



**IMPLEMENTATION UPDATE ON THE
REPORTS AND RECOMMENDATIONS OF THE
POLICE COMPLAINTS BOARD
FROM FISCAL YEAR 2019
AND A REEXAMINATION OF IMPLEMENTATION UPDATES
FROM FISCAL YEAR 2015-2018
FEBRUARY 8, 2021**

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. 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 2020, the PCB had issued 57 detailed reports with recommendations for police reform since its inception. All reports and recommendations are available on the Office of Police Complaints' (OPC) website.

Annually, 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 the PCB's previous recommendations. Beginning 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. OPC continues these periodic reviews 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 in response to recommendations made by the PCB. OPC published these additional implementation updates:

- Implementation Update on the Reports and Recommendations of Police Complaints Board From Fiscal Year 2017; *published December 18, 2018*
- Implementation Update on the Reports and Recommendations of Police Complaints Board From Fiscal Year 2018; *published February 6, 2020*

The current report tracks the four reports with 11 separate recommendations made in fiscal year 2019 to MPD. These reports were:

- Using Litigation Data to Improve Policing; *Issued March 11, 2019*
- Updates for Crisis Intervention Officers Program; *Issued August 7, 2019*
- Duty to Intervene; *Issued August 28, 2019*
- Handling Property; *Issued September 30, 2019*

OPC's review process includes 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 the review of all relevant information, OPC found that of the 11 recommendations made in fiscal year 2019, none have been fully implemented, four are partially implemented, and seven are not implemented. These findings are further explained in the contents of this report.

Further, this report includes an addendum reviewing previous implementation updates from Fiscal Years 2015 through 2018, reexamining any additional progress MPD made since the implementation updates were originally published. The goal of this continuous reexamination is to highlight the PCB's policy recommendations that MPD has not fully implemented and its stated reason for non-implementation so that community leaders and members are properly informed. Ultimately, this work provides the accountable, transparent, and necessary highlights for action.

An initial policy implementation review is not the last word regarding a recommendation as OPC continues to encourage MPD to follow them and make changes even after the initial review is completed. Over the 20 years of OPC's current existence, many of our policy recommendations have changed policing practices in the District for the better.

To that end, OPC worked with MPD to reexamine the recommendations that were partially implemented or not implemented at the time of the initial policy recommendation review to determine if any additional progress was made. This work will continue to keep the public informed of when MPD effectuates policy changes and when they do not.

In December 2020, OPC reexamined the recommendations to MPD from fiscal years 2015- 2018 and found the following:

- On February 1, 2020 the implementation update for Fiscal Year 2015 found two recommendations were partially implemented and two were not implemented.
 - Now one of these is fully implemented, two are partially implemented, and one is not implemented.
- On February 1, 2020 the implementation update for Fiscal Year 2016 found four recommendations were partially implemented.
 - Now two of these are fully implemented, and two remain partially implemented.
- On December 18, 2018 the implementation update for Fiscal Year 2017 found four recommendations were partially implemented, and four were not implemented.
 - Now five recommendations are partially implemented and three are not implemented.
- On February 6, 2020 the implementation update for Fiscal Year 2018 found three recommendations were partially implemented, and six were not implemented.
 - Now three recommendations are fully implemented, one recommendation is partially implemented, and five recommendations are not implemented.

Some findings of the reexamination of note include:

- Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers, published on April 10, 2015, included the recommendation that General Order 702.01 be updated and revised. In the 2018 review, MPD was working on updates. In December 2020, MPD had the same response. The current version of GO 702.01 is from 1986. Even considering delays associated with the COVID-19 health emergency, this is an inexcusable amount of time to make the necessary changes. This is the most egregious example, but there are other General Orders that MPD says it has been working on revisions to for years.
- Some recommended changes related to chokeholds and consent searches have been made as a result of D.C. Law 23-151: Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020. This legislation is not yet permanent, but the changes made to MPD policy should be.
- MPD continued to take steps forward on some of the recommendations. For instance, updated General Order 304.18 in the MPD Language Access report, issued June 29, 2018. In the initial review MPD said they were working on updates, and since then the updated General Order was released.

These findings are all explored fully in the following report.

Using Litigation Data to Improve Policing

Issued March 11, 2019

Recommendation 1:

MPD should establish a program to systematically review litigation data for lawsuits filed against MPD and its members.

The review of litigation data should include, but is not limited to, examining legal claims and factual allegations of the lawsuits; demographic information for the officers involved in litigation (including rank, experience level, district); demographic information about the plaintiff(s); and date, time, and location of incident(s) in the lawsuit.

This information should be used to create internal reports that describe specific MPD-wide, police district, or unit-level trends in lawsuits. These reports should be used to craft relevant trainings and policy changes, and also be shared with command leadership.

MPD should ensure that lawsuits naming individual officers are continuously and consistently being entered into the Supervisory Support Program (SSP), or any other iteration of an early intervention system, so that MPD is aware of at-risk officers who may require intervention. Currently, SOP-07-01 only directs civil suits to be entered into the SSP when there is a “judgement against a member indicating liability.” However, pending cases or cases that are resolved by settlement may involve member liability or present an opportunity for the member to learn and improve their policing, and supervisors should immediately be aware of cases.

Status According to MPD, December 2020^{1,2}:

Agree in Part, In Progress

MPD has systems in place to ensure litigation against our members is reviewed. Currently, our Office of the General Counsel (OGC) receives notice of lawsuits from the Office of the Attorney General (OAG) or from the member who has been served with a Summons and Complaint. Our OGC forwards the lawsuit information to our Internal Affairs Division (IAD) so that the information can be entered and tracked into our Personnel Performance Management System (PPMS). Our OGC is currently working on a review of 2020 litigation data which will be completed early next year. This review will examine MPD-wide, district/division, and unit-level trends in lawsuits. MPD will use these reports to make any relevant training and policy changes. However, we disagree with adding lawsuits as an indicator in our early intervention program (i.e., SSP). Members are frequently removed from lawsuits after the initial filing. Accordingly, being

