

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

# Annual Report 2016





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## MESSAGE FROM THE EXECUTIVE DIRECTOR

The mission of the Office of Police Complaints (OPC) and its community-based citizen board, the Police Complaints Board (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 by employing an effective citizen complaint program and providing a reliable system of police policy review.

To improve community trust, we have made customer service our highest priority. Every community member, visitor, and police officer in our nation's capital is our customer, and our commitment to customer service is guided by our agency's mission to increase community trust in our police forces.

One of the most effective methods to improve community trust in the police is to provide a means for community members 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 volunteers that comprise the PCB.

Policing has been the subject of intense scrutiny in communities across the nation over the past several years. Smartphone video of police-civilian encounters have gone viral and sparked unrest in some cities. In other communities, video of police-civilian encounters have fueled an underlying distrust of law enforcement and calls for federal intervention. With every news broadcast of a negative police encounter community trust of law enforcement tends to erode a little more.

Over the past year, OPC experienced an increase in the number of inquiries about filing a police misconduct complaint and we received more formal complaints about police misconduct than the previous year. We continued expanding our outreach through our community partner program. 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.

Every truly successful organization has one important trait - dedicated and hardworking people that are willing to go beyond normal expectations in order to make success a reality. An extraordinary staff, dedicated board members, and a supportive community have all contributed to a very successful year.

We characterize our work at OPC as providing a bridge for the community and law enforcement in order to work together to improve trust and 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.

Sincerely,

*Michael G. Tobin*

Michael G. Tobin

# Table of Contents

<b>AGENCY OVERVIEW</b>	<b>1</b>
Mission and Function	1
Personnel	1
<b>COMPLAINT ACTIVITY</b>	<b>2</b>
Contacts and Complaints Received	2
OPC Workload	3
Disposition of Formal Complaints	3
Number of Pending Complaints at the End of Each Fiscal Year	3
<b>INVESTIGATIONS</b>	<b>4</b>
Complaint Processing	4
Investigative Unit	4
Officer Cooperation with OPC's Investigations	5
Basis for Failure to Cooperate Determinations	5
Failure to Cooperate vs. Interviews Completed	5
Discipline for Failure to Cooperate	6
<b>INVESTIGATIVE OUTCOMES</b>	<b>7</b>
Complaint Examination	7
Final Review Panels	8
Disciplinary Outcomes for Sustained Cases	8
Complaint Examiner Decisions by Allegation and Disciplinary Outcomes	8
Complaint Examiner Decisions by Allegation and Disciplinary Outcomes	9
Historical Overview of Discipline for Sustained Complaints	10
Mediation	11
Mediation Survey Results	11
<b>POLICY REVIEW AND RECOMMENDATIONS</b>	<b>12</b>
Overview	12
“21st Century Policing”	12
<b>COMMUNITY OUTREACH</b>	<b>13</b>
Overview	13
Outreach Events	13
Community Partnership Program	13
Media Coverage	13

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<b>APPENDICES</b>	<b>14</b>
<b>APPENDIX A: POLICE COMPLAINTS BY DISTRICT MAP</b>	<b>15</b>
<b>APPENDIX B: POLICE COMPLAINTS BY WARD MAP</b>	<b>16</b>
<b>APPENDIX C: CIVILIAN COMPLAINTS</b>	<b>17</b>
Complaints by Ward	17
Allegations in Complaints by Category	17
Specific Allegations of Force	18
Specific Allegations of Harassment	19
Specific Allegations of Discrimination	20
Specific Allegations of Failure to Identify	21
Specific Allegations of Language and Conduct	21
Specific Allegations of Retaliation	21
Complainant Race or National Origin	22
Complainant Gender	22
Complainant Age	22
<b>APPENDIX D: OFFICER INFORMATION</b>	<b>23</b>
Subject Officer Race or National Origin	23
Subject Officer Gender	23
Subject Officer Rank	24
Subject Officer Assignment	24
Subject Officer Age	25
Subject Officer Years of Service	25
<b>APPENDIX E: COMPLAINT EXAMINER DECISION</b>	<b>26</b>
Complaint Examiner Example	26
<b>APPENDIX F: MEDIATION &amp; DISMISSAL EXAMPLES</b>	<b>27</b>
Mediation Example	27
Dismissal Example	27
<b>APPENDIX G: POLICE COMPLAINTS BOARD MEMBERS</b>	<b>28</b>
<b>APPENDIX H: AGENCY STAFF</b>	<b>30</b>

# 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 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 Police Department (DCHAPD). 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 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, or general police operations. In addition, OPC analyzes 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 improve mutual understanding and awareness throughout the District of Columbia.

## Personnel

OPC has a full-time staff of 23 talented and diverse employees. Seven of these positions were filled by employees with graduate degrees and six others possess a law degree.

Our community participates in police oversight through a dedicated volunteer board that is appointed by the Mayor and approved by the District Council. The PCB was comprised of Acting Chairperson Kurt Vorndran and members Assistant Chief Patrick A. Burke, Paul D. Ashton II, Bobbi Strang, and Jamira Burley.

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, 102 college students and 51 law students have participated in the program.

Information about OPC staff and members of the Police Complaints Board can be found in Appendices G and H.

# COMPLAINT ACTIVITY

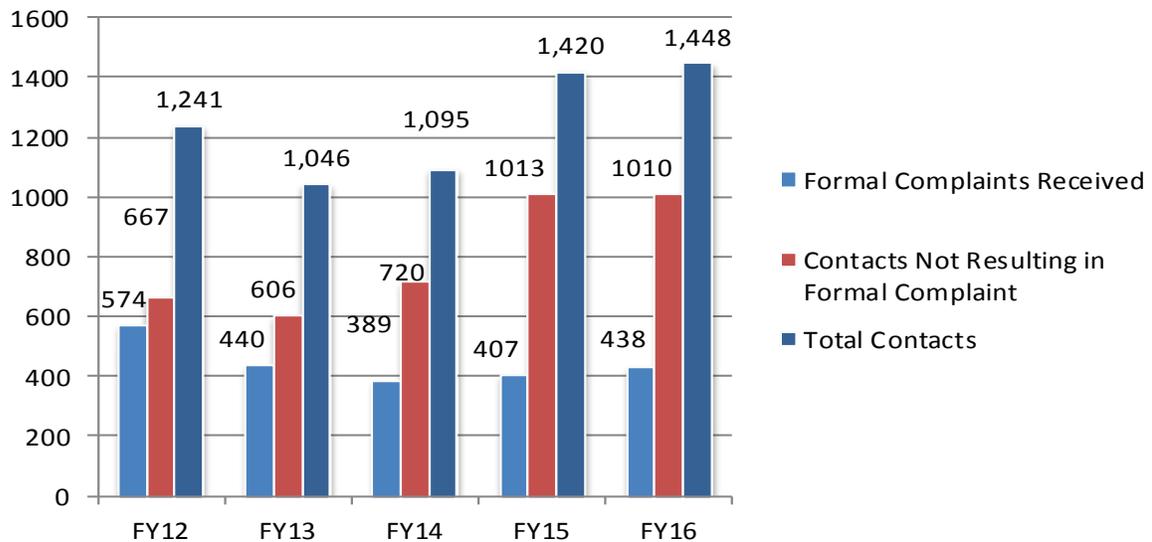
## Contacts and Complaints Received

In Fiscal Year 2016, the number of people who contacted OPC for service was 1,448. Among that universe, 438 filed complaints alleging police misconduct. Since OPC opened in 2001, it has received approximately 15,830 total contacts with potential complainants and has handled 6,968 formal complaints. See the chart below for a five year comparison.

For each of the 438 complaints received in Fiscal Year 2016, agency staff members assessed whether it was filed timely and ensured that the conduct alleged and the officers involved 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 DCHAPD, 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 committed by a law enforcement officer or where it occurred 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.



## COMPLAINT ACTIVITY

### OPC Workload

In addition to the 438 new complaints filed in Fiscal Year 2016, 140 complaints received before this period still required further work or investigation in order to be resolved by the agency. Taken together, these 578 cases represent the actual workload of the agency for the fiscal year.

During Fiscal Year 2016, the agency closed 468 of the 578 cases processed. See the first table below

for specific disposition information regarding these closures.

At the close of the fiscal year, 110 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

	FY14	FY15	FY16
Adjudicated	8	11	30
Dismissed	265	306	216
Successfully Mediated or Conciliated	29	43	37
Policy Training	-	-	1
Withdrawn by Complainant	21	15	16
Administrative Closures	29	50	76
Referred to MPD	77	84	75
Referred to Other Police Agency	13	17	17
<b>Total Formal Complaints Closed During Fiscal Year</b>	<b>442</b>	<b>526</b>	<b>468</b>

### Number of Pending Complaints at the End of Each Fiscal Year

	FY14	FY15	FY16
Total Complaints Remaining Open End of Fiscal Year	259	140	110

# 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 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.

OPC has direct access to the footage recorded by all cameras worn by MPD officers, and utilizes this important tool in its investigations. By the end of the fiscal year about half of MPD patrol officers were using body-worn cameras and OPC is currently assessing the impact of the cameras and video footage in complaint investigations. For examples of how OPC has used the footage in its investigations to both exonerate officers and prove misconduct occurred, see the complaint examiner and dismissal examples in Appendices E through F.

