

ANNUAL REPORT 2015



Government of the District of Columbia
Police Complaints Board
Office of Police Complaints

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EXECUTIVE DIRECTOR MESSAGE

Policing has been the subject of intense scrutiny in communities across the nation over the past year. Smartphone video of police-citizen encounters have gone viral and sparked unrest in some cities. In other communities the video of police-citizen encounters have fueled an underlying distrust of law enforcement and calls for federal intervention. Hardly a single day has gone by in which we have not seen a news broadcast of a negative police-citizen encounter, and with every news broadcast community trust of law enforcement tends to erode a little more.

One of the most effective methods to improve community trust is to provide a means for citizens to participate directly in oversight of our police departments. Effective civilian oversight is a common denominator among cities that embrace forward-thinking community policing concepts. In the District of Columbia, the role of community participation in police oversight is provided by the Office of Police Complaints (OPC) and its community-based citizen board, the Police Complaints Board (PCB).

The mission of the OPC and PCB is to improve community trust through effective civilian oversight. In the District of Columbia, we work to improve community trust by holding police officers accountable for misconduct with an effective citizen complaint program and by providing a reliable system of police policy review.

To improve community trust, we have made customer service our highest priority over the past year. Every community member in our nation's capital is our customer, and our strong customer service is guided by our agency's mission to increase community trust in our police forces.

Over the past year, the OPC received more inquiries about filing a police misconduct complaint than any year since the agency began operations in 2001. We received more formal citizen complaints about police misconduct than the previous year. We greatly expanded our outreach with the creation of our community partner program. We resolved more cases through mediation than any previous year. We eliminated a backlog of citizen complaints by improving our investigation procedures. We significantly reduced the average time to complete an investigation, and by the end of the year, we logged the fewest investigations remaining open than any year since the agency first opened its doors, despite having received an increased number of complaints. And, we are on track to surpass all of our agency performance benchmarks in the coming year.

We accomplished these improvements by focusing on customer service. For both the casual observer and for those individuals that have closely followed the evolution of citizen oversight in our nation's capital, many of the statistics in this annual report reflect improvements in our level of customer service that have not been seen since the OPC first began operations fifteen years ago. For the OPC, these statistics reflect a new level of customer service and operations as part of the continual process of promoting our mission to improve community trust in our police forces.

This annual report also highlights many of the initiatives that are a product of the OPC's research of best practices and the promulgation of new policies to help our police forces effectively perform their function in the challenging environment of modern policing. Two of the more prominent initiatives of the past year involve the OPC's role in the introduction of body-worn cameras by police officers, and the implementation of recommendations from the President's Task Force on Policing in the 21st Century, both of which are described in this report.

Every truly successful organization has one important trait - dedicated, bright, and hardworking people that are willing to go beyond normal expectations in order to make success a reality. When I began my role as executive director in November 2014, it was immediately obvious that the OPC had all of the ingredients of a successful organization. An extraordinary staff, dedicated board members, and a supportive community have all contributed to a very successful year.

As we move forward in this time of heightened scrutiny of police practices, the OPC will continue to do its work to strengthen trust. We like to characterize our work at the OPC as providing a bridge for the community and law enforcement to work together to improve public safety. With the help of both the community and police, this year will bring us one step closer to the next evolution in law enforcement and civilian oversight.

Michael G. Tobin

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AGENCY OVERVIEW

Mission and Function

The primary mission of the Office of Police Complaints (OPC) is to increase community trust in the police forces of the District of Columbia. By increasing community trust in our police forces our community will be safer. OPC increases community trust by providing a reliable citizen complaint system that holds police officers accountable for misconduct.

One of the main functions of OPC is to receive, investigate, and resolve police misconduct complaints filed by the public against sworn officers of the Metropolitan Police Department (MPD) and the D.C. Housing Authority's Office of Public Safety (OPS). OPC has jurisdiction over complaints alleging six types of police officer misconduct: harassment, inappropriate language or conduct, retaliation, unnecessary or excessive force, discrimination and failure to identify.

OPC also performs a policy function to assist in increasing community trust. The agency reviews police policies and procedures with a special emphasis on promoting constitutional policing methods. These policy reviews often result in formal and informal recommendations for improvement. The policy recommendations may involve issues of training, procedures, supervision, and general police operations. In addition, the OPC analyzes citizen complaints to make recommendations based upon particular patterns or practices that are identified during our complaint investigations.

OPC's mission also includes helping bridge the gap in understanding that often exists between community members and our police forces. Our community outreach programs include activities focused on both the public and police officers to increase mutual understanding and awareness throughout the District of Columbia.

Personnel

OPC has a full-time staff of 22 talented and diverse employees. Twelve of these positions were filled by employees with graduate or law degrees, five of whom are attorneys. Since the agency opened in 2001, the racial and ethnic composition of the workforce has generally mirrored the District's population: 44% African-American, 39.3% Caucasian, 13.1% Latino, 1.2% Asian, and 2.4% multi-racial.

Our community participates in all of the activities of OPC through a dedicated volunteer citizen board that is appointed by the Mayor and approved by the District Council. The Police Complaints Board was comprised of Chairperson Iris Chavez, Acting Chairperson Kurt Vorndran, and members Assistant Chief Patrick A. Burke, Paul D. Ashton II, and Dr. Margaret Moore.

On November 3, 2014, a new executive director was appointed by the Police Complaints Board (PCB), Michael G. Tobin. Mr. Tobin comes to the agency with extensive experience in police oversight and leading organizations. His background as a former law enforcement officer, police legal advisor, police misconduct investigator, prosecutor, and public safety policy advisor crosses all functional areas of OPC.

In addition, since its establishment, OPC has administered an internship program that has attracted many outstanding students from schools in the Washington area and beyond. As of this year, 97 college students and 49 law students have participated in the program.

Information about OPC staff and PCB members can be found in Appendices G and H.

COMPLAINT ACTIVITY

Contacts and Complaints Received

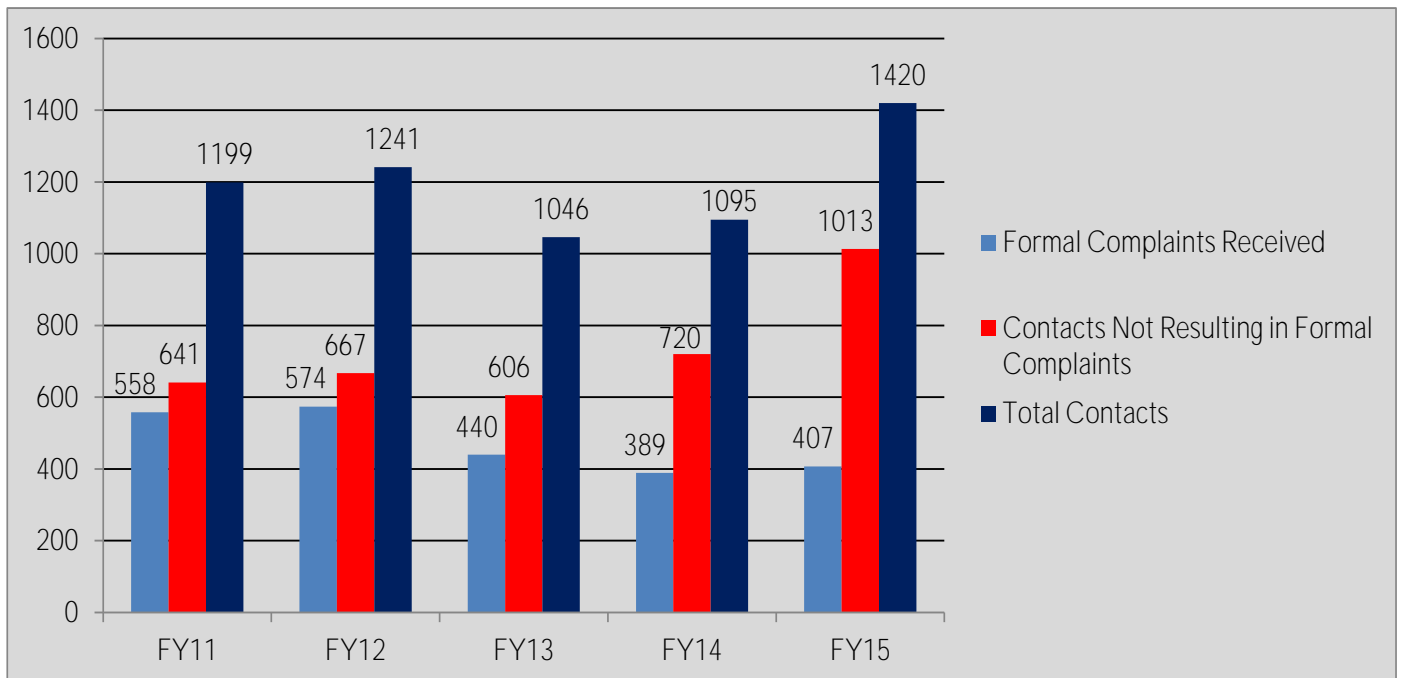
The number of people who contacted OPC for service was 1,420. Among that total, 407 filed complaints alleging police misconduct. Since OPC opened in 2001, it has received approximately 14,400 total contacts with potential complainants and has handled 6,530 formal complaints. See the chart below for a five year comparison.

