##### OFFICE OF POLICE COMPLAINTS

##### POLICE COMPLAINTS BOARD MEETING

##### January 21, 2016

##### 6:00 PM

##### 1400 I Street NW, Suite 700

##### Washington, D.C. 20005

##### AGENDA OF MEETING

1. Call to Order
2. Public Comment Period
3. Approval of PCB minutes
   1. November 13, 2015
4. Agency Report
   1. PCB member update
   2. BWC update
   3. OPC legislation update
   4. FY 2015 Annual Report
   5. Staff updates
   6. Complaints by the numbers
   7. Investigator training
   8. Recording interviews
   9. Conciliation
   10. Community outreach and community partners
   11. Internship activities
   12. Dismissal schedule
5. Executive Session
   1. Deputy director position vacancy
   2. Investigator position vacancy

##### OFFICE OF POLICE COMPLAINTS REPORT TO THE POLICE COMPLAINTS BOARD

**January 15, 2016**

*Dates to Remember:*

*Regular Board meeting on Thursday, January 21, at 6:00 p.m. at the Office of Police Complaints. Kurt Vorndran will act as chair. The subsequent meeting date and time TBD (March 24, 2016)*

##### Critical Issues Update

* There are two vacancies on the Police Complaints Board (PCB). Assistant Chief Burke and Ms. Strang were approved by the Council on November 3, 2015 and the oath of office was administered on November 19, 2015.
* The proposed regulations B21-0360 “Neighborhood Engagement Achieves Results Act of 2015” (NEAR Act) underwent a public hearing on October 21, 2015. The bill would increase the time to file a complaint to 90 days, and require OPC to periodically monitor and publicly report on all complaints filed (MPD and OPC), and all use of force incidents including officer-involved shootings and deaths in custody. The bill received no adverse comments as it relates to OPC and is now in committee pending mark-up tentatively scheduled for the end of January.
* The agency has direct access to MPD's body-worn camera footage, with staff members able to view the videos from OPC's desktops. OPC now has an MOU with MPD and has enacted internal investigation guidelines. The Mayor's proposed regulations B21-0351 “Body-Worn Camera Program Regulations Amendment Act of 2015” and B21-0356 “Public Access To Body-Worn Camera Video Amendment Act of 2015” underwent a public hearing on October 21, 2015 On November 19, 2015 a final mark-up and vote was undertaken and the Acts became effective upon signature of the Mayor. The final version of the Acts preserve current unrestricted access for OPC, limit FIOA requests to MPD, allow MPD members to view footage prior to completing initial reports, and removed a provision allowing potential complainants to view footage of their own incident at OPC.
* OPC is awaiting assignment of MPD supervisors to participate as representatives for the pilot conciliation program, whereupon the program will be initiated under the new model presented to the PCB at the previous meeting of September 17, 2015.

##### Reports/Policy Recommendations

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* The FY 2015 Annual Report was published on January 13, 2016.

##### District Government Contacts

* + On December 4, 2015 Director Tobin testified in a MPD Adverse Action Hearing concerning an OPC investigation and subsequent action to dismiss from employment an MPD employee.
  + On December 12, 2016 Director Tobin conducted a presentation and answered questions for the Mayor’s Budget Review Team meeting on the OPC FY 2017 budget proposal.

##### Outreach

* On November 20, 2015 Director Tobin was a panelist at the American Society of Criminology national conference at the Washington Hilton Hotel on the topic of “Police Accountability and Modern Democracy: Insights from External Oversight Offices, Police Departments, and Academia.” Asst Chief Burke was a speaker at the plenary session “The Politics of Policing American Cities” and Mr. Ashton attended the conference.
* On December 4, 2015, Director Tobin was a guest speaker at a one day training symposium sponsored by the University of the District of Columbia School of Law and NACOLE, and held at UDC law School titled “Looking Toward the Future of Civilian Oversight.” Nine OPC staff members also attended.
* On December 7, 2015, Ms. Cleveland, Ms. Twigg, and Investigator Anthony Lawrence presented the agency’s SIT program at Dunbar Senior High School in Northwest.
* On December 15, 2015, Public Affairs Specialist Nykisha Cleveland, and Investigators Catherine Twigg, and Jessica Rau conducted OPC’s Student Interactive Training (SIT) program at Ballou Senior High School in Southeast.

