



**IMPLEMENTATION UPDATE ON THE
REPORTS AND RECOMMENDATIONS OF THE
POLICE COMPLAINTS BOARD
FROM FISCAL YEAR 2018
FEBRUARY 6, 2020**

Executive Summary

The Police Complaints Board (PCB) is authorized by D.C. Code §5-1104(d) to make recommendations to the Mayor, the DC Council, and the chiefs of the Metropolitan Police Department (MPD) and District of Columbia Housing Authority Police Department (DCHAPD) in any areas affecting police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers. This authority allows the agency to examine broader issues that lead to the abuse or misuse of police powers. The PCB issues policy recommendations that address large-scale concerns about District law enforcement policies, training, or supervision. In addition, the PCB issues policy reports that address substantive or procedural law enforcement matters, which, if corrected, could greatly improve community trust in the police. At the close of fiscal year 2019, the PCB had issued 53 detailed reports with recommendations for police reform since its inception. All of the reports and recommendations are available on the Office of Police Complaints' (OPC) website.

Periodically, OPC reviews the actions that have been taken by the Mayor, the DC Council, and/or the chiefs of MPD and DCHAPD in response to previous recommendations. On February 1, 2018, at the request of the DC Council, OPC published an update on the implementation of reports and recommendations made by the PCB in fiscal years 2015 and 2016. Then on December 18, 2018, OPC published an update on the implementation of reports and recommendations made by the PCB in fiscal year 2017. OPC is continuing this practice of periodic review to promote transparency and ensure that all parties, including community members, are informed of the policy changes that are and are not being made each year.

The present report tracks the four reports and 13 separate recommendations made in fiscal year 2018 to MPD. These reports were:

- Officers Parking and Towing Vehicles; *Issued March 14, 2018*
- MPD Language Access; *Issued June 29, 2018*
- Viewing Body-Worn Camera Footage On-Scene; *Issued September 26, 2018*
- MPD's Outside Employment Policies; *Issued September 28, 2018*

OPC's review process included requests to MPD to determine the status of the recommendations within the department. In addition to this, OPC also considered other information gleaned from interactions with MPD, media reports, and any other additional pertinent information.

Based on this review of all relevant information, OPC found that of the 13 recommendations made in fiscal year 2018, four have been fully implemented, three are partially implemented, and six are not implemented. These findings are further explained in the contents of this report.

In addition, this report includes an addendum with an overview of the implementation updates from the last four years for a broader examination of the policy recommendation process.

Officers Parking and Towing Vehicles

Issued March 14, 2018

Recommendation 1:

MPD should update, amend, and reissue General Order 303.03, clarifying guidance and making it easier for officers to understand what is expected of them in a given situation related to the need to move a vehicle. This guidance should also make clear the documentation that officers are required to complete for moving or towing a vehicle, and providing the vehicle's owner the ability to locate the vehicle.

Status According to MPD¹:

Agree, Fully Implemented.

MPD updated and reissued GO 303.03 (Vehicle Towing and Impoundment) on June 20, 2019.

The updated order emphasizes that our members must notify the Office of Unified Communication (OUC) of the new location of all towed and relocated vehicles. This notification ensures that information on all relocated vehicles is tracked and available.

OPC Response:

OPC considers this recommendation **fully implemented**.

Recommendation 2:

MPD should establish a mechanism to ensure supervisory review of the process and documentation when vehicles are moved or towed, in addition to systematic auditing to identify lapses in procedures.

Status According to MPD:

Agree in Part, Fully Implemented.

MPD continues to ensure supervisors carefully review paperwork related to towing. However, there are certain tows, such as relocation tows during rush hour, where officers are not required to submit paperwork to their supervisor for review, and we do not believe that creating additional reporting requirements would be an efficient use of officers' time in these cases.

OPC Response:

OPC considers this recommendation **partially implemented**. While MPD has taken concrete steps to improve vehicle towing processes with the updated GO 303.03, there are still areas for potential lapses in procedure when certain tows do not require paperwork. This recommendation will not be fully implemented until MPD creates a mechanism to review tows and to identify if lapses in procedure occur - with or without supervisory review.

Recommendation 3:

MPD should update and deliver training to officers (both recruits and experienced officers) on this updated General Order, with an emphasis on the proper way to park or tow a vehicle to avoid theft, damage, or the inability of the owner to locate the vehicle.

¹ All responses attributed to MPD, throughout this report, are verbatim as received from the department.

Status According to MPD:

Agree, Fully Implemented.