For each of the 407 complaints received in Fiscal Year 2015, agency staff members assessed whether it was filed timely and ensured that the conduct alleged and the officers were subject to OPC’s jurisdiction. OPC referred some of the complaints to MPD for being either untimely or for alleging conduct by MPD officers that was outside the agency’s jurisdiction to investigate. Other complaints involved allegations regarding officers not employed by MPD or OPS, and were referred for appropriate action to law

enforcement agencies not under OPC’s jurisdiction. Additional complaints were administratively closed, usually in cases where either the conduct was not engaged in by any law enforcement officer or where it occurred well outside the greater DC area. In all of these cases, the agency provided suggestions on how complainants could have their issues addressed, and where appropriate, the contact information needed to do so.

OPC collects and reports a significant amount of data regarding the kinds of allegations, the location of incidents that generate complaints, and demographic information about the complainants and officers. Interested readers can find this data presented in tables and charts in Appendices A through D.

Contacts and Complaints Received



COMPLAINT ACTIVITY

OPC Workload

In addition to the 407 new complaints filed in Fiscal Year 2015, 259 complaints received before this period still required further work or investigation in order to be resolved by the agency. Taken together, these 666 cases represent the actual workload of the agency for the fiscal year.

During Fiscal Year 2015, the agency closed 526 of the 666 cases it worked on. See the table below

for specific disposition information regarding these closures.

At the close of the fiscal year, 140 cases remained open. This is the lowest open caseload carry-over since OPC's inception in 2001. See the second table below for a three year comparison.

Disposition of Formal Complaints

	FY13	FY14	FY15
Adjudicated	21	8	11
Dismissed	259	265	306
Successfully Mediated or Conciliated	20	29	43
Withdrawn by Complainant	26	21	15
Administrative Closures	24	29	50
Referred to MPD	88	77	84
Referred to Other Police Agency	18	13	17
Total Formal Complaints Closed During Fiscal Year	456	442	526

Number of Pending Complaints at Each Fiscal Year End

	FY13	FY14	FY15
Total Complaints Remaining Open at End of Fiscal Year	312	259	140

INVESTIGATIONS

Complaint Processing

For the vast majority of complaints received, OPC conducts an investigation. These investigations generally include some, if not all, of the following steps: interviewing the complainant and eye witnesses; collecting evidence; reviewing MPD documents; visiting the location of the incident; reviewing photographic or video evidence; identifying the officers; and interviewing the various witness and subject officers.

This year saw the initiation of a new investigative tool, body-worn cameras. OPC has direct access to the footage recorded by all cameras worn by MPD officers and utilizes this important tool in its investigations.

OPC investigations can be complex due to the number of witnesses who must be interviewed and the amount of other evidence that must be gathered

and analyzed. The investigators conducted over 769 complaint-related interviews during Fiscal Year 2015. This included approximately 410 police officer and 359 citizen interviews.

OPC is fortunate to have an outstanding staff of civilian investigators who conducted and resolved these investigations. By law, these investigators cannot have ever worked for either police department under OPC's jurisdiction. The Fiscal Year 2015 staff of investigators and supervisory investigators had approximately 130 total years of combined investigative experience. The senior investigators and supervisory investigators each have over 10 years of investigative experience, and some have over 20 years of relevant experience.

Fiscal Year 2015 Investigative Unit Training

To maintain and improve the quality of its investigators, OPC provides training in a variety of ways.

All investigative unit members attended:

- Nine subject matter and legal training sessions;
- Six hours of mental health and safety training;
- Sixteen hours of MPD officer training at the MPD Academy; and
- At least 8 hours of ride-alongs with MPD officers.

In addition:

- Several investigators attended either a four-day civilian oversight practitioner training or four-day training on interviewing techniques; and
- Several investigative unit members attended other professional development training and a national police symposium.

INVESTIGATIONS

Officer Cooperation with OPC's Investigations

District law states that officers “shall cooperate fully with the Office in the investigation and adjudication of a complaint. Upon notification by the Executive Director that an [officer] has not cooperated as requested, the Police Chief shall cause appropriate disciplinary action to be instituted against the employee.” When OPC refers complaints to mediation, officers also must participate in good faith in the mediation process. Each time an officer fails to cooperate in the investigation or mediation process, OPC issues a discipline memorandum to MPD or OPS, which should result in the imposition of

discipline by the relevant law enforcement agency in accordance with District law.

In Fiscal Year 2015, the agency sent 61 discipline memoranda to MPD and one memorandum to OPS. Although there are instances of failures to cooperate by officers, this is not common as seen in the tables below. Also, when an officer fails to appear for or cooperate with an investigation or mediation, OPC requests that the officer be disciplined and MPD and OPS consistently hold these officers accountable, as noted in the table on the next page.

Basis for Failure to Cooperate Determinations

	FY11	FY12	FY13	FY14	FY15
Officer failed to appear	45	40	35	43	53
Officer failed to provide a statement or mediate in good faith	13	24	5	4	9
Total	58	64	40	47	62

Failures to Cooperate vs. Interviews Completed

	FY11	FY12	FY13	FY14	FY15
Total officer interviews conducted	498	538	356	344	410
Total OPC notifications issued	58	64	40	47	62
Approximate Compliance Rate	88%	88%	89%	86%	85%

Discipline for Failures to Cooperate

	FY11	FY12	FY13	FY14	FY15
Sustained, 10 day suspension	1	-	-	-	-
Sustained, 5 day suspension	1	-	-	-	-
Sustained, 3 day suspension	1	-	-	-	-
Sustained, "Official Reprimand"*	3	6	2	3	3
Sustained, "Letter of Prejudice"*	10	9	3	3	6
Sustained, "Form 750"* or "PD 750"*	24	14	19	24	29
Sustained, letter of admonition	2	-	-	-	-
Sustained, "Form 62E"	2	2	-	-	-
Exonerated, other individual disciplined for failing to notify the officer	1	1	2	6	7
Exonerated, no reason provided	-	-	4	-	-
Exonerated, lack of notification	2	4	-	1	1
Exonerated, excused by MPD	4	3	2	6	4
Exonerated, "Article 13 labor agreement"	1	-	-	-	-
Exonerated, no declination letter from USAO	-	6	3	-	-
Unfounded	5	12	3	1	5
No action, officer no longer employed	1	-	-	-	1
Pending	-	7	2	3	6
Total OPC Notifications Issued	58	64	40	47	62

***PD 750** - also known as a "Dereliction Report" - "a record of derelict performance in matters that have not reached a serious level of concern or impact, but which need to be brought to the attention of the member so that conduct can be modified to avoid future problems." It should describe the specific violation, identify measures needed to correct deficiency, and notify the officer that it may be considered in performance evaluations and when imposing progressive discipline. This form of discipline is the least severe formal discipline issued by MPD.

***Letter of Prejudice** - "a written notice to a member outlining the specific misconduct, and future consequence." It may also provide for: additional supervision; counseling; training; professional assistance; and a statement that such action shall be considered in performance evaluations, in deciding greater degrees of disciplinary action, and be used as a basis for an official reprimand or adverse action for any similar infraction within a two-year period. This form of discipline is the more severe than a PD 750.

***Official Reprimand** - A commanding officer's formal written censure for specific misconduct. It is considered in performance evaluations and personnel assignment decisions, and when imposing greater degrees of disciplinary action for offenses committed within a three-year period. This form of discipline is more serious than a "Letter of Prejudice."

INVESTIGATIVE OUTCOMES

Complaint Examination

When an OPC investigation determines there is reasonable cause to believe misconduct has occurred, the agency refers the matter to a complaint examiner who adjudicates the merits of the allegations. OPC's pool of complaint examiners, or hearing officers, all of whom are distinguished attorneys living in the District of Columbia, have included individuals with backgrounds in private practice, government, non-profit organizations, and academia.

The complaint examiner may either make a determination of the merits of the allegations based on the investigative report or require an evidentiary hearing. If a complaint examiner determines that an evidentiary hearing is necessary to resolve a complaint, OPC takes steps to ensure that complainants have counsel available to assist them at no cost during these hearings. For complainant representation, OPC has an arrangement with Arnold & Porter LLP, an internationally recognized Washington-based law firm with a demonstrated commitment to handling pro bono matters.

Generally, officers are represented by attorneys or representatives provided to them by the police union,

the Fraternal Order of Police (FOP).

In Fiscal Year 2015, a total of twenty-five complaints were referred to the complaint examination process. Twelve complaints were resolved during the fiscal year, resulting in ten decisions and one complaint examiner conciliation. An evidentiary hearing was held by a complaint examiner in only one consolidated case, 12-0507 & 13-0023. Eight of the ten decisions issued sustained at least one allegation of misconduct, resulting in a complaint examination sustain rate of 80%. Please note that the sustain rate reflects the percentage of decisions adjudicated by a complaint examiner that were sustained. It does not reflect the percentage of all complaints resolved by OPC.

The table below summarizes the decisions reached by complaint examiners during the past five fiscal years, and identifies both the number of each different outcome after referral to a complaint examiner as well as percentages reflecting the frequency of the different adjudication outcomes.

An example of a complaint examiner decision is provided in Appendix E to illustrate the complaint examination process. OPC also posts all decisions on

Complaint Examiner Decisions (FY11 to FY15)

Outcomes	FY11		FY12		FY13		FY14		FY15	
Sustained	7	100%	12	92.9%	15	71.4%	8	100%	8	80%
Exonerated	--	--	1	7.1%	6	28.6%	--	--	2	20%
Insufficient Facts	--	--	--	--	--	--	--	--	--	--
Unfounded	--	--	--	--	--	--	--	--	--	--
Conciliated	--	--	1	N/A	--	--	--	--	1	N/A
Dismissed	--	--	1	N/A	--	--	--	--	--	--
Withdrawn	--	--	1	N/A	--	--	--	--	--	--
Total	7		16		21		8		11	

INVESTIGATIVE OUTCOMES

Complaint Examination Outcome Definitions

Sustained - where the complainant's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper

Exonerated - where a preponderance of the evidence shows that the alleged conduct did occur but did not violate MPD policies, procedures, or training

Insufficient Facts - where there are insufficient facts to decide whether the alleged misconduct occurred

Unfounded - where the investigation determined no facts to support that the incident complained of actually occurred

its webpage, at www.policecomplaints.dc.gov/page/complaint-examiner-decisions.