##### Press and Media Coverage

* On November 13, 2015, reporters from *The Washington Post* and the PBS series ”Frontline” ran an article on federal interventions at police departments. Director Tobin was quoted in the article discussing the “slight” increase in complaints received by OPC in the last year as well the large increase in questions about police misconduct. Director Tobin also stated he believes that MPD has improved since the days of the consent decree between the police and the Justice Department.
* On November 16, 2015, WKBW-TV, an ABC affiliate that serves Western New York ran a story on the limited power civilian oversight agencies have to resolve allegations of police misconduct. OPC was mentioned in the story as an agency that does not fit into this category and proactively reviews the policies of the D.C. police department.
* On January 14, 2016, *The Washington Post* reported on OPC’s internship program and highlighted the various internships the agency has available for summer 2016.

##### Staffing Update

* One investigator position and one deputy director position vacancy are posted, applications are currently being accepted and interviews are being conducted. The Special Assistant/Legal Counsel position became vacant as of December 24, 2015.
* On February 8, 2016, OPC will welcome a new bilingual investigator, Lindsey Murphy.

##### Internship Activities

* In December 2015, OPC bid farewell to investigative interns Daniel Bernard and Rachael Koole.
* On January 5, 2016, OPC welcomed investigative intern Laura Anderson, from the University of California, Irvine for the Spring semester.

##### Training, Conferences, Guests, and Other Activities

* On December 4, 2015 nine staff members attended a one day training symposium sponsored by the University of the District of Columbia School of Law and NACOLE, and held at UDC Law School titled “Looking Toward the Future of Civilian Oversight.
* On December 8, 2015, Ms. Cleveland participated in a webinar sponsored by the Public Relations Society of America-National Capital Chapter (PRSA-NCC) titled “Think Like a Friend, Fan, Follower, or Visitor.”
* On December 21, 2015, OPC hosted a brown bag presentation from representatives of Helping Individual Prostitutes Survive (HIPS), a nonprofit organization that provides support services to reduce the risk of harm to those engaged in sex work, sex trade, and drug use. The discussion included information regarding HIPS services and resources, their general working relationship with MPD, and common complaints received by or referred from the organization.
* From January 11-14, 2016, Investigators Daniel Costello-Essig and Danielle Sutton attended the “Reid Technique of Interviewing and Interrogation” training.

##### Dismissal Schedule

Below is the PCB dismissal schedule. Please note that Board members are scheduled for dismissal review for a two-week period. If a Board member is unable to review dismissals for their assigned weeks, the Board member should arrange to switch with another Board member.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **PCB Member** | **Week 1** | **Week 2** |
| Paul Ashton | | 1/18/2016 | 1/25/2016 |
| Kurt Vorndran | | 2/1/2016 | 2/8/2016 |
| Assistant Chief Patrick Burke | | 2/15/2016 | 2/22/2016 |
| Bobbi Strang | | 2/29/2016 | 3/7/2016 |
| Paul Ashton | | 3/14/2016 | 3/21/2016 |
| Kurt Vorndran | | 3/28/2016 | 4/4/2016 |
| Assistant Chief Patrick Burke | | 4/11/2016 | 4/18/2016 |
| Bobbi Strang | | 4/25/2016 | 5/2/2016 |
| Paul Ashton | | 5/9/2016 | 5/16/2016 |
| Kurt Vorndran | | 5/23/2016 | 5/30/2016 |
| Assistant Chief Patrick Burke | | 6/6/2016 | 6/13/2016 |
| Bobbi Strang | | 6/20/2016 | 6/27/2016 |

##### Investigations Status

|  |  |  |
| --- | --- | --- |
|  | **1/14/15** | **1/13/16** |
| **Status of Open Cases** |  |  |
| Under Investigation | 163 | 61 |
| Under Investigation – Report Written | 67 | 7 |
|  |  |  |
| Awaiting Objections from Subj. Off. | 1 | 1 |
| Forwarded to CE | 0 | 10 |
| Forwarded to PCB | 20 | 2 |
| Referred to Mediation | 9 | 22 |
| Referred to Conciliation | 0 | 0 |
| Referred to USAO | 5 | 2 |
| Other | 0 | 0 |
|  |  |  |
| **Total Open** | **265** | **105** |
|  |  |  |
| **Complaints Received** |  |  |
| Number of Complaints Received | 130 | 108 |
| Pending Formals | 26 | 30 |
|  |  |  |
| **Non-Complaint Contacts** |  |  |
| Contacts | 200 | 190 |
| No Formal Complaint | 74 | 64 |
| **Total Contacts** | **274** | **254** |
|  |  |  |
| **Closures by Type** |  |  |
| Decisions | 0 | 9 |
| Dismissals | 60 | 78 |
| Successful Mediation | 7 | 11 |
| Referred to MPD | 34 | 21 |
| Withdrawn | 5 | 2 |
| Admin. Closed | 11 | 16 |
| Referred to Other | 6 | 5 |
| Conciliation Agreement | 0 | 1 |
|  |  |  |
| **Total Closed** | **123** | **143** |