

Police-Community Relations

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Acknowledgements

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Introduction

Ten years ago, after the shooting of an unarmed Salvadoran man by a rookie police officer sparked disturbances in the Mount Pleasant neighborhood, the U.S. Commission on Civil Rights (USCCR) documented several concerns in the Latino community regarding its relationship with the police. Rising incidence of police misconduct, a lack of remedies for victims of police misconduct, and the police department's commitment both to protecting members of the Latino community and improving the plight of its own Latino officers were all problems identified in a USCCR report. Ten years later, those problems persist.

This chapter focuses on current issues of interest to the District's Latino population. However, the perspective and experiences of the Latino population are not isolated. In fact, for D.C. Latinos, "equality" in treatment is no longer the singular rallying cry for improving the community's relations with the Metropolitan Police Department (MPD); Latinos do not seek the same misconduct faced by other poor communities of color in the District.¹ By examining the concerns of the D.C. Latino population, this chapter analyzes various aspects of the continuing struggle to eliminate police harassment and ensure fair treatment of all D.C. residents.

Chapter Overview

Specifically, this chapter addresses recent reports of police misconduct, the absence of adequate remedies for seeking redress of victim's injuries, recruitment and promotion practices, and cultural diversity and language training. The chapter concludes with an outline of critical areas in which the MPD needs improvement.

In interpreting the data that follow, note that statistics presented for blacks and whites represent non-Latino blacks and whites. Further, the terms "Latino" and "Hispanic" will be used interchangeably throughout the chapter. "Hispanic" is used when necessary to maintain consistency with government reporting.

The Police and the Latino Community: an Example of Justice Delayed in D.C.

I. Ten Years Later, Stories of Police Misconduct Remain the Same

After the Mount Pleasant disturbances in 1991, the D.C. Latino Civil Rights Task Force reported that “there is a real or perceived pattern of widespread, endemic racism and physical and verbal abuse by the Metropolitan Police Department against the Latino community.”² Affidavits collected by the group provided ample support for the claim of police abuse—Latino residents reported being slammed head-first into a brick wall by one police officer and beaten, harassed, and called derogatory names by others.³ Ten years later, the individual victims are different, but the stories remain the same.

Indeed, reports of police misconduct from members of the Latino community are legion. An incident receiving substantial media attention is the case of Tomas Flamenco, a 34 year-old Salvadoran immigrant who was shot and killed by an off-duty MPD officer. A verbal altercation between the officer, Flamenco, and his friend, Fred Lopez, over public alcohol consumption escalated into a fight that led to the shooting.⁴ Lopez also was shot and wounded. Although city officials claimed the officer acted properly, a bystander filed a citizen complaint, claiming that the shooting was unjustified because neither of the men posed a threat to the officer’s life.⁵ According to the witness, although Flamenco and Lopez had been engaged in a heated argument with the officer, once they realized that the officer had a gun, neither of them advanced further.

Latinos reacted suspiciously to official reports of the encounter, which reminded advocates of similar shootings in previous years. MPD’s initial justification of the officer’s actions, apparently announced before the incident was thoroughly investigated, further angered advocates who were already awaiting the results of a previous investigation into another shooting of a Latino man.⁶

Although D.C. law prohibits officers from discriminating “either in the enforcement of law, or in the provision of police service” against individuals on the basis of race, color or national origin,⁷ it is apparent from the experiences of Latinos in the District that such discrimination does occur. Community advocates, Latino business owners and other Latino residents complain of mistreatment and have provided numerous accounts of physical assaults, harassment and intimidation, arrests without adequate explanation or Miranda warnings and searches of their homes.⁸ In addition, several Latinos

report that they are sometimes stopped by police officers and questioned about their immigration status, despite a twenty-five year old MPD policy generally prohibiting such inquiries.⁹ According to Robert Ames, Deputy Director of the Office of Civilian Complaint Review, complaints that police use insulting or demeaning language are common. As evidence of this phenomenon, he recalled that an MPD officer once responded to a question about his use of obscene language in interactions with the public by saying that “you have to talk to people in a different way in Anacostia and Mount Pleasant.”

The anti-Latino bias held by one MPD officer was exposed at a 1996 community meeting. Ron Robertson, Chairman of the D.C. Fraternal Order of Police’s Labor Committee, reportedly complained to a largely white audience that “Salvadorans in Mount Pleasant get off work, buy a bottle of booze, get drunk and pee on the walls and sidewalks and there is nothing we [police] can do anything about it.”¹⁰ Although the extent of the MPD’s problems has not been precisely determined, Chief Ramsey admitted to reporters this spring that an internal review of e-mails sent from patrol car mobile data terminals revealed “hundreds” of racist, sexist and homophobic comments by officers, some of which alluded to beatings and other types of abuse of civilians.¹¹ The MPD has not released details about either the specific content of the e-mails or penalties for officers whose messages reflected such attitudes and behavior.

An MPD officer once responded to a question about his use of obscene language in interactions with the public by saying that “you have to talk to people in a different way in Anacostia and Mount Pleasant.”

According to some observers, the MPD’s “zero-tolerance” policy inflamed relations between police officers and D.C. community members, including Latinos. Ted Loza, Latino liaison for Council member Jim Graham, explains that many Latinos congregate on neighborhood street corners and front stoops to exchange greetings, news and gossip and do not see this behavior as problematic.

In addition, new arrivals to the United States may not be aware of laws prohibiting alcohol consumption in public places. At the same time, District residents surveyed by the MPD in 1998 reported their highest levels of concern about “social disorder” crimes, including loitering and public drinking.¹² Surprisingly, these issues were ranked higher than car theft, robberies, and home break-ins.¹³ As a result, the MPD has justified targeting such behavior as a response to public concerns about behavior that has been deemed socially undesirable, despite the fact that this focus may exacerbate tensions between the MPD and Latino residents.

The MPD’s customer satisfaction data lends support to the theory that enforcement of such “social disorder” infractions has indeed created tension between police and Latinos. In the gentrifying neighborhoods of the MPD’s Third District, which has some of the largest concentration of the District’s Latino population, MPD officers received the lowest composite score in any police district for officer demeanor.¹⁴ Residents also gave police the lowest score for job performance, which is defined as helping victims, preventing crime and keeping order on the streets.¹⁵ Finally, Third District residents were the second-most likely to report that police misconduct was “an issue.”¹⁶ Only residents of District Seven, in Anacostia, reported a higher level of concern about police misconduct.

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The MPD survey also found that while most District residents do not think police stop too many people or are “too tough” on those they stop, residents who had been stopped by the police were twice as likely to express concern about police treatment than those who had not been stopped. Furthermore, involvement in a pedestrian stop rather than a traffic stop was associated with “much higher levels of dissatisfaction” with police conduct and “in general, better-off residents were involved in traffic stops while poorer and younger residents were involved in pedestrian stops.”¹⁷ Finally, the survey found “considerable variation” in reported opinions about police conduct among respondents of different age, race, income, and education.¹⁸ Not surprisingly, Latino residents, who typically are involved in more pedestrian encounters with police officers and are confronted with ethnic bias, expressed a greater level of concern about police misconduct. In conducting further research, the authors of the MPD survey found that “a highly diverse population—a condition present in the Third District—may be less likely to trust police or other community members.” To date, the MPD has failed to alter this perception.

II. Failure to Report: the Continuing Absence of Crime Statistics on Latinos

In the aftermath of the 1991 Mount Pleasant disturbances, several organizations analyzed the impetus for the unrest and made recommendations for improved relations between the police and the Latino community, specifically noting the harmful effect of the MPD’s failure to maintain crime statistics on Latinos.¹⁹ Regrettably, the flurry of reports following the Mount Pleasant conflicts failed to stimulate systemic reform in statistical reporting and nearly ten years later, the absence of complete crime statistics on Latinos continues.

Homicide, Arrest, and Unsolved Crime Statistics

Statistics provided in the MPD’s Annual Report, a publication that reviews D.C. crime statistics and trends, are limited in the amount of information they provide about Latinos. As compared to other races and ethnicities, the Annual Report suggests that Latinos were unlikely to be homicide victims in 1999.²⁰ That year one out of every ten homicide victims was African American. Of the remaining homicide victims, 5% were white males, 3% white females, 2% were Latino males, and 1% Asian males. No Latino or Asian females were homicide victims. African Americans overwhelmingly face the greatest risk of becoming homicide victims based on 1999 statistics.

