

POLICE COMPLAINTS BOARD
MINUTES OF REGULAR MEETING

Meeting Date & Time: Monday, November 17, 2008
6:30 p.m.

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

PCB Members Present:

- Kurt Vorndran, Chair
- Karl M. Fraser
- Victor I. Prince

PCB Members Absent:

- Margaret Moore
- Assistant Chief Patrick Burke

OPC Staff Present:

- Philip K. Eure, Executive Director
- Ivelisse Cruz, Deputy Director
- Nicole Porter, Special Assistant

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 6:44 p.m.

II. Review and Adoption of Minutes from September 8, 2008, PCB Meeting

The Board reviewed the minutes from the meeting of September 8, 2008. Mr. Prince recommended changing the September minutes to reflect his presence and vote regarding the vote to adopt the minutes of May 5, 2008.

Mr. Prince made a motion to adopt the September minutes with his recommended change. The motion was seconded by Mr. Fraser.

Vote: 3 Yes (Vorndran, Fraser, and Prince)
0 No

III. Caseload Statistics

Ms. Porter informed the Board that the agency received 601 complaints in FY 2008, reflecting an increase from the 440 complaints that the agency received in FY 2007.

Mr. Eure stated that Board Member Moore had asked him about the reasons for the surge in OPC complaints. Mr. Eure informed the Board that the causes for the large increase in the number of complaints were not clear. Mr. Eure was unwilling to attribute the surge to increased misconduct by Metropolitan Police Department (MPD) officers. Mr. Vorndran asked if the agency could conduct research to determine the reason for the increase in the number of complaints received. Mr. Prince asked the agency to look at whether there had been large numbers of repeat complainants last year. Mr. Vorndran then asked that the agency compare fluctuations of complaints with MPD activities. Mr. Vorndran stated that the increase in complaints might be due to stepped-up police enforcement in various areas.

Mr. Prince asked that OPC look into the agency's backlog. He suggested that OPC look at the date of the agency's oldest open case, as well as determine the average length of time that it took to resolve the agency's closed cases. Mr. Eure stated that he would give the Board feedback about how the agency handles backlogged cases. Mr. Fraser asked if the agency had a timeline or matrix for completing cases. Mr. Eure stated that, under the Memorandum of Agreement between the District and the Department of Justice, which expired last year, the agency had 135 days to complete investigations. Mr. Eure also noted the six-month standard for completing investigations and the four-month standard for deciding complaint examinations. Both timeline standards are part of the District's performance standards for the agency.

Additionally, Mr. Eure pointed out that, under OPC's governing statute, the agency must refer complaints alleging criminal conduct by MPD officers to the United States Attorney's Office (USAO) for possible criminal prosecution of the officers. OPC's investigation of those complaints is typically halted pending the outcome of the USAO's review. Mr. Eure informed the Board that OPC has a practice of calling the USAO when the USAO has not notified the agency, in a timely fashion, of the outcome of its review.

Mr. Fraser stated that the agency needed to develop a way to measure the average time it takes to investigate complaints that the agency receives. Mr. Eure responded that establishing an average time frame may be hard to do and may require a lot of work. Mr.

Eure stated that he would speak to Ms. Taylor about what was feasible for the agency and report back to the Board in January.

IV. Policy Recommendations

Regarding the rapid response policy recommendation, Mr. Eure stated that he had traded e-mails with Chief Lanier's staff about setting up a date and time to discuss MPD's concerns. Mr. Eure also informed the Board that the agency was preparing its FY 2008 annual report and, consequently, it was currently getting updates from MPD regarding MPD's progress in implementing other policy recommendations issued by the Board.

V. Protective Services Division Issues

Ms. Porter informed the Board that, after conducting legal research, the agency recommended that citizen complaints against Protective Services Division (PSD) officers not be included within OPC jurisdiction because of the nature of PSD's mission and because PSD officers have limited arrest powers. Mr. Vorndran had asked previously that the agency check to see whether there have been a measurable number of complaints filed with OPC against PSD officers. Mr. Eure stated that the agency would look into PSD's process for handling complaints. He added that he would speak with Ms. Taylor to determine how many complaints the agency has received concerning PSD officers.

VI. Miscellaneous

a. FY09 and FY10 Budgets

Mr. Eure stated that he received good news about the agency's current year's budget. The Mayor had proposed a 5.3% budget cut for OPC, while MPD was only slated for a 0.9% budget reduction. The agency wrote a letter to Councilmember Phil Mendelson, Chair for the Committee on Public Safety and the Judiciary, arguing that the proposed budget cut would severely affect the agency's mediation, complaint adjudication and outreach programs. Shortly thereafter, OPC was notified that it would only be required to cut 0.3% of its proposed fiscal year 2009 budget.

b. "Hate Crimes" Hearing on December 5, 2008

Mr. Eure informed the Board that Councilmember Mendelson had scheduled a hearing to discuss hate crimes issues, largely pertaining to the LGBT community. Mr. Eure explained that the hearing would not address hate crimes committed by officers against individuals, but rather, the hearing would focus on hate crimes committed by citizens against other citizens. Mr. Eure stated that there was a concern on the part of some members of the public that MPD officers were not responding adequately to these incidents. According to Mr. Eure, the District Council has been receiving complaints about this issue and Councilmember Mendelson wanted to know whether OPC had a role to play in addressing the matter. The hearing will be held at noon on December 5, 2008.

VII. Personnel

Mr. Eure introduced OPC's new deputy director, Ivelisse Cruz. Mr. Eure also announced the hiring of a new investigator, Julio Romney. Mr. Eure stated that the agency has an open investigator position, but stressed that the agency was working to fill it.

VIII. Adjournment and Next Meeting

The meeting was adjourned at approximately 7:25 p.m. PCB's next regular meeting will be on Monday, January 12, 2008.

Minutes prepared by Nicole Porter, Special Assistant.