

**POLICE COMPLAINTS BOARD
MINUTES OF REGULAR MEETING**

Meeting Date & Time: Thursday, November 12, 2015
6:30 p.m.

Location: Office of Police Complaints
1400 I Street, NW, Suite 700
Washington, DC 20005

PCB Members Present:

- Paul Ashton
- Assistant Chief Patrick Burke (via telephone)
- Kurt Vorndran

PCB Members Absent:

- none

OPC Staff Present:

- Michael G. Tobin, Executive Director
- Christian J. Klossner, Deputy Director
- Nicole Porter, Special Assistant
- Mona Andrews, Chief Investigator
- Denise Hatchell, Investigator
- Catherine Twigg, Investigator

Public Members Present:

- Elodie Hunter
- Ricardo Santos
- Bobbi Strang

Meeting Agenda:

I. Call to Order

Mr. Vorndran called the meeting to order at 6:06 p.m.

II. Public Comment Period

No public comments were noted.

III. Adoption of Minutes

The Board reviewed the minutes from the September 17, 2015, PCB meeting. Assistant Chief Burke made a motion to approve the minutes. Mr. Ashton seconded. The minutes were unanimously approved.

IV. Agency Report

Mr. Tobin discussed Bobbi Strang's pending appointment to the Board. Once Ms. Strang is appointed, there will be only one vacancy left on the Board. Mr. Tobin also discussed the NEAR Act. The Act would expand OPC's jurisdiction and increase the time individuals have to file complaints from 45 days to 90 days. Mr. Tobin stated that the bill was in committee for markup. Mr. Vorndran asked if the office can handle additional duties without an increase in staff. Mr. Tobin responded that he told the council that the agency would need one additional staff person (a research analyst). Mr. Tobin also provided a body-worn camera update. The body-worn camera bill is in mark-up right now. All investigators have Evidence.com access.

Mr. Tobin stated that the conciliation program is all set to go. The agency is just waiting for MPD to appoint staff members to explain the policies and procedures behind officer actions. OPC's program analyst, Michal Bilick, is heading up this program for OPC.

Mr. Tobin stated that on October 2, Chief Lanier signed a general order appointing OPC to the Use of Force Review Board. Mr. Tobin is seeing good and thorough reviews from the Review Board. Mike Bromwich has been attending meetings and expects to put out a report by the end of November. Mr. Vorndran asked about the makeup of the Review Board. Mr. Tobin stated that there was someone from the MPD training academy, a District commander, an inspector from the Special Operations Division, and the MPD investigator that conducted the force investigation. He also stated that the Review Board only reviewed serious force incidents. Mr. Vorndran asked whether OPC's presence should be there by law, instead of by general order. Mr. Tobin said that it should not and that he does not have any concerns about a new police chief kicking the agency off the Board if Chief Lanier is no longer with MPD.

Ms. Porter discussed the "Justice or Else" policy recommendation issued in October and two additional policy recommendations the agency is working on, language or conduct and LEP access. Mr. Vorndran and Mr. Ashton recommended that for future monitoring events, the agency remind MPD, USPS, and U.S. Capitol Police to have their identification clearly displayed. Mr. Ashton suggested that the agency could incorporate the recommendation into the OPC press release, and send it to the agencies before the event. Mr. Tobin mentioned that addition of the African Affairs office to the agency's community partners, and briefly discussed the departures of OPC's deputy director and a staff investigator. Ms. Andrews updated the Board on the agency's investigation numbers. Mr. Tobin noted that OPC had 100 fewer cases that it did last year. Mr. Tobin also stated that last week, the agency had only two open cases that were more than a year old. Mr. Tobin said that what will help OPC stay at that level are the recording of interviews. Chief Burke asked how the body camera footage affects investigations. Mr. Tobin stated that it makes it easier to ID officers and it augments our investigation.

Mr. Vorndran asked if the length of time it takes to conduct an investigation affected complainant participation. Mr. Tobin replied that it did not, and added that the agency was very good about accommodating people. Ms. Andrews said that the agency is doing more field and phone interviews to help accommodate people. She also stated that investigators will stay late if needed. Ms. Andrews stated that the agency is paying attention to these issues and are trying to address these concerns. Mr. Vorndran stated that in the past when he first started received dismissals, there were a couple of occasions where it was unclear whether the agency had e-mailed individuals in addition to

attempting to contact them by phone. Mr. Vorndran also stated when an individual was phoned and the call went to voice mail, it was unclear from the dismissal whether the voice mail message identified the person whom the mail box belonged to, or just recited a phone number. Mr. Vorndran suggested that in the future the investigator indicate whether there was an actual voice mail message indicating the complainant's name or just a recording reciting a phone number.

Ms. Porter updated the Board on the number and types of cases pending with complaint examiners. She stated that complaint examiners issued 11 decisions last fiscal year, and were referred over twenty reports of investigations. Ms. Andrews noted that one of the pending cases involved an officer's failure to identify himself to a public member. Chief Burke stated that MPD has approved to design for the business cards and that things are going in the right direction.

V. Adjournment and Next Meeting

The public meeting was adjourned at approximately 6:40 p.m. The next Board meeting will be held January 21, 2015 at 6:00 p.m.

Minutes prepared by Legal Counsel Nicole Porter