MPD incorporated updates into recruit officer training and also published a daily roll call training module on vehicle towing and impoundment in September 2019.

OPC Response:

OPC considers this recommendation **fully implemented**.

Recommendation 4:

MPD should ensure that District Directives do not conflict with Department-wide directives for moving or towing vehicles.

Status According to MPD:

Agree, Fully Implemented.

MPD's existing policy addresses this issue. GO101.00 (Directives System) provides that while commanding officials are authorized to issue district or division orders, they must not conflict with Department-wide directives.

OPC Response:

OPC considers this recommendation **not implemented**. GO 101.00 was issued on June 3, 2016, prior to the recommendation being made. The recommendation was made because OPC identified a conflict between a commanding official's order and an MPD directive. GO 101.00 was in effect at the time, yet it did not prevent the conflict. To fully implement this recommendation, MPD must take additional steps to ensure that there are not conflicts between directives across the Department.

MPD Language Access

Issued June 29, 2018

Recommendation 1:

MPD should update General Order 304.18 to clarify that children, family members, or friends of the subject are not to be used as interpreters absent exigent circumstances only.

Status According to MPD:

Agree, In Progress.

We are in the process of updating GO 304.18, and as part of the revision, we are combining information on using children, family members, and friends for interpretation into one section to limit any potential misinterpretation. The update clarifies that family members and friends should not be used to interpret unless exigent circumstances exist.

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD is taking steps to update GO 304.18, however this recommendation will only be fully implemented when the updated general order is issued to clarify that children, family members, or friends of the subject are not to be used as interpreters absent exigent circumstances only.

Recommendation 2:

MPD must ensure that all members have a complete understanding of General Order 304.18 and the Language Access Act of 2004. This should go beyond written communication with members, and include training, as was also recommended by the OHR Language Access Program Annual Compliance Review.

Status According to MPD:**Agree, Fully Implemented.**

After the 2016 Office of Human Rights (OHR) Language Access Program Annual Compliance Review was issued, MPD conducted online training in 2017 on our language access policy that was completed by more than 4,000 sworn and civilian employees. In January 2019, MPD launched a mandatory, online language access refresher training for all members of the Department in order to ensure our members understood their obligations in providing language access services.

OPC Response:

OPC considers this recommendation **partially implemented**. MPD has launched mandatory, online language access refresher training for all members; however, this recommendation will not be fully implemented until MPD updates GO 304.18, and trains officers on the changes.

Recommendation 3:

MPD must ensure that all members are aware and equipped to utilize all options to gain interpretation services, including an MPD certified interviewer, telephonic interpreter, or qualified interpreter, whether they are in the station or in the field. And MPD must ensure that only officers who are qualified to act as an interpreter are dispatched to do so.

Status According to MPD:**Agree, Fully Implemented.**

Both MPD's 2017 and 2019 online training included discussion of how to use interpretation services as well as when those services are appropriate. MPD is also pleased to have more than 400 certified bilingual members who can provide language assistance to LEP/NEP members of our community.

OPC Response:

OPC considers this recommendation **partially implemented**. Again the mandatory, online language access refresher training for all members is a part of ensuring members are aware of and equipped to use interpretation services; however, this recommendation will not be fully implemented until MPD also ensures that only officers who are qualified to act as an interpreter are dispatched to do so.

Recommendation 4:

MPD should ensure that all training includes tools for identifying when a person needs interpretation services. It must be made clear that the onus is not on the community member to request an interpreter, but on the MPD member to seek information and determine if there is a need to provide interpretation services.

Status According to MPD:

Agree, Fully Implemented.

MPD held a daily roll call training module on the Language Access Program in June of 2018 emphasizing member's responsibilities in providing language access services. In addition, MPD's recent online language access training emphasizes when interpretation is needed and the obligation of our members to provide appropriate language access services.

OPC Response:

OPC considers this recommendation **fully implemented**, as the training focused on the member's responsibilities. However, OPC encourages MPD to remain aware of these issues and consistently reinforce the obligations for members, as OPC continues to receive complaints related to language access.

Viewing Body-Worn Camera Footage On-Scene

Issued September 26, 2018

Recommendation 1:

MPD should clarify for members the intention of General Order 302.13: Body Worn Camera Program, Section IV.G., which states, "The viewing of BWC recordings at the scene of an incident is prohibited." MPD must ensure that members understand what "the scene of the incident" includes, and that members are aware that this section applies to them as well as the public.

Status According to MPD:

Disagree.

