

**POLICE COMPLAINTS BOARD**  
**MINUTES OF REGULAR MEETING**

**Meeting Date & Time:** Tuesday, March 10, 2009  
6:30 p.m.

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

**PCB Members Present:**

- Kurt Vorndran, Chair
- Assistant Chief Patrick Burke
- Karl M. Fraser
- Victor I. Prince

**PCB Members Absent:**

- Margaret Moore

**OPC Staff Present:**

- Philip K. Eure, Executive Director
- Ivelisse Cruz, Deputy Director
- Kesha Taylor, Chief Investigator

**Members of the Public Present:**

- Jeffrey Newbold, MPD Labor Committee Representative, Fraternal Order of Police

**Meeting Agenda:**

**I. Call to Order**

Mr. Vorndran called the meeting to order at 6:30 p.m.

**II. Review and Adoption of Minutes from January 12, 2009, PCB Meeting**

The Board reviewed the minutes from the meeting of January 12, 2009. Chief Burke made a motion to adopt the January 2009 minutes. The motion was seconded by Mr. Prince.

Vote: 4 Yes (Vorndran, Burke, Fraser, and Prince)  
0 No

### **III. Caseload Statistics**

Ms. Taylor provided the Board with the caseload statistics update. Ms. Taylor discussed how the investigative unit keeps track of complaints that are still active after the deadline to complete an investigation has passed. Mr. Prince suggested that OPC add a line indicating the age of the oldest case in future Board reports.

In response to Mr. Prince's query, Ms. Taylor provided information regarding how OPC handles referrals to the U.S. Attorneys Office (USAO) for possible criminal prosecution. She stated that USAO usually takes from three to nine months to review a referral and, once USAO declines to prosecute a matter, the case is moved to the front of the line for active processing. Mr. Vorndran asked if USAO turns over its investigative files to OPC once it has declined to prosecute on a matter. Mr. Eure replied that USAO does provide its investigative file to OPC and that there have been ongoing discussions on this matter, but, at this point, USAO has merely identified those documents it would not be willing to turn over to OPC.

In response to Mr. Prince's question, Ms. Taylor stated that the agency informs complainants by letter that a matter has been referred to USAO and, likewise, the agency notifies complainants when USAO issues a declination letter. She added that the OPC letters encourage complainants to call the agency if they have any questions. Mr. Eure stated that there was no regular system of keeping complainants informed while a matter is pending with USAO, given that there was nothing to report. Mr. Vorndran asked if complainants contacted USAO directly and Ms. Taylor replied that OPC did not know. Mr. Vorndran asked if the USAO telephone number could be given to complainants. Mr. Eure stated that they would discuss this with the USAO.

Mr. Prince asked if the agency has a significant number of cases in which complainants submit images from camera phones or video cameras. Ms. Taylor replied complainants have provided such evidence in less than three percent of all cases processed by OPC.

Mr. Prince also inquired as to whether there was a surge in the number of complaints submitted to OPC due to police activities associated with the presidential inauguration. Ms. Taylor replied that although OPC received complaints regarding federal law enforcement officers it did not receive any complaints alleging misconduct by MPD officers. She opined that this lack of complaint activity reflected good management practices by MPD.

Mr. Prince asked if the agency had customer satisfaction surveys. Mr. Eure replied that surveys are conducted only with participants in mediation, but that OPC would look at developing surveys for other operational aspects.

#### **IV. Performance Oversight Hearing**

Mr. Eure stated that the agency's annual performance oversight hearing, conducted by the Committee for Public Safety and the Judiciary, occurred the previous day, on March 9, 2009. He added that the chair of the committee, Councilmember Phil Mendelson, had very few questions for the agency.

#### **V. Legislation**

Mr. Vorndran asked for the status of the legislation proposing OPC monitoring and reporting of citizen complaints filed with the Metropolitan Police Department (MPD) and the D.C. Housing Authority Police Department (DCHAPD). Mr. Eure explained that three council members, Mr. Mendelson, Mary Cheh, and Muriel Browser, introduced the bill in early February as a result of the Board's policy recommendation issued in September 2008. The bill now must go through the legislative process, which includes MPD and DCHAPD submitting any comments regarding the proposed law and recommending modifications to the bill itself. Chief Burke added that MPD would need to consider various operational demands resulting from the legislation. In response to Mr. Vorndran's question, Mr. Eure stated he has not heard of a specific date for the enactment of the bill, but noted that the current Council session will end in July 2009. Mr. Eure added that the bill was the subject of a *City Paper* blog item.