Across the District, disorderly conduct arrests increased 75.8% from 1998 to 1999. The Annual Report does not list the ethnicity of those arrested or even the district where the arrest occurred. However, MPD criminologist Raymond Wickline is currently compiling arrests statistics segregated

by district and ward for our review in response to an information request sent to MPD Chief of Police Charles Ramsey. Although the MPD tracks arrest location information, arrest data is not compiled by ethnicity. Neither Mr. Wickline nor Chief Ramsey explained the policy behind this omission.

Although the Annual Report does not include information on unsolved crimes, the MPD has compiled and retained these data for at least ten years. A recent *Washington Post* article reported that while unsolved cases are not public information, 1,500 homicides have gone unsolved over the past 10 years, including 241 in 2000.²¹ The article did not specify the ethnicity of victims of unsolved homicides.

Secondary Sources

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Secondary sources do little to fill in the gaps left by the MPD Annual Report. The Uniform Crime Report (UCR) is a Federal Bureau of Investigation (FBI) compilation of national crime statistics based on reports from local police departments.²² Despite the comprehensive nature of the UCR, its intractiveness on D.C. Latinos is greatly limited for two reasons. First, most police departments contribute to the UCR voluntarily. These crime

and arrest statistics often lack specificity.²³ Second, and more significantly, the UCR focuses on national trends. Thus, it does not include city specific data categorized by ethnicity.

For example, the 1999 UCR states that 421,662 people were arrested in the United States for disorderly conduct.²⁴ Although the UCR does breakdown disorderly conduct arrests by race, only four categories are given: white, black, American Indian or Alaskan Native, and Asian or Pacific Islander.²⁵ The UCR does not include a category for persons of Latino ethnicity. Similarly, statistics concerning chances of murder victimization are divided into four groups: male, female, white, and black. Although national crime statistics on Latinos would provide a backdrop for which to examine local statistics, the UCR provides no such figures.²⁶

The data missing from the MPD Annual Report and secondary sources are the same: statistics specific to Latinos.

This omission might be overcome if crime statistics were routinely broken down by ward, which they are not. As a result, it is unknown how many Latinos are arrested annually and why. Mr. Wickline suggested the ethnic identity of arrestees could be surmised from surnames on arrest reports. The flaws inherent in such an ad hoc system of collecting statistics are obvious. Data on unsolved crimes are unpublished as a policy and is certainly not parsed out by ethnicity.

In short, ten years have yielded little progress in the way of increased statistical reporting on Latinos in the Washington metropolitan area. To reduce the police harassment that admittedly exists but is not properly documented, the MPD should routinely record the race and ethnicity of victims and arrestees. Without such data, the MPD is ill equipped to identify abusive patterns and, therefore, unable to remedy discrimination.

III. Justice Pending: External Review of Citizen Complaints Then and Now

Background

Although city officials expressed a desire to address problems of police abuse after the Mount Pleasant riots and improve relations between Latino residents and the police,²⁷ it was clear that the issue of police misconduct had gone unaddressed by the District government for a number of years. In *Cox v. District of Columbia*, a federal district court ruled in 1993 that the city's system of investigating allegations of police misconduct was completely dysfunctional and, further, that the city had "a custom—a given course of conduct so well settled and permanent as to virtually constitute law—of not investigating citizen complaints against MPD police officers."²⁸ In *Cox*, the court examined data on the city's handling of citizen complaints of police abuse from 1982 to 1991. Largely in response to this information, the court upheld a civil rights claim against the District government brought by a man who was assaulted by MPD officers after a minor traffic violation and ordered the District to pay him \$65,000 in damages.²⁹

In 1995, after being held legally and financially responsible for its failure to maintain a functional process for reviewing citizen complaints of police misconduct, the City Council began looking for ways to improve its heavily criticized Citizen Complaint Review Board (CCRB). Ironically, the Council's first step was to repeal the statute that established the CCRB.³⁰ Pending cases were transferred to the police department's own Internal Affairs Unit for investigation, but the replacement system was equally ineffective.³¹ Responding to numerous citizen complaints about the malfunctioning complaint procedure, detailed investigative reports in major newspapers criticizing the police department and its complaint system,³² substantial settlements and court judgments claiming police miscon-

duct,³³ as well as the findings of the City Council's Special Committee on Police Misconduct and Personnel Management,³⁴ the City Council established the Office of Civilian Complaint Review (OCCR) in the fall of 1998.³⁵ No funding was provided for the office in the original legislation,³⁶ and it was not until January 2001 that the review board was operational again.

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his power so egregiously, it is surprising that complaint review remained under the control of the department, but it did. The results were not impressive: out of the nearly 200 complaints lodged against police officers in 1996, only 13 rulings were in favor of citizens.⁴⁰ Worse, the data show that even where complaints were upheld, officers were rarely dis-

At the same time, there was a leadership crisis at the MPD. In addition to dozens of criminal charges filed against rank-and-file officers in the 1990s,^{37,38} federal extortion charges were brought in 1997 against Lt. Jeffrey Stowe, a high-ranking MPD official and close friend of then-Police Chief Larry Soulsby, for attempting to extort money from married men caught visiting gay bars.³⁹ Stowe ultimately pled guilty to the charge and Chief Soulsby resigned. Given the overall climate at MPD and the fact that an officer with close ties to the Chief abused

ciplined.⁴¹ Furthermore, observers argue that many violations were not reported during this period because of public distrust of the internal review process.⁴²

Finally, MPD implemented a “zero tolerance” policy during this troubled period. Such policies, which became popular in the 1990s as politicians promised to “get tough” on crime and charged police with eradicating drugs and gangs from communities, require officers on the street to take action on even minor offenses. “Zero tolerance” policies increase interaction between police personnel and civilians and can result in increased tension between the police and members of the public, especially in minority neighborhoods.

According to a news report published shortly after the program was launched, this is precisely what happened: as one officer said, “[police officials] want to see numbers, so we’re arresting people and locking them up for almost anything.”⁴³ After receiving harsh criticism, the MPD ultimately abandoned the policy.

The Original CCRB: Designed For Failure

The problems with the original Citizen Complain Review Board were well-documented. According to the Council’s Judiciary Committee, “the [old] CCRB was notorious for its inefficiency and the resulting backlog of cases.”⁴⁴ In fact, the *Cox* court noted that despite the statutory requirements that the CCRB schedule a hearing on every case within 30 days of the complaint’s filing, and hold the hearing on the complaint within 90 days, the city admitted that by 1990 it took between 2 and 3 years for the Board to resolve a complaint.⁴⁵

Although the city would soon face a fiscal crisis, the cause of the backlog at CCRB was not money. On the contrary, during the 1980s, as the number of complaints filed with the office steadily increased, funding and staffing increased as well.⁴⁶ However, because the CCRB law only allowed for complaints to be handled two ways—dismissal or a full evidentiary hearing before the seven-member Board—the existence of a backlog was almost a foregone conclusion.⁴⁷ According to a 1995 ACLU report, “[t]he unwieldy size of the Board often contributed to the delay in the process, as most members felt inclined to ask individual questions ... This extended and often repetitive questioning of witnesses by each and every board member significantly added to the lengthiness of each hearing.”⁴⁸

The study’s authors suggested that if the size of the Board were decreased, hearings would be shorter and could be scheduled more frequently and resources could be shifted to the investigative branch of the agency.⁴⁹ The lack of alternative means of resolving complaints—including summary

adjudication, conciliation or mediation—also was cited as a major factor in the backlog.

