



GOVERNMENT OF THE DISTRICT OF COLUMBIA OFFICE OF POLICE COMPLAINTS

Office of Police Complaints
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PCB POLICY REPORT #17-4: District of Columbia Housing Authority Police Department Policy and Procedure: Improving Identification Requirements for Officers; Implementing a Body-Worn Camera Program; and Ensuring Policies and Procedures are Current

Summary of Issue:

While the Office of Police Complaints (OPC) receives relatively few complaints concerning the District of Columbia Housing Authority Police Department (DCHAPD) officers each year, a recent complaint that was filed with OPC identified several important issues regarding DCHAPD's policies and procedures. The Police Complaints Board (PCB) finds that these issues could be addressed with similar recommendations to those that have already been made to the Metropolitan Police Department (MPD), some of which MPD has already taken action on. This report further examines those issues and recommendations.¹

Case Example:

A complainant filed a complaint with OPC regarding an incident that occurred on January 25, 2017. The complainant alleged that the DCHAPD subject officer harassed him when he ordered the complainant to make an unsafe traffic maneuver, and then stopped and issued him a citation. The complainant also alleged that the DCHAPD subject officer used language or engaged in conduct toward him that was insulting, demeaning, or humiliating, because he was angry and abrupt. The complainant further alleged that the DCHAPD subject officer failed to provide his name and badge number when complainant asked the subject officer at least six times for this information, and each time the officer said it would be on the ticket.

Policy Concerns:

The OPC investigation of the allegations contained in this complaint against a DCHAPD officer raised three main areas of concern for the PCB.

First, in regards to the allegation that the DCHAPD officer failed to provide his name and badge number as requested, OPC reviewed the applicable DCHAPD General Order, which requires that

¹ The Police Complaints Board (PCB) is issuing this report pursuant to D.C. Code § 5-1104(d), which authorizes the Board to recommend to the District of Columbia Mayor, Council, MPD Police Chief, and the Director of District of Columbia Housing Authority reforms that have the potential to improve the complaint process or reduce the incidence of police misconduct.

“[w]hen asked by residents or a member of the general public, members shall provide their name and badge number, and shall not make any attempt to conceal their name plate or badge number.”² The general order does not specify how or when the officer shall provide that information, other than it must be done.

The PCB understands why the complainant felt the DCHAPD officer should have orally provided this information upon request, as it does not seem that doing so would have been more onerous than repeating several times that the information would be on the ticket. While the DCHAPD officer was technically following the guidelines from DCHAPD in this case, the lack of responsiveness lead to a great deal of frustration for the complainant, and caused more tension in the situation. Whereas if the DCHAPD guidelines required officers to politely respond to such requests orally, and give their name and badge number, then the tension might not have escalated, and the interaction may not have brought about a complaint.

Second, through the course of the investigation the OPC investigator was unable determine what exactly was said between the complainant and the DCHAPD officer during this incident, as the credibility of neither party was in question. Through interviews the investigator was able to learn what each side thought happened. The complainant said that during the stop he felt the officer’s tone was angry when he said, “I waited in line. You can’t cut in front.” When the officer refused to provide his name and said, “It’ll be on the ticket,” the complainant interpreted the response as rude and curt. The complainant also described the officer’s tone as angry because his voice was elevated but not shouting, and the officer was abrupt and did not say much. Whereas, the DCHAPD officer felt the complainant was rude toward him, and alleged the complainant said he was a “terrible traffic officer.”

While this type of “he said, he said” situation is common in complaints, OPC has seen a great deal of improvement in the ability of investigators to determine what actually happened when body-worn camera (BWC) footage is available for an incident. Since December 16, 2016 all MPD patrol officers have had BWCs, and for approximately a year prior, BWCs were utilized in a pilot program. In just this brief amount of time, OPC investigators have already experienced the impact that the BWC footage can have- by speeding up investigations, and quickly providing an independent account of what was done and said. The BWCs are in no way a panacea for the issues that can arise in an interaction between a community member and an officer, but they are proving to be enormously helpful in many investigations. Unfortunately, no DCHAPD officers are currently outfitted with a BWC.

Third, the OPC investigator for this complaint reviewed several DCHAPD policies and procedures to determine what guidelines the DCHAPD officer was trained to follow in this situation. Through this review, it became apparent to OPC that many of the DCHAPD’s policies and procedures have not been updated in almost 20 years. DCHAPD’s “Manual of Policy and Procedure” went into effect on December 1, 1998. The Manual includes the General Order 402: Code of Conduct that the DCHAPD officer was following when he told the complainant that his name and badge number would be on the ticket.

² DCHAPD General Order 402.1.2 (h).

Since 1998, about 10 General or Special Orders have been issued by the Chief of Police to modify or update sections of the Manual. However, several vital directives have gone without update for this extended period of time. The Use of Force General Order, for example, has been in effect since December 1, 1998, without any modifications.³ In that time MPD, along with many other police departments, has made several changes to their Use of Force policy in response to new research and law enforcement best practices.⁴ Having current policies and procedures is vital to the success of any law enforcement agency, and is considered a best practice by the law enforcement community.⁵

Recommendations:

To help improve and facilitate better relations and increase trust between community members and DCHAPD officers, the PCB recommends that:

1. DCHAPD update General Order 402 to reflect identification procedures used by members of the Metropolitan Police Department. MPD General Order 201.26 reads, “When requested to do so, members shall give their first and last name and badge numbers in a respectful and polite manner.” The MPD general order requires that officers verbalize their identification. DCHAPD should incorporate the same standard as MPD to foster transparency and build trust with the community by having DCHAPD members promptly inform citizens of their names and badge numbers.⁶

To further aid DCHAPD officers in easily identifying themselves, and projecting a professional image, DCHAPD should also require all officers to carry and utilize business cards, as MPD has required since July 19, 2016.⁷

2. DCHAPD should institute a body-worn camera program. Utilizing the lessons learned from the public process of creating the MPD policy and procedure will significantly reduce the practical problems associated with implementing a BWC program. In addition, the potential to combine equipment vendor contracts with MPD may produce a net cost savings.⁸

³ DCHAPD General Order 501.

⁴ See MPD General Order 901.07, effective December 1, 2016.

⁵ See Appendix C, PCB Policy Report #17-1: Ensuring MPD Policies and Procedures are Current.

⁶ In response to a draft of this report sent to DCHAPD, General Order 402.1.2 was updated on April 27, 2017 to direct all DCHAPD officers to verbally and respectfully provide their name and badge number upon request.

⁷ See Appendix A, MPD General Order 201.26: Duties, Responsibilities and Conduct of Members of the Department; PCB Report and Recommendation: Business Cards Revisited; and MPD Special Order 16-08: Member Business Cards.

⁸ See Appendix B, PCB Report and Recommendation: Enhancing Police Accountability through an Effective On-Body Camera Program for MPD Officers; and MPD General Order 302.13: Body-Worn Camera Program.

3. DCHAPD should bring all policies and procedures up to date.⁹ Once this has been accomplished, DCHAPD should develop a plan to organize and review written directives on a periodic and scheduled basis. PCB suggests that DCHAPD review all policies and procedures at least every other year, and make revisions when appropriate to keep them current and accurate. A formal review process will ensure that each policy is examined and a conscious decision is made as to whether or not revisions are required. The published policy should then explicitly state the last reviewed and/or revised date.¹⁰

⁹ The PCB has been informed that DCHAPD has already begun the process of updating their policies and procedures.

¹⁰ See Appendix C.

Appendix A

PCB Policy Report #17-4

GENERAL ORDER



DISTRICT OF COLUMBIA

Subject
Duties, Responsibilities and Conduct of Members of the Department

Topic	Series	Number
PER	201	26

Effective Date

April 5, 2011

Rescinds:

General Order 201.26 (Duties, Responsibilities and Conduct of Members of the Department) Effective Date November 10, 1976
CIR-03-12 (Police Inquiries into the Citizenship, Immigration or Residency Status of Individuals) Effective Date July 25, 2003
Teletype 09-070-07 (Alcohol Consumption Policy) Effective Date September 21, 2007

Related to:

GO-PCA-501.02 (Handling Interactions with Transgender Individuals) Effective Date October 126, 2007
Special Order 10-04 (Patrol Sergeants General Duties and Responsibilities) Effective Date May 3, 2010

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I. BACKGROUND

The power of the Metropolitan Police Department (MPD) to fulfill its functions and duties is dependent on public approval of its existence, actions, and behavior and on its ability to secure and maintain public respect.

Members shall recognize their responsibility as public servants and shall be particularly attentive to citizens seeking assistance, information, and who desire to register complaints, or give evidence. Further, members must observe, uphold, and enforce all laws without bias or prejudice, and without regard to the individual or individuals involved.

II. POLICY

It is the policy of the MPD to ensure its members preserve the peace, protect life and property, prevent crime, apprehend offenders, recover property and enforce all laws and ordinances of the District of Columbia and the United States of America.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Immediate Family — Member's spouse [including a person identified by a member as his/her "domestic partner," as defined in D.C. Official Code § 32-701 (2001 Edition) and related laws], and parents thereof; children (including adopted and foster children and children of whom the member is the legal guardian and spouses thereof), parents, grandparents and grandchildren, brothers and sisters, and spouses thereof.
2. Member — Sworn or civilian MPD employee or MPD Reserve Corps Member.

IV. REGULATIONS

In accordance with D.C. Official Code § 2-1401, et.seq. (District of Columbia Human Rights Act), members shall not discriminate, either in the enforcement of the law, or in the provision of police service, on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity and expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense and place of residence or business.

V. ROLES AND RESPONSIBILITIES

A. Members shall:

1. Conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves, MPD, or the District of Columbia.
2. Check their MPD e-mail at least once during their tour of duty for CANS and other correspondence.
3. Not utilize their privately owned mode of transportation for official business unless approved by a superior in accordance with GO-PER-301.07 (Use of Privately Owned Vehicles for Official Metropolitan Police Department Business).
4. Avoid regular or continuous associations or dealings with persons or places whom/where they know, or should have known, are persons or places under criminal investigation or indictment, or who/that have a reputation in the community or the Department for present involvement in felonious or criminal behavior, except as necessary in the performance of official duties, or where unavoidable because of immediate familial relationships.

5. Not conduct themselves in an immoral, indecent, lewd, or disorderly manner or in manner which might be construed by an observer as immoral, indecent, lewd or disorderly.
6. Not accept a gift or a gratuity from organizations, businesses or individuals with whom he/she has or could reasonably be expected to have an official relationship or business with the District of Columbia Government.
 - a. Members are prohibited from accepting personal or business favors (e.g., social courtesies, loans, discounts, services or other considerations of monetary value) which might influence or be reasonably suspected of influencing their decisions as representative of the District of Columbia Government.
 - b. Members shall guard against any relationships which may be construed as evidence of favoritism, collusion or a conflict of interest.
7. Refrain from political or religious discussions while on duty or in uniform unless they are directly related to police business.
8. Whether on duty or off duty, **not**:
 - a. Engage in political activity while wearing an official uniform.
 - b. Display political buttons, bumper stickers, posters or other political material at work, including in a government office or common area of a government building, and on government vehicles.
 - c. Engage in political activity while using any government vehicle.
 - d. Engage in political activity in any government office.
 - e. Solicit, accept, or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the member solicited is not a subordinate employee.
 - f. Be a candidate for public office in partisan elections.
 - g. Use official authority or influence to interfere with an election.
9. While on duty, members shall not:
 - a. Engage in any political activity; and/or
 - b. Place political material on personal equipment (for example, clipboards) used while on duty.

10. Not suggest, recommend, advise, or otherwise counsel citizens concerning the retention of an attorney, bondsman, tow crane operator or any other person coming to their attention as a result of police business.

NOTE: This does not apply when a relative of the member seeks such advice.

11. Not question persons about residency or immigration status unless the member is investigating crimes involving the criminal smuggling and harboring of immigrants or other crimes in which immigration status is an element.
12. Not make inquiries into the immigration status for the purpose of determining whether an individual has violated the civil immigration laws and enforcing those laws.
13. Not make any inquiry through any database **solely** for the purpose of inquiring about an individual's immigration status.

NOTE: A WALES inquiry initiated to reveal an individual's criminal status may divulge irregularities in his/her residency or immigration status. This type of inquiry, in and of itself, is not a violation of this order.

14. Not operate any MPD mode of transportation (e.g., automobiles, vans, buses, motor scooters, motorcycles, Segways™, bicycles, boats) either on-duty or off-duty, within eight (8) hours after consuming **any amount** of alcohol or restricted over-the-counter (OTC) medications and or prescription (Rx) drugs which may induce drowsiness, sleepiness or dizziness. This includes vehicles owned, leased or operated by MPD.
15. Not create, submit or sign an official report for another member unless authorized to do so by the member or a MPD official.
16. Not interview subject(s)/suspect(s), conduct any investigation or initiate any inquires into the case of another member without the consent of that member or authorization from the Commanding Officer.
17. Immediately report each instance of their use of force and/or a use of force committed by another member to a superior officer consistent with GO-RAR-901.08 (Use of Force Investigations).
18. Immediately report to their supervisor any violations of the rules and regulations of the MPD committed by any other member(s).
19. Respond truthfully when questioned by superior officers in matters relating to the official business of the MPD. Members, during the

course of an investigation, shall respond truthfully to questions asked by any agent or official of the Internal Affairs Division (IAD), even if the IAD agent is not of superior rank.

20. Forward through channels, via a memorandum, requests to personally meet with the Chief of Police or Bureau Head relating to MPD or other matters. This provision is not applicable to incidental contacts in the course of business.

NOTE: All non-exigent internal matters or inquiries (e.g., leave requests) which require the review and/or approval of an official, **must** go through the chain of command to that official/rank.

21. Whether in uniform or civilian clothes, exercise sound judgment and tact when speaking to, conversing with or acknowledging other member(s) in civilian attire.

NOTE: This provision **must be strictly observed** so as not to place any member working in a confidential or sensitive assignment in jeopardy.

22. Report to the appropriate government agency any incidentals such as street lights out, traffic signs down, broken fire hydrants or dangerous roadway or sidewalk conditions.
 - a. Report any violations of plumbing, building or health codes to the appropriate agency.
 - b. Should the member be unable to identify the correct agency, he/she shall request that a notification be made to the Mayor's Command Center through the Command Information Center (CIC) or the Office of United Communications (OUC).
23. When coming in contact with individuals and/or situations under the care, supervision, monitoring, or authority of another D.C. Agency (e.g., Department Mental Health, DYRS, Animal Control, ABRA) make appropriate notifications to the agencies and document on appropriate forms [e.g., PD Form 251 (Incident-Based Event Report)] and field notebooks.
24. Whether on or off-duty, address superior officers by the appropriate rank. Superior officers, on official business shall address subordinate members by the appropriate rank.

B. Sworn Members and Reserve Corp Members, **in addition to Part V.A of this order**, shall:

1. Familiarize themselves with the laws and regulations they are required to enforce.

2. Provide themselves with field notebooks and shall make note of matters coming to their attention within the scope of their duties.
 - a. Field notebooks shall be carried at all times when on duty and are subject to inspection at any time by a MPD official.
 - b. Field notebooks and the contents may be discoverable/Jenks material, and as such, shall be retained for a period of no less than three (3) years after the field note book is completed in accordance with GO-SPT-601.02 (Preservation of Potentially Discoverable Material).
3. Maintain a valid operator's license issued by the jurisdiction in which they reside. Members who are authorized to use MPD vehicles shall notify their Commanding Official, through the chain of command, **immediately, but no later than the next scheduled tour of duty of any change in the status of their driver's license, including suspension or revocation.**
4. Report to roll call on time, properly equipped and shall give full attention to the official in charge. Members shall record in their field notebooks items of importance from teletypes, clipboards, roll call training and other official communications.
5. When directed to take their assignment, do so by the most expedient route and method.
6. Make contact with the member(s) being relieved and ascertain any issues of police importance or community concerns. If the member being relieved is unavailable, the relieving member shall contact the check-off official for this information.
7. Respond to their assigned area in a timely manner and patrol their area. Members assigned to a footbeat shall patrol their beat on foot or on a Police Segway™.
8. Become thoroughly acquainted with every part of their element's area of responsibility, familiarize themselves with the residents, business owners, streets, alleys and general topography of the assigned area.
9. Familiarize themselves with individuals who have, are suspected of, or display a propensity to violate the law.
10. Give special attention to locations known or suspected to foster criminal activity and check abandoned buildings regularly.
11. Investigate all suspicious vehicles in their assigned area.

12. Constantly patrol their assigned area unless otherwise directed and shall not return to the station except on official business and approved by an official.
13. Be limited to one (1) meal break, not to exceed thirty (30) minutes in any one (1) tour of duty. Members may not request a meal break during the morning and evening rush hours (0630-0930 and 1530-1830 hours) or during the last hour of their tour of duty.
14. Monitor the police radio and:
 - a. Keep the dispatcher advised of his/her location at all times.
 - b. Advise the dispatcher of any assigned details, or when arriving on a scene or clearing a scene.
 - c. Provide a disposition(s) and go out of service with the dispatcher at the end of the tour of duty.
15. When in full uniform, to include uniform hat, render a hand salute during:
 - a. The presentation of the Nations Colors;
 - b. The playing of the National Anthem; or
 - c. The raising or lowering of the United States Flag.
16. When in uniform, to include the uniform hat, during any of the events described in Part V.B.15, stand at attention and render the right hand salute with the index finger of the right hand touching the brim of their hat, elbow at a forty-five (45) degree angle. The salute shall:
 - a. Commence once the Colors are presented (visible to the member) and continue until the Nations Colors are secured in place, or in the event of a parade, the salute shall commence when the Colors are six (6) paces from the member and be held until the Colors are six (6) paces past the member.
 - b. Commence at the first note of the National Anthem and continue until the final note is played.
 - c. Commence once the flag begins its ascent/decent and continue until the flag is secured in place or secured by the bearer.
17. Members in uniform without the uniform hat, or members in civilian attire without a hat shall, during any of the events described in Part V.B.15, stand at attention and place their right hand over the their heart.

18. When in civilian attire with a hat during any of the events described in Part V.B.15 stand at attention, remove the hat and place their right hand over their heart.
19. Not leave their assigned District without the approval of a MPD official and not leave the District of Columbia without the approval of the Watch Commander except in exigent circumstances.

C. Conduct Toward the Public

All members shall:

1. Be courteous and orderly in their dealings with the public.
 - a. Members shall perform their duties quietly, remaining calm regardless of provocation to do otherwise.
 - b. Members shall be attentive to, and take suitable action on, reports and complaints by a citizen except when circumstances make it necessary for them to report the matter, or refer the complaint to a more suitable member, or other agency.
 - c. Members shall fulfill proper requests for information or assistance, or they shall aid the person in otherwise obtaining the requested information or assistance.
 - d. Members shall avoid giving the impression that they are evading the performance of their duty, or that they are not interested in the problems of persons who are referred elsewhere for service.
 - e. When requested to do so, members shall give their first and last name and badge numbers in a respectful and polite manner.
2. Be courteous, civil and respectful to their superiors, associates, and others whether on or off-duty. They shall be quiet, orderly and attentive and shall exercise patience and discretion in the performance of their duties.
3. Refrain from harsh, violent, coarse, profane, sarcastic, or insolent language. Members shall not use terms or resort to name-calling, which might be interpreted as derogatory, disrespectful, or offensive to the dignity of any person.
4. Not question persons about their residency status in this country as enumerated in Part V.A.11 and 12 of this order.
5. Respond without delay to all calls for police assistance from citizens or other members.