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

² MPD requested that their responses be viewed within light of the following: “Since Mayor Bowser’s March 11, 2020, declaration of a public health emergency in the District of Columbia due to the coronavirus, the Metropolitan Police Department (MPD) has worked to protect the safety of its members and the community it serves while maintaining continuity of operations through these unprecedented times. MPD issued more than 50 policy guidelines and updates to direct member operations during this time. The Department also outfitted more than 3,800 sworn and civilian members with personal protective equipment (PPE) while working with the District’s Department of General Services (DGS) to improve safety at approximately two dozen MPD facilities. MPD worked with partner agencies in the criminal justice system to modify all operations to safeguard arrestees and colleagues throughout the District and federal agencies, while continuing to conduct necessary law enforcement functions to keep our neighborhoods and residents safe. Moreover, MPD was responsible for handling the sustained levels of demonstrations following the fatal assault on George Floyd by a Minneapolis police officer that coincided with a contentious national election and a worldwide pandemic. Due to these unprecedented challenges, many planned areas of focus for 2020 have been delayed. We are hopeful that after the inauguration on January 20, 2021, and the advancement of distributions of vaccines for COVID-19, we will see a return to more normal operations in 2021.”

named in a lawsuit is not a reliable indicator that an intervention should be considered. More importantly, having supervisors intervene when there is ongoing litigation may result in supervisors unintentionally creating discoverable material and creating potential liability. This is particularly concerning as supervisors will not have specific knowledge regarding the status of the lawsuit.

OPC Response:

OPC considers this recommendation **partially implemented**. While MPD has a system in place to ensure that litigation against members is reviewed, this is not sufficient. Having OGC and IAD aware of potential misconduct is a start, however they do not have consistent interactions with MPD members and thus, are not aware of what is or is not occurring on a regular basis. MPD must enter lawsuits into SSP and alert supervisors. When supervisors are not aware of lawsuit allegations, they are unable to ensure that the misconduct does not continue. Further, MPD must create internal reports describing specific MPD-wide, police district, or unit-level lawsuit trends, and use these reports to craft relevant trainings and policy changes. With these changes, the recommendation will be fully implemented.

Recommendation 2:

MPD should publish public reports, with aggregate information, regarding lawsuits filed against MPD and/or its members, together with the costs associated with the litigation. The reports should include the current state of any interventions, trainings, or policy changes based on the litigation to inform the public that MPD is responsive to issues that are brought to the attention of the department. These reports should be made on a regular basis; at a minimum annually.

Status According to MPD:

Agree, In Progress

As described above, MPD is working on an annual report on lawsuit information for calendar year 2020 which will be completed in 2021. Once complete, the report will be published on the MPD public website.

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD is taking steps to create an annual report on lawsuit information, and this recommendation will be fully implemented when regular public reports are issued.

Updates for the Crisis Intervention Officers Program

Issued August 7, 2019

Recommendation 1:

MPD should continue its partnership with [Department of Behavioral Health] DBH by working together to monitor and evaluate the new Community Response Team (CRT). To be most effective the CRT must be a real-time resource for CIOs when they are dealing with difficult situations. MPD must ensure information is shared so that the CRT can provide follow-up assistance to MHCs who have interacted with MPD, to arrange for services and potentially avert further involvement with law enforcement.

Status According to MPD:

Agree, In Progress.

In 2019, DBH focused on the launch of its CRT model. Due to the impact on both agencies of unforeseen events, planned reassessment of the programs has been delayed until 2021. However,

in person roll call training took place in many police districts before the public health emergency, and online training for all officers about the CRT services was launched in October 2020.

OPC Response:

OPC considers this recommendation **not implemented**. The COVID pandemic presented MPD and DBH with a delay in evaluation of the CRT. OPC looks forward to the results of the 2021 planned reassessment. OPC will re-evaluate accordingly.

Recommendation 2:

MPD should coordinate with DBH and [National Alliance of Mental Illness] NAMI DC to ensure training is expanded for OUC dispatchers, to empower first line responders to have the tools to quickly identify a situation as being related to mental health and provide that information to the responding officers. There are several ways this could also be addressed: through an expansion of the “Right Care, Right Now” program to include mental health related emergency calls; providing more CIO trainings so there are more slots available for OUC, or by creating a modified training program specifically targeted to helping dispatchers recognize mental health related situations. This will be most effective if all relevant agencies work together.

Status According to MPD:

Not Applicable

As noted in our original response to this recommendation, we recommend OPC direct this recommendation to OUC and DBH for consideration. The decision on whether to expand DBH training for OUC dispatchers, and the content of that training, rests with the Directors of these agencies.

OPC Response:

OPC considers this recommendation **not implemented**. OPC continues to recommend that MPD work with all involved entities to provide more trainings, ensuring there are opportunities for OUC dispatchers to be trained to quickly recognize incidents related to mental health. It is in MPD’s interest that this training occurs to better equip officers responding to a scene. As MPD coordinates training for CIOs, MPD is in the position to require more trainings which would ensure allow OUC to participate. This recommendation will be fully implemented once MPD ensures OUC is trained on recognizing mental health situations to better assist responding officers.

Recommendation 3:

MPD should create a database for CIOs to provide pertinent details of interactions with MHCs to other CIOs who encounter that same MHC in the future. This database must be easily accessible to officers in the field, to be utilized effectively as they are responding to a call involving an MHC.

Status According to MPD:

Agree in Part.

As MPD looks toward future enhancements to our information management systems, we will consider the feasibility of enhanced and appropriate information sharing about interactions with suspected mental health consumers. However, we must balance this potential enhancement against concerns about privacy interests of individuals, potential legal proceedings, and other competing priorities for funding and technology upgrades.

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD will examine ways to better share information in a way that protects the privacy interests of

individuals. This recommendation will be fully implemented once a system for information sharing is created.

Duty to Intervene
Issued August 28, 2019

Recommendation 1:

MPD must ensure that all officers are aware that there is a duty to intervene, and this duty covers any type of misconduct, including but not limited to use of force. The duty to intervene should be clearly delineated, in written guidance and training, outside the use of force context to make it clear that is not the only situation where it applies. Updating the language in General Order 201.26, to include the duty to intervene and not just to report, would accomplish this goal.

Status According to MPD:

Agree, In Progress

MPD continues to provide training to officers on the duty to intervene for all types of misconduct. In addition to training, MPD is currently revising GO 201.26 (Duties, Responsibilities and Conduct of Members of the Department). MPD will add language regarding the duty to intervene in misconduct to this directive.

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD is taking steps to update GO 201.26. When the updated general order is issued, it includes the duty to intervene and not just to report misconduct, and MPD conducts training on the new GO 201.26, this recommendation will be fully implemented.