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 649 complaint-related interviews during Fiscal Year 2016. This included approximately 271 police officer and 378 complainant or witness interviews.



## Investigative Unit

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 2016 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.

### All investigative unit members attended:

- 10 subject matter and legal training sessions;
- Four hours of communication training;
- 24 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, a four-day training on interviewing techniques, or a one-day police accountability symposium; and
- Several investigative unit members attended other professional development and management training.

FY16 INVESTIGATIVE UNIT TRAINING

## INVESTIGATIONS

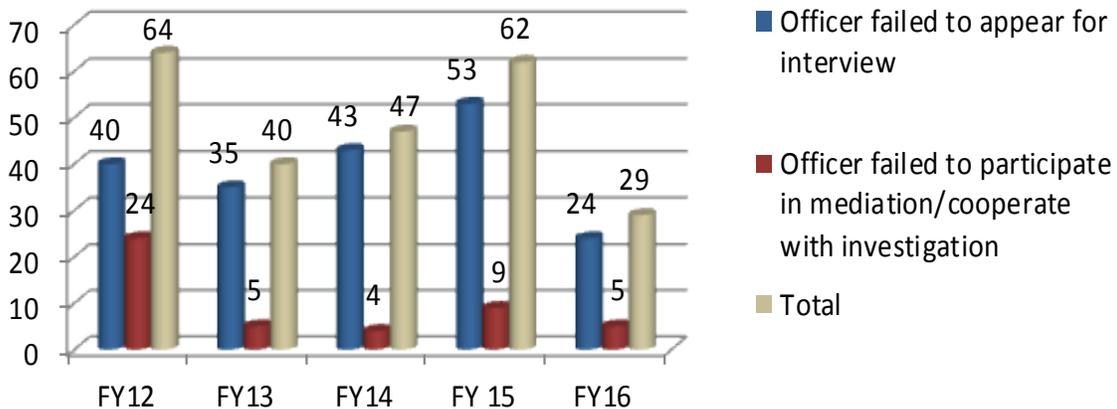
### Officer Cooperation with OPC's Investigations

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

DCHAPD, which should result in the imposition of discipline by the relevant law enforcement agency in accordance with District law.

In Fiscal Year 2016, the agency sent 29 discipline memoranda to MPD. Although there are instances of failures to cooperate by officers, this year saw the fewest in the past five years as seen in the charts below. When an officer fails to appear for or cooperate with an investigation or mediation, OPC requests that the officer be disciplined and MPD consistently holds these officers accountable, as noted in the table on page 6.

### Basis for Failure to Cooperate Determinations



### Failure to Cooperate vs. Interviews Completed

	FY12	FY13	FY14	FY15	FY16
Total officer interviews conducted	538	356	344	410	271
Total OPC notifications issued	64	40	47	62	29
<b>Approximate Compliance Rate</b>	<b>88%</b>	<b>89%</b>	<b>86%</b>	<b>85%</b>	<b>89%</b>

## Discipline for Failure to Cooperate

	FY12	FY13	FY14	FY15	FY16
Sustained, 5 day suspension	1	-	-	-	-
Sustained, "Official Reprimand"*	7	3	4	2	-
Sustained, "Letter of Prejudice"*	10	3	3	7	4
Sustained, "Form 750"* or "PD 750"*	15	20	24	33	19
Sustained, "Form 62E"*	4	-	-	-	1
Exonerated, other individual disciplined for failing to notify the officer	2	2	6	7	-
Exonerated, no reason provided	-	4	-	-	-
Exonerated, lack of notification	4	-	1	3	2
Exonerated, excused by MPD	3	2	6	4	1
Exonerated, no declination letter from USAO	6	3	-	-	-
Unfounded	12	3	3	5	-
No action, officer no longer employed	-	-	-	1	1
Pending	-	-	-	-	1
<b>Total OPC Notifications Issued</b>	<b>64</b>	<b>40</b>	<b>47</b>	<b>62</b>	<b>29</b>

**\*62E** - A form used to document non-disciplinary action for prior performance derelictions and may be used as a reference in performance evaluations and/or as a step toward disciplinary action.

**\*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 based on the investigative report and its supporting materials, 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 legal 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 2016, a total of 21 complaints were referred to the complaint examination process. Thirty-one complaints were resolved during the fiscal year, resulting in 25 decisions and one complaint examiner conciliation. This was the highest number of complaints resolved since OPC was established. Evidentiary hearings were held by complaint examiners for six cases. Twenty-four of the 25 decisions issued sustained at least one allegation of misconduct, resulting in a complaint examination sustain rate of 96%.

The table below summarizes the decisions reached by complaint examiners during the past five fiscal years by number 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 its web page at: [www.policecomplaints.dc.gov/page/complaint-examiner-decisions](http://www.policecomplaints.dc.gov/page/complaint-examiner-decisions).

	FY12	FY13	FY14	FY15	FY16
Sustained	12	15	8	8	24
Exonerated	1	6	-	2	1
Insufficient	-	-	-	-	-
Unfounded	-	-	-	-	-
Conciliated	1	-	-	1	1
Dismissed	1	-	-	-	-
Withdrawn	1	-	-	-	-
<b>Total</b>	<b>16</b>	<b>21</b>	<b>8</b>	<b>11</b>	<b>26</b>

#### 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

## INVESTIGATIVE OUTCOMES

### Final Review Panels

The statute governing OPC allows the chiefs of police of MPD and DCHAPD to appeal a complaint examiner decision. If the police chief believes 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 was one Final Review Panel conducted in Fiscal Year 2016, which reversed one of two sustained allegations in a complaint examination decision from 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 complaint.

The table below and 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, that have been reported to OPC. OPC continues to seek up to date information on disciplinary outcomes to ensure the integrity of the disciplinary process and police accountability to the community they serve.

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. The columns with totals comprise all discipline imposed based on merits determinations issued prior to Fiscal Year 2016.

### Complaint Examiner Decisions by Allegation and Disciplinary Outcomes

Complaint Number	Harassment	Excessive Force	Language or Conduct	Failure to Identify	Retaliation	Discrimination	Discipline Determination
13-0166	Sustained		Unfounded				PD 750; Official Reprimand
13-0255	Sustained						Official Reprimand; Education-based Development*
13-0308	Sustained						4 Day SWOP*
13-0331	Sustained					Sustained	Pending
14-0058 & 14-0064	Sustained	Sustained					Pending
14-0093 & 14-0094	Sustained		Sustained				Education-based Development*
14-0176	Sustained		Sustained	Sustained			Pending
14-0185	Exonerated						N/A
14-0216	Sustained						PD 750

## Complaint Examiner Decisions by Allegation and Disciplinary Outcomes

Complaint Number	Harassment	Excessive Force	Language or Conduct	Failure to Identify	Retaliation	Discrimination	Discipline Determination
14-0285 (Conciliated)							N/A
14-0290	Sustained		Unfounded				3 Day SWOP*
14-0291	Sustained	Sustained					5 Day SWOP*; Official Reprimand
14-0312, 14-0313, & 14- 0314	Sustained		Sustained	Sustained			Official Reprimand; Education-based Development*; 1 Day in Abeyance & 1 Day Leave Forfeiture
14-0379	Sustained						Official Reprimand
15-0039	Sustained		Sustained				PD 750
15-0047			Sustained				Pending
15-0084	Sustained						Official Reprimand
15-0179	Sustained						5 Day SWOP*
15-0197			Sustained				Pending
15-0241	Sustained						Official Reprimand; 1 Day in Abeyance
15-0280	Sustained		Sustained			Sustained	1 Day Leave Forfeiture; 2 Days in Abeyance
15-0322				Sustained			1 Day in Abeyance; 1 Day Leave Forfeiture
15-0383			Sustained			Sustained	Pending
16-0020	Sustained						Pending
16-0053	Sustained			Sustained			Education-based Development*
16-0148 & 16- 0149	Sustained		Sustained		Sustained		Pending

\***SWOP** - Suspension Without Pay

\***Education-based Development** - “An alternative to discipline offered to sworn members in lieu of corrective action or a recommended suspension of one to 10 days. The program focuses on re-training the member.”

## Historical Overview of Discipline for Sustained Complaints

Discipline or Action Taken	Outcome for cases sustained in FY16	Total FY09-FY15
35- Day Suspension	-	1
30-Day Suspension	-	1
18-Day Suspension	-	1
15-Day Suspension	-	1
10-Day Suspension	-	5
5-Day Suspension	2	1
4- Day Suspension	1	-
3-Day Suspension	1	2
2-Day Suspension	-	4
1-Day Suspension	-	2
1-Day Leave Forfeiture	3	-
Official Reprimand	5	20
Letter of Prejudice	-	10
Dereliction Report (PD 750)	2	13
Formal Counseling	-	2
Job Performance Documentation, or "62-E"	-	1
Unrelated Termination Prior to Discipline Being Imposed	-	2
Education-Based Development*	2	-
Merits Determination Rejected/ No Action Taken	-	6
Pending	8	-
<b>Total</b>	<b>24</b>	<b>72</b>

# INVESTIGATIVE OUTCOMES

## Mediation

OPC’s robust mediation program is a key component of serving the agency’s mission: to increase community trust in the District of Columbia police forces by providing a fair, thorough, and independent system of civilian oversight of law enforcement.

