

**IMPROVING THE DISTRICT'S POLICE ACCOUNTABILITY
SYSTEM THROUGH THE POLICE COMPLAINT BOARD'S
ADOPTION OF AN OPEN MEETINGS POLICY**



**REPORT AND RECOMMENDATIONS OF THE
POLICE COMPLAINTS BOARD**

TO

**MAYOR ADRIAN M. FENTY,
THE COUNCIL OF THE DISTRICT OF COLUMBIA, AND
CHIEF OF POLICE CATHY L. LANIER**

September 30, 2010

POLICE COMPLAINTS BOARD

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I. INTRODUCTION

Under the District of Columbia’s Open Meetings law, District government meetings and hearings must be held publicly if any “official action” will be taken, made, or enacted by the governmental body at the event.¹ A record of the meeting must also be kept and made available to the public upon request.² In accordance with the law, the meetings of the Police Complaints Board (PCB or the “board”), which oversees the Office of Police Complaints (OPC), are open to the public. An OPC employee prepares the “minutes” at each meeting. PCB tries to ensure that District residents are aware of the services that the board and OPC provide. However, being fully committed to the ideals of government transparency and accessibility, PCB believes that an official policy defining the parameters of board meetings and outlining the protocol for how meetings are to be conducted would benefit the public even more. In the absence of an official policy, residents, potential complainants, and other stakeholders who wish to share their views about police accountability issues in the District or gain insight into OPC’s investigative processes may not realize that they, as members of the public, are able to do so in a regular forum attended by PCB members.

Accordingly, PCB adopts the attached agency policy on open meetings and will post it on the agency’s website. PCB is issuing this policy pursuant to D.C. Code § 5-1104(d), which authorizes the board to make recommendations to the District of Columbia Mayor, Council, and Chiefs of Police and to implement reforms intended to improve the citizen complaint process and reduce police misconduct.³ The policy sets forth agency procedures regarding public notice of PCB meetings, the furnishing of meeting minutes, and the limited circumstances in which board meetings may be closed to the public. The policy also allows individuals an opportunity to seek redress with PCB if they believe that the board’s actions are not in compliance with its stated policy or the District’s Open Meetings law.

II. ADVANTAGES OF AN OPEN MEETINGS POLICY

The policy, developed by PCB in conjunction with OPC staff, will improve OPC’s citizen complaint process by making the agency’s work more transparent to the public. Not only will the public learn about the topics being discussed at PCB meetings and gain insight into agency operations and the types of police misconduct issues handled, but implementation of the policy

1 D.C. Official Code § 1-207.42(a) (2010).

2 D.C. Official Code § 1-207.42(b).

3 PCB is grateful for the assistance of OPC’s staff in preparing this report and accompanying open meetings policy. OPC’s executive director, Philip K. Eure, supervised the project. Other OPC staff members who performed research or assisted in drafting this report include the agency’s special assistant, Nicole Porter.

will ensure that people are apprised of the dates and location of board meetings. Because these board meetings include discussions of the types of complaints that OPC receives and the agency's methods for resolving them, the public will be in a better position to provide input into the District's police accountability system. As a result, the city's citizen complaint process can be expected to improve over time.

Finally, by detailing the circumstances under which the agency can close its meetings to the public, the policy fairly balances the public's right to know about government operations with the privacy interests of those who file or who are the subjects of OPC complaints. Sensitive personnel matters and information pertaining to pending litigation or active complaint investigations are also protected under the policy.

III. CONCLUSION

District residents are entitled to know how their government functions, to see government agencies in action, and to participate in developing solutions for a more effective government. The proposed policy reflects these objectives, and builds upon the goals of the District's current Open Meetings law by making PCB and OPC even more accessible and accountable to the public.

Police Complaints Board Policy on Open Meetings

The Police Complaints Board (PCB), the governing body of the District of Columbia's Office of Police Complaints (OPC), shall operate in accordance with the letter and the spirit of the District of Columbia's Open Meetings law, D.C. Official Code § 1-207.42 (2010). The District's Open Meetings law states, in pertinent part, that:

All meetings (including hearings) of any department, agency, board, or commission of the District government . . . at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation, or other official action shall be effective unless taken, made, or enacted at such meeting.

MINUTES

The minutes of each meeting, not including the executive session if one is convened, shall be made available to the public as soon as practicable. The minutes shall also be posted on OPC's website.

NOTICE

The public shall be given advance notice of any meeting of the PCB. Notice will be posted on the home page of the OPC website at least one week in advance of the meeting.

REDRESS

Any person who feels the PCB failed to follow its obligations under the District's Open Meetings law or this policy, without prejudice to any other remedy, may submit to OPC a written request for review by PCB. All requests for review received by OPC shall be transmitted to the PCB Chair and OPC's Executive Director. Each request for review shall be considered at the next PCB meeting and the Board shall respond to the request for review.

EXECUTIVE SESSION

The PCB may only meet in Executive Session following a vote of the Board in open session at a properly noticed meeting.

An Executive Session shall be called to discuss the following matters:

- Sensitive internal personnel issues;
- Information specifically exempt from disclosure by statute;
- Active law enforcement or OPC investigations that are not commonly known to the public, or information that if disclosed would endanger the physical safety of law enforcement or OPC employees;
- The OPC's participation in matters currently in litigation or expected to result in litigation, the public discussion of which might violate the attorney-client privilege, the deliberative process privilege, or any other common law privilege.
- Any other matter that is sensitive and is not required to be discussed openly by applicable law.