Recommendation 2:

MPD already shows a commitment to by-stander training, but should provide further guidance and training, similar to EPIC, to all officers furnishing them with the tools to effectively intervene and handle the pressures that might otherwise prevent them from doing so. This training should provide officers with the skills to accept intervention from other officers. This would complement training already in place by adding elements that were formulated by officers to inspire fellow officers.

Status According to MPD:

Agree, In Progress

MPD continues to provide recruit training on active bystandership and has incorporated the training more broadly as a topic within 2020 Professional Development Training (PDT) for all members. Built on materials from the New Orleans Police Department EPIC program, the MPD active bystandership curriculum expands on past department training topics and continues to reinforce both the necessity for members to intervene and also tactics on how to do so. MPD is presently finalizing application to adopt the Active Bystandership for Law Enforcement (ABLE) Curriculum, which has evolved out of EPIC, and we intend to continue reinforcing this important topic through 2021 PDT programming.

OPC Response:

OPC considers this recommendation **partially implemented**. Continuing the active bystander training for recruits and adding it to the 2020 annual training for members is part of this recommendation. The adoption of the ABLE Curriculum and continuing training for members will make this recommendation fully implemented.

Handling Property
Issued September 30, 2019

Recommendation 1:

MPD should adopt new technology and establish an electronic system for logging and tracking property, and update General Order 601.01 to reflect the new system. The outdated use of a paper property log book is ripe for errors and carelessness, and can be cumbersome to use. MPD has already seen the benefits of using technology to increase accountability for officers handling property, by requiring officers to use their BWC to record their interactions with property. By adopting technology to streamline the entire property process, MPD can prevent errors and save time and money. An integrated department wide electronic system allows anyone in the department to view property contained in an electronic record within the software, but the person viewing it cannot change or delete the item, leading to increased access to information and accountability.

Status According to MPD:

Agree, In Progress.

MPD will update General Order 601.01 to reflect the elimination of paper property books and clarify that all prisoner property must be logged in our automated property and evidence system, EvidenceOnQ.

OPC Response:

OPC considers this recommendation **partially implemented**. OPC is encouraged that MPD has an electronic property and evidence system in place. However, this recommendation will be fully implemented once GO 601.01 is updated to include guidance on the EvidenceOnQ system.

Recommendation 2:

The requirements for recording interactions with property in General Order 302.13 should also be expanded to include all interactions with property. MPD can protect the integrity of the property process and procedure by expanding the requirements for recording interactions with property in General Order 302.13. This should be updated to require that any officer interacting with property record that interaction. This will encompass what is currently required - the initial inventory - and expand it to include the transportation and logging of property.

Status According to MPD:

Agree, In Progress.

MPD will include language in General Order 302.13 requiring members to turn on their BWC for all interactions with property.

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD plans to update GO 302.12, however this recommendation will be fully implemented when the updated general order is issued, and it requires members to turn on their BWC for all interactions with property.

Recommendation 3:

MPD should retrain officers on General Order 601.01 and other related guidance to ensure that officers understand the procedures by which property is to be secured, recorded, and disposed. By the nature of General Order 601.01, Special Order 00-17, and the relevant section of General Order 302.13, MPD must rely on the integrity of the individual members of the department to implement the procedures properly. As such, it is essential that each member of the department be extremely well versed in the proper methods of handling, securing, recording and disposing of property. To address the inevitable human

element that impacts the proper implementation of these policies, all MPD members should be retrained to ensure they understand the proper procedures already in place.

Status According to MPD:

Agree, In Progress.

MPD is currently updating General Order 601.01 and will provide training to our members when the new order is published.

OPC Response:

OPC considers this recommendation **not implemented**. OPC is encouraged that MPD is working to update GO 601.01, however this recommendation will be fully implemented when MPD issues the updated general order and trains its members.

Recommendation 4:

MPD should conduct an audit to examine mishandling property allegations, and attempt to identify patterns surrounding the misconduct to better cultivate a culture of integrity and transparency. Allegations of theft and corruption within MPD pose a serious threat to police credibility, and community confidences in the police force. OPC recommends that MPD conduct a thorough audit of the complaints and allegations and determine where there may be patterns within MPD practice. A properly conducted audit will enable MPD to identify where the problems occur, how the problems can be addressed, and establish best methods for preventing potential corruption. The Los Angeles Police Department provides a model for this type of audit.

Status According to MPD:

Agree, In Progress.

MPD's Internal Affairs Bureau is currently conducting a review of allegations involving the mishandling of property to identify if there are patterns of potential misconduct. MPD will use those findings to make any necessary adjustments to policy and training.

OPC Response:

OPC considers this recommendation **partially implemented**. Initiating an audit is the first step in effecting this recommendation. For it to be fully implemented MPD needs to complete the audit, and then a determination can be made as to whether the recommendation is fully implemented.

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

Ensuring the Accuracy of Address Information in Warrants Executed by MPD Officers

Issued April 10, 2015

Recommendation 3:

MPD consider reviewing and revising General Order 702.1 and any related directives to bring them up to date and make them consistent with the recommendations listed in this report.

MPD Response in 2018:

MPD is currently updating General Order 702.01 (Arrest and Bench Warrants).

OPC Response in 2018:

OPC considers this recommendation **not implemented**. While it has been over a year since MPD established the CAU, the department is still operating under the old version of GO 702.01 that is dated October 20, 1986. Therefore, the current guidance to officers is not reflective of the actual process being used, and severely outdated.

MPD Updated Response, December 2020:

Agree, In Progress

MPD is completing revisions to General Order 702.01 (Arrest and Bench Warrants) and expects to issue the updated policy in 2021.

OPC Updated Response:

OPC continues to consider this recommendation **not implemented**. OPC is encouraged that MPD is working to update GO 702.01, however this recommendation will be fully implemented when the updated general order is issued. It is concerning to OPC that MPD's work on revisions to GO 702.01 is taking at least three years in response to a recommendation made over five years ago, while the version MPD is operating under is from 1986 - 35 years ago. Arrest and bench warrants are a common part of MPD's work, ensuring the accuracy of addresses for these warrants is vital and should be a priority for MPD.

Business Cards Revisited: Improving Identification Requirements for MPD Officers

Issued May 20, 2015

Recommendation 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.

MPD Response in 2018:

MPD issued Special Order 16-08 (Member Business Cards) on July 19, 2016. The order requires that when members of the public request that MPD members identify themselves, members must, in a respectful and polite manner, verbally state their first name, last name, and badge number and offer the requestor their MPD business card.