Final Review Panels

The statute governing OPC allows the chiefs of police of the two relevant law enforcement agencies to appeal a complaint examiner decision. If the police chief determines that a decision sustaining any allegation "clearly misapprehends the record before the complaint examiner and is not supported by substantial, reliable, and probative evidence in that record," the chief may return the decision for review by a final review panel composed of three different complaint examiners. The final review panel then determines whether the original decision should be upheld using the same standard. There were no final review panels requested for Fiscal Year 2015.

Disciplinary Outcomes for Sustained Cases

For purposes of imposing discipline, OPC forwards all complaint examiner decisions that sustain at least one allegation of misconduct to the appropriate chief of police. Each law enforcement agency is required by law to inform OPC of the discipline imposed for sustained allegations in each citizen complaint.

The table on page 9 lists each of the adjudicated complaints in the order in which they were resolved, identifies the allegations in each complaint, and

indicates the decision reached by the complaint examiner for each allegation category. It also lists the disciplinary determination for each officer. In reporting discipline information, OPC attempts to obtain the final disposition of each matter and keep abreast of any developments that may affect the final disposition.

The table on page 10 contains a historical overview of discipline imposed pursuant to sustained decisions by complaint examiners. The table is organized, top to bottom, from the most serious sanctions to the least serious ones. The columns with totals comprise all discipline imposed based on merits determinations issued prior to Fiscal Year 2015. OPC will continue to monitor and report on disciplinary outcomes to ensure the integrity of the disciplinary process and the District's police accountability system.

Complaint Examiner Decisions by Allegation and Disciplinary Outcomes (FY15)

Complaint Number	Harassment	Excessive Force	Language or Conduct	Failure to Identify	Retaliation	Discrimination	Discipline
12-0507 & 13-0023	Sustained				Sustained		Pending
14-0122			Sustained				5 Day SWOP*
13-0413 (Conciliated)							N/A
14-0132	Sustained		Sustained				Pending
14-0155	Sustained						Official Reprimand
14-0078	Sustained						Pending for 1st harassment sub-allegation, 1 Day SWOP for 2nd harassment sub-allegation *
13-0022						Sustained	Pending
13-0081	Exonerated						
12-0473	Sustained		Sustained				2 Day SWOP*
13-0190			Sustained				Official Reprimand
15-0132			Exonerated				

*SWOP - Suspension Without Pay

Historical Overview of Discipline for Sustained Complaints

Discipline or Action Taken	Outcome for cases sustained in FY15	Total FY09-FY14
Terminated		
Resigned		
Demoted		
30-Day Suspension		1
20-Day Suspension		
18-Day Suspension		1
15-Day Suspension		1
11-Day Suspension		
10-Day Suspension		5
5-Day Suspension	1	
3-Day Suspension		2
2-Day Suspension	1	3
1-Day Suspension	1	1
Official Reprimand	2	17
Letter of Prejudice		10
Dereliction Report		13
Formal Counseling		2
Job Performance Documentation, or "62-E"		1
Unrelated Termination Prior to Discipline Being Imposed		2
Merits Determination Rejected		5
Pending	3	
Total	8	64

INVESTIGATIVE OUTCOMES

Mediation

This year, OPC reached record rates of case referrals and resolutions through the mediation process. A central mission of our office is to foster increased communication and reduced tension between the MPD and the public. Mediation at OPC fulfills this mission by allowing complainants and officers the opportunity to have a confidential conversation about the events leading to the complaint and to work together toward a mutually agreeable resolution of the conflict.

All cases are reviewed for mediation and the decision to refer a case to mediation is discussed at multiple levels of management. OPC does not refer complaints that allege physical injury resulting from an officer's use of excessive or unnecessary force. In order to ensure good faith participation, there are certain restrictions on an officer's mediation eligibility. For example, an officer may not mediate a complaint if they have mediated a similar complaint or had a sustained allegation for similar misconduct in the past 12 months.

Mediation at OPC has historically enjoyed a high rate of resolution, and Fiscal Year 2015 is no exception (see charts for more details). When participants reach an agreement, the complaint is resolved and no further investigative action is taken. Once a case is referred to the mediation process, the complainant must appear and participate in good faith or the complaint is dismissed. If an officer fails to appear or participate in good faith, OPC pursues discipline of that officer and the mediator attempts to reschedule the session.

OPC's mediations are coordinated and conducted by the Community Dispute Resolution Center (CDRC). CDRC has a roster of volunteer mediators who are selected by OPC's executive director and approved by the Police Complaints Board. OPC's robust mediation program and high rates of resolution is a model for Alternative Dispute Resolution programs in oversight agencies nationwide, and a source of pride for our office.

FY 2015 Factual Overview

- 80 complaints referred for mediation
- 55 mediation sessions held
- 42 of the 55 mediations resulted in an agreement that resolved the complaint- a 76% success rate
- Mediations accounted for 10.5 percent of all cases resolved by the agency

Mediation Survey Results

OPC asks individuals who participate in mediations to fill out an anonymous survey. The results of this survey are:

The mediator was:

- a. 68% Very Helpful
- b. 24 % Helpful
- c. 8 % Unhelpful

The mediation session was:

- a. 48% Very Satisfactory
- b. 39% Satisfactory
- c. 10% Unsatisfactory
- d. 3% Very Unsatisfactory

If you reached an agreement, do you consider it to be:

- a. 54% Very Fair
- b. 42% Fair
- c. 4% Unfair
- d. 0% Very Unfair

Did the mediation session change your opinion of the other party?

- a. 59% Feels more positive
- b. 34% No change in my opinion
- c. 7% Feels more negative

Conciliation

In an effort to launch an in-house conflict resolution program, distinct from OPC's robust mediation program, OPC is planning to launch phase two of its conciliation pilot program in Fiscal Year 2016. Conciliation at OPC will focus on bridging the communication gap between the Metropolitan Police Department and the public, and will provide an opportunity for the public to learn about their rights in police encounters, making police procedure more transparent and accessible to the public. Supplemental training will be offered to MPD districts with a high volume of conciliation cases.

POLICY REVIEW AND RECOMMENDATIONS

Overview

The statute creating the Police Complaints Board (PCB) authorizes it to “make recommendations, where appropriate, to the Mayor, the Council, and the Chief of Police concerning . . . those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.” This authority allows the agency to examine broader issues that lead to the abuse or misuse of police powers.

Historically, PCB issued policy recommendations that addressed large-scale concerns about District law enforcement policies, training, or supervision. This fiscal year, however, OPC began using its policy functions to address smaller-scale Departmental matters, which, if corrected immediately, could greatly improve community trust in the police. Unlike policy recommendations, which can involve dozens or hundreds of complaints, policy reports center around one or two complaints, and may address substantive or procedural law enforcement matters. In Fiscal Year 2015, PCB issued a total of five reports and policy recommendations, which are discussed in more detail below. At the close of Fiscal Year 2015, PCB had issued a total of 37 detailed reports and sets of recommendations for police reform. All of the reports and recommendations, as well as information regarding the status of implementation of the suggestions, are currently available on OPC’s website.

“OPC Monitoring of the National Action Network’s ‘Justice for All’ March, December 13, 2014”

On December 19, 2014, PCB issued a policy recommendation entitled, “OPC Monitoring of the National Action Network’s ‘Justice for All’ March, December 13, 2014.” On Saturday, December 13, 2014, thousands of people from across the nation participated in the National Action Network’s “Justice for All” protest march, an event organized by the Reverend Al Sharpton to call Congressional attention to policing issues across the country. PCB, pursuant to its statutory authority, deployed six members of OPC’s staff to monitor MPD’s interactions with



protesters throughout the day on Saturday. In its completed report, PCB commended MPD on its handling of the demonstration, and recommended that the Department remind all MPD officers handling First Amendment assemblies to make sure their names and badge numbers are visible. MPD stated that it had no objection to the report and that it would continue to remind officers to wear identifying information.

“Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers”

On April 10, 2015, PCB issued a policy report entitled, “Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers.” The report addressed two complainants’ concern that MPD officers attempted to enter their home based on incorrect bench warrant information. According to the complainants, while they were sleeping at their home in northeast Washington they were awakened by several MPD officers knocking on their door. The officers explained to them that they were there pursuant to an outstanding warrant for an individual who was listed as residing at the complainants’ address. The complainants informed the officers that the individual did not live at their home. The two individuals further stated that approximately two years ago, another MPD officer came to their

POLICY REVIEW AND RECOMMENDATIONS

home looking for the same person. In its report, PCB recommended that MPD, upon verifying that the individual sought does not reside at the complainants' address, remove the complainants' information from its files. PCB also suggested that in general, MPD confirm that it has the most recent and accurate information regarding wanted individuals' addresses before executing a warrant. In response to this report, MPD stated that it was creating a new online process to update warrant information, and has put together a work group to review its directive on arrest warrants.