Several factors are used to determine if a case should be referred for mediation. These factors include the type of misconduct allegation, the nature of the interaction between the complainant and the officer and whether there seemed to be a misunderstanding between the complainant and the officer. Mediation allows the parties to have a conversation facilitated by an independent, unbiased third party mediator. The complainant and officer discuss the interaction that led to the complaint and develop a better understanding of both parties’ perspectives.

This year, OPC expanded the mediation program by procuring additional neutral third party mediators. This resulted in reducing the average time to conduct a mediation session by 10 days.

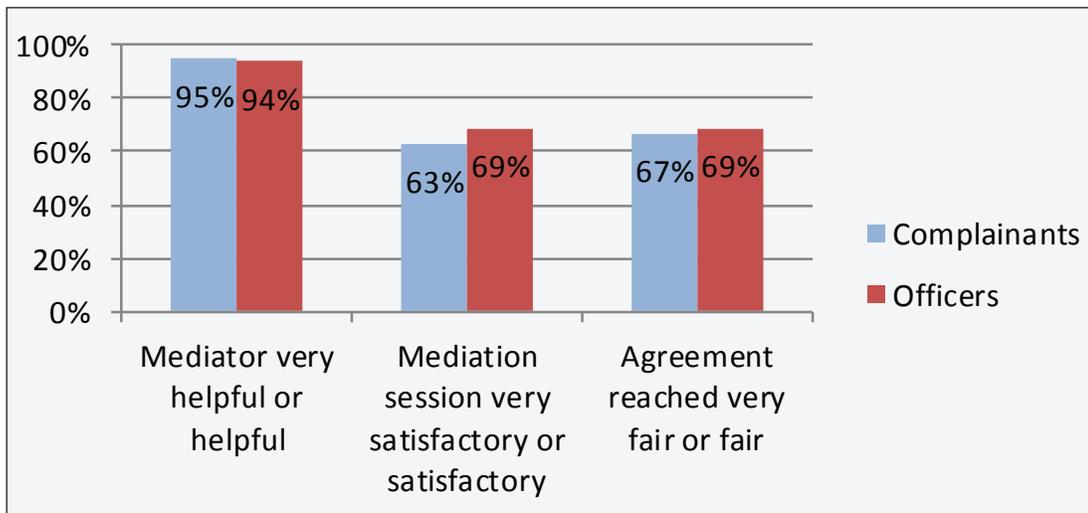
To evaluate how our mediation program is serving our mission and our customers, OPC asks complainants and officers who participate in mediation to complete an anonymous survey about their experience. Of those who chose to participate in the survey, the results are listed in the table below.

Mediation continues to be an efficient and effective way to resolve complaints while improving the relationship between the District of Columbia police forces and the community they serve. OPC’s mediation program and high rates of resolution continue to be a model for Alternative Dispute Resolution programs in civilian police oversight agencies nationwide, and a source of great pride and accomplishment within the agency.

### FY 2016 Mediation Overview

- 74 cases referred for mediation\*
- Mediations accounted for 13% of all cases resolved by OPC

## Mediation Survey Results



\*There were 12 additional mediations referred in FY 2015 that were held in FY 2016.

## POLICY REVIEW AND RECOMMENDATIONS

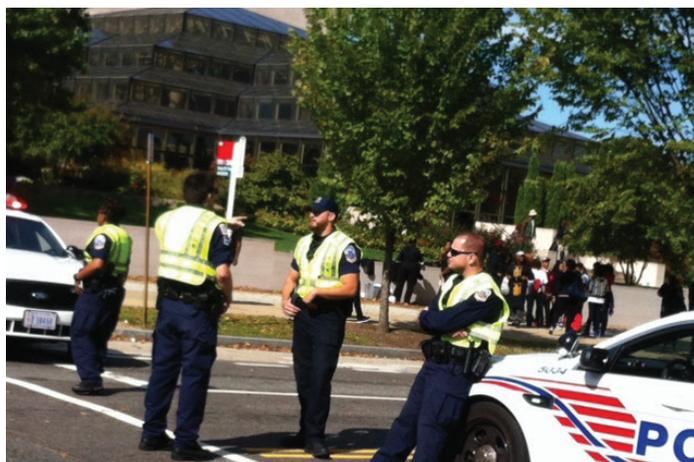
### Overview

The statute creating the Police Complaints Board (PCB) authorizes it to “make recommendations, where appropriate, to the Mayor, the Council, the Chief of the Metropolitan Police Department (“Police Chief”), and the Director of the District of Columbia Housing Authority (“DCHA Director”) 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. Last fiscal year, 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 on one or two complaints, and may address substantive or procedural law enforcement matters. In Fiscal Year 2016, due to staffing changes, PCB issued one policy recommendation, which is discussed in more detail below. At the close of Fiscal Year 2016, PCB had issued 38 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.

### “21st Century Policing”

On September 21, 2016, PCB issued a policy recommendation entitled, “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 recommendation focuses on law enforcement improvements in the following areas, or, as the report refers to them, pillars: building trust and legitimacy; policy and oversight; technology and social media; community policing and crime reduction; training and education; and officer wellness and safety. Because the PCB considers the report a national “best practice,” the “21st Century Policing” policy recommendation outlines the areas in which MPD has begun observing and applying the six pillars of the report, and the areas in which MPD may improve or accelerate its adherence to the pillars in the report.

## COMMUNITY OUTREACH



### Overview

In Fiscal Year 2016, OPC continued its commitment to increasing the public's awareness of the agency and promoting positive community-police interactions. OPC conducted and participated in more than 30 outreach events and activities throughout the Washington, D.C. metropolitan area with at least one in each of the District's eight wards. These outreach events and activities included presentations to the public about the agency's mission, jurisdiction, and complaint process.

### Outreach Events

OPC provided more outreach to the immigrant community and individuals with limited English proficiency this fiscal year. Agency staff participated in a "Know Your Rights" fair at Briya Public Charter and a community services fair at Washington English Center. Both organizations serve the adult immigrant population.

OPC continued to work with several District of Columbia government agencies, including the Office on Latino Affairs, Office on African Affairs, and the Office of Human Rights (OHR). OPC and OHR collaborated to provide a joint training targeted toward those in DC who are experiencing homelessness.

Additionally, OPC's Executive Director Michael G. Tobin participated as a panelist for a number of organizations discussing the importance of improving community trust through effective civilian oversight. Some of those organizations include the American Society of Criminology, the University of the District of Columbia, and the National Association for Civilian Oversight of Law Enforcement. Director Tobin also traveled to Panama as guest of the Institute for Representative Government to present to national legislators concerned with fostering citizen security.

In continuing with its outreach efforts to students, OPC presented to and conducted its Student

Interactive Training program at various schools and colleges in the District and beyond, including Dunbar, Eastern, and School Without Walls high schools, American University, American University Washington College of Law, and the University of Maryland College Park.

Agency staff continues to present to newly sworn members of MPD's police force at the police training academy. Presenting to new recruit classes gives OPC an opportunity to explain its jurisdiction and the complaint process and answer any questions the new members may have about the agency.

### Community Partnership Program

In Fiscal Year 2016, OPC expanded its Community Partnership Program to 15 organizations. 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. The agency hosted "brown bag" sessions with a few of its community partners to learn more about the organizations' initiatives for the year.

