>OC Spray</b>	<b>*Other</b>	<b>TOTAL</b>
<b><i>TOTAL</i></b>	5	10	15	1	25	1	20	77

\*Note: Other is represented by use of force hands, strikes with gun, riot baton, and radios, searches, vehicle pursuits

## Use of Force Review Board Findings and Recommendations – 2007



\*PV – Policy Violation/TIO – Tactical Improvement Opportunity

As it relates to **incident policy determinations**, the Force Investigations Branch creates a final investigative report for every incident that reflects both the criminal and policy-related findings of a police use-of-force. The Force Investigations Branch notifies the U.S. Attorney’s Office within 24 hours of the occurrence of a police firearm discharge at a person, an in-custody death, or serious use-of-force. A formal in-person consultation occurs with the U.S. Attorney’s Office within 3 days. All investigative findings are subject to final policy review and determination by the *MPD Use of Force Review Board* and the Chief of Police.

**METROPOLITAN POLICE DEPARTMENT  
ALLEGATIONS OF EXCESSIVE FORCE  
January 1 – December 31, 2007**

UNIT	PENDING W/MPD	UNFOUNDED	EXONERATED	SUSTAINED	INSUFFICIENT FACTS	OPC DISMISSED	OPC PENDING	TOTAL
1D	6	0	2	1	3	2	6	<b>20</b>
2D	4	0	2	0	2	3	5	<b>16</b>
3D	5	1	4	1	0	3	3	<b>17</b>
4D	0	1	0	0	0	6	4	<b>11</b>
5D	4	0	2	0	2	2	2	<b>12</b>
6D	3	0	4	0	3	4	3	<b>17</b>
7D	4	1	3	2	3	5	5	<b>23</b>
OTHER	0	0	1	0	0	0	1	<b>2</b>
UNK	0	0	0	0	0	0	3	<b>3</b>
<b>TOTAL</b>	<b>26</b>	<b>3</b>	<b>18</b>	<b>4</b>	<b>13</b>	<b>25</b>	<b>32</b>	<b>121</b>

Excessive force data was provided by the Operations Section, Internal Affairs Division. Data was obtained from the Personnel Performance Management System (PPMS), and reflects allegations that are classified by the MPD as “excessive force.”

It should be noted that in January 2008, MPD’s Internal Affairs Division clarified its definition to be used at intake for classifying an allegation as excessive force. Specifically, an allegation will be classified as an allegation of excessive force when a complainant alleges that an officer used force beyond what the complainant deemed necessary. 2007 excessive force data was audited to ensure the reported cases above reflected the new definition.

Data is reported by incident, not individual officer. Where an incident results in more than one disposition including a sustained disposition, the “sustained” disposition is reported.