“Proper and Timely Training of DCHA OPS Officers on Contacts, Stops, and Frisks”

On May 11, 2015, PCB issued a policy report entitled, “Proper and Timely Training of DCHA OPS Officers on Contacts, Stops, and Frisks.” The report centered around a questionable stop and frisk of three African American men by three District of Columbia Housing Authority Office of Public Safety (OPS) officers. OPS's Use of Force Review Board (Review Board) reviewed the incident, and concluded that a stop and frisk of the three individuals was inappropriate. The Review Board recommended that the three OPS officers receive additional training in the area of contacts, stops, and frisks. Two of the officers involved, however, reported to OPC during their interviews that they never received such training. In its report, PCB recommended that OPS ensure that the officers receive the training that had previously been recommended by OPS's Review Board. PCB also recommended that OPS: 1) consider providing additional Fourth Amendment stop and frisk training to all of its sworn members; 2) institute progressive discipline in cases where officers continue to conduct unlawful stops and frisks after receiving training; and 3) review its general order on stops and frisks and update it where necessary. In response to this report, OPS stated that it would be providing refresher training to its officers on arrests, searches, and seizures. OPS also stated that it was working with the United States Attorney's Office for the District of Columbia to provide additional training to its force on Fourth Amendment issues. Finally, OPS stated that

its officers are receiving updated reference material on U.S. Supreme Court case law regarding stop and frisks, arrests, searches, and other seizures.

“Business Cards Revisited: Improving Identification Requirements for MPD Officers”

On May 21, 2015, PCB issued a policy recommendation entitled, “Business Cards Revisited: Improving Identification Requirements for MPD Officers.” From 2006 to 2014, OPC received nearly 400 complaints and inquiries alleging that MPD officers failed to identify themselves in some way. Forty-seven percent of the complaints and inquiries received contained an allegation that an officer outright refused to identify himself or herself. Four percent of complaints contained allegations that officers referred complainants to an illegible ticket or report. Eight percent of complaints received alleged that the officer retaliated against them by either writing them a ticket or arresting them after they requested the officer's information. In seven percent of the complaints, the individuals to whom the subject officers failed to identify themselves were either alleged crime victims, witnesses to crime, or bystanders wishing to provide aid to injured persons. In some cases, people were so frustrated by their interactions with officers that they expressed reluctance to cooperate with law enforcement in the future. To address these concerns, the Board recommended that MPD: 1) issue a revised directive to its force reiterating the Department's stance on officer identification and requiring officers to verbally state their first name, last name, badge number, or provide a Department-issued business card upon a citizen's request for officers to identify themselves; 2) create and conduct recruit and in-service trainings to supplement the policy; and 3) provide officers with uniform preprinted business cards. MPD agreed with the recommendations listed in the report and stated that it would plan to issue officers preprinted business cards.

“Improving MPD's Policy on the Use of Chokeholds and Other Neck Restraints”

On August 10, 2015, PCB issued a report and set

POLICY REVIEW AND RECOMMENDATIONS

of recommendations entitled, “Improving MPD’s Policy on the Use of Chokeholds and Other Neck Restraints.” PCB’s review of MPD’s policies and training regarding neck restraints indicated that MPD’s current training is not adequate to allow officers to properly and lawfully use a carotid artery hold. In addition, MPD’s current use of force policy, General Order 901.07, contains guidance on neck restraints that appears inconsistent with District law. To address these issues, the Board recommended that MPD modify its policies and training regarding chokeholds and neck restraints in order to comply with current District law. PCB also suggested that the District Council review the city’s law concerning the use of chokeholds and neck restraints to determine whether the statute should be amended. In response to the report, MPD stated that they are in the process of incorporating detailed neck restraint training into its new scenario-based training curriculum and into a revised use of force policy.

Additional Policy Matters

“Final Report of The President’s Task Force on 21st Century Policing”

In December 2014, President Barack Obama created the President’s Task Force on 21st Century Policing. The 11-member task force, which is comprised of nationally-recognized experts in community policing and law enforcement, was charged with identifying best policing practices and recommending ways law enforcement agencies can employ effective crime-fighting strategies while continuing to build public trust. In May 2015, the task force issued a detailed report containing dozens of recommendations for improving police-community relations. The recommendations focus on law enforcement improvements in the following areas: building trust and legitimacy; policy and oversight; technology and social media; community policing and crime reduction; training and education; and officer wellness and safety. PCB considers the report a national “best practice,” and has cited to the report in at least one policy recommendation in Fiscal Year 2015. The Board will continue to rely upon the report and its constructive suggestions in drafting and issuing future policy recommendations.

“Further Follow Up on MPD’s Body-Worn Camera Program”

Shortly after PCB’s Fiscal Year 2014 policy recommendation supporting the creation of an MPD body-worn camera pilot program, OPC, with MPD’s approval, assessed Departmental policy and training for the implementation of the pilot program. Overall, OPC found the policy and training to be comprehensive and protective of individuals’ privacy concerns. In October 2014, MPD’s six-month pilot program began. Approximately 165 officers were equipped with body-worn cameras, with five camera models being tested. OPC had full access to the video footage recorded by the officers, and trained its investigators on how to download and review the footage. In general, OPC investigators found the footage helpful in investigating and adjudicating complaints of misconduct. At the conclusion of its successful pilot program, MPD selected a camera model and equipped 400 MPD officers in the Fifth and Seventh police districts with the new cameras. The Department also issued a revised policy for the creation of a permanent body-worn camera program.

In June 2015, the District Council approved funding to equip 1,200 officers with cameras, but requested that deployment of those cameras be suspended until legislation and policies have been finalized ensuring proper public access to the video camera footage. Legislation regarding public access to body-worn camera footage was recently approved by the District Council. As with the pilot program, OPC will continue to have full access to the video footage. OPC supports the District’s body-worn camera legislation and will continue to work with MPD to make sure the program and its policies provide necessary protections to the public and further the twin goals of increased police accountability and community trust.

COMMUNITY OUTREACH

Overview

In Fiscal Year 2015, OPC continued to promote positive community-police interactions through public education and awareness throughout the District of Columbia and beyond. The agency conducted 37 outreach events with at least two in each of the District's eight wards, and hosted international visitors from the Republic of Turkey, Philippines, and Russia. OPC also launched a Community Partnership program to provide the public with greater access to information about the agency.

Outreach Events

OPC participated in several community outreach events for the first time this fiscal year, including the Ward 7 Family & Youth Expo, Church of Christ food distribution, and the U.S. Attorney's Office for the District of Columbia 5th Annual Youth Summit. Agency staff distributed OPC brochures and Know Your Rights pamphlets as well as spoke with attendees about the citizen complaint process at each event.

The agency also participated in the Executive Office of the Mayor and the Mayor's Office on Asian Pacific and Islander Affairs open houses. In addition, OPC participated in a town hall discussion hosted by Metropolitan A.M.E. Baptist Church in Northwest Washington, D.C. on the juvenile justice system and knowing your rights.

In addition, OPC's Executive Director Michael G. Tobin served as a panelist for the Ward 7 community policing meeting hosted by D.C. Council Chairman Phil Mendelson. Mr. Tobin also attended and spoke at the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Violence Prevention and Response Team meeting about police oversight and the mission of OPC.

In continuing with its outreach efforts to students, OPC conducted its Student Interactive Training (SIT) program at Capital City Public Charter School, Cardozo Education Campus, Paul Public Charter School, Ballou, School Without Walls, Anacostia, and Dunbar Senior high schools. The SIT program centers on reducing the number of negative encounters



between the youth and the police, as well as educating them on knowing their constitutional rights through interactive scenarios.

Additionally, OPC presented the SIT program to a group of first-year football student-athletes attending the University of Maryland College Park's Brand U Summer Transitions program. The agency also presented the SIT program to students attending the American Friends Service Committee DC Peace and Economic Justice Program's human rights summit.

International Outreach

As a part of OPC's international outreach efforts, the agency hosted a two-member delegation from the Philippines and a six-member delegation from Russia as part of the U.S. State Department's International Visitor Leadership Program. The staff shared information about OPC's mission and jurisdiction and discussed the importance of preserving independence from the police.

The agency also presented to a delegation of seven parliamentarians from Colombia, Panama, and El Salvador as a part of an international tour funded by the U.S. Department of State and the Institute for

COMMUNITY OUTREACH

Representative Government.

In addition, OPC staff met with a chief inspector to the Inspection Board of the Republic of Turkey Ministry of Interior and a chief lawyer at Transparency International-Russia.

Community Partnership Program

In February 2015, OPC launched a Community Partnership Program. The purpose of the program is to collaborate with a wide range of community organizations, government agencies, social service providers, neighborhood associations, and advocacy groups to provide the public with greater access to information about OPC. All member organizations agree to display and make available to the public OPC’s complaint forms and brochures. Some community partners assist individuals with filling out and submitting their complaint forms. See the table to the right for a list of OPC’s current community partners.

Media Coverage

OPC continued to gain media coverage throughout Fiscal Year 2015. WAMU 88.5 and The Washington City Paper reported on the PCB’s policy recommendation regarding MPD’s policy on the use of chokeholds and other neck restraints. The Huffington Post and WAMU 88.5 also ran stories on the PCB’s policy recommendation concerning the need for MPD officers to better identify themselves to the public.

Additionally, The Washington Times and DCist.com reported on how OPC was preparing to monitor MPD’s treatment of individuals attending the National Action Network “Justice for All March” led by the Rev. Al Sharpton and the “Justice or Else!” rally organized by the Honorable Minister Louis Farrakhan.