Based on the specific examples provided in OPC's report, the officers' behavior as described would have violated our existing body-worn camera (BWC) policy. Additionally, we believe it is clear that the prohibition of viewing BWCs on-scene applies to our members as nothing in our policy suggests otherwise.

OPC Response:

OPC considers this recommendation **not implemented**. OPC was not recommending that MPD make changes to policy, just that MPD ensure that the policy was clear to members. The examples of members violating policy show that officers do not have an understanding of the policy. This recommendation will be fully implemented when MPD ensures members to understand the BWC policy.

Recommendation 2:

MPD should remind all members of General Order 302.13: Body Worn Camera Program, Section IV.L.18 to ensure that BWC recordings are only used for official law enforcement purposes.

Status According to MPD:

Agree, Fully Implemented.

MPD issued a teletype in November 2019 reminding our members of the requirement that BWC recordings must only be viewed for law enforcement purposes.

OPC Response:

OPC considers this recommendation **fully implemented**.

MPD Outside Employment Policies

Issued September 28, 2018

Recommendation 1:

MPD review and revise its General Order relating to outside employment to conform to best practices used by other police departments.

(a) MPD should review its policies to ensure they are not contradictory in nature, and that they conform to the latest best practices. The current directive has not been updated for more than 14 years. The Department should rewrite General Order 201.17 to remove or clearly define vague terms like “direct police action.” This would promote better understanding of the policies by both the public and by MPD officers.

(b) MPD should also review and revise the administrative policies regarding the documents required for outside employment. As the officers are using government resources for their outside employment, they should be required to report the salary and benefits they are receiving for that work. This would increase transparency and limit the potential for corruption.

(c) Alternatively, MPD could have civilian personnel act as a liaison for entities seeking officers for outside employment. While District law and MPD policy currently prohibits members from brokering outside employment, member does not generally refer to civilians. Thus, a civilian role could be established to coordinate outside employment positions, and provide full transparency for the process.

Status According to MPD:

Agree in Part, In Progress.

We agree that the term “direct police action” used in the District of Columbia Municipal Regulations (DCMR) and included in our policy should be further clarified, and we are working to publish an updated outside employment policy that will provide additional guidance.

However, [sic] do not see the need to change our current practice regarding officers negotiating payment directly with their outside employers. The Office of Risk Management currently oversees the administration of our outside employment program and monitors participating officers to ensure that they adhere to our policy and the DCMR. Consistent with District law, our policy also prohibits “brokering” which can be a source of many of the corruption issues identified in OPC’s research. Whereas the rates for reimbursable details are set in regulations, this is not the case for outside employment, which is a function of market rates. We do not see a reason to change current practice or to hire additional personnel at this time.

OPC Response:

OPC considers this recommendation **not implemented**. In order for this recommendation to be implemented MPD must revise its General Order to conform to best practices and specifically ensure that vague terminology, such as “direct police action,” is clarified.

Recommendation 2:

MPD should revise the outside employment uniform policy to identify members as MPD officers who are working outside employment.

A different outside employment uniform standard would continue to identify a member as an MPD officer, while also identifying that said officer is not working a regular tour of duty. It would increase community trust, allowing the public to recognize when an officer is working at the direction of a business, versus when an officer is working in their usual capacity. The change in uniform could be as simple as adding an outer layer, such as a high visibility vest or jacket, over the officer’s service uniform. It would reduce confusion like that expressed by the complainant in the fast-food restaurant, as the uniform would remove questions of who has authority in a situation at a private business. Yet this would also promote accountability, as the officer would still be wearing their BWC.

Status According to MPD:

Disagree.

District regulations specifically require MPD officers to wear the MPD uniform while working outside employment (6A DCMR 301.11). Moreover, given the large number of law enforcement agencies in the District, MPD must continue to ensure our officers are easily identifiable to the public. Consistent with our policy, police officers working police-related outside employment are expected to take police reports and make arrests. We believe having those officers wear some type of garment that would differentiate them from other MPD officers would only lead to confusion with the public when officers are performing their official duties.

OPC Response:

OPC considers this recommendation **not implemented**. In order for this recommendation to be implemented MPD must create a policy to have officers working outside employment identified. This can be accomplished within the confines of 6A DCMR 301.11, since, for example, officers wear high visibility vests on certain occasions while on-duty.

Recommendation 3:

MPD should require all MPD officers that choose to engage in outside employment to complete a training that outlines the specialized guidance for officers working outside employment.