Ironically, both police and citizens also reported feeling that the Board was biased against them. For citizens, this concern stemmed from the fact that the police chief appointed one member to the Board and the police union appointed another. In addition, police officers appearing before the panel typically were represented by the police union while complainants did not have counsel. In recognition of the problem, one Board member told the authors of the ACLU report that Board members “understand the position of the unrepresented complainants and tend to ‘help out,’” by asking questions designed to elicit “the full story.”⁵⁰ Perhaps as a result of such efforts to “help out,” police in turn suspected that the process was biased against them. Officers subject to the process described it as “demoralizing,” expressing the view that citizen judges were unqualified to evaluate police actions and that complaints were often made in retaliation for arrests.⁵⁰

The Judiciary Committee recognized in its 1997 report on the CCRB that the backlog had a serious negative impact on the Board’s credibility with the public. According to the report, “[t]he long delay in resolving citizen complaints signaled to the community this government’s lack of commitment to civilian review, and eroded the community’s confidence in the MPD.”⁵² The ACLU report similarly concluded that many citizens “do not believe it is worthwhile” to file a complaint with the CCRB because of a lack of effectiveness in investigating allegations and recommending discipline in a timely fashion.⁵³ In addition, Chief Soulsby himself acknowledged that penalties levied on the basis of board findings were unlikely to impact police behavior if the delay between the misconduct and the punishment was extended: “For discipline to be truly effective,” he said, “it has to be timely.”⁵⁴

The Council amended the CCRB in 1992 to expand the board to 21 members and allow them to hear cases in three panels of seven and to provide for summary adjudication or conciliation of certain types of claims.⁵⁵ In addition, the CCRB itself implemented several administrative “reforms,” including the dismissal of claims where the complainant had died, moved out of the area or lost interest in the complaint. Referencing these reforms, Donald Temple, then-Chair of the CCRB asserted in 1993 that improvements in the Board’s operation “may be serving as a deterrent to incidents of misconduct,” as the number of complaints decreased significantly in some of the city’s “problem” areas, including the Third District.⁵⁶ An equally likely scenario, however, is that given the large backlog at the CCRB and the special concerns many Latinos have about either their immigration status or the status of their relatives, Latinos were less likely to rely on the flawed complaint review system.⁵⁷

It is unlikely that citizen groups or the *Cox* court could have predicted that in an effort to improve the CCRB, the City

Council would actually eliminate all external review of the police department (with the exception of criminal investigations by the U.S. attorney) for over five years. And yet that is precisely what happened. All citizen complaints pending before the CCRB in 1995 were referred to MPD's Internal Affairs Unit, and that unit became the only administrative receptacle for future complaints.⁵⁸ The impact of this decision on public confidence in the investigation of complaints was substantial. Anecdotal reports suggest that this policy likely resulted in the intimidation of complainants, increased reluctance to file complaints against officers, and the police department's unwillingness to pursue an investigation against a fellow officer.⁵⁹

The New Office of Civilian Complaint Review

In creating the OCCR, the City Council attempted to address the shortcomings so clearly identified in its predecessor. Specifically, the law, enacted by the City Council in 1998, created a streamlined five-member Citizen Complaint Review Board charged with overseeing the activities of OCCR rather than adjudicating individual cases. OCCR is charged by statute with reviewing claims of harassment, use of unnecessary or excessive use of force, discrimination, retaliation and use of inappropriate language. Under the law, one member of the Board is selected by MPD. However, the other four members must have no current affiliation with the police force.

OCCR is authorized to receive, dismiss, conciliate, mediate or adjudicate a citizen complaint against a member of the MPD.⁶⁰ One of the primary purposes of the OCCR is "to establish an effective, efficient and fair system of independent review of citizen complaints against police officers in the District of Columbia...."⁶¹

The OCCR is structurally and procedurally distinct from the CCRB in a number of ways, particularly in the investigation of citizen complaints. Under the OCCR, investigations of complaints are conducted externally, not by the MPD. This external investigation process is an important priority in the OCCR legislation. "Effective independent review enhances communication and mutual understanding between the police and the community, reduces community tensions, deters police misconduct, and increases the public's confidence in their police force."⁶²

Despite important changes, there are many challenges to the agency's effectiveness:

- There is a considerable backlog of uninvestigated complaints;⁶³
- OCCR continues to lack authority to discipline officers;⁶⁴
- It is difficult to overcome police officer disregard for the system;⁶⁵
- MPD participation on the Citizen Complaint Review Board⁶⁶ could threaten the OCCR's independence;⁶⁷

Moreover, the only remedy provided by the OCCR system is disciplinary action against the police officer. If the victim has suffered personal injuries and seeks to recover monetary damages, the OCCR complaint would have to be supplemented through another form of legal action.

To expedite case review, OCCR's Executive Director has the power to dismiss complaints with the concurrence of one board member, recommend them for investigation by a professional investigative staff or refer them to the U.S. Attorney's Office for possible criminal prosecution. The law also allows complaints to be mediated or resolved through conciliation. To address concern about the time-lag between the filing of a complaint and its ultimate resolution, the law requires OCCR to make an initial determination about how to handle the matter within seven days of its filing.

The MPD expressed support for the concept of a citizen complaint review, but opposed the inclusion of "discriminatory treatment" as a basis for Board jurisdiction, arguing that allegations of such discrimination are "too complex for an untrained, volunteer hearing examiner to adjudicate."⁶⁸ Judge John Ferren, then-Corporation Counsel for the District of Columbia, urged passage of the measure, which was drafted with the assistance of his office.

Unfortunately, although the bill was enacted in 1998, OCCR did not receive its first funding until Congress provided the office with \$500,000 in start-up funds for FY2000 and FY2001. The District allocated an additional \$218,000 in local funds for the agency in FY2000. As a result, the members of the Advisory Board were not appointed until January 2000 and they did not hire an Executive Director until July of that year. The Office did not officially open for business until January 2001. Funding, however, appears to have stabilized: the Office received \$857,000 from the District for FY2001 (in addition to the funds from Congress) and its proposed budget for FY2002 is over \$1.4 million.⁶⁹

Regarding the Latino community, OCCR Deputy Director Robert Ames met with the Council of Latino Agencies in the aftermath of the Sherman Avenue shooting and agreed to take a more proactive posture on outreach to Latinos. As a result, OCCR is planning a large-scale outreach effort in late 2001 in cooperation with Latino community centers, social service groups, clergy, and others. According to Ames, this is especially important because D.C. Latinos often feel that services provided by the city government "are not for them." Furthermore, immigrants from El Salvador and Guatemala in particular may be too fearful of police to register complaints about police conduct, even with an independent government agency with no ties to MPD. Ames said that a "massive education process" is needed to combat these misperceptions in the Latino community.

*Complaints of Misconduct by MPD and Their Resolution:
What the Data Can (or Can't) Tell Us*

Because the CCRB was inactive from 1995 until January 1, 2001, and complaints of misconduct were handled directly by MPD during that time, it is difficult to analyze trends in the number or type of misconduct complaints, who filed them, or their resolution. Not only is limited data available, but serious questions exist about whether residents, particularly Latinos, felt confident enough about their rights to file complaints about MPD officers with MPD itself. In addition, the dramatic variation in complaint data for the years where data is available suggest that changes in record-keeping or department policy regarding the acceptance of complaints may have led, perhaps inadvertently, to distortion of the numbers and thus to an inaccurate reflection of what was actually happening in the field.

The MPD annual reports for 1998 and 1999 list allegations of misconduct for 1997, 1998 and 1999.⁷⁰ According to this data, citizen complaints rose substantially – from 284 to 434—between 1997 and 1998—a result, according to the MPD, of changes to the complaint system that “made it easier for citizens to file complaints” and improvements in record keeping. A year later, in 1999, the number complaints decreased dramatically, from 434 to 308. According to the MPD’s annual reports, the majority of complaints in 1998 alleged excessive force (119), conduct unbecoming an officer (75), harassment (67) or demeaning language (63). In 1999, the MPD reported 94 allegations of excessive force, 66 claims of conduct unbecoming an officer, 37 cases of harassment, and 43 cases of demeaning language. At the same time, a fifth category of complaint – rudeness by an officer – grew from 38 to 53 between 1998 and 1999, possibly indicating an effort to use this term to define complaints when viable rather than the stronger alternative terms “demeaning language” or “harassment.”

MPD’s Response to Citizen Complaints

Data on the disposition of the complaints are provided only where excessive force was alleged. In 1998, of 119 claims of excessive force by personnel in the district offices, 43 were “not sustained,” 12 were “unfounded,” 16 were “exonerated,” five were “sustained,” and 43 were “pending.” No information is provided regarding the disciplinary action taken in the five cases in which the department sustained the excessive force claims. Of the 94 allegations of excessive force in the various police districts in 1999, 38 were “not sustained,” 13 were “unfounded,” 9 were “exonerated,” 4 were “sustained,” and 30 were pending. Again, no information is provided regarding the punishment, if any, attached to the four claims of excessive force that were “sustained.”