OPC Response in 2018:

OPC considers this recommendation **partially implemented**. While MPD has established the practices, GO 201.26 has not been updated; as the current version is dated April 6, 2011. The Special Order is an interim step to inform officers of a change, but it does not negate the need for the General Order to incorporate that information as well.

MPD Updated Response, December 2020:

Agree, In Progress

Special Order 16-08 (Member Business Cards) was incorporated into General Order 110.11 (Uniform, Equipment, and Appearance Standards) to outline the responsibilities of members to carry business cards while on duty and to provide them to members of the public upon request. MPD General Order 201.26 (Duties, Responsibilities, and Conduct of Members of the Department) also contains the requirement that officers give their first and last name and badge numbers in a respectful and polite manner. MPD is in the process of updating General Order 201.26 and will add an additional reference to the requirement to carry business cards to reinforce this requirement.

OPC Updated Response:

OPC continues to consider this recommendation **partially implemented**. While MPD included business cards in GO 110.11 in 2019, it still has not updated GO 201.26. This recommendation will not be fully implemented until GO 201.26 is updated.

Recommendation 2:

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

MPD Response in 2018:

MPD recruits receive a dedicated block of instruction on communication that includes discussion of the importance of both verbal and non-verbal communication. The training stresses the importance of gaining respect and trust when interacting with citizens including the importance of introducing themselves, explaining why they are there, and what steps they will be taking.

OPC Response in 2018:

OPC considers this recommendation to be **partially implemented**. While MPD has addressed training recruits on identification, it does not appear that MPD has made substantial efforts to ensure that existing officers are made aware of their responsibilities to identify. The above cited information about complaints made to OPC for Failure to Identify could also be impacted by this training.

MPD Updated Response, December 2020:

Agree, Complete

As noted in our original response, MPD recruits receive a dedicated block of instruction on communication that includes the importance of introducing themselves, explaining why they are there, and what steps they will be taking. Veteran officers are expected to know what is included in policy. MPD also deployed roll call training in 2020 reminding officers of their obligation to identify themselves. This requirement is also reinforced through annual professional development training (PDT) and at the Tactical Training Center.

OPC Updated Response:

OPC now considers this recommendation to be **fully implemented**.

Improving MPD's Policy on the Use of Chokeholds and Other Neck Restraints

Issued August 10, 2015

Recommendation 3:

As a long term measure, MPD and the District Council should consider reviewing the Act³ and determining whether the 1986 law concerning the use of chokeholds and neck restraints should be amended.

MPD Response in 2018:

MPD remains open to working with the District Council to review any updates or amendments that may be necessary to the law concerning the use of chokeholds.

OPC Response in 2018:

OPC considers this recommendation **not implemented**. There have been no changes made to D.C. Code §5-125.

MPD Updated Response, December 2020:

Not Applicable.

Recommendation requires District Council action.

OPC Updated Response:

OPC now considers this recommendation **partially implemented**. D.C. Law 23-151: Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020 became effective on December 3, 2020 and is in effect for 225 days. This legislation includes amendments to the Limitation on the Use of the Chokehold Act of 1985 including that “use of neck restraints constitutes the use of lethal and excessive force.” The temporary amendment includes further restrictions on MPD’s use of neck restraints and mandating officer bystanders’ duty to intervene. This recommendation will be fully implemented when this amendment is made permanent.

21st Century Policing

Issued September 30, 2016

Recommendation 1:

The PCB encouraged MPD to continue forging partnerships and meaningful relationships with residents. Ideally, by the same officers going to the same locations for prolonged periods of time. MPD should build upon existing initiatives as well as create new ones that will cultivate an atmosphere of mutual respect between police and residents, specifically, through employing the four central principles of procedural justice: treating people with dignity and respect; giving individuals a voice during encounters; being neutral and transparent in decision-making; and conveying trustworthy motives. Professional Development Trainings on procedural justice both in theory and application would be a noteworthy method of promoting these principles department-wide.

MPD Response in 2018:

MPD has adhered to the principles identified by the President’s Task Force on 21st Century Policing dating back almost two decades and remains committed to expanding and improving the meaningful relationships we have built with the District’s residents. MPD maintains active email listserv groups in each police district where residents have ongoing, immediate access to ask questions, express concerns, and make suggestions. In addition, districts hold monthly PSA

³ D.C. Code §5-125.

meetings, and our district commanders meet monthly with their Citizen Advisory Councils. We conduct outreach events throughout the year in our communities to ensure we have a sustained dialogue with our community members, and we have made substantial, ongoing investments in engaging with our youth. Additionally, in 2016, members received training on procedural justice, legitimacy, and implicit bias as part of their annual in-service training.

OPC Response in 2018:

OPC considers this recommendation **partially implemented**. This recommendation was explicitly related to “Pillar One: Building Trust and Legitimacy,” from the report of the President’s Task Force on 21st Century Policing. Events from the past year have shown that there is still a need for improvement in this area. Specifically, MPD’s response to the Inauguration Day protestors has been widely viewed as inappropriate. These actions are now the subject of an independent review that will highlight ways for MPD to improve, and the results of that review should effect change in the handling of mass protests. In addition, while MPD has several initiatives to build relationships with the community, they must continually re-evaluate the ways that it engages with the community and always be open to exploring new opportunities that arise.

MPD Updated Response, December 2020:

Agree, Ongoing

As noted in our original response, MPD has adhered to the principles identified by the President’s Task Force on 21st Century Policing dating back almost two decades. However, we are always looking to identify, expand, and improve the meaningful relationships we have built with the District’s residents. Regarding Inauguration Day 2017, MPD agreed on the benefit of an independent review, and we were pleased that the Police Foundation found that overall, MPD officers were respectful, professional, and they adequately balanced public safety concerns with maintaining assembly participants’ First Amendment Rights. That being said, we recognize there is always room to improve our approach, and we are making adjustments and improvements to SOP-16-01 in anticipation of the upcoming Inauguration Day.

OPC Updated Response:

OPC continues to consider this recommendation **partially implemented**. Events of the past year, specifically MPD and community interactions during Summer 2020 protests, indicate that many community member groups view MPD as unresponsive to their memberships. Simply continuing programs that have already been in place does not satisfy this recommendation. MPD’s effective response to community needs and creating new initiatives is required to fully implement this recommendation based on building trust and legitimacy.

