

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF POLICE COMPLAINTS**

DECISION BY FINAL REVIEW PANEL

Complaint No.:	03-0410
Complainant:	COMPLAINANT
Subject Officer(s), Badge No., District:	SUBJECT OFFICER, DCHAPD
Allegation 1:	Harassment
Final Review Panel Members:	Linda R. Singer, Linda Reese Davidson, Richard Jerome
Decision Date:	April 6, 2007

Pursuant to D.C. Official Code § 5-1112(g)(2) and D.C. Mun. Regs., Title 6A, § 2121.1, the Chief of Police of the the D.C. Housing Authority Police Department (DCHAPD) has returned the Merits Determination issued in this matter on March 2, 2006, for review by a final review panel.

This Final Review Panel was convened by the Office of Police Complaints (OPC), formerly the Office of Citizen Complaint Review (OCCR), and issues this decision in accordance with D.C. Official Code § 5-1112(g)(2) and D.C. Mun. Regs., Title 6A, § 2121.3.

I. SUMMARY OF COMPLAINT EXAMINER DECISION

On March 2, 2006, the Complaint Examiner reviewing this complaint issued Findings of Fact and a Merits Determination and reached the following conclusion(s) regarding the allegation(s) in the complaint:

Allegation 1: Sustained

II. STANDARD OF REVIEW

Under District law, a final review panel is charged with reviewing the record regarding a complaint, and without taking any additional evidence, issuing a written decision, with supporting reasons, regarding the correctness of the merits determination issued for the complaint to the extent that the Police Chief has concluded that it erroneously sustained one or more allegations. D.C. Official Code § 5-1112(g)(2); D.C. Mun. Regs., Title 6A, § 2121.3. The final review panel “shall uphold the merits determination as to any allegation of the complaint that the determination was sustained, unless the panel concludes that the determination regarding the allegation clearly misapprehends the record before the original complaint examiner and is not supported by substantial, reliable, and probative evidence in that record.” D.C. Official Code

§ 5-1112(g)(2); D.C. Mun. Regs., Title 6A, § 2121.4. The final review panel is not permitted to take any additional evidence. D.C. Mun. Regs., Title 6A, § 2121.3.

III. ANALYSIS AND DISCUSSION

The final review panel reviewed the OPC Report of Investigation, the attached exhibits, the decision of the Complaint Examiner and the material provided by Chief William Pittman of the DCHAPD. The final review panel concurs with the Complaint Examiner's finding that there was no justification for either the stop or the frisk that formed the basis of the allegation of harassment. The findings are supported by substantial, reliable, and probative evidence in the record. Clearly, both the stop and the frisk were undertaken knowingly.

Without a legitimate stop or frisk, and based on the existing record, the finding of harassment must be affirmed.

IV. SUMMARY OF FINAL REVIEW PANEL DECISION

SUBJECT OFFICER

Merits Determination issued on March 2, 2006.

Merits Determination Conclusion Regarding Allegation 1:	Upheld
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Submitted on April 6, 2007.

Linda R. Singer
Complaint Examiner

Linda Reese Davidson
Complaint Examiner

Richard Jerome
Complaint Examiner