As previously discussed, the Department of Justice analyzed this data and determined that a “pattern and practice of the use of excessive force by MPD” existed during the 1990s.⁷¹ In addition, the Department of Justice concluded that the “MPD’s investigation of complaints suffers from ... a lack of thorough-

ness, impartiality, timeliness and competence in investigating the allegations.”⁷² Echoing the findings of both Human Rights Watch and ACLU reports, the Department of Justice raised concern about the quality of investigations. It noted that at times during its two-year study only one sworn officer was assigned to the unit charged with tracking citizen complaints, reviewing the investigation of those complaints and maintaining MPD’s “early warning system” for violence-prone officers.⁷³

Federal officials were critical of the MPD’s disciplinary record. According to the Department of Justice, “[a]lthough we requested all documents related to MPD’s discipline of officers for use of excessive force, we received very few records, indicating that few officers are ever disciplined for excessive force. For example, the documents provided indicate that in approximately 350 use of force incidents referred to the United States Attorney’s Office for possible criminal prosecution, MPD recommended discipline for only 16 officers.”⁷⁴ “In many instances in which MPD held a use of force ‘unjustified,’ or in which MPD held a citizen complaint of excessive force ‘sustained,’ we did not receive any documents evidencing that MPD imposed any form of discipline,” the Department of Justice report continued.

Furthermore, MPD’s complaint intake system, which was the only system in effect during the years that the CCRB was defunct, discouraged individuals from filing complaints by requesting that they appear in person at a police station to make their claim, according to the Justice Department. “This practice has a deterrent effect on would-be-complainants who fear retaliation or who are simply unable or otherwise reluctant to come to a police station,” according to the Department of Justice.⁷⁵ Notably, MPD did not analyze complaint data on the basis of the race or ethnicity of the complainant. Thus, it is impossible to evaluate whether the procedure for registering a complaint may have had a disproportionate impact on particular minority groups.

In June of 2001, the Department of Justice entered into a Memorandum of Agreement (MOA) with the District of Columbia and the MPD in an effort to address the deficiencies identified during the course of the Department’s two-year review. Although the MOA does not provide victims of police misconduct a cause of action to file suit in a court proceeding against the officer or the MPD,⁷⁶ it sets forth many critical policy changes that are aimed at improving the MPD’s policies on the use of force, including procedures for citizen complaints of an officer’s use of excessive force.⁷⁷ One of the most important policy directives in the MOA is a call for more police officer training in the use of force.

Undoubtedly, it will remain critically important to have an effective civilian complaint review office functioning in the District of Columbia. While it is commendable that Mayor Williams and Chief Ramsey are willing to enlist the Department of Justice in examining inappropriate uses of

force by MPD officers, the actual implementation of the MOA will be determined in evaluating the MPD's progress.

Specifically, the MPD is charged with improving both its internal complaint handling system and its coordination with the OCCR to "clearly delineate their respective roles and establish strong lines of communication between the two entities." Thus, while the MPD's Office of Professional Responsibility will be responsible for investigating allegations of criminal misconduct by MPD officers,⁷⁸ and the MPD's new Force Investigation Team will investigate all firearm discharges, OPR must notify OCCR of any complaint it receives that falls within OCCR's statutory jurisdiction within 24 hours. These include charges alleging harassment; use of unnecessary or excessive force; use of insulting, demeaning or humiliating language; or discriminatory treatment.

Program materials must be produced in English, Spanish and other "appropriate languages."

The MPD also must develop and implement a public information program designed to make citizens aware that they can make complaints to both MPD and OCCR. Program materials must be produced in English, Spanish and other "appropriate languages." Although the MPD's Web site already includes considerable information about how to file complaints both with MPD and with OCCR, this information is only provided in English.

According to Maria-Christina Fernandez, Chair of the new CCRB, information sharing between MPD and OCCR is a priority of the board and she has been generally satisfied with MPD's responsiveness thus far. OCCR staff expressed some frustration, however, at delays in getting rank-and-file officers to respond to information requests.

Although the MOA does not provide any local or federal funding, the District has pledged to include in its budget sufficient funds to carry out the requirements of the agreement and to make "diligent efforts" to obtain congressional approval of such funding levels. Pursuant to the MOA, an independent monitor will be appointed to review and report on the MPD's implementation of the agreement, including the quality and timeliness of investigations of use of force complaints and the disciplinary actions resulting from those investigations. Finally, the MPD is required to issue quarterly reports to the public including data on uses of force, broken down by police district and by race/ethnicity of the subject of the force. The report also must include information about use of force investigations conducted and their outcomes. OCCR also is required to publish annual reports. Thus, substantially more information should be available to ordinary citizens and advocates interested in monitoring MPD's progress in future months and years.

Careful monitoring will be required to ensure that MPD complies with the MOA, and vocal advocacy will be required if it does not.

IV. Indifference to Latino Employment Hinders Recruitment and Retention

The MPD's recruitment efforts, hiring practices, retention efforts and promotion procedures also illustrate the department's indifference toward fully integrating Latino officers into its workforce.

Recruitment Efforts

Since 1998, the MPD has been retooling its recruitment efforts in an attempt to increase the number of Latinos in the police force. The first action the MPD took was to increase the percentage of the Recruiting Unit's budget allocated to Latino recruitment. In 1999, the MPD allocated 10% of the Recruiting Unit's budget for use in attracting Latinos to the MPD.⁷⁹ In 2000, the MPD increased the portion of the Recruiting Unit's budget for Latino recruiting efforts to 16%.⁸⁰ The MPD relies heavily on advertisements, community outreach programs and job fairs to improve its recruitment efforts. Advertisements in several different languages have been placed in magazines and newspapers, such as *The Washington Post*, *El Pregonero* and the *Washington Chinese Newspaper* as well as on television and radio to promote career opportunities with the MPD.⁸¹ MPD recruiting officers have spoken on Radio Boriquen in an effort to provide Latino listeners with information about the MPD.⁸² During

these radio sessions, Latino officers discuss career opportunities with the MPD and issues Latino officers face in the law enforcement community.⁸³

In 2000, the MPD increased the portion of the Recruiting Unit's budget for Latino recruiting efforts to 16%.

The MPD has attempted to improve recruitment through the use of community outreach programs. One such program is the implementation of a toll free recruitment hotline, 1-800-99-4MPDC, which allows individuals to call in and receive information about career opportunities with the MPD.⁸⁴ The MPD also uses a new recruitment video to provide information about MPD career opportunities.⁸⁵ To attract applicants who do not live in the Washington metropolitan area, the MPD uses digital recruiting through the MPD Web site.⁸⁶ According to the MPD, the Web site targets and recruits Latinos in Texas, California, Ohio, Connecticut and Florida.⁸⁷ However, the implementation of the Web site has not improved the MPD's Latino applicant flow.⁸⁸

The MPD also recruits candidates in local high schools. During 1999 and 2000, the MPD visited 19 local high

schools to promote joining the MPD as a career opportunity.⁸⁹ Further, the MPD attempts to recruit young individuals through the Cadet Program.⁹⁰ The Cadet Program provides educational and on-the-job training to recent high school graduates who are interested in becoming police officers.⁹¹ Through the program, cadets can earn an Associate of Arts Degree at the University of the District of Columbia and police training at the MPD Institute of Police Science.⁹² The first cadet class is scheduled to start in August 2001.⁹³

The MPD has also hosted job fairs in May of 1999 and in March of 2000.⁹⁴ A press release of these job fairs was given to Latino newspapers and radio stations.⁹⁵ The MPD states that job fairs were successful in recruiting Latinos because many Latino applicants participated.⁹⁶ The MPD intends to host another job fair in the fall of 2001.⁹⁷ In addition to hosting its own job fair, the MPD participated in other public and school career fairs.⁹⁸ The MPD also has sent representatives to speak at military installations and community outreach activities to promote career opportunities with the MPD.⁹⁹

In addition to continued participation in job fairs, the MPD is planning a targeted recruitment drive in Puerto Rico.¹⁰⁰ The goal of the targeted drive will be to attract more Latino applicants to the MPD.¹⁰¹ The MPD has not held a targeted drive since the 1980s.¹⁰² While there are plans to hold the targeted recruitment drive, a specific date has not been set.¹⁰³

The MPD's recruitment efforts have proved ineffective in attracting Latinos to the police force. In 1999, 7.7% of MPD new hires were Latino.¹⁰⁴ In 2000, the MPD received 3,570 applications for law enforcement positions.¹⁰⁵ The applicants were 39.44% African American; 23.85% Caucasian; 4.76% Latino; 1.62% Asian; 0.81% Native American; and 29.52% of unknown ethnicity.¹⁰⁶ The MPD hired 351 of the 3,570 applicants for law enforcement positions.¹⁰⁷ The 2000 new hires were 51% Black, 43% Caucasian, 3.67% Latino, and 2.1% Asian.¹⁰⁸ The decrease in Latino new hires from 7.7% in 1999 to 3.67% in 2000 illustrates the MPD's inability to consistently hire Latinos.

