

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Metropolitan Police Department**



Report on Litigation Data-Calendar Year 2023 to Date

Attached hereto is a report of all lawsuits against the Metropolitan Police Department (Department) or its employees in their official capacity filed from January 1, 2023 to present. The Office of the General Counsel reviews each new lawsuit served on the Department or its employees, an effort that continues as the lawsuit proceeds.

Each new lawsuit is entered into the Department's Personnel Performance Management System (PPMS), which includes the Supervisory Support Program. Thereafter, personnel from the Department's Internal Affairs Division (IAD) review each lawsuit to determine if there is any newly identified misconduct that needs to be investigated. In most cases, the Department is already aware of the allegation or conduct that led to the lawsuit and is investigating or has investigated the incident. Regardless, an IAD agent is assigned to monitor the lawsuit as it proceeds through litigation. If the investigation ultimately sustains misconduct, the Department takes appropriate action, which may include retraining, suspension without pay, forfeited leave, demotion, or termination, depending on the nature of the misconduct sustained. In addition, the Office of the General Counsel works to identify policy and training improvements that can be implemented arising out of these cases. Described below are the trends identified in these cases and the training and/or policy changes made based on an analysis of these matters.

The attached report also includes all the cases filed against MPD or its employees in their official capacity that were closed since January 1, 2023. These closed lawsuits include dismissal of cases and judgments against and settlements executed on behalf of the Department, of any amount, in calendar year 2023 to present. Cases that are closed with settlement may be settled for a variety of reasons, including the uncertainty of trial outcomes and the cost of litigation. The Office of the Attorney General (OAG) consults with the Department on settlements and exercises its business judgment in choosing whether to settle.

Below is an analysis of the litigation data related to the cases brought against the Department and closed during calendar year 2023. Information concerning Department lawsuits has been provided to the Council of the District of Columbia as part of the Department's oversight hearings since 2015, and information on settlements and judgments has been submitted every year since 2018. Copies of previous years' responses can be found here: <https://dccouncil.gov/committee-oversight/>

### *Allegations of Fourth Amendment Violations*

- Given the nature of police work, a majority of the lawsuits filed and closed concerned allegations of Fourth Amendment and common law violations resulting from police action. These cases involved individuals who were arrested by MPD members.
- In many of these Fourth Amendment cases, the charges were either “no papered” or later dismissed by the prosecution. The Department has partnered with the United States Attorney’s Office (USAO) to work collaboratively to ensure the arrest and prosecution process is procedurally and substantively sound.
  - MPD and USAO leadership are meeting monthly to review criminal cases, especially those involving firearms, to share valuable information and to continue to look for areas of improvement in arrests and prosecutions.
  - The Department is undertaking a “back to basics” training presentation for all members that will provide in depth instruction on the 4<sup>th</sup> Amendment including the following topics: police contacts, stops, pat-downs, arrest, and search. The Department is preparing this instruction in partnership with the USAO.
  - All Crime Suppression Team (CST) members received additional instruction that included specialized training on the 4<sup>th</sup> Amendment. The Department requires that all new CST members undergo this training.
- The Office of General Counsel (OGC) closely monitors legal opinions in this area of law, especially those issued by our Court of Appeals. During the past six months, several important decisions have been issued. OGC and the Department’s Academy have developed training bulletins to keep members informed of these recent decisions. These bulletins remain available to members on the Department’s website.
- In the last two months, the D.C. Council enacted permanent legislation that included changes to many subject areas such as use of force, consent searches,

use of body worn cameras, and report writing. The Department is revising its policies to comply with the new law and has issued training bulletins and an on-line training modules to ensure members are knowledgeable as to the new requirements under the law.

- In addition, members will be issued cards that contain reminders regarding the 4<sup>th</sup> Amendment and the new consent search requirements that they can keep on their person or in their cell phones.
- In addition to the annual in-service training provided to all veteran police officers, training on the below issues also occurred for all members during Daily Roll Call Training (DRCT). These are periodic brief scenario-based or refresher trainings, provided in-person by supervising sergeants to all patrol officers. In months in which a DRCT is issued, the same training will be provided across multiple days and shifts to ensure all patrol officers receive it.
  - Police “stops” of citizens;
  - Consent searches;
  - Prohibition on neck restraints and asphyxiating restraints; and
  - Vehicle searches.