- a. Emergency calls shall take precedence; however, all calls shall be answered as soon as possible consistent with normal safety precautions and in observance of all vehicle laws.
 - b. Failure to promptly answer a call for police assistance, without justification, shall constitute neglect of duty.
- 6. When answering a MPD telephone members shall respond promptly by giving the command to which they are assigned, their rank, and their surname and shall offer assistance in accordance with SOP 05-01 (Customer Service Standards and Testing).
- 7. Not willfully depart from the truth either in giving testimony, or in connection with any legal official order received by them or in their official duties.
- 8. Avoid engaging in idle conversations on racial, religious, political, or other controversial subjects.
- 9. Refrain from public discussion of the merits of any law or ordinance, except:
 - a. In prepared testimony, authorized by the Chief of Police to City Council.
 - b. In prepared remarks, authorized by their Commanding Officer disseminated at PSA meetings or to other community groups.

D. Conduct in Arrest Procedures

- 1. **All** members shall:
 - a. Not use unnecessary force in making arrests or in dealing with prisoners or any other persons.
 - (1). Prisoners and suspects shall be treated in a fair and humane manner; they shall not be humiliated, ridiculed, taunted, or embarrassed.
 - (2). Members shall be guided by GO-RAR-901.07 (Use of Force) and GO-RAR-901.08 (Use of Force Investigations) when handling use of force incidents.
 - b. In the arrest, transportation, and detention of prisoners, members shall take precautions to prevent escape, injury to themselves or others, and damage to property. When making arrests, members shall search prisoners carefully and shall immediately take possession of all weapons and evidence.
 - c. Upon an arrest being recorded, prisoners may be permitted to make a phone call provided the call is made from a secure area

and the call does not incur a toll or a long distance charge. Members are cautioned that when arrestee's communication could jeopardize an ongoing investigation, they should consult a detective or official prior to allowing telephone calls.

- d. When a prisoner is unconscious from any cause, members should immediately try to restore consciousness and call for an ambulance. An unconscious person shall not be placed in a cell but shall be immediately transported to a medical facility for examination by a doctor.
- e. Each prisoner booked shall be immediately examined and, if he/she has any bruises, cuts, or other injuries requiring medical attention, a PD Form 313 (Arrestees Injury or Illness Report and Request for Examination and Treatment) shall be prepared and the prisoner shall be delivered to the appropriate hospital in accordance with GO 502.07 (Medical Treatment and Hospitalization of Prisoners).
- f. Members shall not normally search persons of the opposite sex who are in custody or under the care of the MPD. Members searching transgender prisoners shall adhere to the requirements outlined in GO-PCA- 501.02 (Handling Interactions with Transgender Individuals).

2. Sworn Members and Reserve Corp Members in **addition to Part V.D.1 of this order** shall:

- a. Except when impractical, unfeasible, or where their identity is obvious, members shall identify themselves by displaying their badge or identification folder before taking police action. At the time of an arrest, the person arrested shall be advised of the reason for the arrest, unless such a notification may jeopardize an investigation, endanger potential witnesses or compromise sources of information.
- b. Members shall make diligent efforts to arrest or locate wanted persons and to recover stolen and lost property.
- c. Members shall observe and investigate all persons, whether on foot or in vehicles, whose appearance, actions, or presence at a particular location seems suspicious.
- d. When a member has probable cause to believe that a felony has been committed and that a person (s) is guilty of that felony, the person(s) shall be taken into custody, if appropriate.
- e. Members engaged with suspects shall use tact and good judgment in speech and conduct and remain cautious and alert at all times to the possibility of attack or flight by the suspect.

- f. In cases of minor violations of the law (e.g., violation of District of Columbia Municipal Regulations) and, in the judgment of the member, the circumstances surrounding the incident are such that a verbal warning would best serve the interest of the community, the member may issue such a warning as the proper enforcement action.

NOTE: In more serious or aggravated types of incidents, or those which indicate a serious disregard for the safety or welfare of others, or those in which the member has reasonable grounds to believe that the individual concerned will ignore the warning, the appropriate enforcement action would be an arrest.

- g. In the event that the activities of a congregation of persons involved in the exercise of constitutionally protected rights such as freedom of speech, religion, or assembly, members shall endeavor to protect the participants and prevent any violence from occurring.
- h. Prior to investigative questioning of an arrested person, the member conducting the interview shall warn the person of his/her rights using a PD Form 47 (Warning as to Your Rights) as required.
- i. Members shall not conduct their interrogations of suspects in a manner that would tend to compel a confession. They shall not use physical violence on the suspect or the threat of such abuse, nor shall they make any promise of immunity or lesser degree of prosecution, or hold out any other inducement to a defendant for the purpose of obtaining a confession.
- j. The arresting member shall be responsible for the security of the personal property in the possession of, or under the control of, the arrested person at the time of arrest and record all items on the prisoners' property book. The arresting member shall only relinquish these items to a station clerk or property officer.

E. Citizen-Police Officer Relationships

- 1. It is expected that every member of this Department is keenly aware of the fact that public support and cooperation is essential if members are to effectively fulfill their police responsibilities. The extent to which the public will cooperate with the MPD is dependent upon its respect for, and confidence in, the MPD and its members.
- 2. In any effort to strengthen the citizen-police officer relationship, the personal conduct and attitude of the police officer is of paramount importance. Members must understand that the basis of a professional attitude is a desire and a willingness to serve the public. However,

members must distinguish between service and servility and between courtesy and softness.

3. In the performance of their duty, members should develop a disposition that is pleasant and personable in nonrestrictive situations, and firm and impartial in situations calling for regulation and control. They must observe, uphold, and enforce all laws without bias or prejudice and without regard to individual or individuals involved.
4. Members should familiarize themselves with the members of the community, businesses, and neighborhoods in which they patrol. Members should develop relationships and foster open communication with community members.
5. Members of Congress, and all other elected or appointed federal, state, or local officials are subject to arrest for the commission of criminal offenses [except those parking privileges granted to members of the Congress as described in the D.C. Code and to elected city officials in accordance with GO-SPT-303.1 (Traffic Enforcement)] to the same extent and in the same manner as all other citizens.

V. CROSS REFERENCES

- A. General Order 301.07 (Use of Privately Owned Vehicles for Official Metropolitan Police Department Business.)
- B. General Order 303.1 (Traffic Enforcement)
- C. GO-PCA-501.02 (Handling Interactions with Transgender Individuals)
- D. GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners)
- E. GO-RAR-901.07 (Use of Force)
- F. G O-RAR-901.08 (Use of Force Investigations)
- G. D.C. Official Code § 2-1401 (District of Columbia Human Rights Law)
- H. D.C. Official Code § 32-701 (Health Care Benefits Expansion)
- I. SOP 05-01 (Customer Service Standards and Testing)



Cathy L. Lanier
Chief of Police

BUSINESS CARDS REVISITED: IMPROVING IDENTIFICATION REQUIREMENTS FOR MPD OFFICERS



REPORT AND RECOMMENDATIONS OF THE POLICE COMPLAINTS BOARD

TO

**MAYOR MURIEL BOWSER,
THE COUNCIL OF THE DISTRICT OF COLUMBIA, AND
CHIEF OF POLICE CATHY L. LANIER**

May 20, 2015

POLICE COMPLAINTS BOARD

**Kurt Vorndran, Acting Chair
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I. INTRODUCTION AND OVERVIEW

Since April 2005, the Office of Police Complaints (OPC) has had the authority to handle citizen complaints alleging that Metropolitan Police Department (MPD) officers failed to identify themselves when asked to do so. The enhanced jurisdiction was created by the First Amendment Rights and Police Standards Act of 2004 (Police Standards Act), enacted to address police misconduct during mass protests and First Amendment assemblies.¹ In addition to expanding OPC's jurisdiction and establishing heightened identification requirements for MPD officers during public demonstrations, the Police Standards Act reaffirmed general officer identification requirements.

Less than two years after the law's enactment, OPC's governing body, the Police Complaints Board (PCB), issued a report and set of recommendations entitled "Business Cards for MPD Officers."² In the report, PCB noted that after the Police Standards Act had taken effect, the agency had received complaints that MPD officers refused to identify themselves upon request, as well as complaints where officers attempted to identify themselves but the information was not successfully conveyed to the person because of illegible handwriting, the individual's lack of paper or a pen, or for other reasons. To address these types of complaints, PCB suggested in its policy recommendation that MPD provide business cards to all of its officers. MPD adopted PCB's proposal to furnish officers with business cards, but identifying officer information was not preprinted on the cards and their use was deemed optional.³

In the eight and-a-half years after the issuance of the 2006 recommendation, OPC received nearly 400 complaints and inquiries alleging that MPD officers failed to identify themselves in some way.⁴ Forty-seven percent of the complaints and inquiries received contained an allegation that an officer outright refused to identify himself or herself. Four percent of complaints contained allegations that officers referred complainants to an illegible ticket or report. Eight percent of complaints received alleged that the officer retaliated against them by either writing them a ticket or arresting them after they requested the officer's information. In seven percent of the complaints, the individuals to whom the subject officers failed to identify themselves were either alleged crime victims, witnesses to crime, or bystanders wishing to provide aid to injured persons. In some cases, people were so frustrated by their interactions with officers that they expressed reluctance to cooperate with law enforcement in the future. A sampling of the complaints received by OPC is included as an appendix to this policy recommendation.⁵

Providing proper identification when requested improves trust and communication and facilitates better community relations. MPD General Order 201.26 recognizes this explicitly,

¹ D.C. Code § 5-331 *et. seq.* (2015).

² See "Business Cards for MPD Officers," Report and Recommendations of the Police Complaints Board (Jul. 24, 2006).

³ See Appendix A, Metropolitan Police Department business card template.

⁴ In drafting this policy recommendation, OPC examined 375 failure-to-identify complaints and inquiries received by the agency from July 25, 2006, to December 31, 2014. Complaints are allegations against sworn officers that are detailed on an OPC complaint form and signed by members of the public. Inquiries are allegations made by people who then do not submit a signed, formal OPC complaint. One hundred and fifteen of the 375 complaints that OPC received during the above-referenced time period are classified as inquiries.

⁵ See Appendix B, Complaints Received by OPC.

stating that public cooperation with MPD “is dependent upon its respect for, and confidence in, the MPD and its members.”⁶ Proper officer identification is also crucial to MPD’s and OPC’s complaint investigation functions. Officers who refuse to provide identifying information stymie the investigation of citizen complaints, and their actions may lead to serious acts of misconduct being unaddressed. Accordingly, PCB recommends that MPD issue a revised directive to its force reiterating the Department’s stance on officer identification and requiring officers to verbally state their first name, last name, badge number, or provide a Department-issued business card upon a citizen’s request for officers to identify themselves. The directive should stress that officers must provide Department-issued business cards if individuals request them, and cannot refer people to a ticket or report. PCB also recommends that MPD create and conduct recruit and in-service trainings to supplement the policy. Finally, to assist officers in carrying out the directive’s requirements, PCB renews its call for MPD to provide officers with uniform preprinted business cards. These cards should include, at a minimum, the officer’s name, badge number, e-mail address, and Department website.⁷

II. RELEVANT LAW AND MPD POLICY

The Police Standards Act of 2004, which became effective on April 13, 2005, statutorily created identification requirements for MPD officers. Section 321 of the act, codified at D.C. Code § 5-337.01 (2015), states:

Every member of the Metropolitan Police Department (“MPD”), while in uniform, shall wear or display the nameplate and badge issued by the MPD, or the equivalent identification issued by the MPD, and shall not alter or cover the identifying information or otherwise prevent or hinder a member of the public from reading the information.

The Police Standards Act also granted OPC the authority to receive and resolve citizen complaints alleging an officer’s “[f]ailure to wear or display required identification or to identify oneself by name and badge number when requested to do so by a member of the public.”⁸ The legislation granted this additional authority to OPC so that the agency could enforce the new requirements placed upon MPD.

In addition to District law, MPD policy also contains identification requirements for officers. MPD General Order 201.26, “Duties, Responsibilities and Conduct of Members of the

⁶ MPD General Order 201.26 (effective April 5, 2011), Part V.E.1.

⁷ PCB issues this report and set of recommendations pursuant to D.C. Code § 5-1104(d) (2015), which authorizes the Board to recommend to the Mayor, the Council of the District of Columbia, and the Chiefs of Police of MPD and the D.C. Housing Authority’s Office of Public Safety reforms that have the potential to reduce the incidence of police misconduct. PCB is grateful to the following persons who assisted in preparing the report and accompanying recommendations: OPC Executive Director Michael G. Tobin, who supervised the project with the assistance of Special Assistant Nicole Porter; Deputy Director Christian J. Klossner, who provided technical assistance; Daniel R. Reed, a former OPC legal assistant and 2013 graduate of the University of Iowa College of Law; and Ariel Douek, a rising third-year law student at American University Washington College of Law.

⁸ D.C. Code § 5-1107(a)(6) (2015).

Department,” mandates that “[w]hen requested to do so, members shall give their first and last name and badge numbers in a respectful and polite manner.”⁹

III. POLICY CONCERNS

There are two main reasons why officers should identify themselves when requested by members of the public to do so. First, it promotes congenial interactions with the public and fosters trust and cooperation between law enforcement and the communities it serves. In contrast, failing to provide this information disempowers residents, and may leave individuals who are interacting with officers with the impression that officers are trying to evade responsibility for improper actions.

Second, officer identification improves police accountability by working to ensure that officers engaging in possible misconduct are identified, reported, and investigated. According to MPD’s 2009 Annual Report -- the earliest annual report on MPD’s website that contained citizen complaint data -- the Department received only two failure-to-identify allegations that year. In subsequent annual reports, MPD reported that it received zero failure-to-identify complaints in 2010, one failure-to-identify complaint in 2011, and zero failure-to-identify complaints in 2012 and 2013.¹⁰ MPD, however, was unable to identify the gender of the subject officer in 24% of complaints received in 2009, 3% of complaints received in 2010, 18% of complaints received in 2011, 10% of complaints received in 2012, and 19% of complaints received in 2013. Given that MPD was unable to identify the subject officer’s gender in a significant number of complaints received from 2009 to 2013, it appears that the officers in those cases remained completely unknown.

MPD’s decision to allow officers to create and voluntarily provide business cards to individuals is a significant step in the right direction. The measure, however, does not go far enough. The business card template MPD provided to OPC in 2006 does not appear to be used by MPD officers, who design their own cards. The cards officers create vary widely in color, font, use and placement of Departmental insignias, and inclusion of detailed contact information, making it unclear to citizens whether the cards are actually issued by an MPD officer or someone impersonating an officer.¹¹ Additionally, there is no indication that the cards created are being reviewed and approved by MPD command staff. Two of the cards received by OPC from the same officer appeared particularly inappropriate.¹² One card features a “skull and crossbones” logo with two firearms in place of the crossbones. A ribbon surrounding the firearms states, “Veneratio, Officium, Silentium,” which is Latin for “Respect, Duty, Silence.” The back of the card has the “Go to Jail” and “Get out of Jail Free” trademarks from a well-known board game. The second card also features the “skull and crossbones” logo, with knives in place of the crossbones and a cobra on the top of the skull. The back of the second card contains a biblical quote that reads, “The wicked flee when no man pursueth; but the righteous are as bold as a

⁹ MPD General Order 201.26 (effective April 5, 2011), Part V.C.1.e.

¹⁰ MPDC ANNUAL REPORTS, <http://mpdc.dc.gov/page/mpdc-annual-reports>. See the Citizen Complaints Appendix for years 2009, 2010, 2011, 2012, and 2013.

¹¹ See Appendix C for examples of business cards created by MPD officers.

¹² See Appendix D.

lion.” The lack of uniformity and questionable character of some of the business cards received makes it appear, at best, that MPD sanctions those kinds of cards, and at worst, could foster skepticism, fear, and mistrust of officers.

Requiring officers to print and design their own business cards may also create dissatisfaction and low morale among the rank-and-file members of the Department. Online estimated costs for a set of 500 business cards are as low as \$9.99 for standard-issue personalized business cards. As of February 2014, MPD had 3,999 sworn employees.¹³ Therefore, it would likely cost the Department a minimum of \$39,950 each year to provide officers with one set of business cards.¹⁴ Although such costs may seem significant, in fiscal year 2014, MPD had an approved budget of approximately 500 million.¹⁵

The cost of business cards could vary significantly, however, depending on the type of card MPD decides to issue to its officers. The Philadelphia Police Department (PPD) provides their patrol officers with cards that contain only the Philadelphia Police logo, website, and social media information on which the officers can write their name and the report number. Lieutenants and higher-ranking personnel are provided personalized business cards. Personalized business cards without a gold seal cost the department \$20 for 500 cards and those with a gold seal cost \$35 for 500 cards. In Seattle, Washington, each police precinct prints and provides to its patrol officers cards that contain the contact information for that precinct as well as the Department’s website, but the cards do not contain any specific officer information. Detectives and higher-ranking personnel can make a special request for personalized business cards which are provided by the department. Seattle pays approximately \$75 for a set of 500 personalized business cards, but receives a vendor discount for multiple orders.

In addition to officer identification, MPD could use preprinted business cards as a platform for social media and its own messaging. For example, along with the inclusion of its website address on the cards, the Department could add links to its Facebook and Twitter pages. The Department could also add messaging related to its core functions on the back of the cards, such as information regarding crime prevention tips, sexual assault reporting, or the District’s recently-enacted marijuana possession law. Thinking creatively, preprinted business cards can be an important community relations tool used by MPD to disseminate helpful information to the public. The cards should be printed, however, at the expense of the Department, not the officer. As public servants, and as part of their job duties, MPD officers closely interact with community members on a daily basis. It thus seems inequitable to require officers to shoulder the costs of providing something which is directly related to, and an integral part of, their enforcement responsibilities.

¹³ See February 10, 2014, performance oversight response from MPD Police Chief Cathy L. Lanier to Committee on the Judiciary and Public Safety Chairperson Tommy Wells at 2.

¹⁴ Of course, due to their frequent interactions with the public, most officers would need more than one set of business cards a year.

¹⁵ See Government of the District of Columbia FY 2014 Proposed Budget and Financial Plan, Page G-2, http://cfo.dc.gov/sites/default/files/dc/sites/ocfo/publication/attachments/FY14_Approved_Budget.pdf.

IV. BEST PRACTICES

Enhanced officer identification is not a novel concept among law enforcement agencies. This section examines the identification requirements of police departments serving the following large metropolitan areas: New York City, New York; Portland, Oregon; and Seattle, Washington. The policies and practices of these three jurisdictions can prove instructive to MPD when re-examining its own procedures.

New York City, NY

Procedure 203-09 of the New York City Police Department (NYPD) Patrol Guide used to require NYPD officers to only “give name and shield number to anyone requesting them.” New York City administrative tribunals interpreting the patrol guide provision had determined that the directive mandated that officers provide an “affirmative response” to anyone requesting their name and badge number. In 2003, the New York City Civilian Complaint Review Board (CCRB) conducted an analysis of failure-to-identify complaints lodged against the New York City Police Department (NYPD) over a four-year period.¹⁶ The analysis revealed that the number of allegations involving an officer’s refusal to provide his or her name and/or badge number had steadily increased, rising from 231 allegations in 1999 to 646 allegations in 2002. Additionally, a review of the 28 “refusal to identify” allegations substantiated between January and June 2002 revealed that 15, or 53%, of the allegations involved an officer providing no response at all to a complainant’s request for identifying information, while six, or 21%, involved an officer either responding to a complainant request by telling the person that the information was on a “summons” or simply gesturing to his or her badge. Seven, or 25%, of the 28 substantiated allegations pertained to officers taking some sort of negative action in response, such as hiding their badges, striking the complainant, or arresting the individual.

Due to the large increase in failure-to-identify allegations, and because it appeared that NYPD officers needed better direction regarding what constituted an “affirmative response” to a name and badge number request, the CCRB recommended that the NYPD clarify its patrol guide. The Department adopted the CCRB’s recommendation, and the amended language now reads: “Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information.”

Portland, OR

In Portland, Oregon, officers carry business cards issued by the police department. Officers are required to distribute them in certain circumstances. Portland Bureau of Police Directive 312.50, the order governing officer identification, states:

¹⁶ N.Y.C. CIVILIAN COMPLAINT REVIEW BD., REFUSAL TO PROVIDE NAME AND/OR SHIELD NUMBER: ANALYSIS OF AN ALLEGATION (2003), available at <http://www.nyc.gov/html/ccrb/downloads/pdf/nmshldanalysis4pg.pdf>.