The 1990 Census reported 32,710 persons of Latino origin in the District of Columbia, comprising 5.4% of the District's total population of 606,900.¹¹⁰ The 2000 Census reports 44,953 persons of Latino origin, comprising 7.9% of the District's total population of 572,059.¹¹¹

In 1991, of the 4,790 police officers employed by the MPD, 121 (2.5%) were Latino.¹¹² Today, the MPD employs 3,616

sworn personnel of whom 177 (4.9%) are Latino, and 857 civilian personnel of whom 17 (6.9%) are Latino, or a total of 4,473 personnel of whom 194 (4.3%) are Latino.¹¹³

Based on this data, there has been an increase in the proportional representation of Latino personnel in the MPD (from 2.5% to 4.3%), but that representation remains significantly below that found in the general population which also has increased over the last 10 years (from 5.4% to 7.9%).

In contrast, representation of Latino officers in the Third and Fourth Districts has decreased in number, but proportionately remained relatively unchanged over the last 10 years. In its 1993 report, the USCCR reported that 53 officers (11%) of the 487 MPD employees assigned to the Third District were Latino, and in the Fourth District, 31 officers (6.8%) of the 453 MPD employees assigned were Latino.¹¹⁴ Today, 40 (10%) of the 399 MPD officers assigned to the Third District are Latino, while in the Fourth District, 26 (6.5%) of the 399 MPD officers assigned are Latino.¹¹⁵

The MPD attributes its difficulty in recruiting and hiring Latinos to the fact that several otherwise potential candidates are either not United States citizens or can not speak English.¹¹⁶ The MPD also cited a government-wide hiring freeze as a major hurdle to their recruitment efforts.¹¹⁷ Lastly, the MPD cited fiscal constraints as a reason they have been unable to increase Latino representation in the workforce.¹¹⁸ However, the hiring freeze and fiscal constraints are suspect as barriers to recruitment of Latinos considering that the MPD hired 351 new officers in 2000.¹¹⁹

Hiring Practices and Retention of Officers

In an effort to retain officers, the MPD has increased salaries and benefits, offered continuing education, and purchased new police equipment. In 1998, the MPD increased salaries for sworn officers to bring pay in line with neighboring jurisdictions.¹²⁰ As an additional salary perk, the MPD has established a program to provide stipends to members of the police force who speak a foreign language.¹²¹ Since the induction of this program, there have been 154 applicants.¹²² Of the 154 applicants, 103 have been certified and receive the stipends.¹²³ The stipend pays approximately \$50 a pay period or about \$1300 a year.¹²⁴ The benefits and limitations of the stipends are discussed in the language access section of this chapter.

Despite these efforts, there were still 182 separations from the MPD in 2000.¹²⁵ Of these separations, 106 were retirements, 61 were resignations, and 18 were removals.¹²⁶ Of the total amount of separations, African Americans represented 55.49%, Latinos represented 3.8%, Caucasians represented 37.79%; and Asians represented 1.09%.¹²⁷ Since 1998, the overall number of separations has decreased, but the percentages have remained relatively the same. In 1998, there were 255 separations.¹²⁸ Of these separations, 123 were

retirements, 101 were resignations, and 31 were terminations.¹²⁹ Of the total amount of 1998 separations, African Americans represented 57.25%, Latinos represented 4.71%, Caucasians represented 35.69%, and other ethnic groups represented 2.35%.¹³⁰

Since 1998, a Latino/a has held no senior management position, including the Chief of Police, Executive Assistant Chief, Regional Assistant Chief or Assistant Chief.¹³¹ There is currently only one Latino Commander in the MPD, and there have been no Latino promotions to this position since 1998.¹³² There also is no Latino representation at the Inspector level.¹³³ There are

Since 1998, a Latino/a has held no senior management position, including the Chief of Police, Executive Assistant Chief, Regional Assistant Chief or Assistant Chief.

two Latino Captains, but again, there have been no Latino promotions to this position since 1998.¹³⁴ At the Lieutenant level, there are currently five Latinos.¹³⁵ Since 1998, the number of Latino Lieutenants has decreased by one, and no Latinos have been promoted to this position.¹³⁶

While not considered promotions, the MPD has several positions that are viewed as highly specialized, career-building opportunities. These positions include the Professional Responsibility Department under the Office of the Chief; the Executive Protection Department under the Office of Operational Services; and the Task Force Group, Special Operation Division, and Special Investigations Division under the Special Services Group.¹³⁷ In 2000, 53 employees were transferred to these specialty units.¹³⁸ Blacks and Whites each accounted for 43.4% of the transfers to these units. Latinos accounted for 11.3% of the positions and Asians for 1.9% of the positions.¹³⁹

V. Language Access Mandated by National and Local Laws

Language Access and the Law

The need to improve and ensure meaningful access to federally conducted and funded programs by eligible persons with limited English proficiency due to national origin was recently given national recognition by an Executive Order.¹⁴⁰ In conjunction with this recognition, the Department of Justice developed compliance standards and issued a general Policy Guidance Document.¹⁴¹ The Policy Guidance is a model for the development of federal agency guidelines to ensure accessibility by persons with limited English proficiency and compliance with the prohibition against discrimination on the basis of national origin under Title VI and its implementing regulations. The Department of Justice issued specific guidance for federal fund recipients on January 16, 2001.¹⁴²

“The language barrier is the most palpable symbol of the growing disconnect between the Hispanic community and police in the nation’s capital.”

**Petula Dvorak, *Washington Post*
May 30, 2001**

This guidance is applicable to the District of Columbia and, specifically, to the MPD as a recipient of federal financial assistance from the Department of Justice. The guidance suggests that the following populations of persons with limited English proficiency would be eligible to be served or encountered by the MPD:

- Persons subject to or serviced by law enforcement activities, i.e., suspects, violators, witnesses, victims, and community members;

- Persons in custody, including juveniles, detainees, wards, and inmates;
- Persons not in custody but under conditions of parole or probation; and
- Parents and family members of the above.

The guidance makes clear that by accepting federal funding, compliance with Title VI and its prohibition against discrimination on the basis of national origin is required.

The guidance also includes a “safe harbor” provision under which the MPD could satisfy its Title VI obligation to provide *written* materials in non-English languages. At a minimum, this safe harbor would require the MPD to provide written translations of vital documents for every language

At a minimum, the Policy Guidance would require the MPD to provide written translations of vital documents for every language group with 1,000 or more persons of limited English proficiency.

group with 1,000 or more persons of limited English proficiency. Based on 1990 Census data, Spanish falls within this category¹⁴³ and, therefore, written Spanish translations of vital documents should be provided. Even absent this safe harbor provision, D.C. law

already requires Spanish translation of District of Columbia publications relating to health, safety and welfare.¹⁴⁴

Once the analysis has been completed and the MPD has determined the language assistance services it will provide, the MPD should prepare a written policy on language assistance for persons with limited English proficiency.

