

**POLICE COMPLAINTS BOARD
MINUTES OF REGULAR MEETING**

Meeting Date & Time: Monday, September 8, 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
- Assistant Chief Patrick Burke
- Karl M. Fraser
- Victor I. Prince

PCB Members Absent:

- Margaret Moore

OPC Staff Present:

- Philip K. Eure, Executive Director
- Kesha Taylor, Chief Investigator
- Nicole Porter, Special Assistant

Meeting Agenda:

I. Call to Order

Mr. Vorndran called the meeting to order at 6:35 p.m. Mr. Vorndran recognized the attendance of Jeffrey Newbold, MPD officer and Fraternal Order of Police member, at the meeting.

II. Review and Adoption of Minutes from May 5, 2008, PCB Meeting

The Board reviewed the minutes from the May 5, 2008, meeting.

Chief Burke made a motion to adopt the minutes as written, which was seconded by Mr. Fraser.

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

III. Caseload Statistics

Ms. Taylor informed the Board that the agency currently had 250 open cases. She stated that there had been an increase in the number of complaints received this fiscal year, as compared to FY 2007. The agency had received 600 contacts and 276 pending formals. Ms. Taylor hoped that within the next two weeks, the agency would decrease the number of open cases. Ms. Taylor stated that the agency's backlog of older cases was very small—only a small number of complaints received in fiscal year 2005 remained open, and there were less than ten FY 2006 complaints open. Currently, OPC has a caseload of approximately 15 cases per investigator. Ms. Taylor stated that the agency has gotten a large number of cases successfully resolved. She further stated that OPC was concerned about withdrawn or administratively closed cases, and said that the agency was working with the community to find out why the cases were being withdrawn by complainants.

Mr. Fraser asked Ms. Taylor how cases are usually withdrawn. Ms. Taylor stated that the investigators attempt to speak to the complainant to have the complainant complete a formal complaint form. If the complainant fails to return the call or fails to return the complaint form, the investigator will follow up with a letter to the complainant asking the individual to contact the agency. If the complainant doesn't contact the investigator within two to three weeks, the investigator closes out the case.

Mr. Fraser asked Ms. Taylor whether the cases withdrawn concerned minor allegations of misconduct. Ms. Taylor stated that the agency was not sure, because the complaints were being withdrawn in their initial stages. As a point of clarification, Mr. Vorndran asked if the withdrawn cases being discussed by Ms. Taylor involved complainants who canceled their interview dates. Ms. Taylor told Mr. Vorndran that they did not. Ms. Taylor stated that the cases involved individuals who stopped contacting the agency during the initial intake process.

Mr. Prince asked if the number of dismissals had decreased over the past fiscal year. Ms. Taylor stated that, in terms of the percentage of cases dismissed by OPC so far this fiscal year, the agency was on pace with last year's percentages.

IV. Proposed Policy Recommendation

Mr. Eure informed the Board about the Rapid Response policy recommendation. Mr. Eure explained that the agency wanted to come up with a rapid response program that dealt with certain types of complaints, such as minor complaints and service complaints. These complaints would be diverted to MPD for a generally quicker resolution than through OPC's investigative process. Mr. Prince noted that there were several issues that needed to be considered when adopting such a program. First, OPC needed to consider whether MPD had the budget and resources to handle the program. Second, there was a question of accountability—whether MPD would actually resolve complaints as anticipated. Third, OPC should consider whether the referral of a complainant into the program forecloses the complainant from having his or her complaint investigated by an independent agency (i.e., OPC).

Mr. Fraser asked whether an officer would receive discipline under the rapid response program. Mr. Eure stated that he or she would typically not, since complaints referred to the rapid response program would be resolved informally, with no formal discipline imposed. A provision might have to be created to give MPD the authority to impose discipline in appropriate situations.

Mr. Prince suggested that OPC draft a template to forward to MPD that would provide guidance to MPD when speaking to complainants, and give MPD more insight into how its role(s) should be performed. Mr. Prince asked if the agency could adopt the program for a trial period such as six months. Mr. Eure stated that this was possible.

Mr. Vorndran asked that the Board give Mr. Eure feedback on the proposal by September 15.

Mr. Fraser asked if the agency had determined a particular percentage of cases that would be diverted into the program. Mr. Eure stated that he was not sure, but suspected that 10%-15% of complaints could be diverted. Mr. Prince stated that the agency needed to get citizen and officer feedback on the program. Mr. Eure stated that the agency discussed conducting a feedback survey to gauge results, and said that OPC could incorporate such a survey into its program.

Mr. Eure then discussed the upcoming monitoring policy recommendation. Mr. Prince asked if it would report on named officers. Mr. Eure stated that the agency would have access to that information under its proposal that it be given unfettered access to relevant MPD documents. Mr. Eure asked the Board to get back to him with any comments by September 19, 2008. Mr. Prince asked if the agency really needed the monitoring authority. Mr. Eure stated that it did, and added that other oversight agencies had similar monitoring responsibilities with positive results. Ms. Porter stated that other oversight agencies with similar monitoring responsibility were able to obtain data, draw conclusions from the data, and make recommendations where needed.

V. Miscellaneous

Mr. Eure informed the Board of the agency's research regarding whether Protective Service Division (PSD) officers should be included within the agency's investigative jurisdiction. Mr. Vorndran asked that the Board discuss the issue at the next Board meeting.

Mr. Eure informed the Board that MPD Inspector Matt Klein had been moved to another unit, the Research and Resource Development Unit within MPD.

VI. Personnel

The Board went into executive session to discuss personnel matters. OPC's executive director and special assistant participated in that session.

VII. Adjournment and Next Meeting

The meeting was adjourned at approximately 7:46 p.m. PCB's next regular meeting will be on Monday, November 17, 2008.

Minutes prepared by Nicole Porter, Special Assistant.