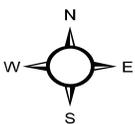
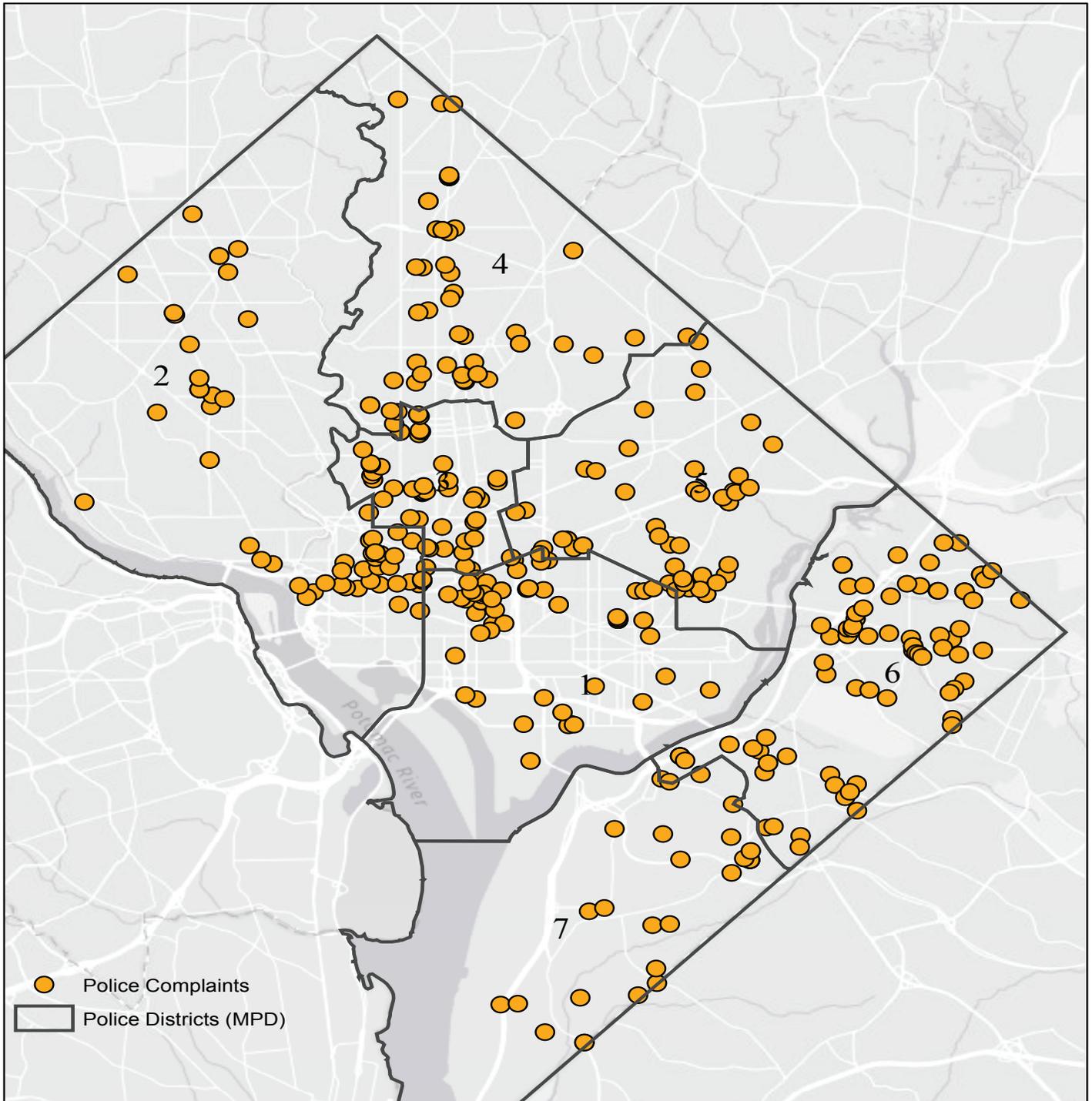
### Media Coverage

OPC continued to receive media coverage throughout Fiscal Year 2016. The work of the agency and the PCB was mentioned in several articles published by a number of media outlets, including The Washington Post, Baltimore Sun, DCist.com, The Georgetown, Street Sense, WAMU 88.5, WTOP-FM 103.5, FOX5, WUSA9, WJLA, and WKBW-TV (Western New York ABC affiliate). Director Tobin was also interviewed by PBS Frontline discussing the questions, "Is Civilian Oversight the Answer to Distrust of Police?" and on the topic of federal interventions at police departments.

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# APPENDICES

# APPENDIX A: POLICE COMPLAINTS BY DISTRICT



1 Inch = 2 Miles  
Scale: 1:104,000

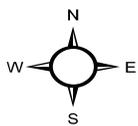
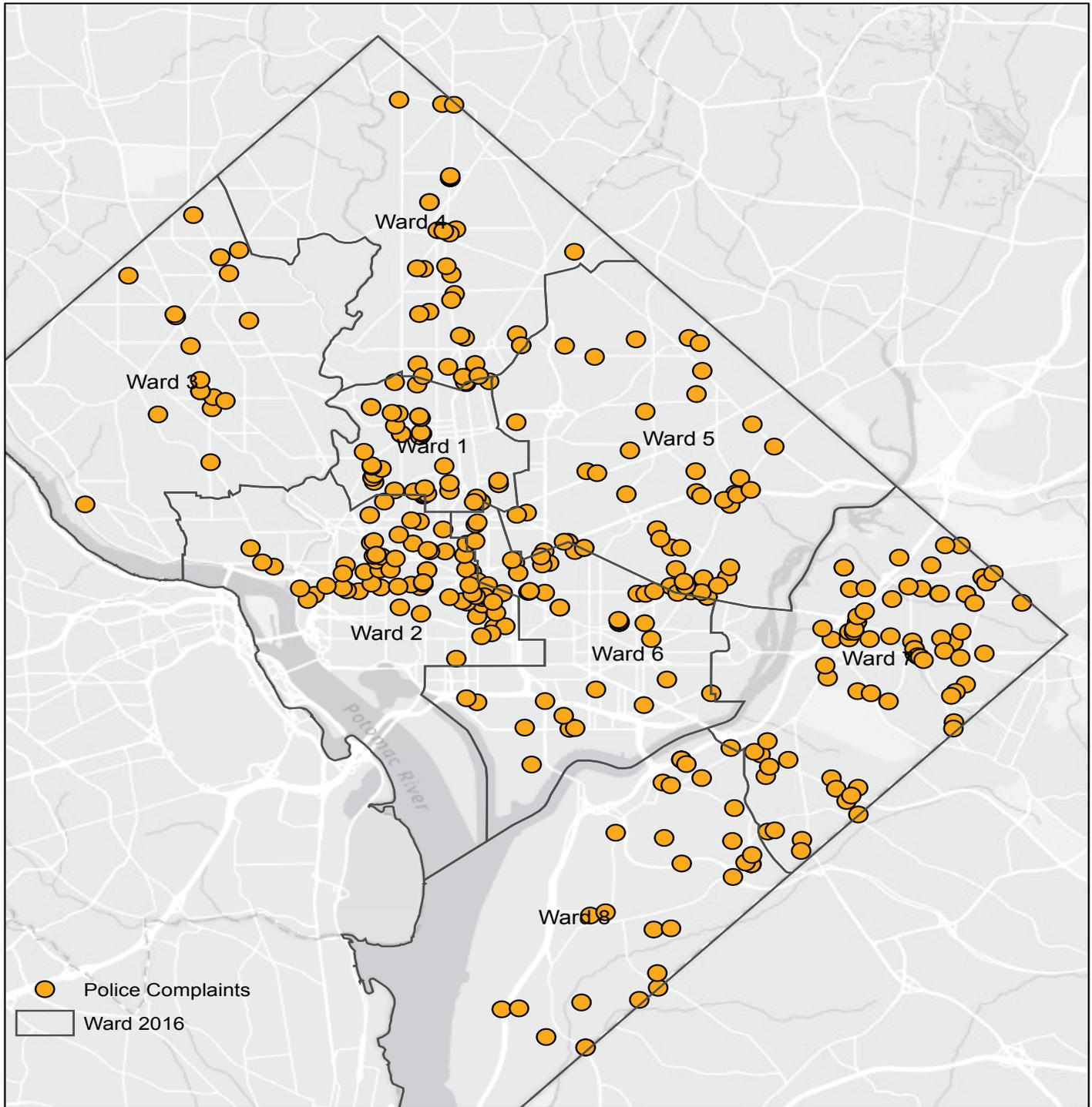
Service Layer Credits: Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Source: Office of Police Complaints (DCPC)

Information on this map is for illustration only. The user acknowledges and agrees that the use of this information is at the sole risk of the user. No endorsement, liability or responsibility for information or opinions expressed are assumed or accepted by any agency of DC government.



## APPENDIX B: POLICE COMPLAINTS BY WARD



1 Inch = 2 Miles  
Scale: 1:104,000

Service Layer Credits: Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

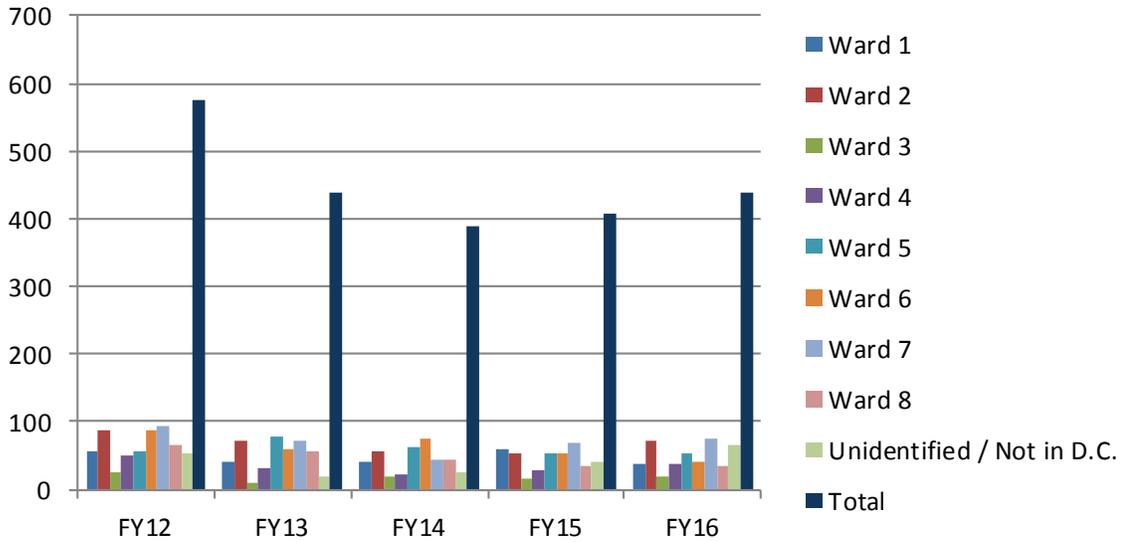
Source: Office of Police Complaints (DCPC)

Information on this map is for illustration only. The user acknowledges and agrees that the use of this information is at the sole risk of the user. No endorsement, liability or responsibility for information or opinions expressed are assumed or accepted by any agency of DC government.