MPD Language Capacity

There is no direct correlation between being Latino and speaking Spanish, although this relationship may be more direct than the one between being Latino and having limited proficiency in English.¹⁴⁵ For example, in 1991, MPD had 121 Latino officers, and an estimated 126 officers spoke fluent Spanish.¹⁴⁶

Compared to the close relationship between Latino and Spanish-speaking officers in 1991 (121 and 126, respectively), the significant discrepancy in 2001 (194 Latinos versus 93 certified Spanish-speaking employees) raises some serious questions about the efficacy of the Language Services Stipend Program and the criteria for certification. First, the additional stipend for providing interpreter or translation services, at \$50.00 *per pay period*, appears to be extremely low, especially when the current market rate for interpreters can easily exceed \$50.00 *per hour*.¹⁴⁷ As such, the stipend may be too low to motivate either submission to the testing and certification procedure or identification as one who can be called upon to provide interpreter or translation services. Additionally, the test, which is conducted and used by the U.S. Department of State, may not be an appropriate measure of the language skills needed by a bilingual MPD officer. Master Police Officer Hiram Rosario reported, “There were all kinds of questions about environmental policy and nuclear disarmament.”¹⁴⁸ The fact that a number of people have reported that the test is a very demanding one,¹⁴⁹ or that officers believe they may be “pigeon-holed” into the role of an interpreter rather than a police officer,¹⁵⁰ may act to further dissuade officers from taking the test. A total of 93 (2%) MPD employees have passed the test, are certified in Spanish and are receiving stipends.¹⁵¹

Similar discrepancies between Latino and Spanish-speaking officers appear in individual districts that have proportionately higher Latino populations. In the Third District, 40 (10%) of the 399 MPD officers assigned are Latino, while only 22 (5.5%) officers are fluent in Spanish.¹⁵² In the Fourth District, 26 (6.5%) of the 399 MPD officers assigned are Latino, while only 20 (5%) are fluent in Spanish.¹⁵³ This kind of discrepancy in the Third and Fourth Districts did not appear 10 years ago.¹⁵⁴

It was reported in 1991 that 60 officers in the Third and Fourth Districts were learning basic Spanish through the University of the District of Columbia.¹⁵⁵ Over the last 10 years, efforts to augment language training programs have not resulted in an increase in the number of Spanish-speaking officers in either district.

The MPD has pursued other efforts to increase the number of Spanish-speaking employees, but the participation level is low and fluency is not readily attainable. For example, 20 employees participated this year in a course called “Basic Spanish for Police Officers” that is conducted in Pennsylvania.¹⁵⁶ Local Spanish classes at various levels of proficiency are also available, but only 11 employees have participated in the Department’s tuition assistance and reimbursement program.¹⁵⁷

These and other language learning opportunities that may currently be available to MPD employees have had little impact on improving access to MPD services and activities by persons with limited English proficiency. While these efforts are laudable and encouraged, additional language learning resources, such as intensive immersion-type language programs, and other means, such as recruiting Spanish-speaking employees, are likely to be more effective in increasing the number of bilingual MPD officers.

Improvement in the area of increasing the number of bilingual staff appears to have occurred with regard to the D.C. lockup. In 1991 there were no Spanish-speaking employees assigned to lockup.¹⁵⁸ Today, the MPD reports that there are 12 Spanish-speaking employees assigned to the Central Cell Block (headquarters) and the seven districts.¹⁵⁹

Some improvement has also been made in the critical areas encompassed within the Communications Division—emergency 911 operators, non-emergency 311 operators and dispatchers. There are 226¹⁶⁰ (170 civilian and 56 sworn) employees assigned to the Communications Division of whom eight (3.5%) are certified in Spanish.¹⁶¹ Only one of the certified employees is a 911/311 operator, but the six certified dispatchers are also assigned to assist with 911/311 calls.¹⁶² This level of staffing does not satisfy the 1991 recommendation to have at least one bilingual 911 operator per shift,¹⁶³ but provides the possibility for such coverage with dispatcher assistance. The Communications Division tries to have two Spanish speakers on duty per shift.¹⁶⁴ Even with this level of staffing, however, caller demand for language assistance cannot be met. MPD currently contracts for additional language services through a commercial language assistance line.¹⁶⁵ During a recent three-month period, the language line was used 124 times, with 117 (94%) of those calls requesting Spanish interpreters.¹⁶⁶

Overall, however, having only 93 certified Spanish-speaking MPD employees is wholly inadequate¹⁶⁷ to meet the needs of the existing population of persons with limited English proficiency in the District of Columbia. This is particularly true in the field—where the demand exceeds the supply of Spanish-speaking officers requested to respond to calls.¹⁶⁸ Access to MPD non-emergency services by persons with limited English proficiency has been hampered further by the closure of the police community centers, or “substations”, at 18th Street and Columbia Road (Third District) and at 14th and Irving Streets (Fourth District) that were once staffed with Spanish-speaking officers.¹⁶⁹

Access to Written Information

The extent to which written information about MPD services and activities have been translated into Spanish has not been fully assessed. According to Department of Justice guidance, discussed above, written translations of “vital documents” should be provided.

Some information that is frequently provided orally in English has been translated into written Spanish. For example, cards have been produced that contain a written translation of *Miranda* rights.¹⁷⁰ On the back of the card are questions designed to assess the individual's understanding of his/her *Miranda* rights with space for the signatures of the individual under arrest and the arresting officer, along with space for the date and time. The card is very small, about the size of a regular business card. As a result, the text is reduced to the equivalent of 5-point bold typeface and is difficult to read. An alternative format, something of slightly

larger dimensions, may improve the legibility of the text.

Other than the *Miranda* card, it is not clear whether cards have been produced or are used as was otherwise recommended in 1991.¹⁷¹ However, Spanish translations of booklets about other laws and rules, implied consent forms and a few other forms have been produced.¹⁷²

It was also recommended in 1991 that bilingual signs should be posted in police stations at visible locations advising individuals of their rights under the law.¹⁷³ Such signs are already posted in cellblocks.¹⁷⁴

VI. Cultural Diversity Training Continues with Potential for Improvement

Background

In the aftermath of the 1991 civil disturbances in the Mt. Pleasant neighborhood, a variety of studies and reports found that the MPD was neither sensitive nor responsive to the language needs of the Latino community.¹⁷⁵ The D.C. Latino Rights Task Force recommended that the MPD should establish a cultural sensitivity and Spanish language program that includes mandatory training for existing officers, an institutionalized curriculum at the Police Academy and incentives for officers who successfully complete language courses (e.g., bonuses).^{176,177,178}

Cultural diversity training and language training are both important ways for police departments to serve diverse communities more effectively. The Commission on Accreditation for Law Enforcement Agencies asserts that professional excellence requires that police maintain good relationships with the community,¹⁷⁹ and the Department of Justice includes diversity training among the keys to promoting professionalism in law enforcement.¹⁸⁰ Studies report that cultural differences not only lead to distrust, and potentially violence, between minority communities and the police, but also that cultural barriers often deter reporting of crime.^{181,182} The use of racial epithets and other demeaning language is another symptom of the problems that diversity training is designed to prevent.

The need for diversity training, cultural awareness, and language training remains obvious today. In May of 2001, *The Washington Post* reported that

“... the language barrier is the most palpable symbol of the growing disconnect between the Hispanic community and police in the nation's capital. A police force that has not increased its Hispanic membership in nearly a decade is losing credibility with a population that doesn't see itself reflected in language or culture.”¹⁸³

In the wake of the closure of both the Mount Pleasant police substation and the MPD's Hispanic Liaison Unit, cultural diversity and language training remain two strategies by which to improve relationships between the MPD and the community.

The Metropolitan Police Department's Diversity Training Program

A survey of the MPD's current training activities indicates that its diversity training programs and policies are consistent with those offered by police departments in the Washington metropolitan region and across the country. Most diversity programs include experiential learning components that are designed to be less didactic and more interactive than lecturing alone. The MPD, too, has adopted this approach of interspersing the perspectives of community members with more standard lecturing. Despite conforming with national training practices, the MPD could still take additional steps to bolster its training program.

Past Efforts in Diversity Training

In 1991, the MPD's recruit training program included 16 hours of human relations training as part of the 69 hours devoted to “behavioral science training.”¹⁸⁴ In-service officers only received four hours of human relations training. Only a small portion of those courses was devoted to discussion about cultural diversity. The USCCR issued a report in 1993 that criticized the MPD's failure to provide more training in human relations, verbal de-escalation techniques, communication, ethics and other related topics.¹⁸⁵

After the USCCR's hearing in 1992, the MPD pledged to begin providing biweekly, multicultural and sensitivity training in June 1992 to groups of thirty officers working in the Third and Fourth Districts.¹⁸⁶ The University of the District of Columbia (UDC) was involved in planning and implementing the \$50,000 course, but the MPD was criticized for failing to include the Latino community in the process.¹⁸⁷ Latino community leaders voiced concerns about whether the program would be responsive to the needs of the community and also questioned whether such intensive multicultural sensitivity training would be integrated throughout the MPD's training program.¹⁸⁸ At the time, the MPD seemed responsive to the need for sensitivity training and for increased training in human relations, but stressed that limited resources made rapid changes difficult.¹⁸⁹