Bureau members will identify themselves by name and also offer their Bureau issued business cards as follows:

- a. When a Bureau member has made a vehicle or pedestrian stop, the primary officer will offer their business card to the person detained.
- b. During a call for service when face-to-face contact is made with a complainant, the primary officer will offer a business card to the complainant.
- c. When a business card would improve customer service or customer relations due to the nature, duration or intensity of the contact or stop (i.e., when making an arrest, conducting a search or impounding a vehicle), the member will offer a business card.

When a citizen requests a business card from a member, the member will provide a card unless:

- a. Providing a card would impair safety or compromise an investigation.
- b. The request is clearly an attempt to harass, delay or manipulate the contact or investigation.¹⁷

Seattle, WA

The Seattle Police Department's officer identification requirements, while triggered only pursuant to a request from an individual, are still broad in their application. According to Seattle Police Manual 5.001 § VII.5, unless otherwise impractical, Seattle Police Department officers must, in response to an individual's request for the officer to identify himself or herself, "provide their name, and Department serial number verbally, or if requested, in writing, or provide a Department-issued business card that contains their name and serial number."

V. RECOMMENDATIONS

To improve policy-community relations, reduce the number of failure-to-identify allegations that OPC receives, and decrease the number of complaints in which the subject officer could not be identified, OPC makes the following recommendations:

- 1. MPD should amend General Order 201.26 to clarify that officers must verbally state their first and last name and badge number, or provide a Department-issued business card, upon a citizen's request for the officer to identify himself or herself. The directive should also stress that officers must provide Department-issued business cards if individuals request them, and cannot refer people to a ticket or report.**

Amending MPD's identification policy will improve the resolution of failure-to-identify complaints. By mandating that an officer verbally provides his or her full name and badge number upon a request by a member of the public, MPD would make it clear to its force that proper identification is a matter that the Department takes seriously. Requiring members to

¹⁷ City of Portland, Oregon, Bureau of Police, Executive Order 312.50 Identification/Business Cards (Sept. 21, 2009), <https://www.portlandoregon.gov/police/article/263997>.

provide business cards upon request would help build trust and cooperation between the police and the community. It could also potentially reduce the number of failure-to-identify complaints to OPC, particularly those complaints alleging that the officers referred individuals to an illegible ticket.

2. MPD should incorporate a discrete identification training module into its recruit and in-service trainings.

A discrete training module would ensure that both recruit and veteran officers are aware of the importance that the Department places on their duty to provide proper identification. The training should emphasize the rationale behind mandatory identification — that all government employees, as public servants, are held accountable for their actions, and that the standard is even higher for sworn officers who rely on the public's trust to properly perform their duties.

3. MPD should provide officers with preprinted business cards that include, at a minimum, the officer's name, badge number, e-mail address, and Department website.

Although MPD adopted PCB's prior report and set of recommendations to provide officers with business cards, officer information was not preprinted on the cards, and the use of the cards were optional. Given the significant number of complaints received since that time, PCB believes that mandatory use of preprinted business cards is now warranted. Since an officer's name, badge number, and e-mail address should rarely change during the course of their career with MPD, OPC does not view this requirement as administratively onerous. In addition to the above-listed information being on the cards, MPD should look at the business cards of other police departments to determine whether other information, such as social media messaging, community education materials, crime prevention tips, or other useful information should be included and periodically updated.

APPENDIX A



Metropolitan Police Department
Washington, DC

Name

Rank

Badge #

Contact Number

Unit

APPENDIX B

COMPLAINTS RECEIVED BY OPC

The following is a sampling of the allegations contained in complaints received by OPC that are related to this topic. Such claims are not proof of misconduct by MPD officers; however, they do point to some serious issues regarding officer identification.

The female complainant asserted that she witnessed two trucks hit a small car parked in front of her home. The woman helped a young girl who was in the car to the woman's front porch. She then called 311. An MPD officer soon arrived at the scene and began to interview the young girl. When the complainant tried to explain to the officer what she observed, the officer allegedly responded, "You have no role here," and "If I need to talk to you, I'll ask." The complainant stated to OPC that she was offended because she was only trying to be helpful. Since the complainant had a pen and paper with her, she asked the officer for his badge number. The officer reportedly responded, "What do you need that for?" The complainant told the officer that she believed that it was public information. When the officer still did not provide the complainant with his badge number, she began to copy it from his badge. According to the complainant, the officer started to glare at her and appeared to be turning his body so that the complainant could not get his name. After copying the officer's name from his nameplate, the woman went inside her house. The complainant told OPC that because of this incident, she "now refuse[s] to cooperate with any officer and [she] would not offer to help in the future." OPC successfully resolved the complaint through mediation.

The male complainant alleged that he was sitting in his parked car in front of a neighborhood park when he was approached by an MPD officer. The officer told the man that he had been sitting in the car for over 30 minutes with the motor running. The officer then asked him for his driver's license and registration. After receiving and reviewing the complainant's information, the officer walked to the back of the man's vehicle and began to take notes. After approximately 15 minutes, the officer walked back to the man's car and handed him back his driver's license and registration. When the complainant asked for the officer's name and badge number, the officer responded that he would give it to him, but walked away without doing so. When the man followed the officer and again asked for his name and badge number, the officer reportedly pulled out his ticket pad and threatened to give him a ticket for jaywalking. The complainant then went back to his truck. OPC could not make a finding on the merits of this allegation.

The female complainant, who worked at a women's shelter, was sitting outside a courtroom with a client waiting for a court proceeding to begin. An MPD officer and a man dressed in civilian clothes were sitting close by. As the complainant and the client were sitting there, a young man walked out of another courtroom carrying what appeared to be evidence. According to the complainant, the MPD officer said to the young man, "Tell her that next time if she doesn't want to be beaten she shouldn't do it." The complainant immediately got up, walked over to the officer, and asked for his name. The officer responded, "Who do you think you are?"

The man accompanying the officer provided the complainant with a name that she did not hear clearly, and then both individuals began to walk away. The woman followed the two men and began to ask others in the courthouse to help her obtain the officer's name. She eventually caught up with the two men and again asked the officer for his name. The officer supplied his last name and unzipped his jacket so that the complainant could view his nameplate. The complainant then walked away. She was later able to speak with a lawyer nearby who was able to obtain the officer's first name and badge number. OPC successfully resolved the complaint through mediation.

The male complainant alleged that he was driving in his car when he saw two parked police vehicles. As the man drove by the patrol cars, one of the three MPD officers inside waved his hand and signaled for him to pull over. After the man pulled over to the side of the road, one of the officers approached and informed him that his headlights were not on. The officer then shouted at the complainant to get out of his vehicle. When the man complied, the officer slammed him against the vehicle and placed him in handcuffs. The officer next removed the man's wallet and handed it to another officer. After the complainant's information was verified, his wallet was placed on the roof of his vehicle. Shortly thereafter, the three officers told the complainant to leave. The man asked the officers for their names and badge numbers, but the officers refused and walked away. The complainant got into his vehicle and started to leave. He realized, however, that his wallet had not been returned to him. He tried to get the officers' attention, but they just "looked at [him] and drove away." The complainant then recorded the officers' patrol car numbers as they drove away. The complainant was not able to recover his wallet. OPC identified the subject officers using the patrol car information provided by the complainant. An OPC complaint examiner sustained the failure-to-identify allegation against all three officers.

The male complainant was pulled over in his vehicle by two MPD officers. The officers asked the man for his driver's license, registration, and insurance card, which he provided. When the complainant asked the officers why he was stopped, they told him that it was because the tags on his license plate were not registered to his vehicle. The second officer then asked the man to get out, step to the rear of his vehicle, and place his hands on the vehicle's trunk. When the complainant complied, the second officer patted him down. Shortly thereafter, the first officer placed the man's driver's license and other materials on the vehicle's trunk and told him he was free to go. The complainant responded by telling the officers that he wanted their names and badge numbers. The man then went back to the front of his car to get a pen and clip board. When he returned, he noticed that his information was no longer on his trunk. Subsequently, the man asked for the officers' name and badge numbers. The first officer pointed to his badge number. The second officer told the complainant that "he should go to the precinct to get his name and badge number." Moments later, the first officer returned with the complainant's information and a warning for "dead tags." OPC successfully resolved the complaint through mediation.

The female complainant stated that she was shopping at a clothing store in Chinatown when an MPD officer approached her. After the officer informed the woman that the store manager wanted her to leave the store, she agreed to depart. As the woman walked out of the store, the officer followed her. At one point, the woman asked the officer for a business card. He replied that he did not have one. The woman then asked the officer for his name and badge number. He allegedly ignored the woman and walked away. An OPC complaint examiner sustained the failure-to-identify allegation against the officer.

The male complainant stated that he was driving in northwest D.C. when he was pulled over by an unmarked police vehicle. Two MPD officers, wearing plainclothes and police vests, got out of the police vehicle. One of the officers asked the man for his driver's license. The man provided it to him. After checking his information, the officer asked the complainant whether he could search his car. The officer told the man that the search would only take a few seconds. The complainant agreed to the vehicle search. The officer who made the request began searching the vehicle while the second officer started searching the complainant. According to the complainant, he never gave the officers permission to search him and the officers never asked. The search of the man's car took approximately one minute. After the first officer finished searching the man's vehicle, the officer told the man that he was free to go. The complainant then asked the officer for his name and badge number. The officer provided the man with his badge number, but the man did not hear the officer clearly state his name. The complainant then asked both officers for their names and badge numbers. In response, the second officer allegedly stated, "Just be happy you didn't get a ticket and this isn't turning into something more." The man told OPC that he was "shocked" that the officers would not provide their identifying information. OPC tried to identify one of the officers using the badge number provided by the complainant. The badge number, however, belonged to an MPD officer who was confirmed to be on leave during the incident. After examining police paperwork, OPC could not make a finding on the merits of the allegation because the agency was unable to identify the subject officers.

The female complainant stated that as she was walking home, she saw two men sitting in a vehicle near her house. One man appeared to be unconscious while the other man appeared to be convulsing. The woman called 911 because she believed that the men needed medical attention. Before the ambulance arrived, the passenger of the vehicle woke up and put several items into a backpack. The passenger walked away from the scene, even though the complainant and a friend, who had arrived at the scene, implored the passenger to stay. Shortly thereafter, a MPD officer showed up. The complainant's friend noticed that the passenger was nearby and requested that the officer speak to the passenger. According to complainant, the officer yelled, "I don't have to do anything you say. You can't tell me what to do. I don't have to go and talk to him." By this time, the complainant's boyfriend had showed up. The complainant's boyfriend asked the officer for her badge number. The officer replied, "I don't have to give that to you. Why do you want it?" When the boyfriend responded that he had the right to know her identity,

the officer replied, "You don't know what the law is." An OPC complaint examiner sustained the failure-to-identify allegation against the officer.

The female complainant alleged that she was driving to work in northwest D.C. when she was pulled over by a marked MPD cruiser. The officer inside of the cruiser got out, approached the woman's vehicle, and asked for her driver's license, registration, and proof of insurance. The officer then explained to her that he stopped her because she had not yielded to a pedestrian in the crosswalk. The officer told the woman that she would be receiving a citation for the infraction. The complainant acknowledged to the officer that she had seen the pedestrian, but told him that she never saw the pedestrian trying to cross the street, explaining to him that she proceeded through the intersection with caution. The officer did not respond to the complainant's statements and instead returned to his cruiser. A while later, the officer returned to the woman's vehicle with a citation for failure to yield to a pedestrian. According to the complainant, upon receiving the citation she asked the officer for his name and badge number. The officer reportedly responded, "I don't have to give you a damn thing," and walked back to his cruiser. OPC successfully resolved the complaint through mediation.

The female complainant alleged that she drove to an MPD District police station to provide a tip on a murder that had occurred. When the woman approached the MPD officer who was at the front desk, she asked whether she could speak to a detective. In response, the officer informed the woman that she needed to provide the officer with identification. The woman looked in her book bag, but soon realized that she had left her wallet, which contained her identification, at work. She offered to give the officer her license plate number and a piece of mail with her name and address on it, but the officer responded that those items were not sufficient. The officer then told the woman to leave the station because she was driving around the city without a license. The complainant then asked the officer for her badge number. The officer responded, "I think you better get out of here, before I lock you up for not having an ID." The woman then left the police station. She later called a crime hotline to report the tip. OPC successfully resolved the complaint through mediation.

The male complainant stated that he called the police after seeing his neighbor's son, a young man, in his backyard. Two MPD officers arrived at the scene. The neighbor's son told the officers that he had accidentally dropped his eyeglasses over the complainant's fence, and entered the complainant's backyard to retrieve them. After speaking briefly to the complainant, the officers considered the matter closed and decided to leave without taking a report. Because the complainant did not believe the young man's story, and felt as though the officers did not fully investigate the matter, the complainant asked one of the officers for his name. The officer gave the man his last name only. The man then asked the same officer for his badge number. According to the man, the officer said that his name was enough and that his badge number was not necessary to have. The officers then left. OPC successfully resolved the complaint through mediation.

APPENDIX C

Metropolitan Police
Department



Officer
CCN#

Washington, DC 20002
202-
202-

Metropolitan Police Department

Sergeant

Washington, DC 20032
Office: (202)
Cell: (202)
Fax: (202)
@dc.gov



Captain

METROPOLITAN
POLICE

Metropolitan Police Department

Cell: 202-
@dc.gov



Metropolitan Police Dept.
Washington D.C.

OFC.

Badge

Work 202
Pager 202
Cell 202

CCN#

POLICE

Assistant Chief

Washington, D.C. 200

Office: 202-
Pager: 1-888-

METROPOLITAN POLICE DEPARTMENT



Detective Sergeant

Washington, D.C. 20020

Main: 202-
Voicemail: 202-

APPENDIX D



METROPOLITAN POLICE DEPARTMENT
Washington, D.C.



VICE UNIT


Washington, DC 20020

Office: (202)
Cell: (202)
Cell: (240)




@dc.gov






Metropolitan Police Department
Washington, DC




Badge#

Washington, Dc 20009

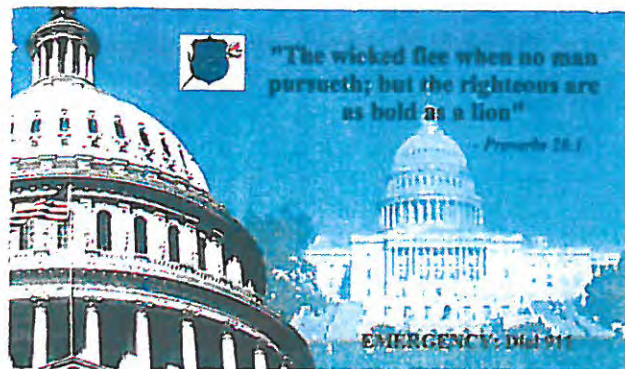


STREET CRIMES
"We Own The Night"



Office: 202-
Cell: 240-
Cell: 202-

@dc.gov



1. REQUEST FOR <input type="checkbox"/> LOCAL LOOKOUT <input type="checkbox"/> INTERSTATE TT <input type="checkbox"/> ADMINISTRATIVE TT <input type="checkbox"/> DETAIL (See Reverse)	2. TYPE <input type="checkbox"/> ORIGINAL <input type="checkbox"/> EXPEDITE <input type="checkbox"/> ADDITIONAL <input type="checkbox"/> CANCEL <input type="checkbox"/> CORRECTION <input type="checkbox"/> REPEAT <input type="checkbox"/> REPLY	3. COMPLAINT NUMBER	6. DATE OF REQUEST JUL 19 2016
		4. UNIT NUMBER	7. REQUESTING ELEMENT Strategic Services Bureau
		5. <input type="checkbox"/> NOT FOR THE PRESS	8. <input type="checkbox"/> FLASH TT REQUESTED

9. TO THE FORCE – SO-16-08 (Member Business Cards)

10. NAME OF WANTED PERSON	11. WANTED BY	12. CHARGE
13. COMPLAINANT'S NAME		14. COMPLAINANT'S ADDRESS

15. DESCRIPTION OF WANTED PERSON OR MESSAGE

Announcement of Publication: SO-16-08 (Member Business Cards)

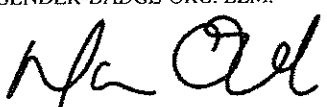
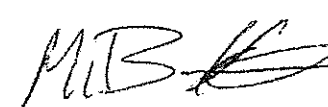

The purpose of this teletype is to announce the publication of SO-16-08 (Member Business Cards).

Business cards for all members will be distributed beginning the week of July 18.

- The Reproduction Section will contact element/unit administrative offices when their business cards are available for pick-up.
- Once available, commanding officials shall ensure cards are retrieved and distributed to their assigned members.
- Upon receipt of their business cards, members shall ensure compliance with SO-16-08.

In the event that a member receives a card containing inaccurate information, he or she may use the "MPD Business Card Order Form" which is available on the MPD Intranet to order corrected cards. Units will be provided with blank, fillable cards for members to use until corrected cards are available.

SO-16-08 is being distributed to members via their MPD email address and is available for review and printing through the use of the "Directives Online" link located on the MPD Intranet Homepage.

SENDER-BADGE-ORG. ELM.  Maureen O'Connell, Director Policy Development Branch	AUTHORIZED BY-BADGE-ORG. ELM.  Marvin Haiman, Chief of Staff Strategic Services Bureau	BUREAU HEAD APPROVAL  Cathy L. Lanier Chief of Police
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Appendix B

PCB Policy Report #17-4

ENHANCING POLICE ACCOUNTABILITY THROUGH AN EFFECTIVE ON-BODY CAMERA PROGRAM FOR MPD OFFICERS



REPORT AND RECOMMENDATIONS OF THE POLICE COMPLAINTS BOARD

TO

**MAYOR VINCENT C. GRAY,
THE COUNCIL OF THE DISTRICT OF COLUMBIA, AND
CHIEF OF POLICE CATHY L. LANIER**

May 8, 2014

POLICE COMPLAINTS BOARD

**Kurt Vorndran, Chair
Assistant Chief Patrick A. Burke
Iris Maria Chavez
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I. INTRODUCTION AND OVERVIEW

Over the past few years, police departments across the country have begun equipping their officers with body-worn cameras.¹ The Metropolitan Police Department (MPD) has recently announced its plans to implement a body-worn camera program, citing it as one of the Department's "top five priorities."²

The footage that these cameras capture can be used to resolve citizen complaints and train officers on proper procedures, and even as evidence in criminal and civil litigation. In addition to these benefits, a recent study shows that the mere presence of body-worn cameras may even serve to prevent negative interactions by changing officer and citizen behavior.³ As a result, the use of these devices can lead to enhanced police accountability as well as improved police-community relations.

While body-worn cameras have many possible benefits, their use also implicates some concerns for members of the public, government agencies, civil liberties advocates, and even the officers who wear the devices. In order to maximize the many advantages that the cameras can provide, it will be crucial for MPD to develop and implement clear policies governing video creation, access, usage, and retention. Police union representatives, policy experts, and civil liberties experts nationwide have expressed concern that deploying body-worn cameras with no official policy in place could undermine public confidence in the program, as well as jeopardize the privacy of officers and the public.⁴

Having a suitable policy in place is so critical to the deployment of a body-worn camera program that the Police Executive Research Forum (PERF), with support from the Justice Department's Office of Community Oriented Policing Services (COPS), is currently working on guidelines to help formulate model policies.⁵ At a recent PERF Town Hall Meeting in Philadelphia, law enforcement executives from across the nation agreed that policies and procedures involve multi-faceted and complex issues.⁶ According to PERF President Charles Ramsey, who also serves as the commissioner of Philadelphia's Police Department and was previously MPD's chief of police, "If you don't have a policy in place,

¹ See, e.g., Joel Rubin, *LAPD Begins Testing On-Body Cameras on Officers*, LOS ANGELES TIMES, Jan. 15, 2014, <http://articles.latimes.com/2014/jan/15/local/la-me-ln-lapd-cameras-20140115>; Jessica Anderson, *More Police Now Sporting Cameras on Their Bodies*, THE BALTIMORE SUN, Jan. 4, 2014, http://articles.baltimoresun.com/2014-01-04/news/bs-md-police-body-cameras-20140104_1_police-cameras-small-video-cameras-tyrone-west; Nancy Dillon, *Police Body-Worn Cameras Stop-and-Frisk Judge Suggested Have Helped Rialto Police Department*, DAILY NEWS Aug. 13, 2013, 7:52 PM, <http://www.nydailynews.com/news/national/cameras-proposed-stop-frisk-judge-ca-police-article-1.1426025>.