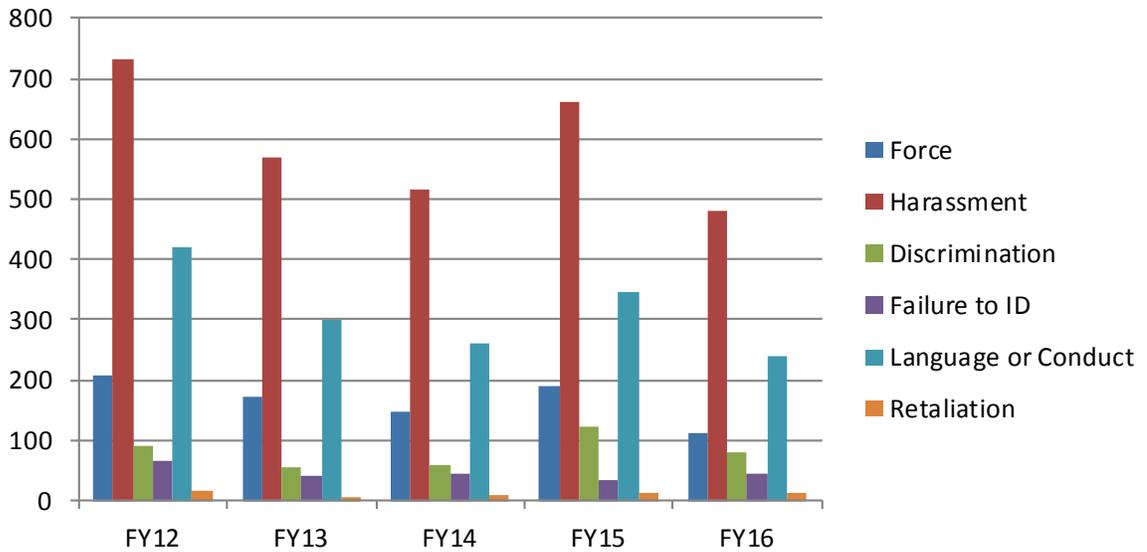


# APPENDIX C: CIVILIAN COMPLAINTS

## Complaints by Ward



## Allegations in Complaints by Category



## APPENDIX C: CIVILIAN COMPLAINTS

### Specific Allegations of Force

Allegation Category	FY12	FY13	FY14	FY15	FY16
ASP: all types	4	5	0	3	4
Canine	0	0	0	0	0
Chokehold	10	6	7	8	2
Forcible handcuffing	21	6	6	7	11
Gun: drawn, but not pointed	2	1	4	13	5
Gun: fired	0	0	0	1	0
Gun: pointed at person	7	6	7	10	7
Handcuffs too tight	11	20	11	11	9
OC spray	6	4	1	3	5
Push or pull with impact	68	41	41	55	17
Push or pull without impact	43	36	32	50	25
Strike: kick	4	7	5	1	3
Strike:with officer's body	2	5	5	5	1
Strike: punch	9	10	10	10	4
Strike:while handcuffed	4	5	0	7	0
Strike:with object	2	6	3	1	5
Vehicle	2	3	1	2	1
Other	11	11	14	4	13
<b>Total Force Allegations</b>	<b>206</b>	<b>172</b>	<b>147</b>	<b>191</b>	<b>112</b>

## APPENDIX C: CIVILIAN COMPLAINTS

### Specific Allegations of Harassment

Harassment Subcategories	FY12	FY13	FY14	FY15	FY16
Bad ticket	99	85	76	69	78
Contact	67	28	14	22	13
Entry (no search)	10	5	7	16	11
Frisk	4	6	3	5	2
Gun: touch holstered weapon	8	5	14	8	7
Intimidation	40	18	23	37	24
Mishandling property	52	22	36	51	31
Move along order	17	11	14	21	22
Prolonged detention	9	9	10	19	11
Property damage	12	9	13	11	8
Refusing medical treatment	5	3	7	9	6
Search: belongings	7	2	7	6	0
Search: car	20	21	16	14	8
Search: home	17	15	7	11	11
Search: person	18	21	17	15	11
Search: strip or invasive	5	5	3	7	1
Stop: bicycle	1	1	1	2	0
Stop: pedestrian	37	25	13	35	14
Stop: vehicle/traffic	76	77	61	69	48
Stop: boat	0	0	0	2	0
Threat	110	74	59	77	51
Unlawful arrest	84	76	81	100	65
Other	35	52	33	55	58
<b>Total Harassment Allegations</b>	<b>733</b>	<b>570</b>	<b>515</b>	<b>661</b>	<b>480</b>

## APPENDIX C: CIVILIAN COMPLAINTS

### Specific Allegations of Discrimination

Discrimination Subcategories	FY12	FY13	FY14	FY15	FY16
Age	3	1	2	3	4
Color	1	2	2	3	1
Disability	2	3	2	2	1
Family Responsibilities	0	0	0	0	1
Language	0	0	0	0	0
Martial Status	0	0	0	0	2
National Origin	7	6	3	8	4
Personal Appearance	6	2	2	11	4
Physical Handicap	0	0	0	0	0
Place of Residence or Business	5	2	4	8	2
Political Affiliation	1	0	0	0	0
Race	47	28	30	59	41
Religion	2	2	3	1	1
Sex	1	5	5	14	8
Sexual Orientation	2	2	3	3	3
Source of Income	1	0	0	6	6
Other	14	2	4	6	2
<b>Total Discrimination Allegations</b>	<b>92</b>	<b>55</b>	<b>60</b>	<b>124</b>	<b>80</b>

## APPENDIX C: CIVILIAN COMPLAINTS

### Specific Allegations of Failure to Identify

Failure to Identify Subcategories	FY12	FY13	FY14	FY15	FY16
Display name and badge	14	2	8	1	9
Provide name and badge	50	36	33	33	31
Other	1	3	2	0	3
<b>Total Allegations</b>	<b>65</b>	<b>41</b>	<b>43</b>	<b>34</b>	<b>43</b>

### Specific Allegations of Language and Conduct

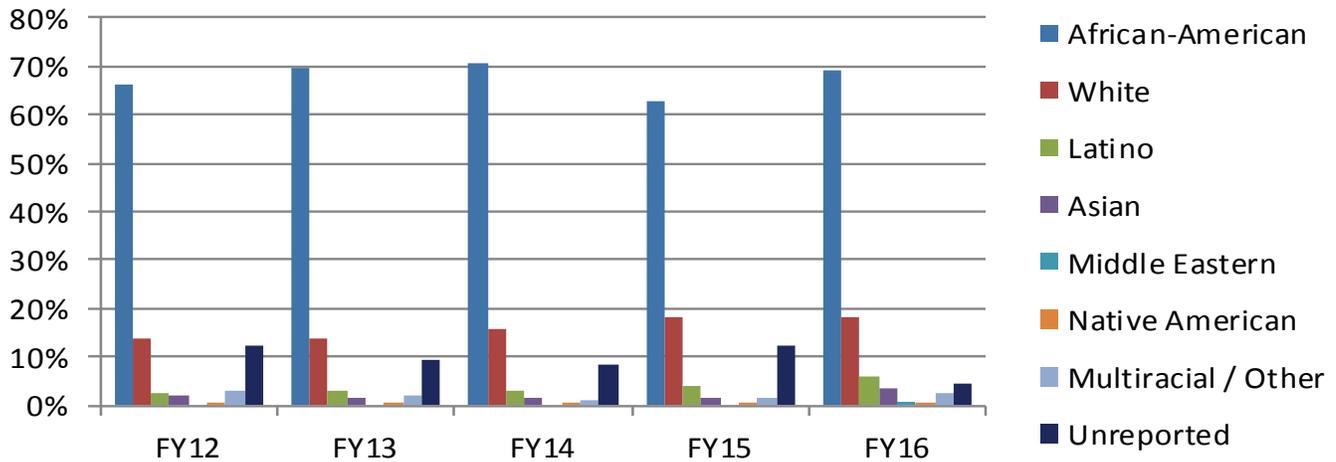
Language and Conduct Subcategories	FY12	FY13	FY14	FY15	FY16
Demeanor or tone	198	126	123	165	134
Gesture or action	54	52	52	66	41
Other language	52	28	29	63	27
Profanity	67	49	34	34	24
Racial/Ethnic slur	13	3	4	10	3
Other	37	43	17	7	10
<b>Total Language and Conduct Allegations</b>	<b>421</b>	<b>301</b>	<b>259</b>	<b>345</b>	<b>239</b>