#### **VI. Policy Recommendations**

Mr. Vorndran asked if the Council was moving forward on the Board's policy recommendation to implement a rapid response process in which OPC refers some relatively minor or service-oriented citizen complaints to MPD and DCHAPD for quick resolution. Mr. Eure explained that the Council has not acted upon the rapid resolution recommendation. According to Mr. Eure, this inaction does not necessarily reflect a lack of interest in the proposal, but rather, the Council is focusing first on the oversight legislation.

Mr. Fraser asked about the status of the Board's policy recommendation concerning the installation of video cameras in police cruisers. Mr. Eure indicated that MPD is taking steps to install video cameras in a small portion of its fleet. Chief Burke stated that MPD must find outside funding sources to implement the program fully.

Mr. Eure stated that MPD has reconsidered and has announced that it will adopt the Board's policy recommendation on establishing the Crisis Intervention Team (CIT) model for the District. Mr. Eure added that he and Ms. Cruz are scheduled to meet with Chief Lanier on March 12, 2009, and will discuss, among other issues, this new development.

Mr. Eure informed the Board members that the agency will be submitting two draft policy recommendations shortly.

## **VII. Protest Monitoring**

Mr. Eure stated that the agency is planning to monitor police activities during protests associated with upcoming spring meetings of the International Monetary Fund and World Bank, scheduled for April 25-26, 2009. Ms. Taylor added that the entire investigations unit will participate if required and that this will be the first monitoring opportunity for some of the OPC investigators.

## **VIII. Annual Report**

Mr. Eure informed the Board that members will receive a draft of the report shortly.

## **IX. Miscellaneous**

Mr. Eure noted that the Board members have resumes of two qualified individuals up for selection as mediators and asked if they were ready to vote on the matter. Mr. Vorndran replied that, since Ms. Moore was not present at the meeting, it would be best to delay voting on the matter. Mr. Vorndran stated that the Board members should communicate any comments concerning the candidates to Mr. Eure by 12:00 noon on Friday, March 13, 2009, and that absence of communication would be deemed as approval of the appointment of these individuals.

Mr. Prince asked if the agency has reviewed the federal stimulus package. Mr. Eure stated, and Chief Burke confirmed, that MPD would receive approximately \$40 million in federal funds to hire and retain police officers for the next three years. Mr. Eure added that OPC is not slated to receive any of the stimulus funds and has not historically received grants or other types of supplemental funding.

## **X. Personnel**

Mr. Eure informed the Board that the agency's special assistant, Nicole Porter, will be on leave until early July. Mr. Eure noted that the agency was very fortunate to hire Angela Kiper to work as a special assistant during Ms. Porter's absence, as Ms. Kiper had previously been employed as OPC's special assistant. During her tenure, she will review reports of investigation and draft policy recommendations.

In response to Mr. Prince's question about vacancies for two investigator positions, Ms. Taylor informed the Board that the agency has hired Adam Travers and Andrew Schwartz. Mr. Travers has past experience as a police officer with the Metropolitan Washington Airports Authority and Mr. Schwartz is a former investigative assistant with the U.S. Secret Service.

Mr. Eure added that two college interns are on-board and working on various projects. In addition, the legal intern currently volunteering at OPC is from the People's

Republic of China and has just completed an LLM law degree from the University of Pennsylvania. Ms. Taylor also stated that the agency has one investigator who is fluent in Spanish.

**XI. Adjournment and Next Meeting**

The meeting was adjourned at approximately 7:30 p.m. PCB's next regular meeting is tentatively scheduled for Tuesday, May 5, 2009, at 6:30 p.m., pending confirmation by Ms. Moore.

Minutes prepared by Ivelisse Cruz, Deputy Director.