² Letter from Cathy L. Lanier, Chief of Police, Metropolitan Police Department, to Tommy Wells, Chairperson, District Council Committee on the Judiciary and Public Safety, (Feb. 10, 2014) (available on-line at http://dccouncil.us/files/performance_oversight/Resubmission_FINAL_MPD_Response_With_Attachments_Perf_Hrg_02_20_14.pdf).

³ BARAK ARIEL AND TONY FARRAR, POLICE FOUNDATION, SELF-AWARENESS TO BEING WATCHED AND SOCIALLY DESIRABLE BEHAVIOR: A FIELD EXPERIMENT ON THE EFFECT OF BODY-WORN CAMERAS ON POLICE USE-OF-FORCE, [hereinafter RIALTO STUDY] available at <http://www.policefoundation.org/content/body-worn-camera>;

⁴ See Tami Abdollah, *Officers' Body Cameras Raise Privacy Concerns*, ASSOCIATED PRESS, Mar. 15, 2014, 10:56 AM, available at <http://bigstory.ap.org/article/officers-body-cameras-raise-privacy-concerns>.

⁵ See PowerPoint Presentation, Police Executive Research Forum, *Guidelines to Help Formulate Model Policy for An Evolving Technology: Body-Worn Cameras* (2013), available at <http://www.policeforum.org/free-online-documents>.

⁶ *Police Leaders Explore Growing Use of Body Cameras at PERF Town Hall Meeting in Philadelphia*, SUBJECT TO DEBATE, (Police Executive Research Forum, Washington, D.C.), Sept./Oct. 2013., available at http://www.policeforum.org/assets/docs/Subject_to_Debate/Debate2013/debate_2013_sepoct.pdf.

eventually you're going to have a problem," noting that such policies should also exist to cover officers who might use their own cameras.⁷

To ensure the most effective policy, the needs and concerns of the many stakeholders throughout the District should be assessed and incorporated to the maximum extent possible. This kind of participation will also build public support and buy-in for the camera program, which should help ensure successful implementation.

Therefore, the Police Complaints Board (PCB) recommends that MPD establish an advisory panel of District of Columbia stakeholders to assist in the development of a policy to govern a body-worn camera pilot program in the Metropolitan Police Department (MPD). This panel should, at a minimum, include representatives from: MPD; the Office of Police Complaints (OPC); the Fraternal Order of Police (FOP); the Office of the United States Attorney for the District of Columbia (USAO); the District's Office of the Attorney General (OAG); the criminal defense bar; the American Civil Liberties Union (ACLU); and the Fair and Inclusive Policing Task Force. The panel should also include members of MPD's Citizen Advisory Councils as well as representatives of groups from around the District who could provide insight into how a camera program would affect various segments of the public, including, among others, immigrants, non-English speakers, crime victims, and the LGBTQ population. PCB further recommends that the District provide MPD with the necessary funding to conduct a pilot program. Once a pilot program has been conducted, the advisory panel should review the program's efficacy, identify any concerns about processes or policies, and suggest changes and improvements. If the program is determined to be beneficial, the District government should then provide funding for wider implementation across MPD.⁸

In the event that MPD decides to launch a pilot program prior to convening the recommended panel, it should be allowed to do so, but should permit OPC to provide real-time input and feedback to MPD as the expedited pilot program takes shape and is implemented. Adopting this approach would allow MPD to avail itself of OPC's ties with community groups and District stakeholders, thereby incorporating useful external feedback until the panel could be established. As for the proposed panel, it should be convened as soon as practicable to help develop a final policy based on an assessment of the ongoing pilot program.

II. POTENTIAL BENEFITS

There are several benefits to the District that could be derived from MPD instituting a body-worn camera program. The devices have the potential to enhance public safety and improve relations between police and members of the public by reducing misconduct, facilitating the resolution of incidents that arise, and improving officer training. Other potential advantages for the District government include enhancing public confidence in the criminal justice system and reducing the city's exposure to civil liability.

⁷ *Id.* at 2.

⁸ The Office of Police Complaints is overseen by the Police Complaints Board (PCB). PCB issues this report and makes these recommendations pursuant to D.C. Code § 5-1104(d) (2013), which authorizes the Board to recommend to the Mayor, the Council of the District of Columbia, and the Chiefs of Police of MPD and the D.C. Housing Authority's Office of Public Safety, reforms that have the potential to reduce the incidence of police misconduct. PCB is grateful to the following persons who assisted in preparing the report and accompanying recommendations: OPC Executive Director Philip K. Eure; OPC Deputy Director Christian J. Klossner, who supervised the project; Special Assistant Nicole Porter; Daniel R. Reed, a former OPC legal assistant and 2013 graduate of the University of Iowa College of Law; and Marielle Moore, an OPC law clerk and third-year law student at the University of Miami School of Law.

A. Reducing Misconduct Complaints through Improved Police-Citizen Encounters

A study of the effects of officers wearing on-body cameras in Rialto, California (“Rialto study”) reported that the devices appeared to cut down on the number of incidents involving the use of force while also reducing the number of complaints filed against officers. Specifically, the Rialto study showed that the devices brought down the rate at which police force was used during interactions with citizens. The Rialto Police Department assigned some of its officers to wear cameras that captured all of their encounters with citizens for the duration of each shift. The number of incidents in which these officers resorted to the use of physical force – including the use of OC spray (“pepper spray”), batons, Tasers, firearms, or canine bites – was compared against the number of incidents that arose during the shifts of their colleagues who were not wearing cameras. The shifts without cameras experienced twice as many incidents involving the use of force as the shifts with cameras.⁹

Based on the Rialto study, it appears that when officers and citizens are aware that their actions are being recorded, both are less likely to engage in the type of conduct that leads to complaints. According to the Rialto police chief, once members of the public were notified that they were being filmed, “even drunk or agitated people tended to become more polite.”¹⁰ As a result of these behavioral changes, the Rialto Police Department saw a nearly 90 percent decrease in complaints against officers during the period studied as compared to the year preceding the study.¹¹

The use of a body-worn camera system by MPD should be able to reduce the incidence of complaint-generating events and potentially help to foster a culture of more polite and respectful interactions between police and the public. This culture change could, in turn, be expected to lead to greater public engagement with police officers and ultimately to improved public safety.

B. Facilitating Citizen Complaint Resolution

Video and audio recordings of police-citizen interactions would provide additional evidence for use in investigating and resolving complaints of police misconduct – evidence that would not only be objective and remain accurate over time, but could also speed the resolution of complaints.

Complaints of police misconduct often begin with a statement by a person alleging that one or more officers engaged in conduct that contravenes the law or MPD policy. Officers and other witnesses then give their own statements. Video footage, unlike the memory of a human being, does not become less accurate over time. In addition, many complaints are currently resolved only by making a credibility determination as between the complainant and one or more of the officers involved. By objectively recording events as they transpire, body-worn cameras could help investigators make even more accurate findings.

Moreover, by supplementing the evidence gathered during the complaint investigation process, body-worn camera footage will resolve a majority of the allegations that OPC receives more quickly and efficiently. Video of an incident could also be used to inform the questions that investigators ask during complainant and officer interviews. More objective evidence combined with enhanced interview

⁹ RIALTO STUDY at 8.

¹⁰ Rory Carroll, *California Police Use of Body Cameras Cuts Violence and Complaints*, GUARDIAN, Nov. 4, 2013, <http://www.theguardian.com/world/2013/nov/04/california-police-body-cameras-cuts-violence-complaints-rialto>.

¹¹ RIALTO STUDY at 9.

questions will allow the District more quickly to hold accountable those officers who have violated District law or police department policy and also to exonerate officers who have not committed misconduct. A faster and more effective complaint process would increase satisfaction among citizens and officers alike.

Data regarding the kinds of allegations contained in OPC complaints suggest that cameras would be especially helpful in OPC's investigations. Appendix A shows five frequently alleged categories of misconduct for Fiscal Year 2011 through Fiscal Year 2013 that would be easier to resolve with the use of video footage. Each category involves language and actions that body-worn cameras would likely record. In addition, these five categories – use of demeanor or tone that is insulting, demeaning, or humiliating; issuing a bad ticket; using threats; using profanity; and unlawfully stopping a vehicle – annually account for over one third of all allegations that the agency must resolve. These recordings would therefore allow the agency to make rapid assessments as to the validity of an allegation of officer misconduct in a substantial percentage of all the cases OPC handles.

Other categories of frequently made allegations – such as using excessive or unnecessary force; unlawful stop, searches, and frisks; and unlawful arrests – involve not only what officers said and did but also what they observed prior to taking action. In some cases, these complaints would also be easier to prove or disprove with video evidence.

The failure of an officer to provide identification upon request is an additional category of allegations that would be resolved more effectively by body camera footage. The majority of complaints in this category involve an officer's refusal to verbally state his or her name and badge number upon request, and resolution of these allegations typically depends upon the credibility of the statements made to OPC. Complainants often allege that an officer refused a request, ignored a clearly audible request and walked away, or that an officer's response was mumbled and unintelligible. Body camera recordings would capture critical aspects of a number of these interactions and potentially provide valuable evidence relating to the clarity and volume of both a request that an officer provide a name or badge number and the officer's response to such a request.

Under District law, an individual may file a complaint of alleged misconduct with either OPC or MPD, or both. In addition to resolving complaints similar to those handled by OPC, MPD also resolves complaints in other categories based on its broader jurisdiction.¹² When OPC receives complaints with allegations not in its jurisdiction, the agency refers those matters to MPD for investigation. The Department also initiates its own investigations of officer misconduct, both at the command level and through its Internal Affairs Division. As a result, the evidence captured by body-worn cameras will yield benefits similar to those described above for MPD in its investigations of police officer conduct.

C. Officer Training

MPD officer training could be improved in a number of ways through the use of footage captured by body-worn cameras. Body camera recordings could be used for remedial training or correcting the behavior of individual officers against whom misconduct allegations have been filed. When an officer engages in inappropriate conduct on camera, the recording can be replayed for that officer, with instruction as to what the officer did incorrectly, how the officer should have acted in the situation, and guidance on how he or she ought to handle similar situations in the future. Video from body-worn

¹² For example, MPD notes in its annual reports the categories of "Fail to Take Police Action," "Fail to Take Police Report," and "Conduct Unbecoming." METROPOLITAN POLICE DEPARTMENT, ANNUAL REPORT 2012, 36, available at http://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/2012_AR_1.pdf.

cameras may also help officers whose conduct, while in accordance with District law and MPD policy, still resulted in a complaint. Police supervisors will be able to use the footage to determine how officers could have fulfilled their duties without generating a complaint. By addressing the type of behavior that leads to complaints, regardless of their merit, MPD would over time likely improve the service it provides and further reduce the number of future complaints.

Video recordings of officer interactions could also serve as teaching tools in the training academy and continuing educational programs. Body-worn camera footage will capture real-life examples of both positive and negative interactions with citizens. Unlike simulations, which may be contrived and are viewed from a third-person perspective, recordings from on-body cameras will depict an actual incident as it unfolded largely from the perspective of an involved officer.

Recordings from these cameras could also be used to monitor new officers' performance in the field. By spot-checking a new officer's activities once the individual is assigned to patrol, the Department could proactively identify problem areas or training deficiencies and correct them. Similarly, reviewing footage from cameras worn by supervisors or field-training officers would allow MPD management to improve the field component of its training program.

D. Reducing Civil Liability

These three outcomes – decreased incidence of police misconduct, improved investigations, and more effective training – should eventually result in a decrease in the number of lawsuits filed against the District based on police officer actions. In addition, lawsuits could be more quickly resolved through settlements in cases where the video evidence eliminates disputes about the facts of a case. Furthermore, as pointed out above, video footage could deter the filing of some frivolous claims against the Department, since people who know that a claim is false will probably not expend the time and effort to pursue such allegations.

E. Improving the Criminal Justice System

The use of body cameras can be expected to promote more accountable policing in the District, leading to an improved criminal justice system. These devices should capture objective evidence relating to whether a confession was voluntary, a search was consented to or justified, or a physical description matched a "lookout," among other scenarios. With this improved evidence, in some cases, prosecutors will be able to assess more accurately which cases are not prosecutable due to a constitutionally defective search or seizure, defense attorneys will have stronger evidence to advocate for the rights of their clients, and courts will be able to make sounder rulings.

A body-worn camera program may also promote efficiency in the criminal justice system by advancing case resolution and reducing time spent in court. The International Association of Chiefs of Police (IACP), in partnership with the National District Attorneys Association and the American Prosecutors Research Institute, conducted a survey in 2004 regarding the use of in-car police camera footage in criminal prosecutions. The survey of prosecutors "examined the positive and negative aspects of acquiring and using video evidence."¹³ Among the prosecutors surveyed, 96 percent said that the use

¹³ INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE & U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, *THE IMPACT OF VIDEO EVIDENCE ON MODERN POLICING: RESEARCH AND BEST PRACTICES FROM THE IACP STUDY ON IN-CAR CAMERAS*, ii-1, *available at* http://www.cops.usdoj.gov/Publications/video_evidence.pdf.

of video evidence improved their ability to prosecute cases.¹⁴ Furthermore, the survey reported anecdotal evidence that cases involving video evidence were more rapidly resolved.¹⁵ Perhaps most significantly, prosecutors told IACP that “the greatest value of video evidence is its ability to refresh the officer’s memory” and “to verify the accuracy of written reports and statements surrounding [an] incident.”¹⁶

III. POLICY DECISIONS

In order for the District government, MPD, and the public to obtain all of the benefits discussed above, MPD must implement a policy that provides proper controls for the use of this new technology. Developing a thorough set of policies and procedures governing how the video is captured, stored, and accessed will ensure that the program has the support of the community while meeting the needs of other entities that will need to use the footage. Addressing these needs and the policy concerns of District stakeholders as early as possible will also ensure that the program pilot and the ensuing wider implementation are conducted appropriately and without delay, while minimizing unanticipated costs.

A. Equipment Considerations

One of the first steps in developing the body-worn camera pilot program will be to evaluate the products of various vendors. From OPC’s perspective, the audio component of the video recordings is critical to reaping the benefits identified above regarding complaint resolution. Without discernible audio of both the officer and the citizen complainant with whom the officer is interacting, body-worn camera recordings would also have limited evidentiary or training value. Another important consideration is camera placement. While cameras mounted on glasses would theoretically capture what an officer is actually looking at and focusing on, chest-mounted or lapel-mounted footage might be steadier and easier to follow. Different stakeholders can be expected to value the various technical options differently. By convening an advisory panel to help determine the range of issues, and by ensuring the panel’s access to vendor demonstrations (as well as technical experts on the equipment choices, if necessary), MPD can select the option that maximizes the benefits for the District as a whole.

B. Initiating Recording

A major concern is the degree to which officers have control over when the cameras record. The ideal system from an evidentiary standpoint would be one where an officer’s entire shift is recorded without interruption. Fully recording all of the events forms a more complete record of the shift and avoids instances of an officer simply forgetting to turn a camera on when engaging with the public. Recording an entire shift also ensures that the moments leading up to an encounter are recorded and that hostile encounters are fully documented. Reducing officer discretion with respect to what and when to record will not only ensure that relevant events are captured and prevent the loss of relevant evidence, it will also protect police officers from accusations of tampering with the videos.

On the other hand, fully recording an entire shift would increase storage costs, increase the amount of time it takes at the end of a shift to process and store the footage, and create records of unimportant events. In addition, a fully recorded shift may make officers uncomfortable, possibly affecting their morale. Perhaps most importantly, certain situations, such as breaks from duty or interactions with informants or victims of certain crimes, ought not to be recorded at all. Lastly, MPD may wish to allow people to request that their interactions with officers not be recorded in certain

¹⁴ *Id.* at ii-4.

¹⁵ *Id.* at ii-3.

¹⁶ *Id.* at ii-5.

situations. Consultation with stakeholders will help ensure that an appropriately balanced system is implemented.

C. Retention

The length of time that video recordings are retained must be carefully considered. Video retention can have a significant impact on the privacy of officers and citizens alike. At the same time, for the recordings to provide the most value to the District, they must be kept until needed.

A recent ACLU report, entitled “Police Body-Mounted Cameras: With Right Policies in Place, a Win For All,” recommended that data retention be limited to the length of time necessary to conduct investigations. Specifically, the organization recommends that data be retained for “weeks not years” and be automatically deleted after a pre-determined period of time unless it has been “flagged” for further use.¹⁷ One such use would be the investigation of citizen complaints. As this is one of the most significant possible uses of a body camera program, the retention period for unflagged recording should, at a minimum, account for the time a complainant has to file a complaint. For example, most complaints of misconduct that are filed with OPC must be received by the agency within 45 days of the incident.¹⁸ To maximize the usefulness to OPC, the recordings would need to be preserved for a period that includes those 45 days as well as the additional time needed to identify the involved officers and to request that the footage be preserved. MPD has no such time restrictions on its jurisdiction to receive complaints, but is generally required to initiate disciplinary proceedings within 90 days of when the Department knows or should know of misconduct.¹⁹ In addition, as MPD selects a video retention time period, it will need to take account of the District’s ability to use the video in connection with civil and criminal cases.

While exact retention times should be open for discussion, the panel can encourage MPD to choose a period that meets the needs of all parties while providing adequate privacy protections. In addition, the panel can make suggestions on how to minimize the potential loss of useful footage through educational efforts directed at publicizing the retention period that MPD adopts.²⁰

D. Privacy

As mentioned in the preceding section, privacy is an important consideration in the implementation of a body-worn camera program. Although cameras will provide invaluable evidence for complaint resolution and litigation, very sensitive information might be recorded during police-citizen interactions or as police respond to emergencies. For example, people who want to report information about crimes to police may be fearful to do so if they believe their identity will be preserved and possibly discoverable during civil or criminal litigation. Officers will also have privacy concerns. Even while on duty, officers can be expected to discuss personal matters when not taking police action, and may have legitimate concerns about the potential of reprisal for protected speech. The ACLU noted in its above-mentioned report, “[p]olice officers enter people’s homes and encounter bystanders, suspects, and victims in a wide variety of sometimes stressful and extreme situations,” further explaining that development of a

¹⁷ JAY STANLEY, AMERICAN CIVIL LIBERTIES UNION, POLICE BODY-MOUNTED CAMERAS: WITH RIGHT POLICIES IN PLACE, A WIN FOR ALL, 4 (Oct. 9, 2013), [hereinafter ACLU REPORT], *available at* https://www.aclu.org/files/assets/police_body-mounted_cameras.pdf.

¹⁸ D.C. Code § 5-1107(d) (2014).

¹⁹ D.C. Code § 5-1031 (2014).

²⁰ As an example of this kind of outreach, the ACLU recommends publishing the chosen retention scheme on the police department’s website to let members of the public know how long they have to file complaints or request access to footage. ACLU REPORT at 4.

comprehensive policy governing camera use would ensure that the benefits of the cameras outweighed the significant invasions of privacy.²¹ By providing for broad and diverse participation on the advisory panel, MPD can expect these stakeholders to identify key privacy issues and develop the appropriate safeguards to address these concerns.