Recommendation 3:

MPD should support the development and delivery of technology that will help law enforcement to more effectively provide police services while simultaneously allowing law enforcement to truly be responsive to the individuals they serve. MPD should continue to deploy BWCs in order to reap the benefits of the increased self-awareness that BWCs yield for both police and citizens.

MPD Response in 2018:

MPD has used information technology and data sharing to build collaborative relationships with the community for almost two decades. We have an ongoing commitment to making sure data is accessible and meets the needs of the public. Our crime data is available online through DC Crime Map, a robust online tool that allows residents to review crime data by type, frequency, location, and date of occurrence. We also publish a wide variety of other statistics and information on our public website including detailed information on how to contact MPD regarding any concerns or problems a person may encounter, including how to file a citizen

complaint. We are committed to ensuring the public has ready access to the information they need, and we welcome ideas on tools and delivery methods that can help improve this process. Regarding body-worn cameras (BWCs), by the end 2016, more than 2,800 BWCs were deployed to officers and sergeants in public contact positions in all police districts and other specialized units. This completed the largest deployment of BWCs in the country to date.

OPC Response in 2018:

OPC considers this recommendation to be **partially implemented**. While MPD does have some crime data available on-line, and has worked with The Lab (see more below in Recommendation 7) to share data on the Body-Worn Camera program for a report, OPC has been working with MPD on data collection for NEAR Act mandated Use of Force report, and it had become apparent to OPC that much of the data needed was not maintained in a consistent manner, and was not as complete as it should have been. This is primarily because much of MPD data is still collected on paper forms. This is further explained in the forth-coming Use of Force Report. It can be inferred from this example, that MPD has other deficiencies in collecting different data and other areas where outdated methods are being used. MPD needs to utilize technology to consistently and completely collect data.

MPD Updated Response, December 2020:

Agree, Ongoing

As noted in our initial response, MPD has used information technology and data sharing to build collaborative relationships with the community for almost two decades. We have an ongoing commitment to making sure data is accessible and meets the needs of the public. Based on available funding, we are also continually looking for ways to automate existing, paper-based processes whenever possible to improve data collection and reporting while ensuring that our reporting requirements do not become overly burdensome for officers to complete. Regarding the use of force data provided to OPC, MPD implemented enhancements to PPMS in 2019 that allowed us to provide compiled force data electronically to the Office of Police Complaints (OPC), and we began providing that data at the end of the 2019. Since that time we have made additional improvements by making most fields regarding use of force mandatory so that we ensure all required information is captured. We remain committed to working with OPC to ensure we are providing use of force information to them in a way that is most useful for their purposes.

OPC Updated Response:

OPC still considers this recommendation to be **partially implemented**. While MPD has taken steps to improve their data collection, there are still areas for improvement. For example, on September 24, 2017, the PCB recommended collecting data on consent searches, to include “location, time, circumstances, demographics of the subject and officers, and whether the search yielded contraband that resulted in an arrest. This data should be analyzed periodically to ensure that consent searches are conducted constitutionally and do not become the routine practice of officers, identify patterns and trends, and assist in training scenarios.” MPD has not taken steps to collect this data and analyze it. For this recommendation to be fully implemented, MPD needs to be more amenable to all forms of data collection.

Recommendation 6:

MPD should adopt a more holistic approach to hiring and training that emphasizes situational awareness and emotional intelligence alongside tactical skills.

MPD Response in 2018:

In 2016, MPD implemented a completely revised, scenario-based training (SBT) curriculum for recruit officers. The SBT model ensures our recruits have opportunities to practice applying

their learning to real-life situations that they will encounter as patrol officers. The Department also uses our state-of-the-art Tactical Training Center for selected in-service training to ensure members' continued learning includes an emphasis on tactical skills and situational awareness.

OPC Response in 2018:

OPC considers this recommendation to be **partially implemented**. While MPD has adopted new methods for training, it is not apparent that MPD has adopted methods for recruiting and hiring that will take into account the recommended skills and qualities.

MPD Updated Response, December 2020:

Agree, Complete

MPD is committed to recruiting a diverse and highly qualified workforce. Our recruits take comprehensive examinations and undergo extensive background screening as part of the application process. Additionally, MPD currently uses the FrontLine National Video-Based Human Relations and Judgment Test as part of the hiring process. FrontLine was specifically designed for entry level law enforcement and focuses on using good judgment in enforcement situations. Candidates watch video scenarios and then choose the best course of action in a multiple-choice format. FrontLine is designed to help identify candidates who have the ability to successfully assess situations and who also have the maturity and confidence to interact with the public in a customer oriented, ethical manner. MPD recognizes the importance of customer service and emotional intelligence, and this examination combined with our thorough hiring process helps MPD achieve this objective.

OPC Updated Response:

OPC now considers this recommendation **fully implemented**.

Recommendation 8:

MPD should work to ensure that the culture promoted within the department is one that dismantles the taboo of seeking help for mental and emotional problems. MPD should promote healthy dialogue about the importance of seeking treatment when necessary and quell the notion that asking for help is a sign of weakness. More partnerships should be cultivated with entities ranging from religious organizations to mental health providers in order to ensure a wide-spectrum of health and wellness resources for MPD personnel.

MPD Response in 2018:

All MPD recruits receive an eight hour block of instruction during which staff from our Metropolitan Police Employee Assistance Program (MPEAP) discuss the common stressors of law enforcement and encourage new members to take advantage of the services of MPEAP throughout their career. Every promotional class receives a four hour block of instruction, during which MPEAP teaches the newly promoted supervisors how to recognize officers under stress and how to refer them to MPEAP. Additionally, the Department's Family Support Team visits roll calls after critical injuries and deaths of active duty and retired members. At those briefings, members are reminded of the services provided by MPEAP and encouraged to schedule appointments and seek assistance.

OPC Response in 2018:

OPC considers this recommendation to be **partially implemented**. While MPD implemented a training program to make members aware of their options, changing the department's culture requires more. Additional efforts to promote mental and emotional wellness throughout the daily lives of MPD members would make this recommendation fully implemented. Some examples are bringing opportunities for mental and emotional wellness to officers at their districts, and

ensuring that command staff is seen participating to show members that this is a true priority for MPD.

