



# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## OFFICE OF POLICE COMPLAINTS

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POLICE COMPLAINTS BOARD

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### PCB POLICY REPORT #15-1: ENSURING THE ACCURACY OF ADDRESS INFORMATION IN WARRANTS EXECUTED BY MPD OFFICERS

#### Summary of Issue:

In July 2014, the Office of Police Complaints (OPC) received complaints from two District residents, a mother and her adult son, alleging that police officers attempted to enter their home pursuant to a warrant containing incorrect information. According to the complainants, in the early morning hours of June 28, 2014, the two individuals were sleeping at their home in northeast Washington when they were awakened by several Metropolitan Police Department (MPD) officers knocking on their door. When the complainants opened their door, the officers explained to them that they were there pursuant to an outstanding warrant for an individual who was listed as residing at the complainants' address. The complainants informed the officers that the individual did not live at their home, and further told the officers that approximately two years ago, another MPD officer came to their home looking for the same person. After receiving this information, and verifying the complainants' identification, the officers apologized for the interruption and left. This report examines the warrant execution issues raised by the two individuals in their complaints.<sup>1</sup>

#### Applicable Directive or Law:

MPD General Order 702.1 governs the handling of arrest and bench warrants. According to the general order, which was issued in October 1986, MPD officers "shall make a diligent effort to locate the person named in the warrant and to execute service."<sup>2</sup> The officers must record any change of address checks and investigative visits on a PD Form 26 (Record of Warrant on File Requiring Service).<sup>3</sup> The officers must also record the reason for any non-service of the warrant in the "Results or Comments" section of the PD Form 26.<sup>4</sup> If service of a warrant cannot be made, the organizational element's warrant clerk must forward the warrant assignment card,<sup>5</sup> the PD Form 26 and any attachments, and the person's most recent arrest report to the Director of

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<sup>1</sup> The Police Complaints Board (PCB) is issuing this report pursuant to D.C. Code § 5-1104(d) (2015), which authorizes the Board to recommend to the District of Columbia Mayor, Council, and the Chiefs of Police of the MPD and the District of Columbia Housing Authority's Office of Public Safety reforms that have the potential to improve the citizen complaint process or reduce the incidence of police misconduct.

<sup>2</sup> MPD General Order 702.1, Part I, § B.4, Arrest and Bench Warrants, (effective Oct. 20, 1986).

<sup>3</sup> *Id.*

<sup>4</sup> MPD General Order 702.1, Part I, § B.6.

<sup>5</sup> See PD Form 26A (Warrant Assignment Card). The warrant assignment card is completed by the organizational element's warrant clerk upon the initial receipt of the warrant and filed in a criminal warrant alphabetical file.

the Identification and Records Division.<sup>6</sup> The Director is then responsible for making sure that the Division's warrant clerk reviews the PD Form 26 to determine whether the individual named in the warrant "resides in a police district other than the one to which the PD Form 26 was originally sent."<sup>7</sup> The Director is also responsible for investigating "any discrepancies in the processing of any warrant . . . and tak[ing] the measures necessary to ensure the proper disposal of each warrant."<sup>8</sup>

### **Policy Concerns:**

Although it appears that an officer informed at least one of the complainants that the department would remove the complainants' address from its database, the complainants were still very anxious about the possibility of future visits by MPD officers based on the same incorrect warrant information, and wanted to make sure that such incidents did not happen again. Because the complainants did not allege any specific misuse or abuse of police powers by MPD officers, OPC had no jurisdiction to investigate the matter, and thus referred the complaint to the police department for resolution. PCB is concerned, however, about the disruption that the incident appears to have imposed on the complainants, as well as the effect that such a disruption can have on police-community relations, and believes that the Department should take steps to ensure that similar incidents--with these complainants or with other individuals--do not occur in the future.

When police officers have to take action that can intrude upon the privacy of community members, they should make sure that the action is deliberative and based on the most accurate information possible. It appears that the officers' visit to the complainants' home was prompted by information in the Department's files suggesting that the wanted individual lived there. Even if a diligent records review indicated that the individual had ties to the home, the complainants apparently informed the Department approximately two years ago that the person did not live there. The unwarranted intrusion in this case could have been easily prevented by a notation on the prior PD Form 26 that the wanted individual did not reside at the complainants' address and the subsequent removal of the complainants' address from the Department's files.

### **Recommendations:**

To help improve the citizen complaint process and facilitate better relations between MPD officers and residents, PCB therefore recommends that MPD, upon verifying that the wanted individual does not reside at the complainants' address, make the appropriate notation on the PD Form 26 and remove the complainants' information from its files. PCB also recommends that in general, before executing a warrant, MPD confirms that it has the most recent and accurate information regarding wanted individuals' addresses. Finally, the Board notes that the directive governing the handling of bench and arrest warrants is nearly thirty years old. PCB suggests that MPD consider reviewing and revising General Order 702.1 and any related directives to bring them up to date and make them consistent with the recommendations listed in this report.<sup>9</sup>

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<sup>6</sup> MPD General Order 702.1, Part II, § A.2.c.

<sup>7</sup> MPD General Order 702.1, Part II, § D.3. Note that this is only for misdemeanor arrest and bench warrants. There is a different process for felony bench and arrest warrants.

<sup>8</sup> MPD General Order 702.1, Part II, § D.4. An additional directive, Special Order 81-65, PD Form 26 (Record of Warrant/Custody Order on File at Identification and Records Division), (effective Nov. 5, 1981) provides further information about the completion, handling, and retention of PD Form 26s.

<sup>9</sup> PCB circulated a draft of this report to MPD shortly before its issuance. MPD is creating a new, online process to update warrant information, and has put together a work group to review General Order 702.1. PCB appreciates MPD's prompt and concerted efforts to address the concerns raised in this report.