A training class that covers outside employment would help reduce instances of confusion or tension with the community when officers are engaged in outside employment. It could cover de-escalation, when to request back-up from on-duty officers, and how to mediate situations between their private employers and patrons of the businesses. This training must also make clear to officers what constitutes “direct police action,” and how that impacts what they can and cannot do in the course of outside employment.

Status According to MPD:

Agree, In Progress.

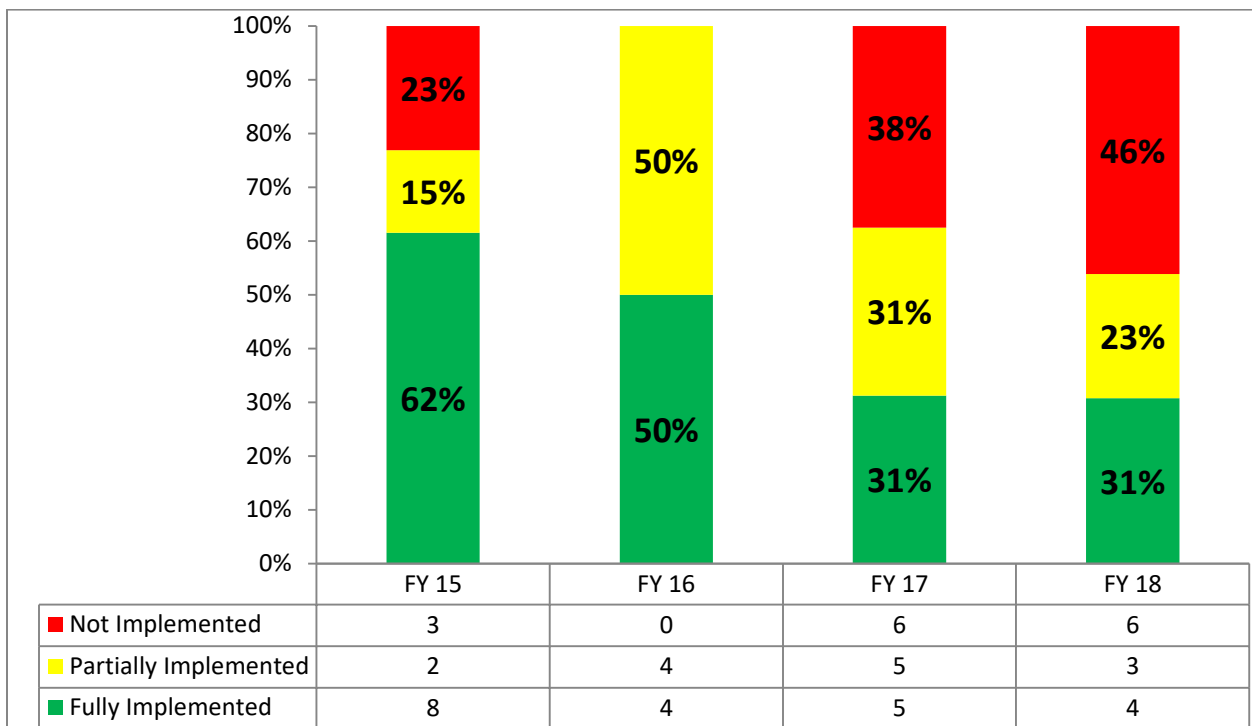
MPD is working on updating our outside employment policy. Once our policy is updated, we will

ensure training is developed that includes a discussion of officers' responsibilities while working outside employment.

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD is in the process of updating their outside employment policy, however this recommendation will only be implemented once a new policy is issued and new training is provided for members.

**Addendum: Review of Implementation Updates
for Fiscal Years 2015, 2016, 2017, and 2018**



As the chart above shows, there are several recommendations that are acted upon quickly and fully implemented by the time the implementation update review is completed, and there are many others that are in progress. For each year shown above at least half of the recommendations were either fully implemented or partially implemented at the time of review. For FY 15, 10 recommendations of 13 were fully or partially implemented, for FY 16 all recommendations were fully or partially implemented, for FY 17, 10 of 16 were fully or partially implemented, and for FY 18, 7 of 13 were fully or partially implemented. However, there are also recommendations that have not been addressed at all at the time of review. Starting in FY 15 there were 3 recommendations not implemented, and then none that were not implemented for FY 16; which is 23% and 0% respectively. However, there was an increase in not implemented recommendations in FY 17 to 6, and for FY 18 it was also 6; 38% and 46% respectively. OPC will continue to publically report on the status of past policy recommendations to promote transparency.