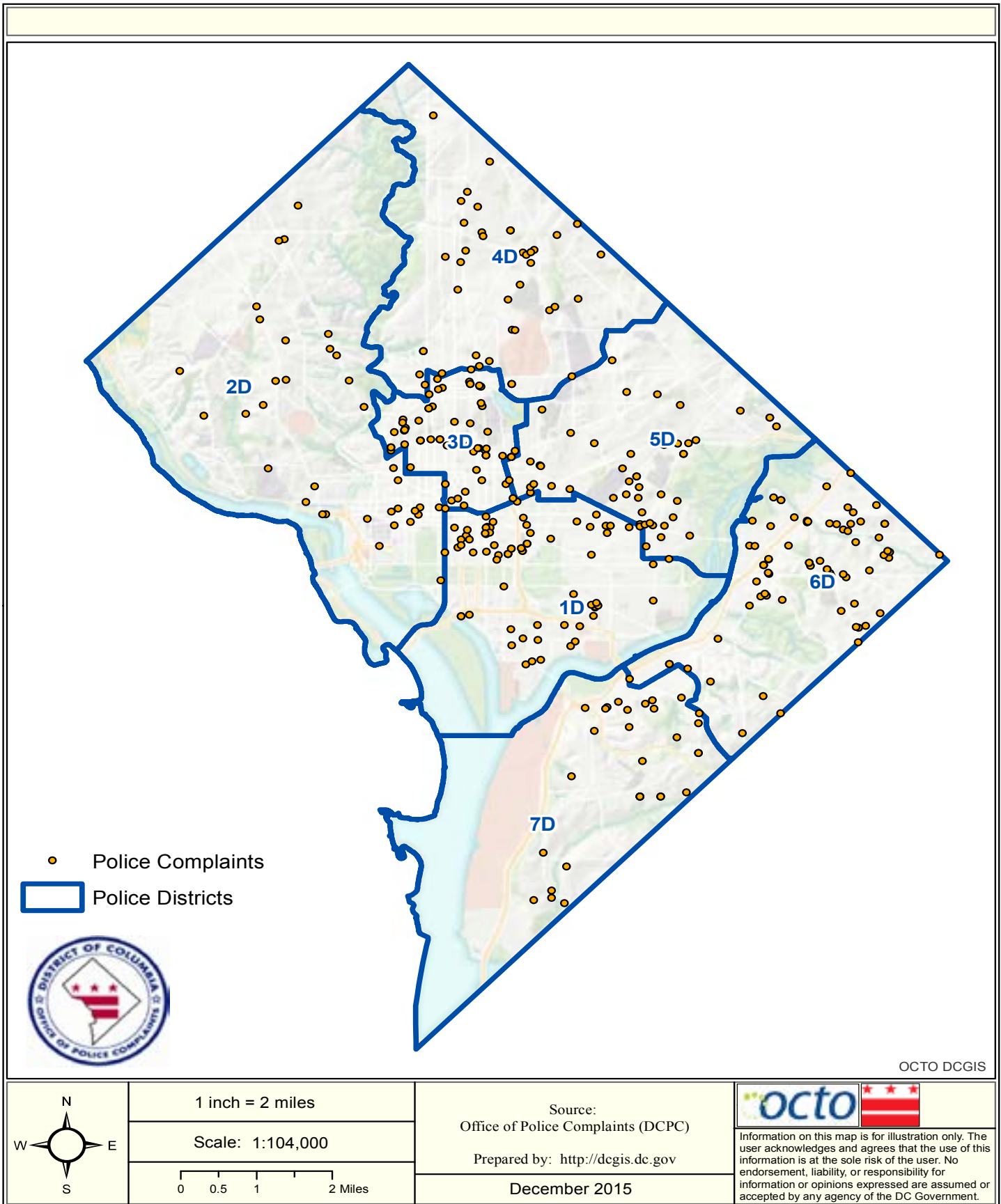
OPC was also mentioned by The Washington Post, DCist.com, and WHUR-FM 96.3 as supporting MPD’s body camera pilot program. The Washington Post also mentioned OPC’s body camera policy recommendation that was issued in May 2014.

American Civil Liberties Union (ACLU) of the Nation’s Capital	American Friends Service Committee
Covenant House Washington	DC Anti-Violence Project (DC AVP)
Greater Washington Urban League	Office on African Affairs
Office on Asian Pacific and Islander Affairs	Office of Gay, Lesbian, Bisexual and Transgender Affairs
Office on Human Rights	Washington Legal Clinic for the Homeless

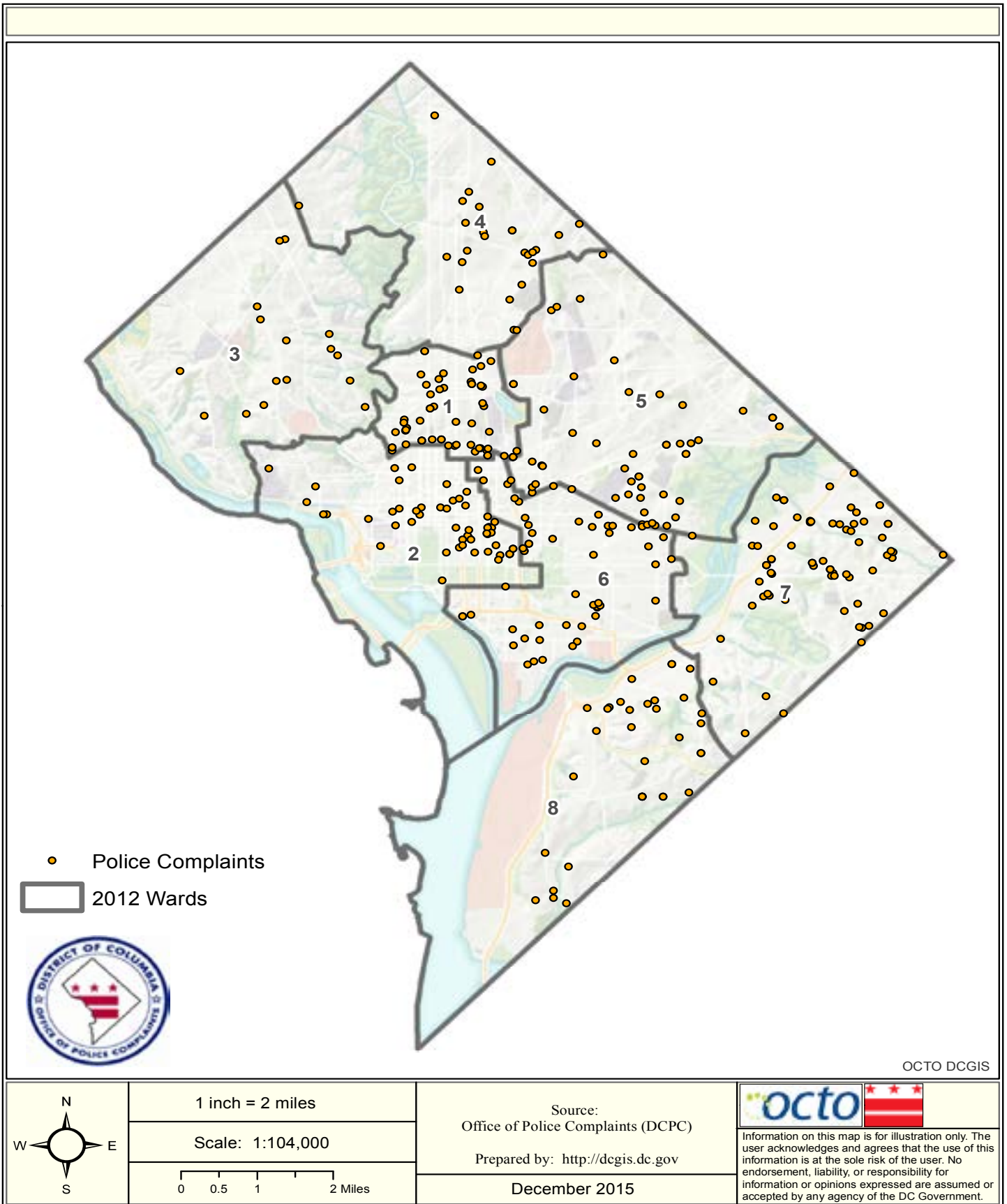
Further, Mr. Tobin was a guest on Al Jazeera America flagship news show “America Tonight” discussing the question, “Can the police actually police themselves in certain incidents like the Tamir Rice, Eric Garner, and Michael Brown cases?” Mr. Tobin also was interviewed by Al Jazeera America news program regarding police tactics as it related to the Freddie Gray Case in Baltimore, Maryland.

In addition, OPC’s Deputy Director was a guest on WPFW 89.3 FM, WPGC 95.5, The Real News Network, and Medill Washington speaking about the PCB’s body camera policy recommendation and the overall mission of the agency.

