

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Metropolitan Police Department



Report on Litigation Data-Calendar Year 2023 (July to December)

Attached hereto is a report of all lawsuits against the Metropolitan Police Department (Department) or its employees in their official capacity filed from July of 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 July of 2023. These closed lawsuits include dismissal of cases and judgments against and settlements executed on behalf of the Department, of any amount, during this time period. 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 (July to December). 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

- During the past year, the Department had a committed focus on ensuring compliance with the Fourth Amendment during citizen interactions. This focus will continue in the coming year. The Department's mission is to build on the trust it has with the community with a renewed emphasis on the Fourth Amendment's requirements during citizen and police interactions.
- To this end, the Department has taken several steps to provide updated training to members on this area of law.
 - Training Bulletins – The Department continues to keep its members abreast of current case law related to the Fourth Amendment, particularly all decisions issued by our Court of Appeals. The Office of General Counsel (OGC) closely monitors legal decisions in this area of law. OGC and the Metropolitan Police Academy develop and issue training bulletins to keep members informed of recent decisions. These bulletins remain available to members on the Department's website.
 - Roll Call Training – 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.
 - “Stops” vs. “Contacts”
 - Reasonable Articulate Suspicion
 - Protective pat downs
 - Arrest
 - Consent Searches

- Annual In-Service Training – In 2024, all members will receive a 4-hour block of in-person training committed to the Fourth Amendment, which will be both classroom-based and interactive.
- On-Line Virtual Training – All sworn members will be required to take and pass this Acadis training module, which will concentrate exclusively on the Fourth Amendment, prior to attending the in-person, annual in-service training described above.
- Specialized Training – The Department conducted Fourth Amendment training for members in and seeking to apply for Special Mission Units. In January, OGC will conduct additional training for the Violent Crime Suppression Division (VCSD).
- In addition, members were issued cards with reminders regarding the Fourth Amendment and the new consent search requirements that they can keep on their person or in their cell phones.
- 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 regularly 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.

Employment Discrimination

- The DE&I Team remains committed to its assessment of the organization’s culture by continuing to facilitate Voices Tours at various locations and conducting 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 and implemented.
- The DE&I Team, in collaboration with the DEI Champions, is in the developmental stage of creating three 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, there have been two publications of the DE&I newsletter and content continues to be added to the website.
- 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 Department published Executive Order 23-012 (Fraternization) in November 2023, pursuant to the [Mayor’s Order 2023-131 \(Updated District Government Sexual Harassment Policy, Guidance, and Procedures\)](#). The Executive Order prohibits dating, romantic, and sexual relationships between a supervisor and any employee in the chain of command they supervise where supervision is direct or indirect, operational, or situational, Executive Order 23-012 (Fraternization) was published. MPD policy also requires disclosure of dating, romantic, and sexual relationships of members of a different rank who are not in the same chain of command.
- 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 has started 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, Special

Liaison Branch, and our Strategic Engagement Office. These efforts 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 FTEs slated for FY24. These positions are currently in either the recruitment or background investigation phase.

ADA and Police Services

- In recognition of the growing frequency of police encounters with individuals with mental health issues, the Department mandated that all officers receive training in Mental Health First Aid or as a Crisis Intervention Officer as provided by the Department of Behavioral Health.
- The Department is also exploring separate training for detectives on techniques, best practices, and evidence-based skills for interrogation of these individuals.

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 is conducted once candidates are identified based upon damages, injuries, and a member's driving history.
- To date, there have been three training sessions for 11 members and a fourth class is scheduled to occur early next year.

Freedom of Information Act (FOIA) Cases

- The Department continues to receive a significant volume of FOIA requests, many of which are complex and voluminous. For FY 23, the Department the number of FOIA requests increased 25% over the previous year.
- The Department increased the data and information posted on the website for frequently requested records. These actions comport with 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. This new technology is now part of the FOIA process and has assisted with improving the efficiency of the Department's responses to FOIA requests.