

# Publication of MPD Orders on the Internet



Recommendation of the

**Police Complaints Board**

to

**Mayor Anthony A. Williams,  
The Council of the District of Columbia, and  
Chief of Police Charles H. Ramsey**

**July 14, 2005**

**Police Complaints Board**

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## I. INTRODUCTION

The Metropolitan Police Department (MPD) uses a “directive system” to issue departmental policies, procedures, and other information. The components of the system include MPD’s general orders (GO) and special orders (SO). These orders set forth policies and procedures regarding a wide range of MPD activities, many of which involve encounters with citizens, from “Conduct Toward the Public” (GO 201.26, Part I, Section C) to requirements for officers conducting stops of individuals and frisking them (GO 304.10). Currently, MPD’s general and special orders are not available to the public, except through Freedom of Information Act (FOIA) requests. The Department’s website does not contain the orders. The Police Complaints Board (PCB), consistent with its policy review function,<sup>1</sup> recommends that MPD post all of its orders, and a corresponding index, on the MPD website.

## II. BEST PRACTICES

MPD would not be the first department to make its policies and guidelines fully available to the public. In 2001, the Seattle Police Department Office of Professional Accountability (OPA) recommended that the Seattle Police Department (SPD) publish its entire department manual on the World Wide Web. Chief Gil Kerlikowske of the SPD “readily agreed and directed the posting.”<sup>2</sup>

As a result of that decision, SPD was praised by an expert in police accountability, Professor Samuel Walker of the University of Nebraska at Omaha. In *The New World of Police Accountability*, Professor Walker recognized SPD for bucking the traditional “attitude of secrecy” that “not only denies to the public basic information about official police policies, but aggravates community relations by sending a message to people that they have no right to know how the department operates.”<sup>3</sup> Some major cities whose police departments have made their policies and procedures available online include the following:

- Seattle, WA<sup>4</sup>

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<sup>1</sup> PCB “shall, where appropriate, make recommendations to [the Mayor, the Council, and the Chief of MPD] concerning those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.” D.C. Official Code § 5-1104(d). PCB would like to acknowledge the assistance of the Office of Police Complaints (OPC), which is overseen by PCB, in preparing this recommendation under the guidance of the agency’s executive director, Philip K. Eure, and deputy director, Thomas E. Sharp. OPC’s summer law clerk, Thomas Moir, who is enrolled at the George Washington University Law School, performed research and provided other valuable assistance.

<sup>2</sup> Seattle Police Department Office of Professional Accountability, *OPA’s Role in Policy Review and Risk Management at SPD* 8 n.4 (2004). Available at <http://www.ci.seattle.wa.us/police/opa/Default.htm>.

<sup>3</sup> Samuel Walker, *The New World of Police Accountability* 190 (2004).

<sup>4</sup> The Seattle Police Department’s orders are available at: <http://www.cityofseattle.net/police/publications/>.

- Minneapolis, MN<sup>5</sup>
- Denver, CO<sup>6</sup>
- Colorado Springs, CO<sup>7</sup>
- Cincinnati, OH<sup>8</sup>
- Portland, OR<sup>9</sup>

OPA has seen tangible benefits from SPD's publication of its manual on the Internet. Media inquiries into police conduct have been more informed, as have community interactions with OPA, because the public and news outlets can develop a better sense of how the department operates prior to contacting OPA or SPD. When the situation allows, OPA can direct citizens to the website for examination of relevant policies at their convenience. Community outreach is made more meaningful by the ability to reference the publicly available manual.<sup>10</sup>

MPD's orders are not restricted documents; any citizen can request copies of most, if not all, orders under the auspices of FOIA.<sup>11</sup> Routing such requests through FOIA, however, creates extra paperwork, adds unnecessary cost and labor, and decreases the likelihood that citizens will inquire into the policies of their police department when, in fact, they have every right to do so. Posting the orders on MPD's website would eliminate the FOIA "middleman," allowing citizens to review MPD policies that affect their encounters with police officers, such as stop-and-frisk procedures (GO 304.10), the taking of traffic accident (GO 401.03) and missing persons (GO 304.03) reports, issuing traffic tickets (GO 303.1), traffic enforcement (GO 303.1), use of oleoresin capsicum or

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<sup>5</sup> The Minneapolis Police Department's orders are available at: <http://www.ci.minneapolis.mn.us/mpdpolicy>.

<sup>6</sup> The Denver Police Department's orders are available at: <http://198.202.202.66/Police/template311677.asp>.

<sup>7</sup> The Colorado Springs Police Department's orders are available at: <http://www.springsgov.com/Page.asp?NavID=1472>.

<sup>8</sup> The Cincinnati Police Department's orders are available at: <http://www.cincinnati-oh.gov/police/pages/5109/>.

<sup>9</sup> The Portland Police Bureau's orders are available at: <http://www.portlandonline.com/police/index.cfm?c=29867>. Other notable cities include Olympia, WA, and Iowa City, IA.

<sup>10</sup> Conversation with Sam Pailca, director of OPA, June 21, 2005.

<sup>11</sup> The orders are also available for sale from Laborcops.com, a "professional organization of attorneys and labor consultants who are experienced in representing law enforcement unions," at <http://www.laborcops.com>. PCB believes that the public should not have to seek out and pay a third party for access to police policies that could be posted on the Internet at virtually no cost to the government.

“pepper” spray (GO 901.04), and the processing of persons with mental illness (GO 308.4).

The publication of the orders on the Department’s website would also be consistent with MPD’s goal to ensure the online availability of the orders to its own employees. As PCB understands it, MPD is currently in the process of revising and updating the Department’s orders and directives, which MPD then intends to make available online to its employees. PCB further understands that MPD first wants to make the materials available online to its own employees before considering public access on the Internet. As far back as 1998, a special committee of the Council of the District of Columbia had recommended that MPD “investigate the possibility of making the General Orders accessible by mobile digital computer. The current three-volume set of the General Orders is much too bulky to be of any use to the officer in the field. By placing the General Orders online, officers can take advantage of their guidance as the need arises.”<sup>12</sup> While the fulfillment of MPD’s goal to allow employees to have online access to the Department’s directives will be an important step forward, PCB cannot think of any legitimate reason why citizens and police officers alike should not have the same online access to these materials right from the start, given the benefits to both groups.

The publication of the orders on the Department’s website would also provide a showcase for MPD’s development of model use-of-force policies and other “best practices” policies. Because of the increasing use of the Internet, other police departments would be able to improve their own policies by considering those of MPD, and vice-versa should other departments follow suit by also publishing their directives online. The result would be to promote best practices and greater accountability in law enforcement within the District and beyond.

### **III. RECOMMENDATION**

PCB recommends that MPD publish its orders and directives, including an index, on the MPD website. Publication of the orders in a conspicuous manner would signal that MPD respects and values the community’s interest in a cooperative, mutually-beneficial relationship between citizens and police. MPD has already taken important steps toward openness on its website, which contains information about how citizens can file complaints against the police, including a link to OPC’s website, helpful information on a wide range of MPD programs, and a comprehensive “newsroom.” PCB believes that MPD should extend that openness by making its orders and directives more accessible to the public.

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<sup>12</sup> Council of the District of Columbia, *Report of the Special Committee on Police Misconduct and Personnel Management of the Council of the District of Columbia* 35 (1998).