APPENDIX A: POLICE COMPLAINTS BY DISTRICT MAP



APPENDIX B: POLICE COMPLAINTS BY WARD MAP



APPENDIX C: CITIZEN COMPLAINTS

Complaints by Ward

Ward	FY11		FY12		FY13		FY14		FY15	
Ward 1	60	10.8%	56	9.8%	42	9.5%	41	10.5%	61	15.0%
Ward 2	72	12.9%	89	15.5%	73	16.6%	58	14.9%	53	13.0%
Ward 3	22	3.9%	25	4.4%	10	2.3%	18	4.6%	15	3.7%
Ward 4	60	10.8%	49	8.5%	31	7.0%	23	5.9%	28	6.9%
Ward 5	59	10.6%	57	9.9%	77	17.5%	62	15.9%	52	12.8%
Ward 6	55	9.9%	87	15.2%	59	13.4%	75	19.3%	53	13.0%
Ward 7	95	17.1%	94	16.4%	71	16.1%	43	11.1%	69	17.0%
Ward 8	76	13.6%	65	11.3%	57	13.0%	45	11.6%	36	8.8%
Unidentified / Not in D.C.	58	10.4%	52	9.1%	20	4.5%	24	6.2%	40	9.8%
Total	557		574		440		389		407	

Allegations in Complaints by Category

Allegation Category	FY11		FY12		FY13		FY14		FY15	
Force	280	17.1%	206	13.4%	172	15.0%	147	14.2%	190	13.9%
Harassment	799	48.9%	733	47.8%	570	49.9%	515	49.9%	661	48.4%
Discrimination	94	5.7%	92	6.0%	55	4.8%	60	5.8%	124	9.1%
Failure to ID	56	3.4%	65	4.2%	41	3.6%	43	4.2%	34	2.5%
Language or Conduct	402	24.6%	421	27.4%	301	26.3%	259	25.1%	345	25.3%
Retaliation	4	0.2%	17	1.1%	4	0.3%	8	0.8%	11	0.8%
Total Allegations Within OPC Jurisdiction	1635		1534		1143		1032		1365	

APPENDIX C: CITIZEN COMPLAINTS

Specific Allegations of Force

Force Subcategories	FY11	FY12	FY13	FY14	FY15
ASP: all types	2	4	5	0	3
Canine	0	0	0	0	0
Chokehold	7	10	6	7	8
Forcible handcuffing	20	21	6	6	7
Gun: drawn, but not pointed	7	2	1	4	13
Gun: fired	1	0	0	0	1
Gun: pointed at person	13	7	6	7	10
Handcuffs too tight	33	11	20	11	11
OC spray	3	6	4	1	3
Push or pull with impact	88	68	41	41	55
Push or pull without impact	50	43	36	32	50
Strike: kick	9	4	7	5	1
Strike: with officer's body	7	2	5	5	5
Strike: punch	9	9	10	10	10
Strike: while handcuffed	6	4	5	0	7
Strike: with object	1	2	6	3	1
Vehicle	0	2	3	1	2
Other	24	11	11	14	4
Total Force Allegations	280	206	172	147	191

APPENDIX C: CITIZEN COMPLAINTS**Specific Allegations of Harassment**

Harassment Subcategories	FY11	FY12	FY13	FY14	FY15
Bad ticket	96	99	85	76	69
Contact	62	67	28	14	22
Entry (no search)	21	10	5	7	16
Frisk	8	4	6	3	5
Gun: touch holstered weapon	1	8	5	14	8
Intimidation	19	40	18	23	37
Mishandling property	50	52	22	36	51
Move along order	6	17	11	14	21
Prolonged detention	15	9	9	10	19
Property damage	10	12	9	13	11
Refusing medical treatment	3	5	3	7	9
Search: belongings	9	7	2	7	6
Search: car	39	20	21	16	14
Search: home	22	17	15	7	11
Search: person	27	18	21	17	15
Search: strip or invasive	13	5	5	3	7
Stop: bicycle	1	1	1	1	2
Stop: pedestrian	39	37	25	13	35
Stop: vehicle/traffic	78	76	77	61	69
Stop: boat	0	0	0	0	2
Threat	84	110	74	59	77
Unlawful arrest	133	84	76	81	100
Other	63	35	52	33	55
Total Harassment Allegations	799	733	570	515	661

APPENDIX C: CITIZEN COMPLAINTS**Specific Allegations of Discrimination**

Discrimination Subcategories	FY11	FY12	FY13	FY14	FY15
Age	1	3	1	2	3
Color	2	1	2	2	3
Disability	3	2	3	2	2
Language	0	0	0	0	0
National Origin	5	7	6	3	8
Personal Appearance	1	6	2	2	11
Physical Handicap	0	0	0	0	0
Place of Residence or Business	0	5	2	4	8
Political Affiliation	0	1	0	0	0
Race	64	47	28	30	59
Religion	1	2	2	3	1
Sex	3	1	5	5	14
Sexual Orientation	5	2	2	3	3
Source of Income	2	1	0	0	6
Other	7	14	2	4	6
Total Discrimination Allegations	94	92	55	60	124

Specific Allegations of Failure to Identify

Failure to Identify Subcategories	FY11	FY12	FY13	FY14	FY15
Display name and badge	4	14	2	8	1
Provide name and badge	50	50	36	33	33
Other	2	1	3	2	0
Total Allegations	56	65	41	43	34

APPENDIX C: CITIZEN COMPLAINTS

Specific Allegations of Language and Conduct

Language and Conduct Subcategories	FY11	FY12	FY13	FY14	FY15
Demeanor or tone	203	198	126	123	165
Gesture or action	36	54	52	52	66
Other language	62	52	28	29	63
Profanity	77	67	49	34	34
Racial/Ethnic slur	7	13	3	4	10
Other	17	37	43	17	7
Total Language and Conduct Allegations	402	421	301	259	345

Specific Allegations of Retaliation

Retaliation	FY11	FY12	FY13	FY14	FY15
Total	4	17	4	8	11

Complainant Race or National Origin

Race or National Origin	FY11		FY12		FY13		FY14		FY15	
African-American	399	76.9%	381	75.9%	307	76.9%	274	76.8%	233	71.5%
White	80	15.4%	79	15.7%	60	15.0%	61	17.1%	67	20.6%
Latino	26	5.0%	13	2.6%	14	3.5%	11	3.1%	14	4.3%
Asian	3	0.6%	12	2.4%	6	1.5%	6	1.7%	6	1.8%
Middle Eastern	4	0.8%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Native American	2	0.4%	1	0.2%	3	0.8%	1	0.3%	1	0.3%
Multiracial / Other	7	1.3%	16	3.2%	9	2.3%	4	1.1%	5	1.5%
Unreported	36		72		41		32		8	
Total	557		574		440		389		372	

APPENDIX C: CITIZEN COMPLAINTS

Complainant Gender

Gender	FY11		FY12		FY13		FY14		FY15	
Male	293	52.6%	315	54.9%	240	54.5%	208	53.5%	193	51.9%
Female	264	47.4%	259	45.1%	200	45.5%	181	46.5%	178	47.8%
Unknown	0	0%	0	0%	0	0%	0	0%	1	0.3%
Total	557		574		440		389		372	

Complainant Age

Age	FY11		FY12		FY13		FY14		FY15	
Under 15	1	0.2%	1	0.2%	0	0.0%	0	0.0%	1	0.3%
15-24	44	8.1%	34	6.3%	27	6.5%	32	8.3%	26	7.2%
25-34	151	27.8%	138	25.7%	119	28.7%	97	25.3%	82	22.8%
35-44	131	24.1%	122	22.7%	101	24.4%	89	23.2%	85	23.7%
45-54	126	23.2%	151	28.1%	79	19.1%	80	20.8%	78	21.7%
55-64	67	12.3%	63	11.7%	64	15.5%	70	18.2%	66	18.4%
65 +	24	4.4%	29	5.4%	24	5.8%	16	4.2%	21	5.8%
Unreported	38		36		26		5		13	
Total	582		574		440		389		372	

APPENDIX D: OFFICER INFORMATION**Subject Officer Race or National Origin**

Race or National Origin	FY11		FY12		FY13		FY14		FY15	
African-American	290	46.2%	298	46.4%	246	46.9%	208	46.4%	172	51.3%
White	264	42.0%	288	44.9%	232	44.3%	191	42.6%	125	37.3%
Latino	52	8.3%	33	5.1%	31	5.9%	23	5.1%	30	9.0%
Asian	20	3.2%	17	2.6%	14	2.7%	17	3.8%	5	1.5%
Other	2	0.3%	6	0.9%	1	0.2%	9	2.0%	3	0.9%
Unidentified	185		242		167		155		163	
Total	862		813		691		603		498	

Subject Officer Gender

Gender	FY11		FY12		FY13		FY14		FY15	
Male	555	86.7%	565	85.2%	447	83.9%	394	86.4%	278	83.0%
Female	85	13.3%	98	14.8%	86	16.1%	62	13.6%	57	17.0%
Unidentified	173		221		158		147		163	
Total	813		884		691		603		498	

APPENDIX D: OFFICER INFORMATION

Subject Officer Rank

Rank	FY11		FY12		FY13		FY14		FY15	
Chief	--	--	2	0.3%	4	0.8%	1	0.2%	1	0.3%
Assistant Chief	1	0.2%	1	0.2%	1	0.2%	--	--	0	0.0%
Commander	1	0.2%	1	0.2%	4	0.8%	--	--	0	0.0%
Inspector	2	0.3%	-	-	0	0.0%	--	--	0	0.0%
Captain	3	0.5%	1	0.2%	3	0.6%	1	0.2%	3	0.9%
Lieutenant	7	1.1%	9	1.4%	7	1.3%	8	1.8%	1	0.3%
Sergeant	36	5.6%	53	8.0%	48	9.0%	48	10.5%	31	9.3%
Detective	24	3.8%	38	5.7%	16	3.0%	12	2.6%	12	3.6%
Investigator	1	0.2%	1	0.2%	2	0.4%	3	0.7%	9	2.7%
Master Patrol Officer	21	3.3%	26	3.9%	21	3.9%	16	3.5%	10	3.0%
Officer	544	85.0%	531	80.1%	426	80.1%	367	80.5%	268	80.0%
Unidentified	173		221		159		147		163	
Total	813		884		691		603		498	