### Specific Allegations of Retaliation

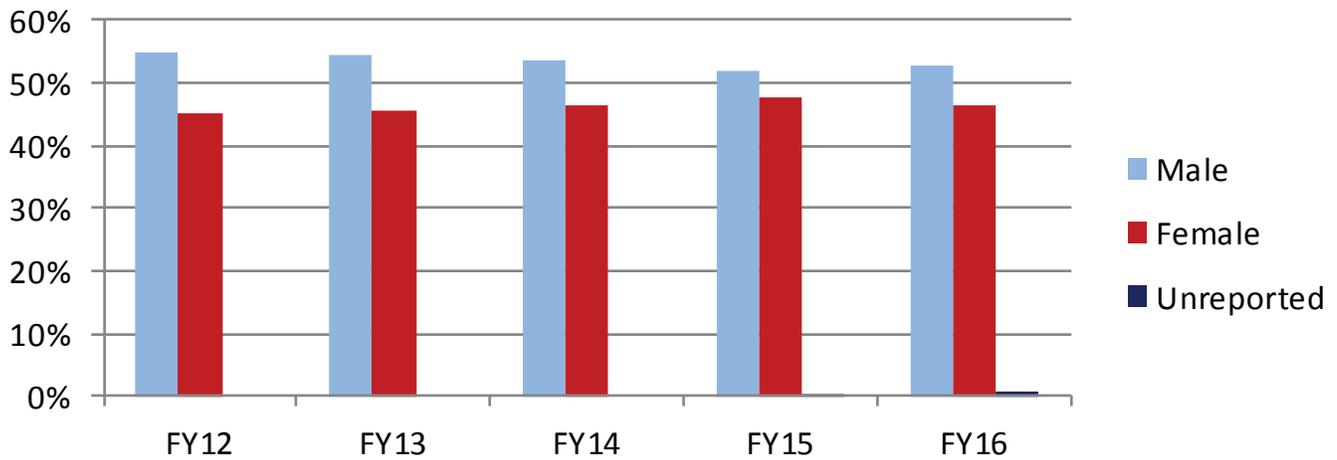
Retaliation	FY12	FY13	FY14	FY15	FY16
Total	17	4	8	11	14