E. Notice of Recording

MPD and the stakeholder advisory panel will need to consider whether and how to notify members of the public that officers are recording interactions. Because the laws in some states require that both parties consent to being recorded, some police departments must give notice that cameras are recording. The District, however, has a one-party consent law that permits individuals to record phone calls and conversations, either when they are a party to the communication or when one party to the communication consents.²² Notifying people of the use of these body cameras may nonetheless be beneficial since, as discussed above, some may change their behavior in a positive manner when they know they are being recorded.

MPD, along with the advisory panel, should therefore come up with its own notice requirements before implementing a body-worn camera program in the District. As a starting point, the panel may wish to consider the ACLU's proposals regarding notice: "1) Recording should be limited to uniformed officers and marked vehicles, so people know what to expect. An exception should be made for SWAT raids and similar planned uses of force when they involve non-uniformed officers, and 2) Officers should be required, wherever practicable, to notify people that they are being recorded . . . One possibility departments might consider is for officers to wear an easily visible pin or sticker saying 'lapel camera in operation' or words to that effect."²³

The panel could also consider what other kinds of public education efforts are possible and would provide the most benefit in building public support for the program.

F. Access to the Recordings

The District stakeholder advisory panel should provide advice to MPD on what entities will have access to body-worn camera data and for what reasons, as well as guidance on how to provide access to the records. In addition to internal MPD use, outside agencies, including OPC, the D.C. Office of the Inspector General, and the D.C. Board of Ethics and Government Accountability, will be entitled to obtain the recordings in much the same way that they are currently given access to law enforcement documents and materials.²⁴ Access to body-worn camera footage for these agencies should be streamlined and simplified to ensure that delays or cumbersome requests do not needlessly increase the costs of administering the program or undermine its value to the District. OPC has in the past called for direct computerized access to all electronically stored MPD records, and this would certainly be ideal for OPC's needs in the case of body camera footage.

The advisory panel can also help identify who will need the recordings and consider how the data can be shared for official purposes while minimizing invasions of privacy. The ACLU, for example, has

²¹ ACLU REPORT at 1-2.

²² D.C. Code § 23-542 (2013).

²³ ACLU REPORT at 4.

²⁴ See D.C. Code § 5-1111(c) (2014); D.C. Code § 1-301.115a(c)(1,2A) (2014); D.C. Code § 1-1162.11(3) (2014).

several suggestions for how to regulate access to video camera footage, including redaction of video records when feasible and a system designed to prevent unauthorized viewing.²⁵

The advisory panel must also consider whether officers should be able to access stored video recordings. It may be valuable to have an officer review video footage to recall an incident or to make sure that police paperwork or testimony is thorough and accurate. On the other hand, watching a video prior to providing a statement during a misconduct investigation would give the officer an advantage not available to a citizen complainant, while also depriving an investigator of the opportunity to assess the accuracy and thoroughness of an officer's recollection.

There is also a clear need for MPD, as well as others, to be able to determine whether footage has been viewed or altered, when it was accessed, and by whom. This "chain of custody" information will serve many purposes, including: protecting the integrity of recordings for their use in investigations and court proceedings; guaranteeing that the footage is not being used inappropriately, such as for commercial or entertainment purposes; laying a foundation for court admissibility; and establishing whether witnesses have viewed the video before providing a statement or testifying in court.

IV. MORE ACCURATE COST PROJECTIONS

Many of the costs of a body camera program are obvious, such as the actual equipment, data storage, and staff time spent both on training officers in the use of the devices and transferring data at the end of a shift. Other costs may be harder to identify, such as the cost of processing Freedom of Information Act (FOIA) requests for the videos or what equipment and staff resources will be needed for the District's investigative and other agencies to obtain the recordings in an efficient manner. Using an advisory panel of stakeholders to help craft a policy should also provide MPD with the ability to more fully identify and estimate a wider spectrum of potential costs.

For example, the discussion of how recordings are initiated and how long footage is stored will have a bearing on how much material is potentially subject to a FOIA request. Because disclosure under FOIA of certain public records may be exempt if it causes an invasion of privacy, the panel's consideration of privacy issues will also help MPD determine the extent to which records will be exempt from disclosure. Thorough consultation will therefore aid MPD in developing a more accurate sense of what additional resources will be needed to process FOIA requests for material generated under a body camera program.

In addition, the Department's purchases of body cameras and data storage equipment or services are likely to be subject to some form of competitive bidding. Obtaining the panel's feedback may be helpful in identifying more accurate cost estimates. By determining precisely what the District's needs are in advance, the panel can come up with a better initial cost estimate for the body camera program. The more accurate the initial estimates are, the more likely that the program will avoid unanticipated costs at later stages of implementation.

To further enhance the panel's consideration of these issues, MPD could provide details regarding the basic costs of purchasing cameras as well as the estimated cost impact under various proposals

²⁵

ACLU REPORT at 5, 6.

developed by panel members. Making the information available may aid the panel in determining which policy choices would be impractical from a cost perspective.²⁶

V. PRACTICES OF OTHER JURISDICTIONS IN DEVELOPING POLICIES

There is no one-size-fits-all solution when it comes to body cameras for police departments. Because of the varying technologies involved, different levels of funding, and the policy concerns addressed above, each police department has to make its own assessment of the video system, policies, and procedures that will best meet the needs of the community it serves.

Looking at how other jurisdictions have implemented body camera programs can be instructive nonetheless. For instance, the Los Angeles Police Department (LAPD) has purchased 30 cameras from three different vendors for testing.²⁷ The city ultimately plans to buy a set of 600 cameras using private funds that have already been raised, and then request that the city provide public funding so that the devices can be distributed to the entire force. The Department has not yet developed a policy for the cameras' use, but the president of the Police Commission that oversees LAPD has called for a "wide array of groups, including the union representing officers" and "civil rights advocates" to be involved in the discussions.²⁸ Such an approach was also proposed in a report recently issued by the IACP National Law Enforcement Policy Center, which noted that when developing a policy, a police department must consider, among other factors: community perspectives and customs; law enforcement strategies and philosophies; and agency resources.²⁹

Here in the District, MPD and the proposed stakeholder advisory panel should take a similar approach in deciding what will best serve the public. Through a collaborative process such as this, MPD and the panel can ensure that all relevant perspectives have been considered. This, in turn, will not only lay the foundation for a more effective body camera on-body camera system for the District, but will also help earn critical support from affected parties and increase the program's chances for success.

VI. RECOMMENDATIONS

In order to ensure that the Metropolitan Police Department deploys an effective officer-worn video camera system with proper capture, storage, access, and privacy controls that generally meets the needs of stakeholders and has the broadest support possible, the Police Complaints Board makes the following recommendations:

1. MPD should establish an advisory panel of District of Columbia stakeholders to assist in developing a policy for a body-worn camera pilot program. The panel should, at a minimum, include representatives from: MPD; the Office of Police Complaints (OPC); the Fraternal Order of Police (FOP); the Office of the United States Attorney for the District of Columbia (USAO); the District's Office of the Attorney General (OAG); the criminal defense bar; the American Civil Liberties Union (ACLU); and the Fair and Inclusive Policing Task Force;

²⁶ In particular, having access to cost information up front will help avoid a situation where the panel develops a cohesive set of proposals that rely on one significant element, only to have the cohesiveness undermined by the rejection of the significant element as excessively costly.

²⁷ Rubin, *supra* note 1.

²⁸ *Id.*

²⁹ IACP NATIONAL LAW ENFORCEMENT POLICY CENTER, BODY-WORN CAMERAS: CONCEPTS AND ISSUES PAPER, 5 (April 2014).

2. The panel should also include members of MPD's Citizen Advisory Councils as well as representatives of groups from around the District who could provide insight into how a camera program would affect various segments of the public, including, among others, immigrants, non-English speakers, crime victims, and the LGBTQ population;
3. With guidance from the advisory panel, MPD should develop a policy to govern a pilot program for body-worn cameras;
4. The District government should provide MPD with the funding necessary to conduct the pilot program;
5. Once the pilot program has been conducted, the advisory panel should review the program's efficacy, identify any concerns about processes or policies, and suggest changes and improvements;
6. If the panel and MPD determine that the program is beneficial, the District government should provide the necessary funding for more widespread implementation across MPD; and
7. In the event that MPD decides to launch a pilot program prior to convening the recommended panel, it should be allowed to do so, but should permit OPC to provide real-time input and feedback to MPD as the expedited pilot program takes shape and is implemented. MPD should then convene the proposed panel as soon as practicable to help develop a final policy based on an assessment of the ongoing pilot program.

Appendix A

FY11	Number of Allegations	Percentage of all Allegations	FY12	Number of Allegations	Percentage of all Allegations	FY13	Number of Allegations	Percentage of all Allegations
Demeanor or tone	203	12.4%	Demeanor or tone	198	13.1%	Demeanor or tone	126	11.1%
Bad ticket	96	5.9%	Threat	110	7.3%	Bad ticket	85	7.5%
Threat	84	5.2%	Bad ticket	99	6.5%	Stop: vehicle/traffic	77	6.8%
Stop: vehicle/traffic	78	4.8%	Stop: vehicle/traffic	76	5.0%	Threat	74	6.5%
Profanity	77	4.7%	Profanity	67	4.4%	Profanity	49	4.3%
Total	538	33.0%	Total	550	36.3%	Total	411	36.1%

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Body-Worn Camera Program		
Topic	Series	Number
SPT	302	13
Effective Date		
March 11, 2016		
Replaces: GO-SPT-302.13 (Body-Worn Camera Program), Effective June 29, 2015		
Rescinds: TT 03-059-15 (Body-Worn Cameras – Annotation Requirements), Issued March 19, 2015 TT 07-084-15 [Amendments to GO-SPT-302.13 (Body-Worn Camera Program)], Issued July 24, 2015 TT 09-108-15 [Body-Worn Cameras (BWCs) and Internal Investigations], Issued September 29, 2015 TT 11-008-15 (The Axon Body Worn Camera Mounting Tab), Issued November 3, 2015 TT 12-076-15 [Body-Worn Cameras (BWCs) and Internal Investigations], Issued December 22, 2015 TT 12-100-15 (Body-Worn Camera Program Amendment Act of 2015), Issued December 31, 2015		
Related to: GO-OPS-301.03 (Vehicle Pursuits) GO-PER-302.01 (Calls for Police Services) GO-SPT-303.01 (Traffic Enforcement) GO-OPS-304.11 (Intra-family Offenses) GO-SPT-401.01 (Field Reporting System)		

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I. BACKGROUND

The use of body-worn cameras (BWCs) by law enforcement has proven effective in reducing violent confrontations, uses of force, and complaints against officers. The purpose of this order is to outline the policy and procedures for the use of BWCs by members of the Metropolitan Police Department (MPD).

II. POLICY

It is the policy of the MPD to use BWCs to further the mission of the Department, promote public trust, and enhance service to the community by accurately

documenting events, actions, conditions, and statements made during citizen encounters, traffic stops, arrests, and other incidents, and to help ensure officer and public safety.

III. DEFINITIONS

1. Body-worn camera (BWC) – camera system with secured internal memory for storage of recorded audio and video that is designed to be worn on the clothing of or otherwise secured to a person.
2. BWC Unit Coordinators – members the rank of lieutenant or above who are designated by their commander to assist with the implementation and use of BWCs within their district or element by providing assistance and guidance to members who are assigned BWCs.
3. Central complaint number (CCN) – unique eight-digit number that the Office of Unified Communications (OUC) issues to MPD members upon request when recording events via an incident or offense report, arrest, or other type of event. The first two digits of the CCN correspond to the last two digits of the year in which the report is being taken.
4. Digital evidence – BWC files, including photographs, audio recordings, and video footage, captured by a BWC and stored digitally.
5. Docking station – hardware connected to MPD's network that is designed to offload recordings from the BWC.
6. Metadata – descriptors that identify the time, date, location, badge number linked to the creation of the record, and officer interaction/offense categorization of BWC recordings.
7. Member – sworn MPD employee or MPD Reserve Corps member.
8. MPD BWC Program Director – member who is designated by the Chief of Police to oversee the body-worn camera program. The MPD BWC Program Director may be contacted at bwc.project@dc.gov.
9. Official – sworn member the rank of sergeant or above.
10. Operational readiness – an operational and charged BWC with any data from the previous shift uploaded to an MPD-approved storage database.
11. School-based events – student or school-related crimes and incidents that involve students **and** occur on private, public, or charter school

grounds or within close proximity to schools. School-based events **do not** include safe passage assignments, non-critical contacts with students, or mediations of minor incidents.

12. Subject – an individual who is not an on-duty law enforcement officer at the time of the BWC recording and who has been recorded by a BWC.

IV. REGULATIONS

- A. Prior to being issued a BWC, members shall successfully complete MPD BWC training relating to this policy as well as for the activation, use, annotation, and uploading of data.
- B. Members shall follow existing officer safety policies when conducting enforcement stops as outlined in Department policies and procedures. Member safety shall be the primary consideration when contacting citizens or conducting vehicle stops, not the ability to record an event.

NOTE: Members are reminded that their BWC will “beep” twice every two minutes to remind them that their camera is activated. Members are cautioned that they should turn the “beep” volume down in situations when it may compromise their safety.

- C. Members shall:
 1. Mount their BWCs at the beginning of their shift in one of the methods approved by the Department (Attachment A) using only the MPD-issued mounting equipment.
 2. Wear the BWC for the entire shift.
- D. During their shift, members shall maintain their BWC in a constant state of operational readiness.
- E. When practicable, members shall inform contact subjects that they are being recorded at the beginning of the contact (e.g., “Ma’am/Sir, I am advising you that our interaction is being recorded.”)
- F. In accordance with GO-SPT-304.18 (Language Access Program), members shall ensure that they provide language access services to all limited and non-English proficient (LEP/NEP) persons in a timely and effective manner. Members shall provide LEP/NEP persons with a MPD Body Worn Camera Recording Notice (Attachment B) in the appropriate language at the beginning of the BWC recording when practicable.

NOTE: MPD Body-Worn Camera Recording Notices are available in the

following languages: Amharic, Chinese, French, Korean, Spanish, and Vietnamese.

- G. The viewing of BWC recordings at the scene of an incident is prohibited.
 - 1. Requests by subjects of BWC recordings shall be handled in accordance with Part V.F of this order.
 - 2. Requests by all other members of the public shall be referred to the Freedom of Information Act (FOIA) Office.
- H. Members shall be aware that all recordings associated with BWCs are the sole property of MPD.
- I. Members shall only use MPD-issued BWCs.
- J. Members shall only use BWCs while they are on-duty and working in an official law enforcement capacity.
- K. Members **shall not** wear their BWCs while working outside employment.
- L. Members shall be aware that BWCs are considered required equipment when working Department-sanctioned overtime (e.g., reimbursable details or nightlife deployments).
 - 1. Members who are working Department-sanctioned overtime in a district other than their assigned district shall:
 - a. Take their cameras home on the shift prior to their overtime assignment to ensure they have their BWC available.
 - b. Notify the on-duty watch commander that they are taking their BWC home.
 - 2. The watch commander shall document the member's information on the PD Form 150 (Tour of Duty Supervisor's Report).
- M. Members **shall not**:
 - 1. Remove, dismantle, or tamper with any hardware or software component or part associated with BWCs or related applications.
 - 2. Destroy, disseminate, edit, alter, modify, tamper with, or otherwise use BWC recordings without the written permission of the Chief of Police. Members who tamper with BWC recordings may be subject to criminal investigation and prosecution.

3. Copy or download a BWC recording without written approval of an official. Members shall only share BWC recordings for official law enforcement purposes.
4. Delete any BWC recordings except as specified in Part V.C of this order (i.e., accidental recordings).
5. Record, view, download, or convert any BWC recording for personal use.
6. Use any other member's assigned BWC. If members inadvertently use any other member's assigned BWC, they shall notify an official immediately and send an email to bwc.project@dc.gov.
7. Use MPD-issued BWCs while off-duty or take their BWCs home unless a member is working Department-sanctioned overtime; see Part IV.L.
8. Record on private space unless present for a lawful purpose.
9. Record personal activity.
10. Record conversations of members without their knowledge during routine, non-enforcement related activities.
11. Record gratuitous or obscene images, such as the effects of extreme violence or injury, unless necessary for evidentiary documentation.
12. Record a particular person based solely on the person's race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness status, physical disability status, matriculation, or political affiliation.
13. Record in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms, unless the activation is required for the performance of official duties.
14. Intentionally or willingly record confidential informants or undercover members.
15. Use any other electronic device or other means to intentionally interfere with the capability of the BWC.
16. Post recordings to any social media site.
17. End a recording based solely on a citizen's request unless the citizen wishes to provide an anonymous tip. In cases where the citizen

continues to request that a recording be turned off, and the member cannot resolve the issue, the member shall request that an official respond to the scene to assist.

18. View recordings for anything other than official law enforcement purposes.
- N. Members shall only store BWC recordings on MPD-approved storage databases. Members shall ensure all BWC data is uploaded at the end of their shift, and when necessary, during their shift, to ensure storage capacity of their BWC is not exceeded.
- O. Members are reminded that BWC recordings do not replace field reports or other required documentation.
- P. Members shall ensure they turn in their BWC prior to or at the end of their shift and store BWC devices in designated, secured storage locations at MPD facilities when devices are not in use, except as provided in Part IV.L of this order.
- Q. Members who are in a less than full duty status for more than 30 days shall turn in their cameras to their BWC Unit Coordinator for reassignment in accordance with Part VI.D.3 of this order.
- R. When reviewing BWC recordings, in accordance with GO-PER-120.21 (Disciplinary Procedures and Processes), members shall immediately notify officials upon observing, or becoming aware of, an alleged violation of Department policies, laws, rules, regulations, or directives.

V. PROCEDURES

- A. BWC-Equipped Members
 1. Members shall be responsible for the use and maintenance of their assigned BWC at all times.
 2. Prior to deployment, members shall:
 - a. Inspect and test their BWCs to ensure that they are operational and functioning properly. Upon inspection and testing, or at any time during their shift:
 - (1) If a BWC is lost, damaged or inoperable, members shall immediately notify a sergeant, who shall complete a PD Form 43 (Loss or Damage to District Government Property), and notify the MPD BWC Program Director.