Subject Officer Assignment

Assignment	FY11		FY12		FY13		FY14		FY15	
First District (1D)	70	11.4%	66	10.0%	83	15.6%	80	17.5%	47	14.0%
Second District (2D)	48	7.8%	64	9.7%	38	7.1%	32	7.0%	21	6.3%
Third District (3D)	102	16.6%	86	13.0%	76	14.3%	64	14.0%	47	14.0%
Fourth District (4D)	69	11.2%	70	10.6%	47	8.8%	43	9.4%	41	12.2%
Fifth District (5D)	70	11.4%	63	9.5%	74	13.9%	77	16.9%	54	16.1%
Sixth District (6D)	135	21.9%	165	25.0%	107	20.1%	71	15.6%	65	19.4%
Seventh District (7D)	67	10.9%	78	11.8%	51	9.6%	47	10.3%	35	10.4%
Other	47	7.6%	58	8.8%	56	10.5%	40	8.8%	23	6.9%
D.C. Housing Authority	8	1.3%	11	1.7%	1	0.2%	2	0.4%	2	0.6%
Unidentified	197		223		158		147		163	
Total	813		884		691		603		498	

APPENDIX D: OFFICER INFORMATION

Subject Officer Age

Age	FY11		FY12		FY13		FY14		FY15	
23 and Under	9	1.4%	1	0.2%	3	0.6%	2	0.4%	2	0.6%
24-26	51	8.1%	24	3.7%	29	5.5%	32	7.0%	25	7.5%
27-29	92	14.6%	87	13.4%	66	12.4%	57	12.5%	29	8.7%
30-32	99	15.7%	95	14.6%	71	13.3%	59	13.0%	48	14.3%
33-35	61	9.7%	84	12.9%	50	9.4%	52	11.4%	38	11.3%
36-38	51	8.1%	52	8.0%	46	8.6%	40	8.8%	34	10.1%
39-41	54	8.5%	59	9.1%	57	10.7%	29	6.4%	24	7.2%
42-44	78	12.3%	73	11.2%	48	9.0%	47	10.3%	24	7.2%
45-47	75	11.9%	59	9.1%	53	10.0%	51	11.2%	40	11.9%
48-50	33	5.2%	67	10.3%	56	10.5%	46	10.1%	29	8.7%
51-53	21	3.3%	31	4.8%	28	5.3%	22	4.8%	19	5.7%
Over 53	8	1.3%	18	2.8%	25	4.7%	18	4.0%	23	6.9%
Unknown	181		234		159		148		163	
Total	813		884		691		603		498	

Subject Officer Years of Service

Years of Service	FY11		FY12		FY13		FY14		FY15	
< 3	97	15.3%	29	4.4%	34	6.4%	79	17.4%	58	17.3%
3-5	179	28.1%	169	25.8%	99	18.6%	40	8.8%	38	11.3%
6-8	92	14.5%	119	18.2%	107	20.1%	97	21.3%	56	16.7%
9-11	77	12.1%	80	12.2%	61	11.5%	59	13.0%	40	11.9%
12-14	25	3.9%	64	9.8%	57	10.7%	47	10.3%	31	9.3%
15-17	17	2.7%	25	3.8%	28	5.3%	26	5.7%	24	7.2%
18-20	52	8.2%	26	4.0%	18	3.4%	13	2.9%	7	2.1%
21-23	59	9.3%	98	15.0%	76	14.3%	34	7.5%	20	6.0%
24-26	29	4.6%	25	3.8%	38	7.1%	43	9.5%	46	13.7%
27 <	9	1.4%	19	2.9%	14	2.6%	17	3.7%	15	4.5%
Unknown	177		230		159		148		163	
Total	813		884		691		603		498	

APPENDIX E: COMPLAINT EXAMINER DECISION

COMPLAINT EXAMINER EXAMPLE

OPC #12-0507/13-0023

The complainant, a middle-aged African American male, alleged that while he was working as a self-appointed courtesy driver at a supermarket, he requested that an MPD officer “vouch” for him with a customer. The MPD officer declined, and made comments about the complainant’s personal appearance. The complainant told the officer that her comments had offended him. The officer told the complainant to leave the store, informed him that he was barred, and threatened to lock him up. The complainant left the store.

Over the next few weeks, the complainant continued to work as a courtesy driver at the supermarket. The complainant saw the MPD officer there on approximately four occasions, and each time the officer told him something to the effect of, “Get out, get out, you’re barred.” On one of those occasions, the MPD officer asked for the complainant’s personal information and then completed a barring notice for “soliciting.” The complainant refused to sign the notice, believing that he was harassed by the MPD officer because no store manager had attempted to serve him with a barring notice or told him that he was barred. The complainant then filed an OPC complaint against the officer about the incident.

Shortly thereafter, while standing in the supermarket’s parking lot, the MPD officer, along with several other

officers, approached the complainant. The MPD officer told the complainant that he was barred from the store and informed him that he was under arrest for unlawful entry. The complainant alleged that the MPD officer harassed him by barring him from the supermarket, threatening to lock him up, and arresting him for unlawful entry. The complainant also alleged that his arrest was a retaliatory action against him for filing an OPC complaint. Following the completion of its investigation, OPC referred the matter to a complaint examiner.

After conducting an evidentiary hearing, the complaint examiner sustained the harassment and retaliation allegations against the subject officer. The complaint examiner found that the officer did not have the authority to self-issue the barring notice, and that, accordingly, the officer’s threat to lock up the complainant, and the arrest for violating the barring notice were improper. The complaint examiner also found that the arrest was in retaliation for the complainant filing an OPC complaint against the officer. The complaint examiner noted, among other things, that although the officer saw the complainant at the supermarket several times after she issued the barring notice, she did not arrest him until after she was notified that the complainant had filed a complaint against her. The complaint examiner further noted that in the subject officer’s six years of working at the supermarket, she had arrested only one other courtesy driver, and that arrest was for a violent offense.

APPENDIX F: MEDIATION & DISMISSAL

MEDIATION EXAMPLE

The complainant is a boat owner who frequently drives his boat on the Potomac River. The subject officer is a Harbor Patrol officer with MPD. The citizen and officer had interacted numerous times, specifically during boater safety inspections that the officer conducted along the Potomac River. During one such interaction, the subject officer made the complainant end his voyage.

During the mediation session, the complainant stated that he felt harassed by the officer. While acknowledging the importance of boater safety, he explained that the frequency at which the subject officer stopped his boat was excessive. The subject officer had an opportunity to hear the complainant and further explain the purpose of his stops. After the mediation, the complainant contacted the mediation coordinator and stated, "Thanks for the successful mediation last month. I've already noticed a difference in communication once the walls were broken down a bit."

DISMISSAL EXAMPLE

The complainant, an African American male, alleged three MPD officers harassed him and his two brothers by stopping them and instructing them to leave a clothing store in the downtown area of D.C. He also alleged that one of the officers used unnecessary or excessive force against him by pushing him after he initially refused to leave the store, and then threatened to arrest the complainant. The man further alleged that one of the three officers failed to provide his name or badge number when he generally requested from the officers that they provide their "information."

During its investigation, OPC interviewed the complainant, two witnesses from the clothing store, and the three involved officers. OPC attempted to interview the complainant's two brothers but they refused to cooperate with the investigation. OPC also reviewed MPD documents and video surveillance footage from the clothing store.

According to witness and officer accounts, store security personnel observed the complainant and his brothers and recognized one or more of them as having been involved previously in a theft from the store. The security personnel contacted MPD and requested officer assistance in stopping and escorting the men out of the store. The three officers responded to the call and asked the men to leave the store, pursuant to the store personnel's request. The complainant refused to leave initially, and was advised of the consequences of refusing to leave private property, but eventually complied and he and his brothers walked out with the officers. The complainant admitted he initially refused to leave the store because he denied stealing anything and he wanted an explanation from the store manager or security personnel. The officer who allegedly pushed the complainant, denied doing so, and the officer who allegedly did not provide his identification, did not remember the complainant asking for his information. The video footage was consistent with the officers' and witnesses' accounts and did not show any officer push or touch the complainant.

After reviewing the evidence gathered during its investigation, OPC determined that the store is a private establishment, and has the authority to refuse service and compel a person to leave the store's private property. The involved MPD officers were acting within their legal authority when asked by store personnel to enforce private property rights. The officers also acted within their authority when advising the complainant of the consequences of trespassing and unlawful entry, which are criminal offenses. OPC also determined, given the video footage and witness accounts, that there was not sufficient evidence to support the complainant's allegations of unnecessary or excessive force or failure to identify. For these reasons, OPC concluded that the complaint should be dismissed, as there was not reasonable cause to believe that the officers engaged in police misconduct. A PCB member reviewed the determination and concurred, resulting in the dismissal of the complaint.

APPENDIX G: BOARD MEMBERS

Kurt Vorndran, who served as the acting chair of the Board since January 22, 2015, is a legislative representative for the National Treasury Employees Union (NTEU). Prior to his work at NTEU, Mr. Vorndran served as a lobbyist for a variety of labor-oriented organizations, including the International Union of Electronic Workers, AFL-CIO (IUE), and the National Council of Senior Citizens. Mr. Vorndran served as the president of the Gertrude Stein Democratic Club from 2000 to 2003, and as an elected Advisory Neighborhood Committee (ANC) commissioner from 2001 to 2004. He is also treasurer of the Wanda Alston Foundation, a program for homeless LGBTQ youth. He received his undergraduate degree from the American University's School of Government and Public Administration and has taken graduate courses at American and the University of the District of Columbia. Mr. Vorndran was originally confirmed by the District Council on December 6, 2005, and sworn in as the chair of the Board on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2014. He continued to serve until reappointed or until a successor could be appointed.