## APPENDIX C: CIVILIAN COMPLAINTS

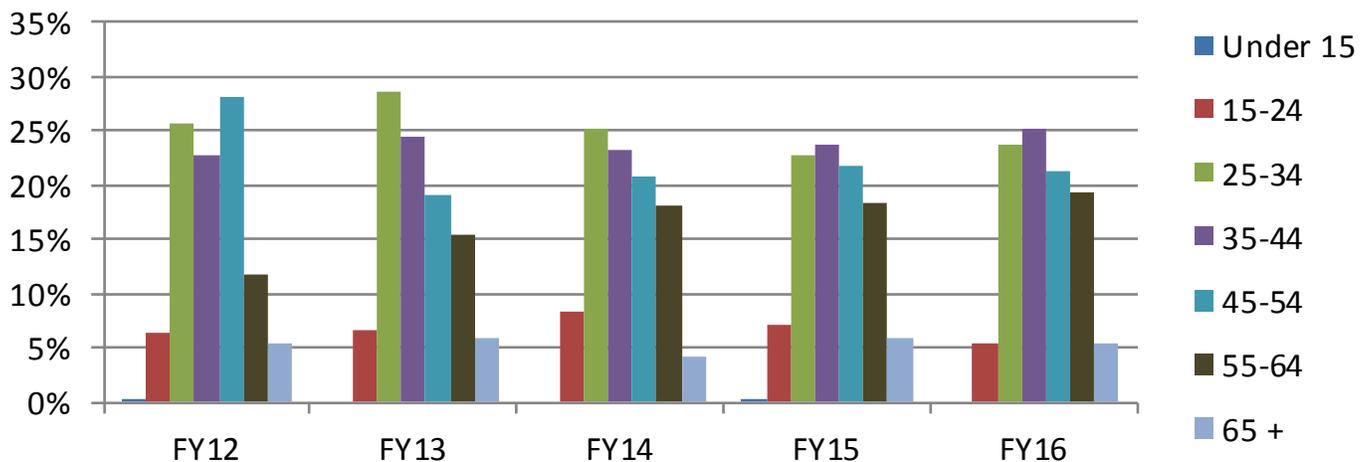
### Complainant Race or National Origin



### Complainant Gender

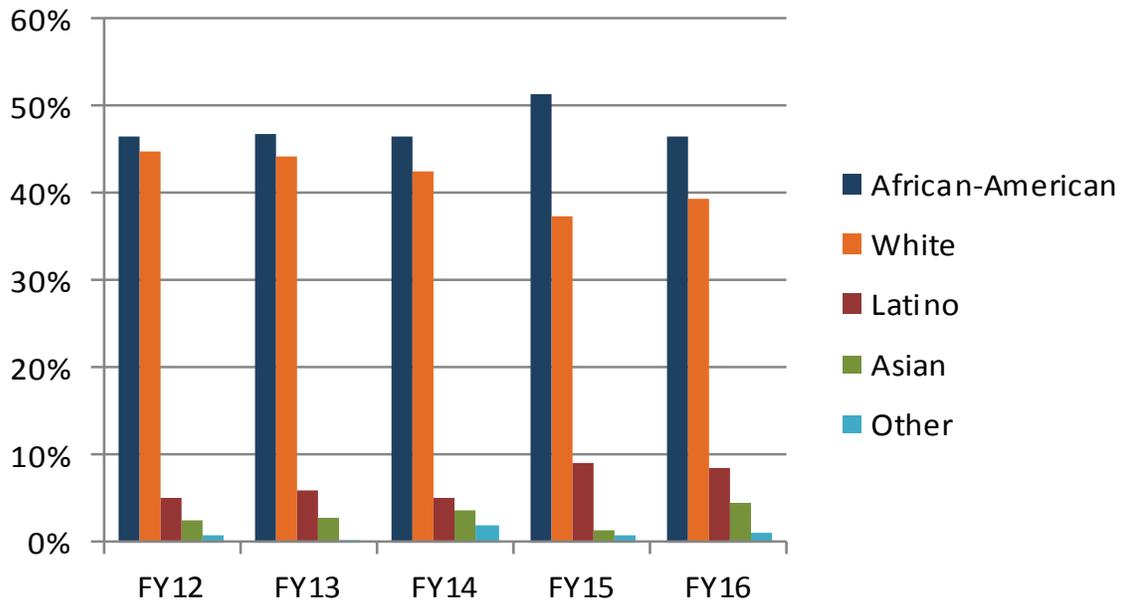


### Complainant Age

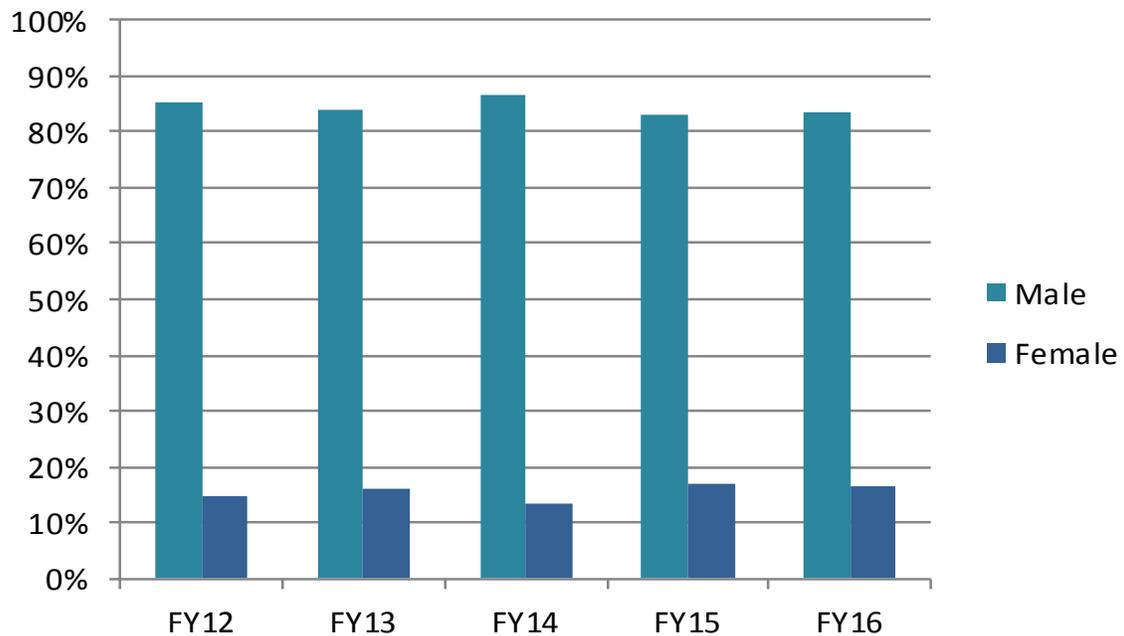


## APPENDIX D: OFFICER INFORMATION

### Subject Officer Race or National Origin



### Subject Officer Gender



## APPENDIX D: OFFICER INFORMATION

### Subject Officer Rank

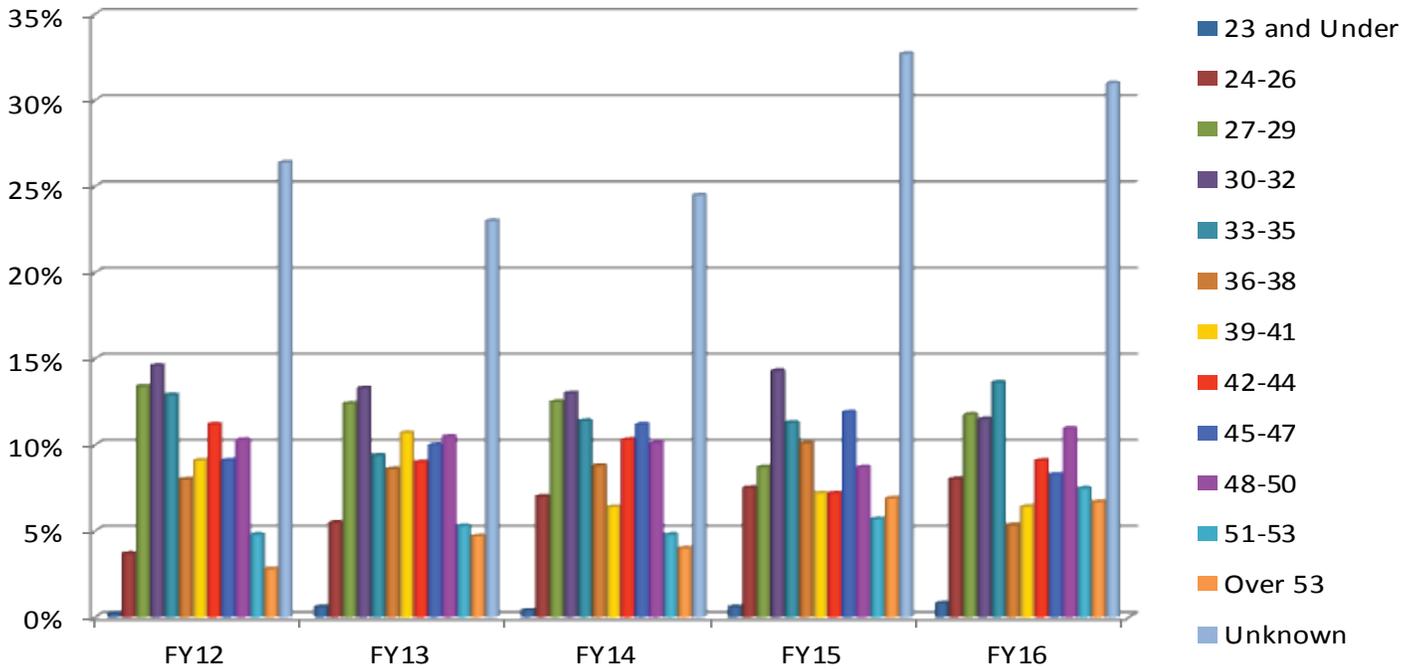
Rank	FY12	FY13	FY14	FY15	FY16
Chief	2	4	1	1	0
Assistant Chief	1	1	0	0	0
Commander	1	4	0	0	1
Inspector	0	0	0	0	0
Captain	1	3	1	3	2
Lieutenant	9	7	8	1	3
Sergeant	53	48	48	31	31
Detective	38	16	12	12	24
Investigator	1	2	3	9	4
Master Patrol Officer	26	21	16	10	6
Officer	531	426	367	268	303
Unidentified	221	159	147	163	168
<b>Total</b>	<b>884</b>	<b>691</b>	<b>603</b>	<b>498</b>	<b>542</b>

### Subject Officer Assignment

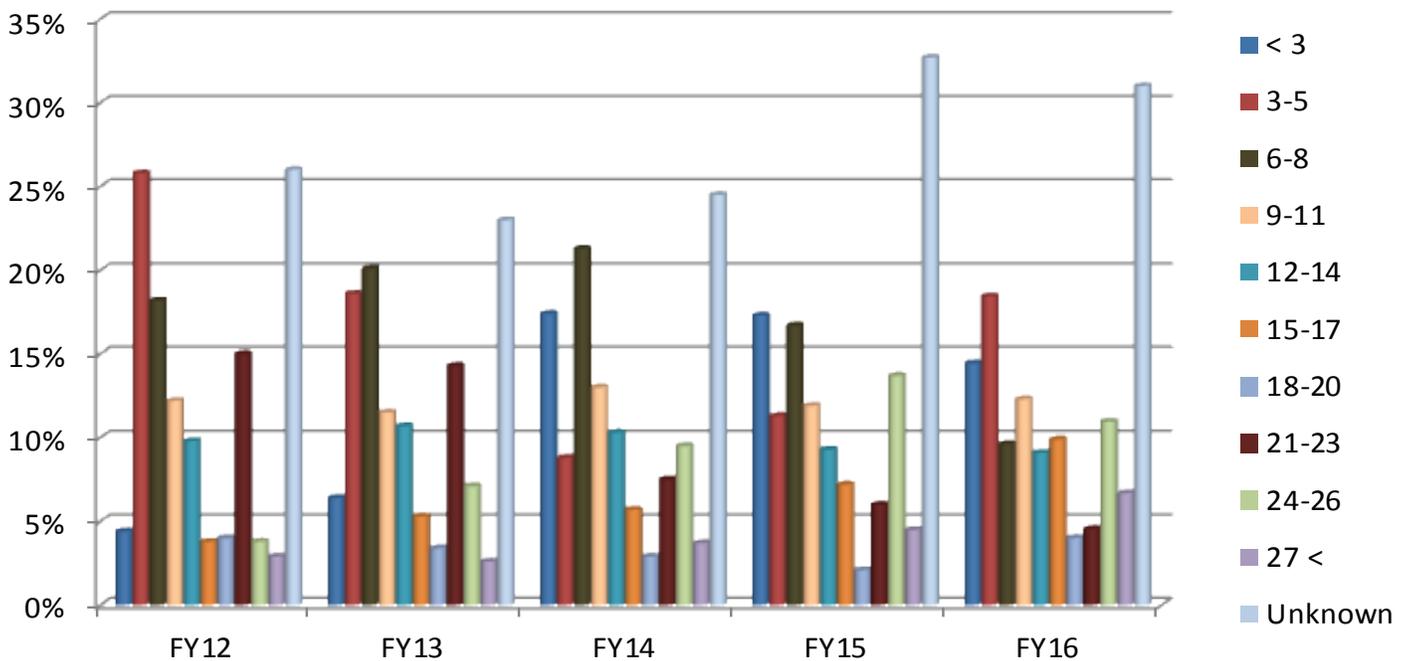
Assignment	FY12	FY13	FY14	FY15	FY16
First District (1D)	66	83	80	47	25
Second District (2D)	64	38	32	21	46
Third District (3D)	86	76	64	47	43
Fourth District (4D)	70	47	43	41	54
Fifth District (5D)	63	74	77	54	58
Sixth District (6D)	165	107	71	65	85
Seventh District (7D)	78	51	47	35	43
Other	58	56	40	23	18
D.C. Housing Authority	11	1	2	2	2
Unidentified	223	158	147	163	168
<b>Total</b>	<b>884</b>	<b>691</b>	<b>603</b>	<b>498</b>	<b>542</b>

## APPENDIX D: OFFICER INFORMATION

### Subject Officer Age



### Subject Officer Years of Service



## APPENDIX E: COMPLAINT EXAMINER DECISION

### COMPLAINT EXAMINER EXAMPLE

The complainant, a middle-aged African American male, alleged that while he was walking he observed eight MPD officers searching a car. There were three African American males who were with the car, and none appeared to be under arrest. The complainant observed the search finish, and then the officers let the three African American males back into the car to leave. The complainant shouted at the men in the car that they should get the officers' names and badge numbers, but they did not.

Subject Officer #1 and the complainant began speaking to each other from opposite sides of the street. In response to the complainant's statements regarding obtaining an officer's badge number, subject officer #1 said, "Wanna come look at it?" The complainant began to cross the street to where the officers were standing. While he was crossing, subject officer #1 called out, "Oh, you just jaywalked now, sir."

The complainant completed crossing the street, and upon arriving at the farthest lane – in which the officers were standing and their patrol cars were parked – said that he wanted the officers' names. Subject officer #1 directed the complainant to "get off the street." The complainant asked subject officer #1 for his name. Subject officer #1 responded, "You don't need to know. Get off the street." The complainant said, "I don't need to know?" Subject officer #1 pointed to his nameplate and said, "This is my tag right here, my nametag's right here."