Recruit Training Today

The MPD revamped its diversity training program after the 1991 Mt. Pleasant riots as a result of an executive order requiring diversity training.¹⁹⁰ Initially, a committee comprised of the police chief and members of the local community recommended the implementation of a diversity program.¹⁹¹ After early attempts by professional contractors, the UDC's Institute of Public Safety and Justice was hired in 1998 to develop and administer the current scenario-based training program.¹⁹²

As part of the six-month new recruit training program, the MPD now requires that all recruits participate in a 20-hour diversity awareness and sensitivity training course. A test is administered at the end of this training program. In FY 2001, 102 recruits participated in diversity training.¹⁹³ In theory, all new recruits are required to go through this program as part of basic training. However, individual training sergeants schedule the course, and it is possible that some groups of students do not receive the training.¹⁹⁴

The UDC and the MPD have disagreed about the amount of time that should be allocated to diversity training. Initially, the MPD only allocated time for a two-day training, which the UDC argued was insufficient to adequately cover the various topics and also include the presentations by community members that are an integral part of the program.¹⁹⁵ The UDC currently assumes the cost of an additional half-day of training since the MPD was only able to sponsor two days of training.¹⁹⁶

The curriculum for recruits now includes bias awareness instruction; a unit on Washington, D.C.'s residents neighborhoods and cultures; instruction about the culture of law enforcement; human dynamics and communication training; and conflict resolution training.^{197,198} An hour and a half is allocated to each of those topics, most of which are taught by various UDC professors.¹⁹⁹ The Executive Director of the National Organization of Black Law Enforcement Executives (NOBLE) teaches the section on the subculture of law enforcement.²⁰⁰

A critical component of the training program focuses on "policing in a diverse society"²⁰¹ and includes presentations by representatives from various cultural groups about "the uniqueness of their cultures and people."²⁰² Simply presenting various perspectives is not effective without a curriculum that prepares officers to comprehend the various presentations. Therefore, the instructional units are designed to lay the foundation for the community member presentations. In addition to representatives of the Latino and Caribbean community, the

MPD training program includes presentations by representatives of the African-American, Asian-American, Pacific Islander, gay and lesbian, and deaf communities. There are also presentations about youth issues, which include a focus on gang membership and gang violence.²⁰³ Each of these presentations lasts for an hour and a half and UDC has identified people from the NAACP, Howard University, the Alliance for Justice and Gay Men and Lesbians Opposing Violence (GLOV) to represent the different community perspectives.²⁰⁴

Luis Cardona is a community member who works with the Turner Institute of Police Science to coordinate the various representatives who speak about policing in a diverse society. Cardona also makes presentations about the Latino community, attempting to instill cultural awareness in non-Latino officers.

The MPD notes that the diversity training program is continuously monitored to accommodate the "ever-changing" diversity of the District of Columbia.²⁰⁵ UDC Professor Angelyn

The failure of the MPD to implement follow-up training for new officers is a weakness in the

Department's policy

Flowers, who helped develop the training program, characterizes it as unique because it includes a strong instructional component to introduce officers to the issues before they hear presentations by community members. This gives officers a larger sense of context and makes them more likely to appreciate the messages that presenters seek to convey.²⁰⁶ The program is also unique to the extent that it is designed to foster collaboration with different groups represented in the Washington, D.C. community. Additionally, the curriculum is structured so that instructional messages are reinforced throughout the two and a half day program. Finally, the program was not designed in response to a specific triggering event and is therefore broader than programs in other cities that may be designed to address only a particular area of conflict.²⁰⁷

However, the program is not without its problems. As discussed below, some experts criticize programs that are based upon committee member presentations. Additionally, since the training is designed to be discussion-based and interactive, the UDC originally requested that the class size be limited to 20 people. Often, however, classes tend to include 25-30 recruits.²⁰⁸ Also, UDC suggested that the initial program should be followed by additional instruction to help supervisors work with subordinates to model change. To enhance the program, the UDC also suggested three to six hour follow-up sessions focusing on particular racial or ethnic groups.²⁰⁹ These proposals have not been implemented.

The failure of the MPD to implement follow-up training for new officers is a weakness in the Department's policy. As discussed below, it is clear that the UDC recommendations requiring follow-up training are not currently being implemented by the MPD because of other in-service training requirements.

In-Service Training

In the past, the mandatory diversity training program for new recruits was also used for in-service officers. However, the content of the in-service diversity training program shifted in the aftermath of a 1993 civil rights complaint filed against the MPD by the Hispanic Police Association (HPA) for discriminatory employment practices.^{210,211}

Pursuant to a 1998 resolution agreement with Department of Justice,²⁰⁶ the MPD implemented a mandatory Workplace Environment and Diversity Training Program in August of 1999.²⁰⁷ The resolution agreement specified that the MPD would consult with Latino employees and then adopt a “written Workplace Environment and Training Plan” in order to create a workplace free from improper and illegal racial, national origin, or language-based harassment, discrimination, or retaliation.²¹⁴ The Department of Justice required that the MPD’s Plan would “address management initiatives, supervisory accountability, disciplinary procedures and diversity training initiatives that cover employment issues specifically faced by Hispanic employees.”²¹⁵

In its first attempt to satisfy the terms of the settlement agreement, the MPD contracted with UDC to administer the existing new recruit diversity training course to in-service officers as well.²¹⁶ However, once the Department of Justice observed the UDC-run training course, the Department of Justice demanded that the MPD redesign the course to satisfy the terms of the settlement agreement. The focus of the UDC course remained on cultural diversity generally, but the settlement agreement had mandated a workplace diversity course that would focus more specifically on employment issues and professional interactions in the workplace.²¹⁷ Therefore, the MPD asked UDC to develop an appropriate workplace diversity training course. The MPD stressed that it wanted a strong program that involved small classes and role-playing. However, the resulting UDC proposal exceeded the MPD’s budget and UDC ceased its involvement with the in-service training component.²¹⁸

Thereafter, the MPD hired a local consulting firm to develop the Latino workplace diversity training course for in-service officers. MPD employees were trained as facilitators, which has ensured the continuity of the program. The course is eight hours long and all MPD employees are required to take the course.²¹⁹ Since 1999, 2,365 civilian and sworn personnel have participated in the course, which will be offered until all MPD employees have been trained.²²⁰ Various sources report that some police officers resent being forced to take part in the training.²²¹ Because MPD management did not participate in the training, many officers were especially resentful that they were required to undergo this training.²²²

Each MPD employee must only take the mandated workplace diversity training course one time, and there are currently no other requirements for in-service diversity training. While in-

service officers have ongoing training requirements, there is no specific requirement that they devote any percentage of that time to diversity-related training. Especially after the MPD has finished its in-service training mandate, the MPD should implement a more general in-service diversity training program to reinforce the messages conveyed during initial recruit training.

Such a requirement should apply not only to newly commissioned officers, but to all officers, including those in supervisory positions. The MPD should act to impose a minimal requirement for diversity training on a yearly or biennial basis to promote ongoing awareness of diversity issues and to reinforce its commitment to improving its service to the diverse communities within its jurisdiction.

As previously discussed, MPD and the Department of Justice executed the MOA in June of 2001, which requires the MPD to “continue to provide recruits, officers, supervisors and managers with training in cultural diversity and community policing.” Such training focuses on interactions with persons from different racial, ethnic, and religious groups, persons of the opposite sex, persons of different sexual orientations, and persons with disabilities.²²³ This mandate ensures that the MPD’s new recruit and in-service training components will be sustained in the future.

Department of Justice Recommendations Regarding Diversity Training

A sample settlement agreement between the Department of Justice and any police department alleged to have engaged in racially discriminatory conduct provides insight into the Department of Justice’s standards for diversity training. The Department of Justice sets out a variety of provisions that are designed to prevent future violations.^{224,225} Training is the central focus of the Department of Justice’s requirements. Reviewing the Department of Justice requirements laid out for general use provides a useful point of comparison with the MPD’s current training activities.

- The Department of Justice sample agreement mandates that the Police Department develop a comprehensive training program for all officers in cultural diversity, integrity and ethics and verbal de-escalation techniques as an alternative to the use of force.
- Cultural diversity training shall include training on how to relate to persons from different racial, ethnic, and religious groups, and persons of the opposite sex, and shall include training in communications skills and avoiding improper racial, ethnic, and sexual communications.
- Training on verbal de-escalation techniques shall be integrated into all training that implicates the use of force, and shall include specific examples of situations that do not require the use of force but may be mishandled resulting in force being used.