Iris Maria Chavez, who became Chair on April 7, 2014, served during her tenure on the Board as assistant field director of the Education Trust, a research, analysis, and practice organization based in Washington, D.C., that promotes high academic achievement for all students at all levels – pre-kindergarten through college. In her role at the Education Trust, she oversees the organization's field and outreach operations. Previously, Ms. Chavez served as deputy director for education policy and outreach at the League of United Latin American Citizens (LULAC), where she oversaw state and federal education policy work. In this capacity, she worked to deepen LULAC's understanding of state and federal school reform, and expanded the relationships between the organization's grassroots education advocates, and state and federal policymakers. Prior to LULAC, Ms. Chavez worked as a legislative associate for the Food Research and Action Center (FRAC), where she was a junior lobbyist giving advice on food assistance programs and federal-level governmental processes to the center's state and local network of organizations. Before working at FRAC, Ms. Chavez was employed at the Social IMPACT Research Center of Heartland Alliance for Human Rights and with the group Youth Guidance where she was a social worker in the Chicago Public Schools. Ms. Chavez holds a bachelor of arts degree in sociology, history, and African diaspora studies from Tulane University and a master of arts degree in social policy from the University of Chicago. Ms. Chavez was appointed by Mayor Vincent Gray and confirmed by the District Council in the Fall of 2011, and was sworn in on January 5, 2012, for a term ending January 12, 2012. She was subsequently reappointed to a new term ending January 12, 2015. On January 22, 2015 Ms. Chavez resigned in order to accommodate her job relocation.

Assistant Chief Patrick A. Burke has over 25 years of service with the Metropolitan Police Department (MPD) and currently serves as the assistant chief of MPD's Strategic Services Bureau. He previously served as the assistant chief of the Homeland Security Bureau. During his career with the Department, Assistant Chief Burke has served in four of the seven police districts, the Special Operations Division, the Operations Command, and the Field and Tactical Support Unit. He received his undergraduate degree in criminal justice from the State University of New York College at Buffalo, a master's degree in management from Johns Hopkins University, a master's degree in Homeland Security Studies from the Naval Postgraduate School's Center for Homeland Defense and Security, and a certificate in public management from George Washington University. He is also a graduate of the Federal Bureau of Investigation's National Academy in Quantico, Virginia, and the Senior Management Institute for Police (SMIP) in Boston. He has also attended counter-terrorism training in Israel.

Assistant Chief Burke has received a variety of MPD awards and commendations, including the Achievement Medal, the Meritorious Service Medal, the Police Medal, and the Lifesaving Medal. He has also received the

APPENDIX G: BOARD MEMBERS

Cafritz Foundation Award for Distinguished District of Columbia Government Employees, the Center for Homeland Defense and Security's Straub Award for Academic Excellence and Leadership, and the National Highway Traffic Safety Administration Award for Public Service. In 2011, The Century Council named him one of "20 People to Watch," and the American Society for Industrial Security named him "Law Enforcement Person of the Year."

He has served as MPD's principal coordinator and incident commander for a myriad of major events, including the 2008 visit by Pope Benedict XVI, the 2008 G-20 Summit, and the 56th Presidential Inaugural in 2009. In addition to PCB, Assistant Chief Burke sits on numerous boards, including the D.C. Police Foundation and the Washington Regional Alcohol Program. Assistant Chief Burke is an active coach for youth sports and is a member of numerous community and volunteer organizations within the District of Columbia, where he resides with his wife and four children. He was originally confirmed by the District Council as the MPD member of the Board on January 3, 2006, and sworn in on January 12, 2006. In 2011, he was renominated by Mayor Vincent Gray and confirmed by the District Council. The assistant chief was sworn in on January 5, 2012, for a new term ending January 12, 2012. He was subsequently reappointed to a third term, which ended January 12, 2015. He continued to serve until reappointed or until a successor could be appointed.

Margaret A. Moore, PhD is a leader in the field of corrections. She has more than 25 years of experience in the administration of both state and municipal prison and jail systems. She is the former director of the D.C. Department of Corrections (DOC). As director of DOC, Dr. Moore had executive oversight for a complex prison and jail system with more than 10,000 inmates, approximately 4,000 employees, and an annual operating budget of over \$225 million. Prior to coming to the District of Columbia, she was deputy secretary of the Pennsylvania Department of Corrections where she provided executive direction for prison operations within the central region of Pennsylvania. She is known for her track record of promoting women and African Americans into correctional leadership positions, and continuously advocating for their advancement and representation at all levels of the corrections profession. During her tenure on the Board, Dr. Moore held the position of assistant professor in the Criminal Justice program of the Department of Criminal Justice, Sociology, and Social Work at the University of the District of Columbia. She was originally confirmed by the District Council on June 5, 2007, and sworn in on June 27, 2007. In 2011, she was renominated by Mayor Vincent Gray and confirmed by the District Council, and sworn in on January 5, 2012, for a new term ending January 12, 2013. She continued to serve until her successor, Paul D. Ashton II was appointed on December 22, 2014.

Paul D. Ashton II is the Development & Research Associate at the Justice Policy Institute (JPI), a national nonprofit organization dedicated to "justice reform and promoting policies that improve the well-being of all communities." He has written several white papers for JPI, including Moving Toward a Public Safety Paradigm: A Roundtable Discussion on Victims and Criminal Justice Reform, Gaming the System, The Education of D.C., Rethinking the Blues, and Fostering Change. Prior to joining JPI, Mr. Ashton worked as a sexual assault victim advocate, conducting research examining intimate partner violence in the LGBTQ community. He also served on the policy committee of the Delaware HIV Consortium. Mr. Ashton currently serves on the Board of Directors for the Rainbow Response Coalition, a grassroots organization that works to heighten awareness of intimate partner violence among LGBTQ individuals. He received his bachelor's degree in Criminology from The Ohio State University and his master's degree in criminology from the University of Delaware. Mr. Ashton was appointed by Mayor Vincent C. Gray and confirmed by the District Council in October 2014, and sworn in on December 22, 2014. His term expires January 12, 2017.

APPENDIX H: AGENCY STAFF

Michael G. Tobin was appointed OPC's executive director on November 3, 2014. Prior to joining the agency, Mr. Tobin served as the executive director of the Milwaukee Fire and Police Commission, where he oversaw the Commission's work in a range of functions, including the implementation of police policies and procedures; conducting independent investigations of officer-involved shootings, deaths in custody, and misconduct allegations; ensuring police internal investigations are conducted appropriately; and providing mediation between citizens and fire or police department employees. Mr. Tobin began his career with the City of Milwaukee, Wisconsin, as a police officer and upon graduation from law school he joined the Milwaukee City Attorney's office as an assistant city attorney. There, he was a police legal advisor, guided internal affairs investigations, prosecuted police employees for misconduct, and represented the city's interests in police department matters for almost twenty years in state courts and administrative agencies. Mr. Tobin is also a former Army National Guard Colonel and combat veteran. In 2005, he was appointed Rule of Law Officer to manage the U.S. military program to reconstruct the civilian justice system nation-wide for the country of Afghanistan. He received his bachelor's degree in criminal justice from the University of Wisconsin-Milwaukee and his law degree from the University of Wisconsin-Madison.

Christian J. Klossner joined the agency as deputy director in September 2010 after serving as an assistant district attorney in the Office of the Special Narcotics Prosecutor of New York City and at the Office of the Bronx District Attorney. He also served as an adjunct professor of trial advocacy at Fordham University School of Law. Prior to attending law school, Mr. Klossner worked as a policy advocate and as a staff supervisor with the New York Public Interest Research Group, a not-for-profit advocacy organization focused on environmental, consumer, and government reform issues. In September 2013, Mr. Klossner was elected to the Board of Directors of the National Association for Civilian Oversight of Law Enforcement. He received his bachelor's degree from the State University of New York's University at Albany and his law degree from Fordham University School of Law.

Mona G. Andrews, the chief investigator, joined OPC in December 2004 as a senior investigator. She was promoted to team leader in December 2005, investigations manager in October 2008, and chief investigator in October 2011. Ms. Andrews came to OPC with 10 years of investigative experience. Prior to joining the agency, Ms. Andrews worked with the Fairfax County, Virginia, Public Defender's Office as a senior investigator where she investigated major felony cases including capital murder, and also developed and coordinated an undergraduate internship program. Ms. Andrews obtained her undergraduate degree in political science and english from Brigham Young University.

Nicole Porter, the agency's legal counsel, joined OPC in August 2006. Ms. Porter came to the office from the United States Department of Justice's Civil Rights Division, where she worked on police misconduct, disability, and housing discrimination issues. Prior to her tenure with the Justice Department, she was employed as an attorney with the American Civil Liberties Union of Maryland. Ms. Porter received her bachelor's degree from Tennessee State University and her law degree from the University of Tennessee.

APPENDIX H: AGENCY STAFF

OPC staff members, alphabetically:

- Administrative Officer Stephanie Banks
- Program Analyst Michal Bilick
- Public Affairs Specialist Nykisha Cleveland
- Investigator Daniel Costello-Essig
- Senior Investigator Ora Darby
- Investigator Stephen Fox
- Senior Investigator Denise Hatchell
- Investigations Clerk Dienna Howard
- Senior Investigator Anthony Lawrence
- Investigator Sergio Ledezma
- Investigator Peter Mills
- Investigator Jessica Rau
- Investigations Manager Robert Rowe
- Staff Assistant Kimberly Ryan
- Investigator KateLyn Smith
- Receptionist Nydia Smith
- Investigations Manager Natasha Smith
- Investigator Danielle Sutton
- Investigator Catherine Twigg





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