- (2) If a BWC is lost, malfunctioning, or inoperable, members shall notify their watch commander and contact the MPD Help Desk for assistance. If a replacement BWC is not immediately available, the watch commander shall document the member's name and CAD number in the PD Form 150 (Tour of Duty Supervisors Report) and notify the BWC Unit Coordinator who shall be responsible for making sure a replacement is provided within two business days.
 - (3) If a member needs replacement accessories due to loss or damage (e.g., replacement cord), he or she may contact their BWC Unit Coordinator for a replacement.
 - b. Ensure they begin their shift with a fully charged BWC that does **not** contain data from a prior shift.
 - c. Notify the OUC that they are BWC-equipped over the radio.
 - d. Certify on their PD Form 775 (Daily Vehicle Inspection Report) that they are equipped with a BWC and document whether a recording was made for each run during their shift.
3. Members, including primary, secondary, and assisting members, shall start their BWC recordings as soon as a call is initiated via radio or communication from OUC on their mobile data computer (MDC), or at the beginning of any self-initiated police action.
4. In addition, members shall activate their BWCs for the following events:
- a. All dispatched and self-initiated calls-for-service;
 - b. All contacts initiated pursuant to a law enforcement investigation, whether criminal or civil;
- NOTE:** Members are **not** required to record non-investigatory contacts (e.g., business checks).
- c. All stops (i.e., traffic, pedestrian, and bicycle) and frisks as defined in GO-OPS-304.10 (Police-Citizen Contacts, Stops, and Frisks);
 - d. Vehicle and foot pursuits;
 - e. All traffic crash scenes;

- f. Any incident or traffic crash in which the member is involved;
- g. DUI and consumption of marijuana investigations;
- h. High-risk encounters (e.g., barricade situations, active shooter situations);
- i. Tactical activities, to include canine, Emergency Response Team, and Civil Defense Unit deployments;
- j. Encounters with mental health consumers;
- k. Suspicious activities;
- l. Use of force situations;
- m. Arrests;
- n. Encounters requiring the advising of Miranda rights;
- o. All transports of prisoners and citizens;
- p. Any of the following searches of a person or property:
 - (1) Consent searches;
 - (2) Warrantless searches;
 - (3) Vehicle searches;
 - (4) Searches conducted incident to arrest;
 - (5) Inventory searches;
 - (6) Cursory searches;
 - (7) Probable cause searches;
 - (8) Execution of search or arrest warrants;
 - (9) Field searches;
 - (10) Full-custody searches; and
 - (11) Strip or squat searches;
- q. Hospital guard details as outlined in Part V.A.9.b of this order;

- r. During the initial inventorying of seized money or any high value property;
 - s. During school-based events as defined in Part III.11 of this order as well as other encounters with juveniles during events defined in this section;
 - t. During First Amendment assemblies in accordance with Part V.A.7 of this order;
 - u. While assisting other law enforcement agencies (e.g., United States Park Police, District of Columbia Housing Authority Police) in handling incidents outlined in this section;
 - v. While interacting with citizens inside a police facility (e.g., station personnel providing police services or information); and
 - w. Any incident that a member deems appropriate to activate the BWC in accordance with this order or upon direction from an official.
5. Members may use BWCs to record initial interviews of victims, complainants and witnesses.
6. Traffic Posts
- While assigned to traffic posts, members shall **only** activate their BWCs for the events listed in Part V.A.4 of this order.
7. First Amendment Assemblies
- a. Members shall activate their BWC when responding to a First Amendment assembly in accordance with Part V.A.4 of this order.
 - b. In accordance with D.C. Official Code § 5-333.09, members **shall not** record First Amendment assemblies for the purpose of identifying and recording the presence of individual participants who are not engaged in unlawful conduct.
 - c. Members shall ensure BWC recordings of First Amendment assemblies, whether planned or spontaneous, are recorded in compliance with the law and MPD policy including SOP-11-01 (Handling First Amendment Assemblies and Mass Demonstrations).

- d. Members shall ensure BWC recordings of First Amendment assemblies are preserved and retained in accordance with this order and Appendix N, “*Records Retention*,” of SOP-11-01 (Handling First Amendment Assemblies and Mass Demonstrations).
 - e. Members shall ensure their recordings of First Amendment assemblies are categorized as “First Amendment Assembly” in the MPD-approved storage database.
8. Intrafamily, Sexual Assault, and Stalking Incidents and Offenses
- a. Intrafamily Incidents and Offenses – members who respond to intrafamily incidents and offenses as outlined in GO-OPS-304.11 (Intrafamily Offenses) shall continue their BWC recording but make every effort to provide the victim privacy such that they **do not** record any discussions between the On-Call Advocacy Program (OCAP) advocate and the victim, regardless of whether the conversation is in-person or over the phone. Members shall position themselves in such a way as to afford the victim as much privacy as possible.
 - b. Sexual Assault Incidents and Offenses – members who initially respond to allegations of sexual assault shall continue their BWC recording but are reminded that, in accordance with GO-OPS-304.06 (Adult Sexual Assault Investigations), they shall ask only the necessary questions to enable them to determine the type of crime, and to obtain the required information for a lookout broadcast. Members **shall not** question the victim in detail about the offense.
 - c. Members are reminded, and may inform the victim or others present at the scene, that BWC recordings taken inside a personal residence or related to an incident involving domestic violence, stalking, or sexual assault will be withheld from release to the public.
9. Medical Facilities, Ambulances, and Patient Privacy
- a. Members shall record ambulance transports when they are present for law enforcement purposes.
 - b. Members are reminded that they shall **only** activate their cameras in hospitals and other medical facilities for the events listed in Part V.A.4 of this order, including hospital guard details.

- c. Members shall not record in the common areas of medical facilities except when recording an event as required by Part V.A.4 of this order.
 - d. When recording in hospitals or other medical or psychiatric facilities, members shall be careful to avoid, when possible, recording persons other than the suspect, complainant, and witnesses.
 - e. When members are in hospitals or medical facilities pursuant to Part V.A.4, they shall continue to record and make every effort to provide patients with privacy such that they **do not** record patients during medical or psychological treatment or evaluations by a clinician or similar medical professional. Members shall position themselves in such a way as to afford the patients as much privacy as possible.
10. Members equipped with BWCs who are on the scene of an incident and are not the primary reporting member shall inform the reporting member of their BWC recording so that the primary member may record this information in his or her report.
- a. The reporting members shall place the notation “*BWC Activated*” at the beginning of their non-public narrative in accordance with Part V.A.12 of this order.
 - b. The member with the BWC shall categorize the recording in accordance with Part V.B of this order.
11. Deactivation of BWCs
- a. Once activated in accordance with this order, members shall not deactivate their BWC until/unless:
 - (1) They have notified the dispatcher of their assignment’s disposition, and they have cleared the assignment or, in the case of arrest, have transferred custody of the arrestee to another member.
 - (2) Their involvement in the citizen contact or detention has concluded.
 - (3) They receive an order from a higher-ranking member. In such cases, members shall document the order and the name of the official in their associated incident or arrest reports and on the BWC when practicable.

- (4) The search requiring activation as outlined in Part V.A.4.p of this order has concluded, and the member believes he or she will have no further interaction with the person or property.
 - (5) A pursuit has been terminated, and the member has returned to service through the dispatcher.
 - (6) In the event of a prolonged crime scene or an incident during which time they need to take a break (e.g., restroom break). In those cases, members shall contact the dispatcher to request a break and later document in the non-public narrative section of all related reports or their notebook the interruption of the BWC recording.
- b. In accordance with Part V.A.4.w, when members activate their BWCs and such activation was not required by policy, and the circumstances do not require continued recordings, they may use their discretion when deciding to deactivate their BWC.
 - c. After members deactivate their BWCs, they shall be aware that it is their responsibility to ensure they reactivate their BWC should the circumstances require it, even if the subsequent recording is being made for the same event.
 - d. In the event that a member must immediately respond to an event that requires his or her BWC to remain activated (i.e., the BWC recording never ceases between back-to-back events), the member shall enter the CCNs corresponding to both events in the BWC ID field in accordance with Part V.B of this order.

12. Reporting Requirements

- a. **Prior to the end of their shift**, members who are assigned BWCs shall:
 - (1) Document activation of the BWC device **at the beginning** of their non-public narrative on Field Contact Reports, Incident and Offense Reports, Traffic Crash Reports, and Arrest Reports in the Records Management System (RMS), as well as on PD Forms 42 (Injury or Illness Report), PD Forms 43, PD Forms 61D (Violation Citations) and notices of infraction (NOIs).
 - (a) The notation at the beginning of the narrative of associated reports shall be “*BWC Activated.*”

- (b) The member's last name, first name, and CAD number only need to be recorded if different from the reporting member listed on the report.
- (2) Document in the non-public narrative section of all related reports or their notebook any delay or failure to activate their BWC and any interruption of a BWC recording required by this order.
- (3) For search warrants, pre-planned arrest warrant executions, and forcible entries, label and categorize in accordance with Part V.G. Label and categorize all other recordings in accordance with Part V.B. of this order.
- (4) Upload recorded data to the storage database.
- (5) Charge their camera in an MPD-approved BWC docking station.

B. Labeling and Categorization of BWC Recordings

1. BWC Title Field

Members shall add a title – IN ALL CAPS – to each of their BWC recordings in the following format:

- a. Start date of recording (formatted as the year first (4 digits), followed by the month and day) - type of event - address (including the quadrant) (e.g., **20150220 - MISSING PERSON - 1751 M ST NW**)
- b. In cases where MPD is responding to an event being handled by another agency, the member should add the name of the other agency to the end of the title (e.g., **20150220 - MISSING PERSON - 1751 M ST NW - US CAPITOL POLICE**).

2. BWC ID Field

- a. Members shall enter the 8-digit CCN in the ID field (with no hyphens or dashes and without the word "CCN").
- b. If no CCN numbers were drawn for the event, the member shall:
 - (1) Enter the NOI or notice of violation (NOV) number in the ID field when applicable; or
 - (2) Type "NA" in the ID field rather than leaving the field blank to include events handled by a specialized

investigative unit or a non-MPD agency where no CCNs have yet been requested.

- c. All members who are assigned BWCs, to include those who are working as transport officers and members assigned to the station (e.g., cellblock, front desk), shall ensure that their BWC recordings are labeled and categorized appropriately **to include up to two CCNs** in the “ID” field separated by commas.
 - (1) For example, a transport member assigned a BWC who transports two arrestees, one arrested for Simple Assault, and another arrested in a separate incident for Theft I, must enter **both** related CCNs, separated by a comma.
 - (2) In the event that there are more than two CCNs associated with a recording, members shall enter the CCNs for the most serious offenses.
- d. Members are reminded that they shall limit discussions regarding other cases while in the presence of a BWC to the greatest extent possible. However, when another case is discussed, the recording member shall ensure the relevant CCNs are included in the “ID” field of the recording.

3. **Member BWC Categories**

- a. Members shall ensure all of their recordings are associated with at least one category and the most relevant category that applies from the priority list below is chosen.
- b. Members shall not use any category other than those listed below.
- c. Members shall select the BWC category corresponding to the most serious offense. The categories for use by members, listed in order of seriousness, are:
 - (1) **“For Supervisory Review”**
 - (a) The “For Supervisory Review” category applies to any recording that needs review by an official and possible extended retention due to one or more of the following circumstances:
 - (i) The member is injured or another member is injured or killed during the performance of their duties;

- (ii) There is any use of force by the recording member or another member;
 - (iii) The member is involved in an incident that results in a fatality including, but not limited to, in-custody deaths and crashes or vehicular pursuits resulting in a fatality; or
 - (iv) The member has reason to believe that the event may result in a complaint or the recording may be of use in a future court proceeding.
 - (b) When a member categorizes a recording as “For Supervisory Review,” the member shall notify his or her supervisor prior to the end of his or her shift.
 - (c) A supervisor shall review the recording within 24 hours in accordance with Part VI.A.5 of this order.
- (2) **“Murder / Manslaughter”**
 - (3) **“First and Second Degree Sexual Assault”**
 - (4) **“All Other Sexual Offenses”**
 - (5) **“Death Report / Suicide”**
 - (6) **“Crime Involving a Public Official - Felony”**
 - (7) **“Crime Involving a Public Official - Misdemeanor”**
 - (8) **“All Other Felonies”**
 - (9) **“Search or Arrest Warrant / Forcible Entry”**
 - (10) **“All Other Misdemeanors”**
 - (11) **“First Amendment Assembly”**
 - (12) **“Incident, No Arrest”**
 - (13) **“Contact/Stop/Civil Enforcement”** – includes:

- (i) All contacts initiated pursuant to a law enforcement investigation, whether criminal or civil (e.g., issuance of NOV); and
 - (ii) All stops (i.e., traffic, pedestrian, and bicycle), and frisks as defined in GO-OPS-304.10 (Police-Citizen Contacts, Stops, and Frisks).
- (14) **“BWC Testing”** – includes recordings taken by members to ensure their BWCs are operating properly.
- 4. Only BWC Unit Coordinators, the MPD BWC Program Director, or members assigned to the Court Liaison Division (CLD), the Office of Risk Management (ORM), or the FOIA Office shall record notes about BWC recordings.

C. Accidental Recordings

- 1. In the event of an accidental activation of their BWC where the resulting recording has no investigative or evidentiary value, members may submit a deletion request to their administrative captain through their sergeant who shall forward the same to the MPD BWC Program Director at bwc.project@dc.gov for review and tracking.
- 2. Members shall ensure the request contains sufficient information (e.g., date, time, member CAD number) to locate the recording.
- 3. The MPD BWC Program Director shall review accidental recordings and determine whether or not the recording had an official purpose. If the recording had no official purpose, the administrative captain or MPD BWC Program Director shall document this in the recording notes and delete the recording. An audit log on the history of every recording will be maintained in the storage database.

D. Access and Review

- 1. **Pursuant to the *Body-Worn Camera Program Amendment Act of 2015*, members involved in a police shooting shall not review their BWC recordings, or other members’ recordings, related to the case.**
- 2. In all other cases, members may view their BWC recordings and BWC recordings that have been shared with them to assist in accurate report writing, testifying in court, for training purposes, and debriefing. Members may also view their recorded data when they are the subject of criminal or administrative investigations in accordance with Part V.E of this order.

3. Recordings **shall not** be routinely or randomly viewed by officials for the sole purpose of enforcing policy violations observed on the recordings.
4. Members may only share recordings with other MPD members who have accounts on the MPD-approved storage database. Under no circumstances shall members share recordings with any non-MPD persons or members who do not have an account.
5. Only members the rank of sergeant and above, civilian equivalents, Internal Affairs Bureau (IAB) investigators, or FOIA specialists may download BWC recordings for investigations or authorized administrative purposes.
6. The United States Attorney's Office (USAO), the Office of Police Complaints (OPC), and the Office of the Attorney General (OAG) staff have their own accounts to the storage database; therefore, MPD members shall not share or download BWC recordings for these organizations.

E. Investigative Reviews and Member Access

1. Members who are conducting criminal investigations (e.g., investigators/detectives, members assigned to Major Crash Unit, Criminal Research Specialists) shall:
 - a. Review and re-categorize the recordings related to their investigations after making a determination of whether the BWC recordings are of evidentiary value. (See Part V.H of this order for retention categories).
 - b. Document their reviews of BWC recordings in the final investigative packet.
2. Uses of Force, In-custody Deaths, Serious Misconduct and Criminal and Administrative Investigations
 - a. Upon receipt of allegations of serious misconduct, as defined in GO-PER-120.23 (Serious Misconduct Investigations), that occur during their shift, watch commanders shall review BWC recordings as soon as possible, but in all cases prior to the end of their shift.
 - b. When obtaining Incident Summary (IS) numbers, whether by completing a PD-901c (Request for Incident Summary Numbers) or providing information to IAD for documentation in

Personnel Performance Management System (PPMS), officials shall document or provide the following:

- (1) Whether the subject member was wearing a BWC at the time of the incident.
 - (2) Whether the incident or allegation was in reference to, or involved the use or non-use of, a BWC.
 - (3) If any other members at the scene of the alleged incident were wearing BWCs.
- c. Officials shall ensure the narrative of the PD-901c and PPMS includes:
- (1) The notation "*BWC On-Scene*" in the beginning of the narrative when any member on the scene had a BWC assigned to them.
 - (2) A listing of each member, including the subject member, present at the incident, and documentation of each member's CAD number, whether that member was equipped with a BWC, and whether the BWC was activated.
- d. In the event of a serious use of force or in-custody death, the element watch commander shall ensure, and the responding IAD member shall verify, that all related BWC recordings are uploaded to the storage database as soon as possible.
- e. IAD members shall restrict access to BWC recordings related to criminal or sensitive allegations.
- f. Officials or IAD members preparing preliminary reports shall indicate if BWCs were present and who was equipped with the cameras by name and CAD number.
- g. When conducting internal or administrative investigations of incidents where BWCs are present, investigating officials shall:
- (1) View all available BWC footage as part of their investigation.
 - (2) **Add** a category [i.e., "Internal Affairs / Office of Police Complaints Investigation" and/or "Internal Investigations (e.g., Chain of Command Misconduct)"] to the recordings related to their investigations after making a

determination of whether the BWC recordings are of evidentiary value. (See Part V.H of this order for retention categories).

NOTE: Members are reminded of the importance of retaining the original category to ensure that evidence is maintained in accordance with retention requirements.

- (3) Certify and document that the facts as stated in their investigative findings are consistent with available BWC footage and that any discrepancies between subject, complainant, or witness statements and the BWC footage are noted and addressed.
 - h. When completing final internal investigations, officials shall also include the following information in the “Biographical Section” and any other sections of the investigation as appropriate:
 - (1) A listing of each member and their CAD number, including the subject member, present at the incident;
 - (2) Documentation of whether each member was equipped with a BWC, and whether the BWC was activated.
 - i. If for any reason, it is discovered that a member has violated this order regarding the use or activation of a BWC, investigating officials shall initiate a separate investigation to include creation of independent IS numbers to document the policy violation related to the BWC. In addition, investigating officials shall include these new IS numbers in the “Discrepancy Section” of the original investigative report, if one exists, in which the policy violation was discovered.
 - j. Prior to approving administrative investigations, all reviewing officials, to include the members of any relevant review boards (e.g., Crash Review Board, Use of Force Review Board) shall ensure the investigative findings are consistent with BWC footage and any discrepancies are noted and addressed.
3. Member Access
- a. **Pursuant to the *Body-Worn Camera Program Amendment Act of 2015*, members involved in a police shooting shall not review their BWC recordings, or other members’ recordings, related to the case.**

- b. In all other cases, members who are involved in a serious use of force, in-custody death, or are the subject of a criminal investigation may view their BWC recording related to the incident prior to completing and submitting any required reports and being interviewed by the appropriate investigative unit provided that:
 - (1) The member is in receipt of a declination from the prosecuting authority or after a Reverse Garrity Warning is issued; **and**
 - (2) The recording is viewed at the IAD or at a location approved by an IAD official.
- c. Members who are the subject of an administrative investigation may view their BWC recording prior to completing and submitting any required reports and being interviewed by the appropriate investigative unit.

F. Requests for BWC Recordings by Subjects

- 1. The subject of a BWC recording, his or her legal representative, or the subject's parent or legal guardian if the subject is a minor, may request to schedule a time to view the BWC recording at the police district where the incident occurred.
- 2. Members shall be aware that subjects may request to view BWC recordings online or at the district station.
 - a. Subjects may submit requests for recordings online at <http://mpdc.dc.gov/page/body-worn-camera-citizen-viewing-process> or by submitting a Request to Review Body-Worn Camera Recording (see Attachment C).
 - b. Members who receive requests to view BWC recordings by subjects or their representatives at the district station shall **immediately** notify their district's BWC Unit Coordinator, in writing, and forward requests to the MPD FOIA Office at mpd.foia@dc.gov.
- 3. The assigned MPD FOIA specialist shall conduct a privacy review of the video and determine if the un-redacted BWC recording violates the individual privacy rights of any other subjects of the recording and shall notify the BWC Unit Coordinator if the recording or a portion of the recording is eligible for viewing.

4. Upon notification from the FOIA Office that a recording is eligible for viewing, the BWC Unit Coordinator shall review the recording and confirm that the viewing of the recording would not compromise the safety of any other subject.
5. The BWC Unit Coordinator shall notify the subject whether the recording is available for viewing.
 - a. In cases where the recording is available, the BWC Unit Coordinator shall schedule a suitable time for the subject, his or her legal representative, or the subject's parent or legal guardian to view the recording under the following conditions:
 - (1) The subject, his or her legal representative, or the subject's parent or legal guardian if the subject is a minor shall provide a valid government-issued photographic identification [e.g., a driver's license, passport, green card (U.S. Permanent Resident Card) or military identification].
 - a. A subject's legal representative shall be required to provide the signed retainer or notarized document authorizing the attorney to view the BWC recording;
 - b. A subject's parent shall be required to provide a birth certificate for the subject; or
 - c. A subject's legal guardian shall be required to provide a certificate of legal guardianship of the subject.
 - (2) The subject, his or her legal representative, or the subject's parent or legal guardian must sign the PD Form 99-B (Consent to View Body-Worn Camera Recording) (Attachment D) prior to viewing the recording.
 - (3) The viewing must occur in the presence of the BWC Unit Coordinator.
 - (4) **Under no circumstances** shall the subject, his or her legal representative, or the subject's parent or legal guardian:
 - (a) Be allowed to use any recording device to make a copy of the BWC recording.

- (b) Be provided a copy of the recording. Subjects, or their representatives, may contact the FOIA Office to request copies of the recording.

b. Subject Complaints

A subject shall have the right to file a complaint at any time during the BWC review process. Members are reminded that all citizen complaints shall be handled in accordance with MPD policy including GO-PER-120.25 (Processing Citizen Complaints).