MPD Updated Response, December 2020:

Agree, Complete

As part of annual in-service training this year, all sworn members are required to attend a three-hour training called “Policing for Resilience: The Neuropsychology of Emotional Wellness in Law Enforcement.” The class educates officers about the stress response in general and the unique occupational stressors inherent in policing. The course topics include acute stress, the impact of critical law enforcement incidents, suicide prevention, post-traumatic stress disorder (PTSD), the neuropsychology of the stress response, early warning flags, and healthy coping mechanisms. As part of the class, officers learn potential short and long-term effects of exposure to traumatic events and how to mitigate the impact of trauma.

OPC Updated Response:

OPC considers this recommendation to be **fully implemented**.

Ensuring MPD Policies and Procedures are Current

Issued November 18, 2016

Recommendation 1:

MPD should 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.

MPD Response in 2018:

Agree in Part, In Progress

The Metropolitan Police Department (MPD) agrees that policies should be reviewed on a recurring schedule to ensure that they remain current and accurate. However, we do not agree that a biennial, comprehensive review of every general order, absent an identified issue or concern, would be a good use of our limited resources. We feel that a five year review for all general orders, assuming no issues are identified in the interim, is more appropriate, and we will continue to ensure republished orders clearly state the effective date of those orders.

OPC Response in 2018:

OPC considers this recommendation **partially implemented**. OPC is encouraged that MPD intends to review all general orders every 5 years, and this is a step toward full implementation of this recommendation. However, in order for there to be full implementation, the review date of the general orders must be made clear, even if no changes are made. Currently there are numerous General Orders that at least appear to still be over 20 years old, according to the dates in their headers.

MPD Updated Response, December 2020:

Agree in Part, In Progress

As outlined in our original response, MPD believes that a five-year review of policies is appropriate. However, as noted above, the bulk of MPD’s policy development efforts during 2020

were focused on developing guidance related to the public health emergency with more than 50 policy guidelines and updates issued to our members. That being said, MPD has continued to make progress on updating and consolidating a number of our older policies. For example, MPD worked with the Office of the Attorney General (OAG) this year on updating our policy governing juveniles. The updated policy resulted in a number of significant policy changes that recognized the impact that interactions with police can have on youth. The policy included provisions to limit custodial arrests of juveniles whenever possible and placed limitations on handcuffing juveniles. The order also combined more than 20 existing general orders, executive orders, special orders, and teletypes that spanned several decades into one comprehensive document. MPD will continue to take this approach going forward and focus on updating all orders more than five years old while consolidating documents whenever possible.

OPC Updated Response:

OPC continues to consider this recommendation **partially implemented**. While 2020 presented challenges to MPD focusing on revising existing general orders, this recommendation was made in 2016 and then reviewed in 2018, and yet there is only moderate progress. OPC encourages MPD to continue updating and consolidating the various directives, and update the directives with regularity as recommended, then this recommendation will be considered fully implemented.

Recommendation 2:

MPD should 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.

MPD Response in 2018:

Agree, In Progress

MPD is eliminating the issuance of special orders and training bulletins to reduce the number and types of directives that we issue. MPD is also consolidating policies on similar topics as they are republished to reduce the number of policies we have and to ensure members and the public can easily locate directives by topic.

OPC Response in 2018:

OPC considers this recommendation **partially implemented**. In order for this recommendation to be fully implemented, MPD not only needs to reduce the types of documents, but also needs to clearly lay out a system for all members of the community to find information on MPD policies and procedures. As it currently stands, many of the general orders posted on the MPD website are scans of what appears to be typewritten documents, which means searching the documents is not possible, making it harder for people to find information they are seeking, particularly members of the public who may not already be familiar with MPD's policies.

MPD Updated Response, December 2020:

Agree, In Progress

As noted above, MPD's policy development efforts during the bulk of 2020 have been focused on the public health emergency. However, we have continued our efforts to streamline the number and types of directives that we issue including eliminating the issuance of "special orders" and "training bulletins" in early 2018. We are also in the process of digitizing all of our older orders so that they will be more easily searchable by our members and the public until they are formally updated. The digitized orders will be made available on a rolling basis during 2021.

OPC Updated Response:

OPC continues to consider this recommendation **partially implemented**. Again, while 2020 presented challenges to MPD focusing on revising existing general orders, this recommendation was made in 2016 and then reviewed in 2018, and yet there is only moderate progress. Digitization of all orders will significantly improve the ease of locating directives, making the system more accessible to all. OPC encourages MPD to continue finding ways to simplify their policies and procedures and make the system easier for community members to navigate, then this recommendation will be considered fully implemented.

Recommendation 3:

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

MPD Response in 2018:**Disagree**

Accreditation is an expensive, largely administrative process that detracts resources from the essential mission of safeguarding the city. Not only does the accreditation process require substantial resources to simply document administrative compliance with hundreds of CALEA standards – a process which in and of itself offers no direct public safety benefit for District residents – but it also requires significant time from our operational subject matter experts, detracting from actually safeguarding the city. There is no consequence to not being accredited and there are no persuasive benefits.

OPC Response in 2018:

OPC considers this recommendation **not implemented**. OPC continues to support accreditation for MPD as indicated in the original policy recommendation.

MPD Updated Response, December 2020:**Disagree**

MPD continues to disagree with this recommendation for the reasons outlined in our original response. However, MPD has purchased a membership with CALEA to ensure that we consult their standards when developing policy to determine if they have applicable and useful standards.

OPC Updated Response:

OPC continues to consider this recommendation **not implemented**. This recommendation will be considered fully implemented when MPD accomplishes accreditation as outlined in the original policy recommendation.

Language and Conduct

Issued November 28, 2016

Recommendation 3:

MPD should update General Order 201.26 and remind officers of its content and importance. As a result of the potential ambiguities in what constitutes improper language, and the subjectivity, MPD clarifying the General Order may help officers to better understand and control

their behavior. Additionally, the reminder can expand upon officer awareness of both verbal and non-verbal communication.

MPD Response in 2018:

Disagree

The Department remains, as always, committed to improving our policies and practices. However, the complaints cited by OPC in its report were sustained based on existing policy. We do not believe any specific changes are necessary to GO 201.26 in response to OPC's report. Our policy is clear that disrespectful treatment of members of the public will not be tolerated.

OPC Response in 2018:

OPC considers this recommendation **not implemented**. In order for this recommendation to be fully implemented, GO 201.26 needs to be updated. GO 201.26 currently does not mention de-escalation, which both OPC and MPD agree is a vital part of an officer's job. Further, the current discussion of language in the general order is very specific to the actual words spoken, and does not address tone, volume, and other non-verbal communications that can cause an interaction to be offensive.