- Training on these subjects shall be part of the academy training curriculum and shall occur at the beginning of the academy curriculum so as to serve as a foundation for all other classes.
- Post-academy training in cultural diversity, and integrity and ethics, shall be given to officers at least annually.²²⁶
- The training must be three days long and all police officers, supervisors, and management staff must participate in the training.
- The Department of Justice also mandates that the police department conduct repeat programs of the initial three-day training program at least every six months, for the duration of the Agreement, for all officers who have not previously received the training.
- All police officers and other personnel who interact with the public are required to complete the training while at the police academy or within six months of beginning their jobs.²²⁷
- The Department of Justice also requires the police department to conduct annual one-day training update seminars for employees who have been previously trained.
- These update seminars must provide opportunities for face-to-face dialogues involving an interchange of ideas, experiences, and solutions in an equal opportunity context.
- The update seminars must also include such topics as an update on recent case law and concerns related to police misconduct and nondiscriminatory provision of law enforcement services and activities.
- Finally, the Department of Justice requires that minority community leaders and organizations shall have ongoing input into the types of training that the police department offers in addition to the training required by the Department of Justice.²²⁸

The Department of Justice's diversity training requirement is part of a comprehensive plan to prevent continued discrimination by police departments found guilty of patterns or practices that deprive people of "rights, privileges, or immunities" that are protected under the law.²²⁹ Training in integrity and ethics, verbal de-escalation techniques, and relating to people from different cultures and religions are all parts of mandated training resulting from police department discrimination.²³⁰ These consent decrees also require that senior supervisors receive annual supervisory and leadership training in common accountability, integrity and cultural diversity.²³¹

Compared to the MPD training, training mandated by the Department of Justice is more rigorous. The required three-day period is longer than the two and a half days that the MPD devotes to training recruits and significantly longer than the eight-hour in-service workplace diversity course. The involvement of community leaders in formulating the program is

another area where the MPD falls short. The Department of Justice requirement that the police department's management participate in training is also significant. The MPD initially did not require its management to participate in the Workplace Diversity course but has since changed this policy.²³²

Effectiveness of Current MPD Training Methods

The MPD still largely relies on models of diversity training that were criticized as ineffective in 1992. Most notably, in the opinion of one retired deputy chief of the MPD, "*having members of the community explain their culture to police officers has little, if any, effect on the officers' attitudes.*"²³³ A variety of academicians also argue that the model of training used by both the MPD and other police departments nationwide is an ineffective one.²³⁴

Relying on presentations about different ethnic groups sometimes suggests that cultural knowledge is static and unchanging. By focusing on increasing officers' knowledge about other cultures, the programs often assume that bias and prejudice are a result of misinformation or lack of information and, therefore, programs lack sufficient focus on changing behavior. Presentations about various cultures can sometimes convey a false impression of homogeneity, which may reinforce negative stereotypes.²³⁵ Another limitation of focusing diversity training efforts on individual police officers is that more systemic change within the police department is necessary to effectively change behavior.²³⁶

An alternative to standardized training formats is dynamic training that encourages officers to begin a process of understanding and appreciating diversity and that focuses on dialogue rather than lecturing. A goal of such training is to encourage behavioral changes rather than attitudinal adjustments, since the latter are difficult to achieve in limited training courses.²³⁷ Therefore, training should promote the development of process-oriented skills that a police officer can use to assess and improve his or her level of cultural competence.²³⁸ Devoting extensive periods to questions and answers is an important means of addressing the specific questions that police officers have.²³⁹ The UDC's innovations in the late 1990s have bolstered these aspects of the training, but it is still more static than some experts would recommend. The MPD should therefore consider increasing the amount of time allocated to small group discussions and exercises.

Another key to effective training is ensuring that it is an ongoing process.²⁴⁰ This is important not only to solidify the messages conveyed during initial training, but also to update officers' understandings of various cultures as the community changes over time. The MPD's current in-service training program mandate from the Department of Justice has diminished the ability of the MPD to require the type of follow-up training that is generally recommended. In the future, the MPD should revisit the in-service training curriculum and implement mandatory minimum amounts of in-service diversity training.

Conclusions, Next Steps and Recommendations

Reporting Crime Statistics by Ethnicity

To reduce the police harassment that admittedly exists but is not properly documented, the MPD should routinely record the race and ethnicity of victims and arrestees.

- Include ethnicity of people arrested, why arrested, and location of arrest in the Annual Report.
- As much information as allowable should be released pertaining to the ethnicity of victims and arrestees of unsolved cases.
- Data disaggregated by ethnicity should be voluntarily reported to national statistic centers.

Review of Complaints

Public awareness, expeditious and thorough review, and disciplinary action are all necessary for justice.

- Release information about disciplinary action taken following the nine complaints of excessive force “sustained” between 1998 and 1999.
- Review all pending cases in a timely and thorough manner.
- Provide up-date to community advocates on the status of the MOA implementation progress.
- Fully implement the MOA and obtain funding for its mandate and independent monitoring.
- Develop and implement a public information campaign designed to make citizens aware that they can make complaints to both MPD and OCCR.
- Schedule and publicize opportunities when OCCR representatives will be available to speak with complainants at community locations.
- Produce and widely distribute OCCR program materials produced in English, Spanish and other appropriate languages, including Vietnamese and Amharic.
- Expedite information sharing between MPD and OCCR, emphasizing the responsibility of rank-and-file officers to respond to information requests.
- Release quarterly reports to the public including data on uses of force, broken down by police district and by race/ethnicity of the subject of the force. Include information about use of force investigations conducted and their outcomes.

Hiring Practices

MPD currently faces systemic problems regarding Latinos in the areas of recruitment of officers, retention of officers, and promotion within the department.

- Abolish the requirement that candidates for the positions of Sergeant, Lieutenant and Captain must be filled from within the department. This would allow for lateral hiring in these positions.
- Hold targeted recruitment drives in areas heavily concentrated with Latinos who are U.S. citizens, such as Southern Florida, Puerto Rico and Texas.
- Establish equal representation by ethnicity on each assessment panel for the Promotional Process.
- Establish specific test score cutoffs for the Promotional Process written examination.
- Establish specific test score cutoffs for the assessment phase of the Promotional Process.
- Continue to carry out the preexisting retention programs currently in effect.
- Use paid advertising such as television and radio to promote MPD-sponsored job fairs.
- Increase the foreign language stipend.
- Ensure that all officers who are eligible for participation in the Promotion Process are notified.
- Promote qualifying Latino officers to the positions of Senior Management, Commander, Inspector, Captain and Lieutenant.

Language Access

Strictly adhere to and implement federal and local civil right provisions that protect the right of language minority residents:

- Obtain information (i.e., when it becomes available from Census 2000) regarding the number and proportion of persons with limited English proficiency in the District of Columbia, preferably by district.
- Conduct an audit, based on Department of Justice guidance, 66 Fed. Reg. 3834 (Jan. 16, 2001), to determine whether persons with limited English proficiency have meaningful access to MPD programs and activities.
- Evaluate the efficacy of the U.S. Department of State testing criteria.
- Evaluate the efficacy of the Language Services Stipend Program and whether the relatively small stipend hinders participation.
- Investigate and pursue alternative language learning programs such as language immersion programs.
- Increase the number of certified Spanish officers and civil-

ian personnel through more effective recruitment and retention efforts.

- Using the Department of Justice guidance, an audit should be conducted to identify “vital documents” which should be translated into Spanish and steps should be taken accordingly to ensure that they are properly translated and produced.

Diversity and Cultural Training

Strengthening diversity and cultural training will promote more positive relationships with the ethnic minority communities in the District of Columbia.

- Training should be delivered to small groups of five to seven trainees and include role- playing and case studies.
- Increase the number of hours devoted to diversity training for new recruits that include opportunities for small-group

discussions about bias awareness, communication skills and related topics.

- Rather than conduct diversity training over the course of two and a half days, the MPD should consider conducting a series of diversity awareness exercises throughout the six months of basic training.
- Implement a mandatory minimum amount of yearly in-service training in cultural diversity awareness to reinforce the initial training that officers receive. The MPD should distinguish this requirement from general in-service training requirements to ensure that all officers receive ongoing training in a full range of diversity issues.
- Bolster diversity training requirements for management and supervisors.
- Introduce legislation that would mandate minimum training standards.

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