- (1) The BWC Unit Coordinator shall document his or her review of the recording with the requestor when making his or her recommendation on the PD Form 99-A (Citizen Feedback Form – Supervisor Review).
- (2) If the BWC Unit Coordinator is unable to locate the requested recording related to the complaint, he or she shall notify IAD of the subject's request to view the recording and of his or her negative search results when requesting IS numbers.

NOTE: BWC Unit Coordinators are reminded that most BWC recordings will be available for review by complainants for 90 calendar days from the date of the incident.

- (3) Notwithstanding the provisions of this order, a complainant's request to view a BWC recording prior to initiating a complaint is **voluntary**. Whether or not the complainant chooses to request to view the recording shall not be considered by members of the Department if the complainant chooses to proceed with the complaint.

G. Warrants and Forcible Entries

- 1. Absent exigent circumstances, the execution of all search warrants, pre-planned arrest warrants, and when practical, forcible entries being served in elements where BWCs are deployed shall have a BWC member in attendance with the BWC activated prior to making entry.
- 2. For the execution of search warrants, arrest warrants, and/or forcible entries related to an underlying criminal offense with pre-existing CCNs, members shall:

- a. Select the BWC category corresponding to the most serious underlying criminal offense; and
 - b. Label their BWC recording with up to two pre-existing CCNs in the “ID” field separated by commas. In the event that there are more than two CCNs associated with a recording, members shall enter the CCNs for the most serious offenses.
- 3. For the execution of warrants and/or forcible entries in cases without pre-existing CCNs, members shall:
 - a. Categorize the recording as “Search or Arrest Warrant/Forcible Entry”; and
 - b. Label their recording with the CCN obtained for the execution of the warrant and/or forcible entry.

H. Retention

- 1. Members shall ensure that BWC recordings are retained and accessible on the BWC database for a period of 90 calendar days unless they are categorized as follows:

Category	Retention
1. Murder / Manslaughter	65 Years
2. First and Second Degree Sexual Assault	15 Years
3. All Other Sexual Offenses	10 Years
4. Death Report / Suicide	10 Years
5. Internal Affairs / Office of Police Complaints Investigation	10 Years
6. Crime Involving a Public Official Felony	9 Years
7. Crime Involving a Public Official Misdemeanor	6 Years
8. All Other Felonies	6 Years
9. Search or Arrest Warrant / Forcible Entry	6 Years
10. Internal Investigations (e.g., Chain of Command Misconduct)	5 Years
11. First Amendment Assembly	3 Years
12. All Other Misdemeanors	3 Years
13. For Supervisory Review	90 Days

14. Incident, No Arrest	90 Days
15. Contact / Stop / Civil Enforcement	90 Days
16. No-Papered Arrest*	90 Days
17. BWC Testing	90 Days
18. Recruit Training	90 Days
19. FOIA	Indefinite
20. FOIA/Civil Litigation Hold	Indefinite
21. Juvenile Victim [Youth and Family Services Division (YFSD) ONLY]	Indefinite
22. Pending Warrant / Papered Case / Ongoing Criminal Investigation	Indefinite
23. Redacted	Indefinite
24. Training	Indefinite

*NOTE: The “No-Papered Arrest” category may be used for both misdemeanor and felony offenses. In the case of felony offenses, both the felony offense category and the “No-Papered Arrest” category will be included in accordance with Part VI.I of this order. Members are reminded that the 90 day retention category for “No-Papered Arrest” only applies to misdemeanor offenses as the felony offense category retention period supersedes the “No-Papered Arrest” category retention period.

2. Members assigned to YFSD shall ensure that BWC recordings categorized as “Juvenile Victim [Youth and Family Services Division (YFSD) ONLY]” are retained in accordance with each case’s applicable statute of limitations.
3. Members shall ensure all other BWC recordings with an “indefinite” retention period are retained until all related criminal proceedings, claims, litigation, litigation holds, complaints, or related incidents are resolved, after which time they will be expunged.
4. Members shall ensure that digital evidence captured by BWCs are treated as official records and handled pursuant to existing Department policies and procedures including, but not limited to, SO-06-03

[Records Retention and Evidence Preservation (Millicent Allewelt Act of 2004)].

I. BWC Recordings Used in Training

1. Members are encouraged to notify their officials of any recordings that may be of value for Department-wide training purposes.
 - a. Members recommending the use of a BWC recording for Department-wide training purposes shall submit the request through the chain of command to the Commanding Official, Metropolitan Police Academy (MPA) for approval.
 - b. Prior to approving the use of a BWC recording for Department-wide training, the Commanding Official, MPA, shall:
 - (1) Take into consideration the identity of the persons involved, the sensitivity of the incident, and the benefit of using the file versus other means.
 - (2) Confirm with the MPD Privacy Officer that appropriate redactions are made to recordings prior to them being used in training.
 - c. The Commanding Official, MPA, shall ensure that recordings authorized for training are categorized as "Training" in the MPD-approved storage database.
2. When reviewing BWC recordings, officials are encouraged to identify recordings that can serve as guidance on how to handle particular incidents or events as well as recordings where constructive feedback may be appropriate. Identified recordings may be reviewed with assigned members, to include during roll call, to discuss tactical decision-making and/or to improve officer safety.
 - a. Officials shall ensure they notify their district/element commanding official through the chain of command prior to reviewing the recording with members.
 - b. Officials shall notify the watch commander following the BWC review to include providing the associated CCN, name of the recording member, and date of recording for inclusion on the PD Form 150 (Tour of Duty Supervisor's Report).

VI. ROLES AND RESPONSIBILITIES

A. Sergeants shall:

1. Ensure cameras are not issued to members who have not received MPD BWC training.
2. At the beginning of each shift:
 - a. Ensure members are equipped with fully-charged, functioning BWCs, and have the appropriate mounting equipment to support the BWC.
 - b. Inspect each member who is issued a BWC to ensure that it is being worn correctly and functioning.
 - c. Ensure digital evidence recorded from previous shifts has been uploaded prior to issuing BWCs.
 - d. When notified of a damaged or inoperable BWC, ensure a PD Form 43 is completed, and any damaged or malfunctioning equipment is returned to the MPD BWC Program Director for repair or replacement.
3. Track and manage the assignment of the cameras daily.
4. Ensure members who are deployed with BWCs are noted on the roll call and deployment statistical sheets, and that the number of members with BWCs is called into the CIC each shift.
5. In accordance with Part V.B.3.c.(1) of this order, review and **re-categorize** all recordings categorized as "For Supervisory Review."
6. Conduct regular inspections during check-off to ensure members have recorded required events and are categorizing their BWC recordings appropriately.
7. Ensure members turn in their BWCs prior to the end of their shift and store BWC devices in designated, secured storage locations at MPD facilities when devices are not in use.

- ### B.
- Check-off sergeants who have BWC-assigned members on their shift shall ensure they complete the PD Form 1000 (MPD BWC Check-off Form) (Attachment E) prior to the end of their shift and submit the completed form to their watch commander.

C. Watch Commanders shall:

1. Ensure that members who are assigned BWCs are certifying in their PD Form 775 that they are equipped with a BWC and documenting whether a recording was made for each run during their shift.
2. Submit completed PD Forms 1000 along with their PD Forms 150 (Tour of Duty Supervisor's Report).
3. If notified that a BWC is lost, malfunctioning, or inoperable, and a replacement is not immediately available, document the member's name and CAD number in the PD Form 150 (Tour of Duty Supervisors Report) and notify the BWC Unit Coordinator who shall be responsible for making sure a replacement is provided within two business days.

D. BWC Unit Coordinators shall:

1. Provide assistance and technical support to members in their assigned units who have BWCs.
2. Ensure members with malfunctioning or inoperable BWCs receive a replacement BWC within two business days of being notified of the malfunction.
3. Handle the reassignment of BWCs for members in a less than full duty status for more than 30 days to include notifying the MPD BWC Program Director, Telecommunications, and the Equipment and Supply Branch of the reassignment.
4. Conduct periodic reviews of BWC recordings to ensure that members are recording mandatory events as outlined in this order.
5. Based on the BWC assignment information provided by the Equipment and Supply Branch on a quarterly basis, conduct reconciliation and ensure any incorrect BWC assignment information is corrected and that the Equipment and Supply Branch is notified.
6. Review and respond to the MPD Privacy Officer's quarterly report of storage database users for their specific element.

E. District/Element Commanding Officials shall:

1. Ensure all members have been properly trained on all related BWC directives to include the activation, use, annotation, and uploading of data, prior to being issued a BWC, in accordance with Part IV.A of this order.

2. Ensure that daily reviews of the recordings for that district are tagged and properly notated and assigned for corrective action by the next working day of the officer.

F. The MPD BWC Program Director shall:

1. Serve as the designated custodian of records for all BWC recordings.
2. Serve as the system administrator of any BWC software applications.
3. Be responsible for approving, coordinating, and managing all external requests for BWC recordings, including those from other law enforcement agencies.
4. Monitor recordings that are about to reach the end of their retention period.
5. Monitor the deletion of all accidental recordings.
6. Ensure BWC recordings are secured and retained as outlined in this order.
7. Ensure that metadata is retained by the Department for no less than five years.
8. Work with the MPD Property Officer and Office of the Chief Information Officer to ensure all recordings are stored in an MPD-approved storage database.
9. Assist in the coordination of all internal and external communications regarding BWC policies.
10. Serve as the primary point of contact with the BWC vendor.

G. The Commanding Official of the Equipment and Supply Branch shall:

1. Be responsible for the distribution and replacement of BWCs.
2. Provide BWC Unit Coordinators a listing of all assigned BWCs on a quarterly basis for reconciliation.

H. The Director of the FOIA Office shall ensure requests for BWC recordings and information from the public are received and processed in accordance with GO-SPT-204.05 (Freedom of Information Act Requests) and D.C. Official Code § 2-531.

- I. The Commanding Official of the CLD shall ensure BWC recordings of papered cases and no-papered arrests are categorized appropriately (i.e., “Warrant/Papered Arrest/Ongoing Criminal Investigation” or “No Papered Arrest”).
 1. If a felony case is not papered, the “No Papered Arrest” category shall be **added** in addition to the previous felony category.
 2. If a misdemeanor case is not papered, the “No Papered Arrest” category shall **replace** the previous misdemeanor category.
- J. The Commanding Official of the Office of Risk Management shall:
 1. Notify the MPD BWC Program Director to retain BWC recordings associated with pending claims.
 2. Ensure periodic audits are conducted of BWC recordings including audits consistent with the *Body-Worn Camera Program Amendment Act of 2015*. Audits shall include:
 - a. Member performance, training, and equipment needs.
 - b. Consistency between written reports and recordings.
 - c. The impact of BWCs on the number and type of citizen complaints filed with the Department.
 - d. The impact of BWCs on the number of use of force incidents.
 - e. The total number of contacts between police and the public.
 - f. Maintaining proper and secure access to shared or retained BWC recordings.
 - g. Compliance with this order.
- K. The MPD Privacy Officer shall:
 1. Work with the Director of the Office of Risk Management on periodic audits to ensure:
 - a. Recordings do not violate the privacy of citizens or members and adhere to the required policy.
 - b. External and internal subscribers to MPD’s BWC storage site are validated.

2. Coordinate annual reviews of BWC recordings with “indefinite” retention periods to ensure they are still subject to being retained.
 3. Monitor the BWC vendor’s privacy practices.
 4. Assist with drafting memorandums of understanding (MOUs) with outside agencies that want access to BWC recordings.
 5. Conduct periodic audits to confirm that the proper protection of individuals’ privacy rights have been afforded in accordance with the *Body-Worn Camera Program Amendment Act of 2015*.
- L. The Chief Technology Officer, MPD Office of the Chief Technology Officer, shall ensure:
1. BWC equipment malfunctions and failures are documented and repairs are requested in a timely manner.
 2. Docking stations are installed and maintained.
 3. A tiered support response is coordinated to assist sergeants with fixing more complex camera and docking station issues.
 4. All members and approved staff from other agencies have accounts to the storage database.
- M. The Commanding Official of the MPA shall assist in coordinating training for members who will be assigned cameras.

VII. CROSS REFERENCES

- A. GO-PER-120.21 (Disciplinary Procedures and Processes)
- B. GO-PER-120.23 (Serious Misconduct Investigations)
- C. GO-PER-120.25 (Processing Citizen Complaints).
- D. GO-SPT-204.05 (Freedom of Information Act Requests)
- E. GO-OPS-304.06 (Adult Sexual Assault Investigations)
- F. GO-OPS-304.10 (Police-Citizen Contacts, Stops, and Frisks)
- G. GO-OPS-304.11 (Intrafamily Offenses)
- H. GO-SPT-304.18 (Language Access Program)

- I. GO-SPT-401.01 (Field Reporting System)
- J. SO-06-03 [Records Retention and Evidence Preservation (Millicent Allewelt Act of 2004)]
- K. SOP-11-01 (Handling First Amendment Assemblies and Mass Demonstrations)
- L. D. C. Official Code § 2-531 (Freedom of Information, Public Policy)

VIII. ATTACHMENTS

- 1. Attachment A: TASER BWC, Approved Wearing Methods
- 2. Attachment B: MPD Body-Worn Camera Recording Notice
- 3. Attachment C: Request to Review Body-Worn Camera Recording
- 4. Attachment D: PD Form 99-B (Consent to View Body-Worn Camera Recording)
- 5. Attachment E: PD Form 1000 (MPD BWC Check-off Form)



Cathy L. Lanier
Chief of Police

CLL:PAB:MOC:BK

TASER BWC Approved Wearing Methods

TASER AXON Body 2 Camera

The AXON Body 2 Camera has the camera (audio and video) and the battery in the same device.

Directions for Wearing the AXON Body 2 Camera

1. The top part of the AXON Body 1 Camera is where the Power Button is located. The serial number is located on the bottom of the camera.



2. The Axon Body 2 camera shall be mounted on the member's chest so that the top of the camera is not above the collarbone, the bottom is not below the sternum, and the sides are between the shoulders.
3. The Axon Body 2 camera is designed to work with the new Axon RapidLock mounting system. The RapidLock mounting system consists of the attachment piece (called the key) on the camera and the various mounting options including the attachment receiver (called the lock). To engage the Axon RapidLock, insert the key of the camera into the lock of the mount and turn it 90 degrees counterclockwise (when you are looking straight at the mount). To release the camera from the mount, turn the camera 90 degrees clockwise.

The various mounts that use this system can be used with a wide variety uniforms, and holds the camera to your shirt, patrol vest, jacket, or belt.

4. The Axon Body 2 camera may be mounted utilizing a magnetic mount or a Z-clip.
 - a. Magnetic Mount – The magnetic mount is intended to be used with cold-weather gear. This mount is made up of two pieces: the exterior plate, which is mated to the BWC, and the interior plate. As a general guideline, the interior plate should be placed between the jacket liner and shell so that the interior plate and exterior plate are as close to one another as possible, compressing the shell only.

- b. Z-clip – Rotate the z-clip so it fits with your shirt style. Please note that the z-clip is the same for both men and women, but its use differs. To use it with a woman's shirt, it should be held right-side up. For men, the z-clip should be spun 180 degrees. Place the Axon Body 2 camera into the clip and rotate it upright, locking the Axon Body 2 camera into the clip.

TASER AXON Body 1 Camera

The AXON Body 1 Camera has the camera (audio and video) and the battery in the same device.

Directions for Wearing the AXON Body 1 Camera

1. The top part of the AXON Body 1 Camera is where the Power Button is located. The serial number is located on the back and bottom of the camera.



2. The Axon Body 1 camera shall be mounted on the member's chest so that the top of the camera is not above the collarbone, the bottom is not below the sternum, and the sides are between the shoulders.
3. There are two mounts to the AXON Body 1 Camera; the camera comes with an S-clip case that slides over your shirt button to lock into place, and there is also a holster that slides onto your pocket. Directions for the S-clip are slightly different for men's versus women's shirts:

For men's shirts:

- a. Snap the camera into its case if it is not already attached. The straight edge of the clip will be at the top.
- b. Slide the right-hand side of the case between two buttons toward the top of the shirt. Push the right side of the shirt into the clip in the back. This part of the clip will be left *outside* the shirt.
- c. Next, tuck the left side of the case *under* the shirt, and push the left side of the shirt into the clip in the back.
- d. Slide the case down to snap over the shirt button. The case will lock in place.

For women's shirts:

- a. Snap the camera into its case if it is not already attached. The straight edge of the clip will be at the bottom.
- b. Slide the left-hand side of the case between two buttons toward the top of the shirt. Push the left side of the shirt into the clip in the back. This part of the clip will be left *outside* the shirt.
- c. Next, tuck the right side of the case *under* the shirt, and push the right side of the shirt into the clip in the back.
- d. Slide the case down to snap over the shirt button. The case will lock in place.

TASER AXON Flex

The AXON Flex Camera has two components: a smaller camera and a separate battery from which you operate the camera, called a Controller. The Flex Camera is linked to the Controller by a thin cable.

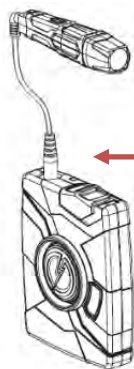
Directions for Wearing the AXON Flex Camera

The Controller functions as the battery and the device used to turn the camera on/off, adjusting the volume, etc. The Controller looks like the AXON Body Camera, but has no lens on the front.

1. The top part of the Controller is where the Power Button is located. The speaker is on the smaller camera. The serial number is located on the back of the Controller, not the camera.



2. The Flex Camera must attach to the Controller in order to power up and record properly. The square end of the cable attaches to the bottom of the camera, and the other end of the cable to the top of the Controller.



← Cable that links camera to Controller (actual cable much longer)

3. The Controller can be stored in your pocket as is or in a holster attached to your belt. To attach to a belt, secure the Controller in its holster, ensuring the top of the camera aligns with the lever on the top of the case that toggles back and forth to expose the cable port. Next, slide the metal clip that came with the holster into the back of the holster to secure to your belt.

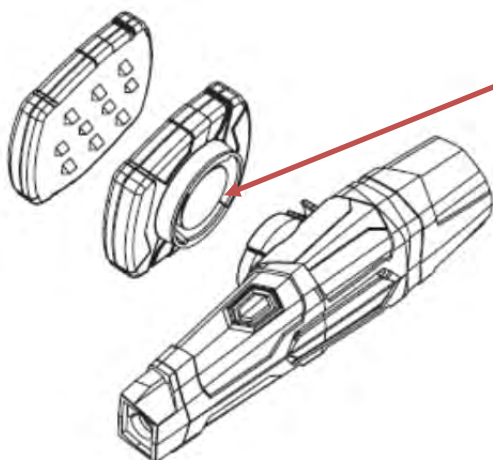
Directions for Mounting the AXON Flex Camera

There are several mounts for the Flex Camera, each clipped on using a strong magnet. The magnetic clip allows rotation of the camera up and down to adjust the angle after it has been connected to the mount.

The three mounts that MPD will be utilizing are the Collar Mount, the Low-Rider Headband and the Oakley Glasses Mount. The mounts should always be worn so that the Flex Camera is on the side that the officer wears his/her firearm.

Collar Mount

There are two magnetic clips to hold the collar mount to your shirt collar, one for each side of the collar. Each clip features a set of teeth on one side and a ring on the other; the sides with the teeth are magnetically attracted to each other.