### *Freedom of Information Act (FOIA) Cases*

- The Department continues to receive a significant volume of FOIA requests, many of which are complex and voluminous. To date, the department is projected to exceed the total number of requests received last year by at least 10 percent.
- The Department is working to make more data and information available for frequently requested records. While this does not necessarily decrease the number of requests submitted, it supports the Department’s commitment to transparency.
- The Department is providing more specificity to its responses and is focused on reducing the backlog of requests with the goal of decreasing the number of FOIA matters that result in litigation. However, the FOIA Office must continue to balance transparency with personal privacy, law enforcement needs, and the confidentiality of juvenile and witness information. Disputes over the balancing of these interests does result in litigation.
- The Department also invested in new software designed to help streamline processing of requests. Staff are being trained on this new technology with the

goal of continuing to improve the efficiency of the Department's responses to FOIA requests.

## *Employment Discrimination*

- In order to ensure the continuity and execution of the Department's Diversity, Equity, and Inclusion (DE&I) efforts, during the promotion of the now Acting Chief of Police, Pamela A. Smith, to the Assistant Chief of the Homeland Security Bureau, Angela Simpson was promoted to the Chief People and Equity Officer.
- The DE&I Team continued its assessment of the organization's culture by conducting Voices Tours with over 1400 employees and several Commanders, Inspectors and Directors' Roundtable Discussions. These initiatives have been instrumental in developing internal stakeholders at all ranks, understanding the various work environments, and soliciting insight and information on the challenges employees face. As a result, unit-specific action items and the DE&I strategic plan have been created.
- The DE&I Team, in collaboration with the DEI Champions, is in the developmental stage of creating three (3) key employee resource groups.
- For purposes of educating employees on DE&I, training is provided during all promotional and recruit trainings and at the Professional Staff Academy.
- In an effort to further educate and embed the Department's DE&I mission, values and initiatives, the inaugural DE&I newsletter was published and the website was launched during the first week of July 2023.
- On June 23, 2023, the Department published its revised Equal Employment Opportunity (EEO), General Order 201.09 (Equal Employment Opportunity), which describes the policies, objectives, procedures, and responsibilities involved in promoting and executing an effective EEO program. The policy established the following:
  - Separated counselors and investigators into distinct functions.
  - Clearly established routes for members to seek EEO counseling through a variety of counselors certified by the DC Office of Human Rights (OHR), both internal and external to the agency.
  - Established IAD as the primary entity responsible for investigating EEO-related complaints.

- Designated the Chief People and Equity Officer as the Department's Sexual Harassment Officer (SHO).
- An in-depth EEO and Sexual Harassment training module, to include a supervisory component, was created and assigned to all members of the Department on June 23, 2023.
- The Police Executive Research Forum (PERF) was contracted to conduct an independent organizational assessment of the Department, including the culture, equity, and inclusion of all sworn and professional staff members of the agency. That assessment was completed and published. MPD is currently working through the report and starting implementation of recommendations.
- The Department's Racial Equity Action Plan (REAP) is currently in its final draft stage. MPD's Racial Equity Action Plan will be inclusive of the many strategic efforts that we already have in practice within our Chief Equity Office, Strategic Liaison Branch and our Strategic Engagement Office and those which will build on our vision of racial equity both within our department and the communities we serve.
- Lastly, the Department further supported its DE&I efforts with the allocation of an additional six (6) FTEs slated for FY24.

### *Vehicle Crashes*

- In an effort to reduce the number and severity of vehicle crashes, the Crash Review Board will identify candidates who can benefit from additional vehicle skills training at the Federal Law Enforcement Training Center. Training will be conducted on a quarterly basis, and candidates will be identified based upon damages, injuries, and a member's driving history.
- The first implementation of this training is scheduled for July 31.