MPD Updated Response, December 2020:

Agree, In Progress

MPD is currently updating GO 201.26 and will make sure that the revised order discusses the importance of de-escalation and reminds members of the importance of tone and other non-verbal communications.

OPC Updated Response:

OPC continues to consider this recommendation **not implemented**. OPC is encouraged that MPD is now working to update GO 201.26. This recommendation will be considered fully implemented when MPD issues the updated general order and raises awareness for its members of both verbal and non-verbal communication.

Blocking Passage

Issued May 22, 2017

Recommendation 2:

MPD should provide additional training on the correct application of the statute as well as cultural and sensitivity training on the proper way to issue move along orders in a manner that promotes cooperation and decreases animosity.

MPD Response in 2018:

Agree in Part, Complete

The examples that are provided in the report seem to point to communication and de-escalation skills that are addressed throughout our training curriculum, rather than specific cultural and sensitivity training needs. However, the correct application of blocking passage is covered in our recruit training and MPD also provided roll call training on blocking passage in September 2018.

OPC Response in 2018:

OPC considers this recommendation **partially implemented**. To be fully implemented, MPD must provide cultural and sensitivity training on the proper way to issue move along orders in a manner that promotes cooperation and decreases animosity.

MPD Updated Response, December 2020:

Agree, In Progress

MPD will be providing a roll call training module on the proper way to issue move along orders in early 2021.

OPC Updated Response:

OPC continues to consider this recommendation **partially implemented**. MPD is planning a roll call training for 2021, and this recommendation will be considered fully implemented once the training occurs.

Consent Search Procedures

Issued September 24, 2017

Recommendation 1:

MPD should create a separate General Order on consent searches and update the PD Form 781 (consent search form). In addition to recording the incident on body-worn camera, the General Order should include mandatory utilization of a consent form for all types of consent searches. The consent search form should include at a minimum:

- a. A description of the subject's right to decline the search, which can be read by or to the subject, to ensure consistency and accuracy.
- b. Signature of the individual consenting to the search.
- c. A description of the specific place or area that the officers are permitted to search (i.e. address, vehicle, person).

MPD Response in 2018:

Agree in Part, In Progress

The Department is examining whether the PD Form 781 needs to be updated. However, MPD disagrees that a separate general order covering consent searches is needed. General Order 702.03 (Search Warrants) provides instruction to our members on consent searches. The recommendation for a separate order seems predicated on incorrect interpretations about the existing order and an assumption that an order should include information that the Department handles in training.

Also, the Department does not agree that the use of consent forms should be mandatory. There is no consensus that requiring the signature of the search subject on the consent form is appropriate. In June 2016, MPD surveyed city police departments to determine their policies related to consent forms. While 11 of the 16 agencies that responded to the survey have a form similar to MPD, only Austin mandates getting a signature on the form prior to a search.

OPC Response in 2018:

OPC considers this recommendation to be **not implemented**. The discussion of consent searches that is currently contained in General Order 702.03 is limited and does not mention voluntariness. In order for this recommendation to be fully implemented, MPD must provide complete guidance on consent searches.

OPC maintains that a consent search form would ensure that search subjects are aware of their right to refuse a search, and this would also protect the validity of the consent search in court, which ultimately benefits MPD.

MPD Updated Response, December 2020:

Agree in Part, Complete

MPD issued updated procedures governing consent searches in Executive Order 20-045 (Limitations on Consent Searches) on August 15, 2020. The new procedures require that prior to conducting a consent search, officers must explain that the search is voluntary and that the person has the right to refuse. The person's consent must also be documented on either a body-worn camera or, if not available, the updated PD Form 781 (Consent to Search). The new requirements for consent searches were published, and all officers received training on the new requirements in August, 2020.

OPC Updated Response:

OPC now considers this recommendation **partially implemented** Executive Order 20-045, issued in response to D.C. Law 23-151: Comprehensive Policing and Justice Reform Second Temporary Amendment Act of 2020, does offer additional consent search guidance for MPD members. However, the recommendation also included that officers obtain a signature from the subject for a consent search. When a signature is mandated, OPC will consider this recommendation fully implemented.

Recommendation 2:

With the mandatory use of a consent search form MPD and DCHAPD should track the following minimum data variables for all consent searches: location, time, circumstances, demographics of the subject and officers, and whether the search yielded contraband that resulted in an arrest. That data should be analyzed periodically to ensure that consent searches are conducted constitutionally and do not become the routine practice of officers, identify patterns and trends, and assist in training scenarios.

MPD Response in 2018:

Disagree

MPD does not agree that consent search forms should be mandatory.

OPC Response in 2018:

OPC considers this recommendation **not implemented**. Implementing consent search forms, evidencing consent for a search, will enable MPD, OPC, and the DC Council, to see if there are patterns in the practice of consent searches that necessitate further action.

MPD Updated Response, December 2020:

Agree in Part, Complete

MPD requires that a subject's voluntary consent be recorded on a BWC. In the event a BWC is not available, members are required to document the search on the updated PD Form 781 (Consent to Search). When the subject's consent is captured on BWC, MPD continues to disagree that completion of PD Form 781 should also be required.

OPC Updated Response:

OPC still considers this recommendation **not implemented**. The purpose of this recommendation was to create better data collection analyzing the use of consent searches. To fully implement this recommendation, MPD must collect data from consent searches that can be analyzed such as: location, time, circumstances, demographics of the subject and officers, and whether the search yielded contraband that resulted in an arrest.

Recommendation 3:

MPD and DCHAPD should review training on consent searches, and ensure that all training includes:

- a. Discussion of voluntariness of consent in terms of subjective factors like age, education, intelligence, and experience.

- b. Officer's conduct in obtaining consent to search, including what is and is not constitutionally permissible.
- c. How to properly use the consent search form.
- d. Discussion of how consent searches affect community trust in the police department.

MPD Response in 2018:

Agree, Complete

All MPD recruits receive training on the principles governing consent searches. The training topics include the concepts of voluntary consent, intelligent consent, authority to conduct consent searches, and how to document the encounter. In 2017, MPD produced a mandatory online module for sworn members titled "Searches, Warrants, and Body Worn Cameras" focusing on constitutional protections surrounding warrants and searches. Also, in 2018's mandatory professional development training, MPA included Fourth and Fifth Amendment scenarios in which searches were discussed at length to include consent searches. Topics included who can consent to a search, who cannot consent, and how to document consent searches.

