

Washington DC - Office of Police Complaints - Alica Yass August 2022

List of questions to answer in researching review boards

A: Types of conduct/complaints the new agency will investigate and determine outcomes (bureau complaints vs community complaints)

OPC takes complaints from the community.

Complaints from the community are taken by phone - live pick up during business hours and voicemail afterhours - and through an online form. The website has a good video with instructions. Staff is bilingual Spanish speaking.

A-a: Does the Board review every complaint that gets filed?

Staff reviews every complaint. Board only reviews complaints staff deny.

B: Complaint process: community member vs. internal bureau complaints

B-a: Time limits to file complaints

People have 90 days to file a complaint. The ED can make exceptions to this rule, such as a person being in jail or fear of retaliation.

B-b: Materials given to complainant

Online complaint form and paper form available at many community organizations. Website has considerable information on it including a video describing the complaint process.

B-c: Who can make complaints

Anyone can make a complaint. Witnesses can make a complaint. Parents of minors can make a complaint on behalf of their child.

C: Mediation options (community member and police officer)

Mediation is available.

D: Case handling and investigative processes, including work flow description

Complaints are received and reviewed by staff. If denied, the complaint is reviewed by the Board. Board is the final review. If accepted, case goes to an administrative judge, hired on a case by case basis. The AJ can hold additional hearings, gather information.

D-a: Timeline for investigation to be completed

180 days. Most are resolved far more quickly.

D-b: Hearing process

(this should really be its own category but I already got to “Z” on the list)

E: Subpoena power and access to police records

OPC has subpoena powers, but uses them rarely. OPC does not have direct access to records but receives them by request. “Advise: Get direct access. You don’t know what you don’t know.”

E-a: Does the board have access to all the records it needs?

Seemingly. It doesn’t know what it doesn’t know.

E-b: Can the board compel officer testimony, if so how is it accomplished?

No. Officer testimony comes by order from MPD but is not a problem. Requests / scheduling goes through the court notification system, which has access to vacations & leaves and tracks if an officer does not appear.

F: Potential findings in misconduct cases

4 Administrative findings

Sustain, exonerate, insufficient facts, unfounded.

Criminal conduct is reported to the US attorney for investigation and prosecution. Theft is the primary misconduct charge.

F-a: Standard of review to determine findings

G: Discipline process – due process and just cause requirements

Entirely through the Chief of MPD.

H: Appeal process – will police and community members be allowed to appeal their cases?

The Board is the final authority.

H-a: Standard of review to examine/determine findings in appeal phase

I: Will city council continue to be part of the process?

Laughter. Absolutely not.

J: Will all or part of the oversight board be involved in appeals and other case-related decisions?

K: Process for making policy and training recommendations from both community board and agency staff

Seems most policy was decided / settled for DC several years ago. This is not an area of interest at the moment.

L: Chief and police commissioner's obligation to respond and follow oversight board's decisions and recommendations

Chief may appeal ruling, reviewed by three complaint examiners. Officers cannot appeal. MPD must impose discipline.

M: Board membership:

M-0: In what way are community members involved in the oversight system?

M-1: How many

Currently five. Expand to nine soon to increase geographical diversity.

M-2: Qualifications

M-3: Recruitment, replacement [removal-- see M-10]

M-4: Appointment process

Appointed by mayor.

M-5: Representation/Diversity

M-6: Length of terms – renewable or not

M-7: Training requirements

M-8: Quorum requirements

Three members make a meeting. Only one member is required to sign dismissals.

M-9: Paid or unpaid

Unpaid.

M-9a: If paid, how?

M-10: Removal

M-11: How does the board break down its time?

M-12: Rules for vacancies [relates to M-3, M-8 and M-10]

M-13: What officers are there for the board?

M-14 (NEW!): Voting process

N: Transparency and public access: guidelines around open meetings and public participation within limits of personnel regulations

Annual Report and semi-annual review. Use of force data report. Decisions are posted online. Press releases are online. There don't appear to be public meetings / hearings.

N-a: What happens at meetings (other than hearing cases)?

O: Agency director – qualifications, hiring process, authority, performance reviews

Director is hired by the Board. Has annual performance reviews and 3 year contracts. Outside vendor was hired to recruit. Has been there several years.

O-a: What other staff does the board have? [also see Q: Independent Legal Counsel]

Twenty-two staff (when fully staffed). Eleven investigators, three supervisors. A couple of have been LEOs - but not for MPD. Deputy Director & admin staff. One public affairs / community engagement person.

P: Office location – How/where does it exist to be? free-standing? Where is the bureaucratic structure?

Private generic office space.

Q: Independent legal counsel

On staff. US Attorney reps OPC in court.

R: Reporting requirements – quarterly and annual reports, required contents, consultation with oversight board, presentation to city council and the public.

See above.

R-a: What is included in the public reports other than required contents?

S: Public and police bureau member education on the new system

System not new. Public affairs staff does outreach to youth & community partners as available - “know your rights” talk. Training for new officers, regular presentations to union reps.

T: Independent expert review of shootings and deaths in custody

Rare. Complaint driven system so rare. Board & staff do not generate their own investigations.

U: Inspector General or Police Auditor with full access to Bureau records, trainings, and staff

V: What is the board’s budget?

\$2.2 million - the bulk to salaries.

W: How are internal rules made for the Board?

X: What are barriers that you are facing?

Y: If you could add other powers and authorities to your board, what would you like to add?

Additional funding would go to advertising, publicity and outreach.

Z: Is there anybody else we should talk to?