Subject officer #1 then asked the complainant, "Where's your ID, man?" The complainant replied, "I don't need any." Several other officers, including subject officer #3, then asked the complainant to produce identification. The complainant challenged the officers as to their legal basis for demanding his identification, and he pointed out that subject officer #1 had "invited" him to cross the street.

Subject officer #3 then placed the complainant under arrest for failure to identify himself and for failure to obey in an emergency, and subject officer #2 issued the complainant a notice of infraction for crossing where prohibited (i.e., jaywalking). The complainant was then transported to an MPD station for booking.

The complaint examiner decided that a hearing was not necessary in this case. The complaint examiner reviewed the report of investigation, and all exhibits, which included body-worn camera footage of the events that were collectively recorded by the body-worn cameras of several of the officers on the scene, including subject officers #2 and #3. After a thorough review of all the evidence, the complaint examiner sustained the allegations against the subject officers for failure to provide name and badge number when requested, and harassment. The complaint examiner found that the jaywalking ticket was unwarranted and the arrest of the complainant for failing to provide his identification and for failure to obey an officer was improper, based largely on the evidence contained in the body-worn camera footage.

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## APPENDIX F: MEDIATION & DISMISSAL EXAMPLES

### MEDIATION EXAMPLE

An individual filed a complaint against an officer after being issued a notice of infraction for entering a street during a restricted time. The complainant alleged that the officer racially profiled him and intimidated and threatened him by placing his hand on his firearm during the traffic stop.

At mediation, the complainant and officer explained the incident as each remembered it. The complainant acknowledged that after the traffic stop he went back to the street and reviewed the restricted times on the signage. The complainant admitted at mediation that he only then realized that the restricted time on the street had changed and he was not aware of the change. The officer explained that it is his routine protocol to place his hand on his weapon when he approaches vehicles in a traffic stop in order to protect his safety. The officer also explained that he is also a minority and that he was not racially profiling the complainant; he was just enforcing the traffic laws and the restricted times on the street.

The complainant commented that meeting the officer outside of the incident and with the ability to discuss their concerns, the officer seemed like a nice and reasonable person. At the conclusion of the mediation, the complainant and the officer thanked each other, the mediator, and OPC staff for their time and the opportunity to discuss their feelings and perspectives regarding the incident.

### DISMISSAL EXAMPLE

The complainant, an African American male, alleged that an MPD officer conducted an unwarranted traffic stop and issued him an unlawful ticket for running a red light. He also alleged the officer used profanity and yelled at the complainant during the traffic stop, and that the officer failed to provide his name and badge number when asked. Finally, the complainant alleged that the officer discriminated against him based on his race and the fact that he was driving an expensive car.

During its investigation, OPC investigators interviewed the complainant and viewed both a video recording provided by the complainant that captured a portion of the incident, and body-worn camera footage from the officer that captured the entire interaction. OPC also reviewed the ticket information. Although the complainant denied running a red light, he did admit to other traffic infractions that would justify the officer stopping him. The complainant did not offer an explanation for why the officer would intentionally issue him a false ticket for running a red light, but not issue him additional tickets for the traffic infractions that he admitted committing.

After reviewing the evidence, specifically the body-worn camera footage, OPC determined that the officer did not use profanity or yell at the complainant during the traffic stop, and the officer clearly stated his name twice and provided his name and badge number in writing to the complainant when asked. Based on the evidence gathered, OPC also found the officer acted within his authority when he stopped the complainant for a traffic violation, and then issued a ticket for the infraction. OPC also determined, given the video footage and the complainant's account, that there was not sufficient evidence to support the complainant's allegation of discrimination.

For these reasons, OPC concluded that the complaint should be dismissed, as there was not reasonable cause to believe that the officer engaged in police misconduct. A PCB member reviewed the determination and concurred, resulting in the dismissal of the complaint.

## APPENDIX G: POLICE COMPLAINTS 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 re-nominated 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.

**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. He was re-nominated by Mayor Muriel Bowser and appointed on June 28, 2016 for a new term ending January 12, 2019.

**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 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

## APPENDIX G: POLICE COMPLAINTS BOARD MEMBERS

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 re-nominated 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 reappointed to a third term, which ended January 12, 2015. On July 1, 2015, he was reappointed to a fourth term. Assistant Chief Burke retired from MPD and resigned his Board position after having been nominated by President Barack Obama and confirmed by the U.S. Senate as United States Marshall for the District of Columbia on May 25, 2016.

**Jamira Burley** is a Human Rights Defender, social justice and millennial/youth engagement strategist, Recognized by the White House as a Champion of Change, Ms. Burley is the essence of perseverance. Her ardor for personal and social advancement is undeniable; she leads with marked expertise on youth engagement, education reform, global citizenship, corporate social responsibility, gun violence prevention and criminal justice reform. As the first of 16 children to graduate from high school and pursue higher education, Ms. Burley is a Temple University graduate, with a B.A. in International Business, Legal Studies. Professionally, Ms. Burley has worked at every level of engagement from the city to international, proving unique insight into how to engage impacted communities and create opportunities for shared leadership. So far, she has trained and spoken to diverse audiences in more than 15 countries. Ms. Burley continues to make it her mission to employ her personal experiences as the driving force to improve the lives of others.” Ms. Burley was appointed by Mayor Muriel Bowser and confirmed by the District Council on February 2, 2016 and sworn in on March 17, 2016.

**Bobbi Strang** is a Workers’ Compensation Claims Examiner with the District of Columbia Department of Employment Services (DOES). She was the first openly transgender individual to work for DOES where she provided case management for Project Empowerment, a transitional employment program that provides job readiness training, work experience, and job search assistance to District residents who face multiple barriers to employment.

Ms. Strang is a consistent advocate for the LGBTQ community in the District of Columbia. She has served as an officer for the Gertrude Stein Democratic Club, a board member for Gays and Lesbians Opposing Violence, and a co-facilitator for the DC LGBT Center Job Club. Ms. Strang was also awarded the 2015 Engendered Spirit Award by Capital Pride as recognition for the work she has done in the community.

She holds a B.A. in Sociology and English Literature from S.U.N.Y. Geneseo as well as a Masters of Arts in Teaching from Salisbury University. Ms. Strang was appointed by Mayor Muriel Bowser and confirmed by the District Council on November 3, 2015 for a term ending on 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. Mr. Tobin received his bachelor's degree in criminal justice from the University of Wisconsin-Milwaukee and his law degree from the University of Wisconsin-Madison.

**Rochelle M. Howard** joined the District of Columbia Office of Police Complaints as Deputy Director in February 2016. Prior to joining the agency, Ms. Howard served as the Deputy Assistant Inspector General for Inspections and Evaluations Division at the District of Columbia Office of the Inspector General (OIG). Ms. Howard's OIG experience also included work at the Department of Commerce Office of the Inspector General Investigation Division, and the Office of Personnel Management Office of the Inspector General Evaluation and Inspection Division.

Ms. Howard began her career serving in the U.S. Army JAG Corps for 8 years holding positions of Prosecutor, Defense Attorney, and NATO Anti-Corruption Advisor to the Afghan Police. She served in six combat missions in Iraq, Afghanistan, and Africa as well as assignments to Yongsan, Korea, Fort Benning, Georgia, and Fort Meade, Maryland. Ms. Howard earned a law degree from the Widener University School of Law, a master's degree in business administration from the University of Maryland University College, and a Bachelor of Arts degree in sociology with a concentration in criminology and a minor in Spanish from Louisiana State University.

**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.

**Alicia J. Yass** joined OPC as legal counsel in July 2016. Ms. Yass came to the office from the American Constitution Society, a non-profit legal policy member organization, where she worked with lawyers across the country on issues such as access to justice, voting rights, and constitutional interpretation. Prior to ACS, Ms. Yass was a Trial Attorney for the US Department of Justice, Criminal Division, Child Exploitation, and Obscenity Section, and was co-assigned as a Special Assistant US Attorney in the US Attorney's Office for the Eastern District of Virginia. Ms. Yass received her bachelor's and master's degrees from George Washington University, and her law degree from New York University School of Law.

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## APPENDIX H: AGENCY STAFF

### OPC staff members, alphabetically:

- Administrative Officer Stephanie Banks
- Public Affairs Specialist Nykisha Cleveland
- Senior Investigator Ora Darby
- Senior Investigator Denise Hatchell
- Investigator Victoria Keyes
- Senior Investigator Anthony Lawrence
- Investigator Lindsey Murphy
- Investigator Jessica Rau
- Investigations Manager Robert Rowe
- Staff Assistant Kimberly Ryan
- Receptionist Nydia Smith
- Investigations Manager Natasha Smith
- Investigator Danielle Sutton
- Investigator Ethan Trinh





**GOVERNMENT OF THE DISTRICT OF COLUMBIA • POLICE COMPLAINTS BOARD  
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