OPC Response in 2018:

OPC considers this recommendation **partially implemented**. OPC is encouraged by the fact that MPD has been working to improve the training for officers regarding consent searches, but there still appears to be some improvements regarding officers' documentation of searches. While MPD currently does not require a consent search form, documentation of a search is still mandatory (see GO 702.03 at page 18). OPC continues to see several incidents where a search was not documented, and when questioned, the officers state the BWC footage is the documentation, but this is in violation of the MPD BWC policy (see GO 302.13 at page 6) and shows a disconnect between training and practice. To be fully implemented, MPD must ensure that all officers are trained on the proper procedures for consent searches, as outlined in the recommendation. MPD must also ensure that training includes discussion of how consent searches affect community trust in the police department.

MPD Updated Response, December 2020:

Agree, Complete

As outlined above, all members received training in August 2020 on consent searches based Executive Order 20-045 (Limitations on Consent Searches). In addition to outlining the new requirements for consent searches, the training included sample language for officers to use to ensure they communicate to the public in a non-confrontational manner using plain language. The training also included scenario-based test questions to ensure members will be able to correctly apply new procedures in the field.

OPC Updated Response:

OPC still considers this recommendation **partially implemented**. MPD has begun implementation by providing officers new training for officers with the publication of the new Executive Order. However, OPC is still concerned that officers are not always documenting consent searches in their report. While MPD maintains that a consent search form should not be required, their own rules require officers to include consent searches in their reports and recording it on BWC does not absolve the officers of this requirement. MPD BWC policy (see GO 302.13 at page 6) specifically states "members are reminded that BWC recordings do not replace field reports or other required documentation" and MPD must ensure that its training includes this requirement for this recommendation to be fully implemented.

Officers Parking and Towing Vehicles

Issued March 14, 2018

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.

MPD Response in 2018:

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 in 2018:

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.

MPD Updated Response, December 2020:

Agree in Part, Fully Implemented

In response to OPC's report, MPD republished our towing policy to ensure all procedures are up-to-date. However, we believe we have balanced the need to document tows and ensure supervisory review of most tows against those limited circumstances where additional reporting and review requirements would be an inefficient use of officers' time – such as relocation tows during rush hour. We are not aware of any issues or complaints regarding these limited number of tows. In the event we seen any issues of officers failing to follow the updated policy, we will take appropriate action.

OPC Updated Response:

OPC continues to consider this recommendation **partially implemented** as MPD has not created a mechanism reviewing tows identifying lapses in procedure.

Recommendation 4:

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

MPD Response in 2020:

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 in 2020:

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 Updated Response, December 2020:

Agree, Fully Implemented

As noted in our original response, MPD General Order 101.00 (Directives System) provides that while commanding officials are authorized to issue district or division orders, they must not conflict with Department-wide directives. While even the best policy cannot prevent an occasional conflict, that does not relieve our commanding officials of their responsibility. In the event that we identify any future conflicts, we will take appropriate action.

OPC Updated Response:

OPC continues to consider this recommendation **not implemented**. MPD has not taken steps, or created a process, to ensure that District Directives do not conflict with Department-wide directives for moving or towing vehicles. When MPD implements a process to proactively alleviate this problem in the future, OPC will consider this recommendation fully implemented.

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.

MPD Response in 2020:

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 in 2020:

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.

MPD Updated Response, December 2020:

Agree. Complete

An update to GO 304.18 was published on December 23, 2019, that clarified that children, family members, and friends of the subject are not to be used as interpreters unless exigent circumstances exist.

OPC Updated Response:

OPC now considers this recommendation **fully implemented**.

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.

MPD Response in 2020:

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 in 2020:

OPC considers this recommendation **partially implemented**. MPD 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.

MPD Updated Response, December 2020:

Agree, Complete

As outlined above, the updates to GO 304.18 clarified that children, family members, and friends of the subject are not to be used as interpreters unless exigent circumstances exist. MPD's 2019 Language Access Refresher Training also included this information.

OPC Updated Response:

OPC now considers this recommendation **fully implemented**.

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.

MPD Response in 2020:

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 in 2020:

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.

MPD Updated Response, December 2020:

Agree, Complete

In addition to the annual refresher training provided to our members in 2019 and 2020, MPD also launched the Insight Mobile application for all members on their department-issued cell phones. The application allows members to directly access authorized interpretation services in the field, including video-based American Sign Language (ASL) interpretation. The application was deployed in October, and training was provided to officers on how to use the application.

OPC Updated Response:

OPC now considers this recommendation **fully implemented**.

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.

MPD Response in 2020:

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 in 2020:

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.

MPD Updated Response, December 2020:

Agree, In Progress

MPD will be providing roll call training on this topic in early 2021.

OPC Updated Response:

OPC continues to consider this recommendation **not implemented**. MPD is planning a roll call training for 2021, and this recommendation will be considered fully implemented once that training occurs.

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.

MPD Response in 2020:

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 in 2020:

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.

MPD Updated Response, December 2020:

Agree in Part, In Progress

MPD is working on a revised outside employment policy which will include clarification on what constitutes direct police language. However, we continue to disagree we should change our current practice regarding officers negotiating payment directly with their outside employers for the reasons outlined in our original response.

OPC Updated Response:

OPC continues to consider this recommendation **not implemented**. OPC is encouraged that MPD is working to revise its General Order clarifying such language as “direct police action.” However, OPC still recommends that MPD work to increase transparency regarding members’ outside employment. OPC provided MPD with two options to accomplish this; require officers to report the salary and benefits received from outside employment; or MPD have civilian personnel act as a liaison for entities seeking officers for outside employment. MPD has taken neither step, nor any other steps, to increase transparency for members’ outside employment.

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.

MPD Response in 2020:

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 in 2020:

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.

MPD Updated Response, December 2020:

Disagree

MPD continues to disagree with this recommendation for the reasons outlined in our original response.

OPC Updated Response:

OPC continues to consider this recommendation **not implemented**, OPC will consider this recommendation fully implemented when MPD creates a policy identifying officers working outside employment.

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.

MPD Response in 2020:

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 in 2020:

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.

MPD Updated Response, December 2020:

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 Updated Response:

OPC continues to consider this recommendation **not implemented**. While MPD is in the process of updating their outside employment policy, this recommendation will be considered fully implemented once MPD issues a new policy and new training is provided for members.