Ring where camera is mounted

To use the collar mount:

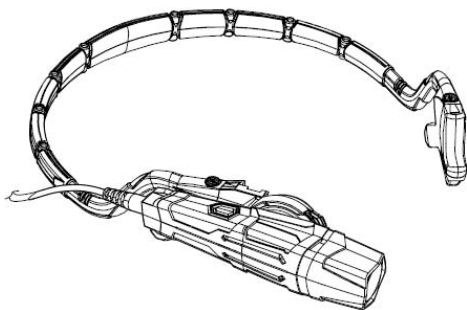
1. Place the collar mount around the back of your neck.
2. Snap the teeth to the inside of the collar on the side of the shirt where the camera will not be mounted and attach the closed ring to the other side.
3. On the other side of the shirt, where the camera clip will be worn, snap the teeth to the inside of the shirt and attach the open ring to the other side.
4. Snap the camera into the open ring, with the lens facing forward.
5. Connect the camera/Controller cable to the bottom of the camera. Ensure that the cable does not obstruct the motion of your head. If the cable is exposed down a good portion of your back, hide it under your shirt.
6. Plug the other side of the cable into the Controller.

Low-Rider Headband Mount

There are two sizes of the headband mount: regular and large.

To use the headband mount:

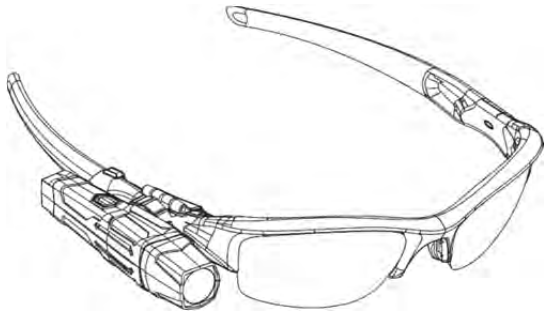
1. Slip the headband behind your head.
2. Snap the camera into the open ring, with the lens facing forward.
3. Connect the camera/Controller cable to the bottom of the camera. Ensure that the cable does not obstruct the motion of your head. If the cable is exposed down a good portion of your back, hide it under your shirt.
4. Plug the other side of the cable into the Controller.

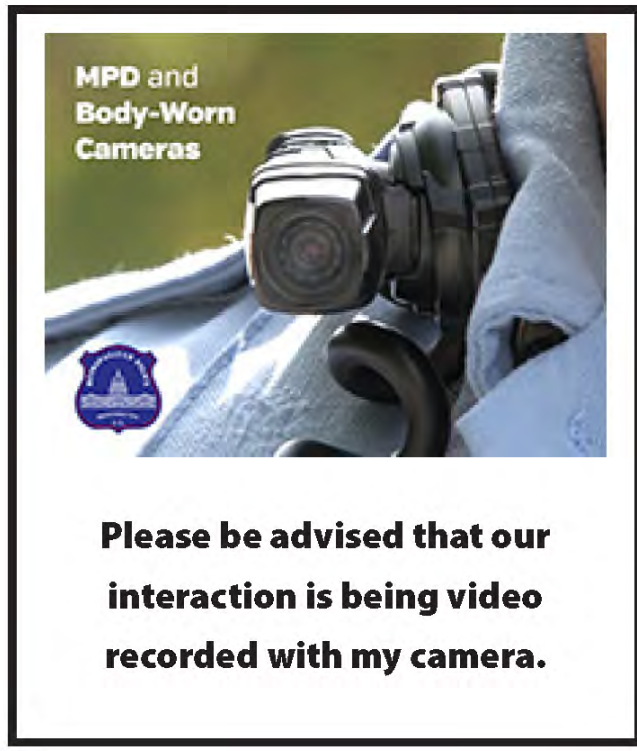


Oakley Eyewear Mount

1. Select whether you want to have sunglasses or clear glasses on.

2. Slip the glasses on your head.
3. Snap the camera into the open ring, with the lens facing forward.
4. Connect the camera/Controller cable to the bottom of the camera. Ensure that the cable does not obstruct the motion of your head. If the cable is exposed down a good portion of your back, hide it under your shirt.
5. Plug the other side of the cable into the Controller.





FRONT

FRENCH

Veillez noter que j'enregistre notre échange sur vidéo-caméra.

VIETNAMESE

Xin lưu ý rằng hoạt động giao tiếp của chúng ta được ghi hình bằng máy quay của tôi.

CHINESE

请注意，我会用我的摄像机将我们之间的交谈和交往录制下来。

SPANISH

Se le advierte que esta siendo videograbado nuestra interacción o comunicación con mi cámara.

KOREAN

모든 대면 및 대화가 카메라로 녹화되고 있음을 알립니다.

AMHARIC

እባክዎ የእኔ እና የእርስዎ ውይይት በካሜራፊያ ሺድዮ አየተቀዳ መሆኑን ይወቁ።

BACK



REQUEST TO REVIEW BODY-WORN CAMERA RECORDING

I am requesting to view a body worn camera recording or recording. **I am the subject of the recording, the subject's legal representative, or the subject's parent or legal guardian if the subject is a minor.** I understand that to view the recording I must be the only individual in the recording except officers of the Metropolitan Police Department (MPD) or other law enforcement agencies. I agree to view the recording in the presence of an MPD official.

My identity will be checked again when I return to view the recording to confirm I am the same person who made the request. I will not bring any recording device to duplicate the video or audio. I understand that I will not receive a copy of the recording. If I want to request a copy of the recording, I need to contact the MPD Freedom of Information Act (FOIA) Office (<http://mpdc.dc.gov/page/open-government-and-foia-mpdc>). Body worn camera recordings are considered law enforcement records and are the property of MPD.

The recording occurred at least 48 hours ago (to ensure the recording is uploaded into the MPD storage database).

PART I: REQUESTER INFORMATION	
To assist in scheduling a viewing of the requested recording, please do not leave contact information blank.	
1. Requester's Name:	2. Requester's Telephone Number: ()
3. Requester's E-mail Address:	
4. CHECK ONE: (If you are unable to specify one of these, then you will be unable to view the recording) <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> I am the Subject of the Recording </div> <div style="text-align: center;"> <input type="checkbox"/> Subject's Legal Representative </div> <div style="text-align: center;"> <input type="checkbox"/> Subject's parent/legal guardian </div> </div>	
PART II: INCIDENT INFORMATION	
To assist in the search for the recording, please provide as much information as available.	
4. Central Complaint Number (CCN):	5. Location of Incident:
6. Date of Incident:	12. Time of Incident:
13. Name(s) and Badge Number(s) of Officer(s) with Body Worn Cameras:	
14. Description of Incident:	
15. Please provide a description of yourself and the clothes you were wearing at the time of the incident (This is needed for identification purposes and to ensure you are the subject of the recording):	
PART III: SIGNATURE	
15. Printed Name and Signature of Requester	
Date of Request	
In order to establish your eligibility to view the requested recording, MPD will need to establish your identity and/or relationship to the subject of the recording. See Identification Requirements attached to this form.	
PART IV: MPD USE ONLY	
16. Received by (print name):	17. ID/Proof of Relationship
18. Signature:	19. Date Received:
Scan and e-mail the request to mpd.foia@dc.gov and District BWC Coordinator within 24 hours of receipt.	

Identification Requirements

In order to establish your eligibility to view the requested recording, MPD will need to establish your identity and/or relationship to the subject of the recording. The following documents are required to establish the identity of:

Subject of Recording

- Valid government-issued photographic identification (e.g., a driver's license, passport, U.S. Permanent Resident Card or military identification)

Legal Representative

- Valid government-issued photographic identification (e.g., a driver's license, passport, U.S. Permanent Resident Card or military identification); AND
- Signed retainer agreement or notarized document authorizing the attorney to view the BWC recording.

Parent

- Valid government-issued photographic identification (e.g., a driver's license, passport, U.S. Permanent Resident Card or military identification); AND
- Birth certificate of the subject

Legal Guardian

- Valid government-issued photographic identification (e.g., a driver's license, passport, U.S. Permanent Resident Card or military identification); AND
- Certificate of legal guardianship of the subject



CONSENT TO VIEW BODY-WORN CAMERA RECORDING

I hereby request to view the below referenced body-worn camera recording. I am the subject of this recording, or I am the subject's legal representative, parent, or legal guardian (if the subject is a minor). I understand that I will be required to provide proof of my identity, by showing my government-issued photographic identification (e.g., driver's license, passport, green card [U.S Permanent Resident Card] or military identification), to ensure that I am the individual who initially requested to view this recording.

I will not be able to view recordings that contain images or other identifying information of other people, with the exception of Metropolitan Police Department (MPD) or other non-federal law enforcement agencies. Further, I may only be able to view portions of the entire recording in order to protect the identity of others in the recording.

If a personal residence is shown in the recording, I will only be able to view the recording if it is my personal residence.

I understand that I must view the recording in the presence of an MPD official, and that I may not use any recording device to duplicate or record the video or audio. I will not receive a copy of the recording as it is considered a law enforcement record, and, as such, it is the property of MPD.

I understand that if I want a copy of the recording, I will need to request a copy of the recording in person or by contacting MPD's Freedom of Information Act Office online at <https://foia-dc.gov/palMain.aspx>.

By signing this form, I am indicating that I am the subject of the recording, the subject's legal representative, or the subjects' parent or legal guardian (if the subject is a minor); and I have read this form and agree to the statements set forth herein.

PART I: SUBJECT'S INFORMATION		
1. Subject's Name		
2. Name of Subject's legal representative or the subjects' parent or legal guardian if the subject is a minor:		
PART II: SIGNATURE		
3. Signature of Subject/Legal Representative/Guardian	Date	
PART III: MPD USE ONLY		
4. Received by (print name):	5. CCN#	6. Receiving Member's CAD:
7. Type of ID provided:		
8. Signature:	9. Date Received:	
Scan and e-mail the consent to mpd.foia@dc.gov and District BWC Coordinator within 24 hours of receipt.		

PD Form 1000 - MPD BWC Check-off Form



(1) District:

(2) Check-off Official:

(3) Check-off Official CAD ID:

(4) Date:

(5) Shift:

(6) # Officers on Shift:

(7) # Assigned BWC:

(8) # BWCs Deployed on Shift:

NOTE: Officers shall have at least one BWC recording per run. If they do not, the official shall initiate an investigation in accordance with GO-SPT-302.13 (Body-Worn Camera Program).

CHECK-OFF OFFICIAL CERTIFICATION

Check-off officials shall complete this certification section for all members who completed their shift (i.e., members who have checked-off).

(9) I certify that all BWC-assigned officers took recordings for all runs:

NOTE: If no, complete table (11) below

Signature

(10) I certify that all reports are completed and approved in accordance with GO-SPT-401.01 (Field Reporting System):

Signature

(11) BWC Officers who did not take a video for all runs:

Officer Name	Officer CAD ID	Number of Runs	Number of BWC Videos	Notes	119 Taken?
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>
					<input type="checkbox"/>

Appendix C

PCB Policy Report #17-4



GOVERNMENT OF THE DISTRICT OF COLUMBIA

POLICE COMPLAINTS BOARD

OFFICE OF POLICE COMPLAINTS

Office of Police Complaints
Michael G. Tobin, Executive Director

POLICE COMPLAINTS BOARD
Kurt Vorndran, Acting Chair
Paul Ashton
Jamira Burley
Bobbi Strang

PCB POLICY REPORT #17-1: ENSURING MPD POLICIES AND PROCEDURES ARE CURRENT

Summary of Issue:

On April 10, 2015 the PCB released Policy Report #15-1 which addressed concerns with MPD General Order 702.1, Arrest and Bench Warrants.¹ It has been more than a year since that Policy Report was released and no revisions have been made to General Order 702.1. In addition, and of even greater concern, no changes have been made to the General Order since it was put into effect on October 20, 1986.² This general order has been in circulation for over 30 years, with no revisions, despite many technological advances and other changes in that time that have impacted how MPD officers plan and execute warrants, and the policy concerns that were previously brought to attention by the PCB.

General Order 702.1 is not the only general order that appears to have gone without a review for an extended time, as there are others that are just as old if not older and still in circulation. Of the 219 general orders posted publically on the MPD website,³ 118 are more than 10 years old, with 34 of those being more than 30 years old. Further, there are similar issues with the Special Orders, Circulars, Standard Operating Procedures, Bureau/Division Orders, Executive Orders, and Training Bulletins. Compounding the issue of potentially outdated written directives is also the issue of having so many different types of written directives. There are at least seven different types of directives, which creates confusion as vital information is located in several different places, without a reliable means to cross reference the various forms of department guidance. This report examines the issue of standardizing the review of MPD policies and procedures, and ensuring a schedule for them to be reviewed and updated, to benefit both MPD officers and community members.⁴

Policy Discussion:

In the U.S. Department of Justice (DOJ) report on the Baltimore Police Department (BPD), the issue of best practices for effective development of operational policies and procedures was

¹ PCB Policy Report #15-1: Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers, <http://policecomplaints.dc.gov/sites/default/files/dc/sites/office%20of%20police%20complaints/publication/attachments/Ensuring%20the%20Accuracy%20of%20Address%20Info%20%28Warrants%29%20FINAL.pdf>

² https://go.mpdonline.com/GO/GO_702_01.pdf

³ <http://mpdc.dc.gov/node/423092>, viewed October 28, 2016.

⁴ The Police Complaints Board (PCB) is issuing this report pursuant to D.C. Code § 5-1104(d) (2016), 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.

examined, as has been done in nearly all of the DOJ investigations into police departments nationwide.⁵ As the DOJ states it, “Clear, comprehensive, and legally accurate policies and training are essential to the proper functioning of a police department.”⁶

The DOJ found that the “BPD’s inadequate policies and training contribute to the Department’s pattern or practice of constitutional violations.”⁷ While we are not suggesting that MPD has a pattern of constitutional violations similar to BPD, we are drawing MPD’s attention to the potential problems that can arise when a police department is not vigilant of its policies and procedures, and does not keep them understandable and current.

The DOJ points to the IACP’s *Best Practices Guide: Developing a Police Department Policy-Procedure Manual* as a guide for widely accepted principles in policy and procedure development. The guide includes in its general principles that “the operations manual should be considered a living document. Routine inspections and reviews should be completed to ensure compliance with its directives so that the manual remains current.”⁸ The guide further explains that all policies and procedures should be reviewed on at least an annual basis to check compliance with current management, operational, and legal standards.⁹ A recent national survey of law enforcement agencies conducted by PowerDMS and the Police Foundation confirms this suggestion, with 90% of the respondents saying that policies should be dynamic and updated constantly.¹⁰

In addition, the *Best Practices Guide* also states that “the manual should be clearly written and easy to use.”¹¹ The guide further explains that there should be a system in place to organize the policies and procedures, to make it easy to identify specific issues.¹² While the recently published General Order 101.00, Directive System¹³, describes all the different types of written guidance for MPD, it also makes it obvious that it is an overly complicated system, as there are at least seven different types of directives. “The point of guiding documents is to clearly identify procedures defining how officers are expected to act. With so much information lurking in various documents, it is unrealistic to think officers are reading, comprehending and retaining all of what they need to do their job correctly.”¹⁴

⁵ See, e.g. Department of Justice, *Report on the Investigation of the New Orleans Police Department*, https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf at xiii

⁶ Department of Justice, *Investigation of the Baltimore City Police Department*, <https://www.justice.gov/opa/file/883366/download> at 129.

⁷ *Id.*

⁸ Chief W. Dwayne Orrick, *Best Practices Guide: Developing a Police Department Policy-Procedure Manual*, <http://www.theiacp.org/portals/0/pdfs/BP-PolicyProcedures.pdf> at 2.

⁹ *Id.* at 8.

¹⁰ *State of Police in Law Enforcement*, <http://www.powerdms.com/downloads/research/state-of-policy-in-law-enforcement-2016.pdf> at 5.

¹¹ Orrick, at 2.

¹² *Id.*, at 4.

¹³ https://go.mpdconline.com/GO/GO_101_00.pdf

¹⁴ *Developing Constitutional & Effective Policies*, http://www.powerdms.com/downloads/white-paper/developing-constitutional-and-effective-policies-white-paper.pdf?mkt_tok=eyJpLjoiTVdFeU5XTm1OREJsWVdFNSIsInQiOiJ3a0hUeXISV1NcUxakVoU0MzN25QQmtYyY1hieXgxWnVlaXVJMXdrcnREXC9uVzRvcGVrVDhpWmsrblwvZnpmNTMyNEFwcHpVQlIU3FqXC83K1RQY0o5K0pZOHFCMUtUVm43SldtMys0M2hTcz0ifQ%3D%3D at 18.

A recently convened group of law enforcement leaders from across the country discussed the issue of police department policies. The group developed a list of several reasons why policies may be ineffective. Among the items on that list were “too many guiding documents” and “failure to keep policy and procedures relevant by not reviewing them on a regular cycle.”¹⁵ The PCB finds that both of these contributing factors put the MPD at risk of having an ineffective system of providing written policy guidance to its members.

Lastly, having clear, up to date and legally accurate policies and procedures is “the first line of defense against risk” for a police department.¹⁶ Having an effective policy and procedure system, along with proof that officers were adequately trained on it, can be a strong legal defense against agency liability. However, any ambiguity or lack of credibility with the policies and procedures would undermine this defense. At a minimum, law enforcement agencies are obligated to meet the “*Monell* liability standards in areas of policy, training, supervision, investigating misconduct and discipline. The foundation of this principle is to ensure policies provide clear direction to guarantee officers lawfully, effectively and ethically carry out their law enforcement responsibilities.”¹⁷ An effective written guidance system will help protect the District of Columbia, and its taxpayers, from civil liability judgments, in addition to providing clear guidance to MPD members.

Recommendations:

To help improve and facilitate better relations between MPD officers and the community it serves, the PCB, therefore, recommends that MPD take the following actions:

1. Develop a plan to organize and review written directives on a periodic and scheduled basis. PCB suggests that MPD consider reviewing all general orders at least every other year, and making revisions when appropriate to keep them current and accurate. While not every policy will require biennial updates, a formal review process will still ensure that each policy is examined and a conscious decision is made as to whether or not revisions are required. The published policy should then state the last reviewed and/or revised date in the header, so that no policies appear to be untouched for 30 years, as is currently the case with many general orders.
2. Simplify the system for policies and procedures. Currently there are at least seven forms of written directives issued by MPD officials, and no easy way to cross reference between them. The current system can lead to confusion for both officers and the public as to whether or not there is policy guidance on a specific topic. Both MPD officers and the general public should be able to easily understand the system for written directives, and easily locate the directives that relate to a specific topic, no matter which format they may be in.

¹⁵ *Developing Constitutional & Effective Policies*, at 14.

¹⁶ *Id.*, at 13.

¹⁷ *Id.*, at 14; *See also, Monell v. Department of Social Services*, 436 U.S. 658 (1978).

3. Ensure the implementation of an effective policy and procedure system and timely, periodic review through an accreditation process, such as CALEA.¹⁸ Accreditation involves an in-depth review of all policies and procedures, and creates a process for policy review going forward.¹⁹ The *Best Practices Guide: Developing a Police Department Policy-Procedure Manual* highlights CALEA as a source for national best practices in model police.²⁰ And, the accreditation process “proves an agency’s commitment to setting high standards and achieving operational excellence.”²¹

The PCB suggests that MPD undertake efforts to determine a consistent directives management system that will work to ensure that all policy and procedures are accurate and reviewed on a scheduled and as needed basis. This has been deemed a best practice by multiple authorities, including the Department of Justice, and should be considered a priority by MPD to ensure a properly functioning police department. By doing so, MPD can ensure that officers are aware of the directives in order to be in compliance with them, and easily locate them in a single consolidated format. In addition, an effective written guidance system that is easily accessible, searchable, and available to the public will improve community trust and demonstrate a commitment to “fostering of a culture of innovation and initiative by leveraging technology.”²²

¹⁸ The Commission on Accreditation for Law Enforcement Agencies, Inc., <http://www.calea.org/content/law-enforcement-accreditation-program>.

¹⁹ Accreditation is not the only way to accomplish the goal, however PCB strongly recommends it.

²⁰ Orrick, at 2.

²¹ *Developing Constitutional & Effective Policies*, at 27.

²² MPDC: Mission and Value Statement, <http://mpdc.dc.gov/page/mpdc-mission-and-value-statement>, viewed November 2, 2016.